

***Environmental Protection Act 1986***

**Section 40(2)(a)**

**NOTICE REQUIRING INFORMATION FOR ASSESSMENT**

**PERSON TO WHOM THIS NOTICE IS GIVEN**

Kelliher Bros. (ABN 43 074 411 818)  
c/- Dr Peter Keating  
Managing Director  
Bioscience Pty Ltd  
PO Box 5466  
**CANNING VALE SOUTH WA 6155**

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Pivot Irrigation System Research

**Background**

The proposal is located within the policy area of the *Environmental Protection Peel Inlet–Harvey Estuary Policy (EPP)*. The EPP identifies the values of the system that need to be protected, and sets a target annual load for the total maximum amount of phosphorous discharged to the estuary (Part 2, Clause 7). As the provisions of the Peel Harvey EPP are relevant considerations for this assessment it is of utmost importance that you are able to demonstrate, with a high level of confidence that the potential impacts of the proposal are within the parameters set by the EPP.

**Information for Assessment**

Pursuant to section 40(2)(a) of the *Environmental Protection Act 1986*, I, as a delegate of the Environmental Protection Authority (EPA), require that you provide the EPA with the following 'additional information' for its assessment.

The EPA requires this 'additional information' to supplement your referral so it can finalise its assessment of the proposal. The additional information consists of the provision of site specific information from a pilot scale project to verify some of the underlying assumptions about nutrient export; and based on this an updated Nutrient and Irrigation Management Plan (NIMP) as outlined below.

### **Pilot Project**

It is recommended that a pilot project should be undertaken for a minimum period of 12 months, on an area no larger than 1 hectare (ha). The pilot project should replicate the proposed growing conditions, nutrient application, fertigation and mechanisms to understand whether the proposed cropping method can be successfully applied and meet nutrient export targets of the *Environmental Protection Peel Inlet – Harvey Estuary Policy (EPP)* and *Murray Drainage and Water Management Plan* (DoW, 2011).

The scope of the pilot project should be prepared in consultation with the Department of Primary Industries and Regional Development (DPIRD) and the Department of Water and Environmental Regulation (DWER) and contain the following:

- Relevant figures;
- Proposal Objectives;
- Method;
- Monitoring (assessment of potential nutrient losses);
- Management (soil analysis, timing, frequency etc.); and
- Reporting.

Due to the location within the EPP area, the pilot project should be able to demonstrate with sufficient certainty and confidence that it can operate within nutrient targets, rather than rely on monitoring as a contingency measure.

The results of monitoring from the pilot project should be analysed by a NATA approved laboratory, where relevant.

It is noted that you propose to have the results of the findings and conclusions of the pilot project reviewed by a team of authoritative experts from Murdoch University on this particular field. This is supported.

### **Nutrient and Irrigation Management Plan (NIMP)**

The results and outcomes of the pilot project should then be used to inform the preparation of a revised NIMP. The revised NIMP should:

- Include a discussion of the results of the pilot project to demonstrate whether the initial predictions (and the underlying assumptions about nutrient export) in the referred proposal can meet the EPP targets, with a high level of confidence.
- Be prepared in accordance with the Department of Water and Environmental Regulation (the then Department of Water) - *Water Quality Protection Note 33* ([https://www.water.wa.gov.au/\\_data/assets/pdf\\_file/0019/4078/93694.pdf](https://www.water.wa.gov.au/_data/assets/pdf_file/0019/4078/93694.pdf)) in consultation with DPIRD and DWER.
- Include feasible and practicable contingency measures.
- Be written and framed in a manner that is auditable and enforceable.

It is recommended that the above information be the 'Additional Information' for the purpose of this assessment.

Your response should be sent by email to [registrar@dwer.wa.gov.au](mailto:registrar@dwer.wa.gov.au) marked for the attention of the person cited in the covering letter, or by post to the Department of Water and Environmental Regulation, Locked Bag 10, Joondalup DC WA 6919. Please quote the CMS number 17475 on any further correspondence.

The EPA will not proceed with its assessment of the proposal until you have provided the requested 'Additional Information' and it is considered to be adequate, or if you advise the EPA that the further information is not available and/or cannot be obtained.

Yours sincerely



**Dr Tom Hatton**  
CHAIRMAN

2 May 2019