

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN

Mr Jeremy Bower
Chief Executive Director
SF Irrigation Co-operative Ltd (ABN: 24 904 433 713)
Locked Bag 7
MANJIMUP WA 6258

PROPOSAL TO WHICH THIS NOTICE RELATES:

Southern Forest Irrigation Scheme
Assessment No. 2203

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred:

- 1) Pipeline Corridor - A decrease in the pipeline development envelope from 481 ha to 398 ha. The pipeline length has been reduced from 250 km to 220 km. By aligning the pipeline on some cleared lands, sections of the pipeline corridor can be reduced from 20 m to 5 m. The overall reduction in the clearing of native vegetation within the pipeline development envelope will be from 142 ha to 122 ha (Figure 1).
- 2) Reservoir - Inclusion of associated infrastructure such as carparks and public amenities for recreational use within the proposed Record Brook reservoir resulting in the clearing of 1.4 ha of native vegetation (Figure 2).

In addition, through the proponent's further analysis of the extent of vegetation in the Record Brook reservoir area, the proponent has identified that up to 157 ha of clearing will be required (this is within a development envelope of 162 ha). Overall, this represents a refinement and a reduction of 5.7 ha of clearing of vegetation since the referral.

- 3) Change in wording of the operational element to clarify that up to 9.3 GL/yr of water will be supplied to irrigators from the proposed Record Brook reservoir. It

was always intended that water from the Donnelly River will be pumped to the proposed Record Brook reservoir for storage.

EFFECT OF THIS NOTICE:

1. The EPA considers that the change is unlikely to significantly increase any impact that the proposal may have on the environment. The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.

A handwritten signature in blue ink, appearing to read 'Matthew Tonts', with a stylized flourish at the end.

Professor Matthew Tonts
Delegate of the Environmental Protection Authority
CHAIR

19 April 2021

Schedule 1

Change to Proposal

Element	Current Proposal (As amended under s.43A on 22 October 2019)	Changed Proposal (s. 43A)
Physical Elements		
Donnelly River water offtake Record Brook reservoir	Construction of Donnelly River water offtake, which includes sump, submersible pumps, pump station, access roads and power supply infrastructure, Record Brook reservoir and balance tanks. Clearing of up to 170 ha.	Construction of Donnelly River water offtake, which includes sump, submersible pumps, pump station, access roads and power supply infrastructure, Record Brook reservoir, balance tanks and associated infrastructure, such as carparks, site offices and public amenities. Clearing of up to 157 ha within a development envelope of 162 ha.
Approximately 220 km of irrigation distribution pipelines and associated infrastructure.	Clearing of approximately 142 ha of native vegetation within 481 ha pipeline corridor development envelope based on an average width of 20 m.	Clearing of up to 122 ha of native vegetation within 398 ha pipeline corridor development envelope based on an average width of up to 20 m.
Operational Elements		
Donnelly River water offtake	Pump an average of approximately 9.3 GL/yr of water from the Donnelly River to the Record Brook reservoir.	Supply of up to 9.3 GL/yr of water to irrigators from the Record Brook reservoir with water proposed to be taken from the Donnelly River.

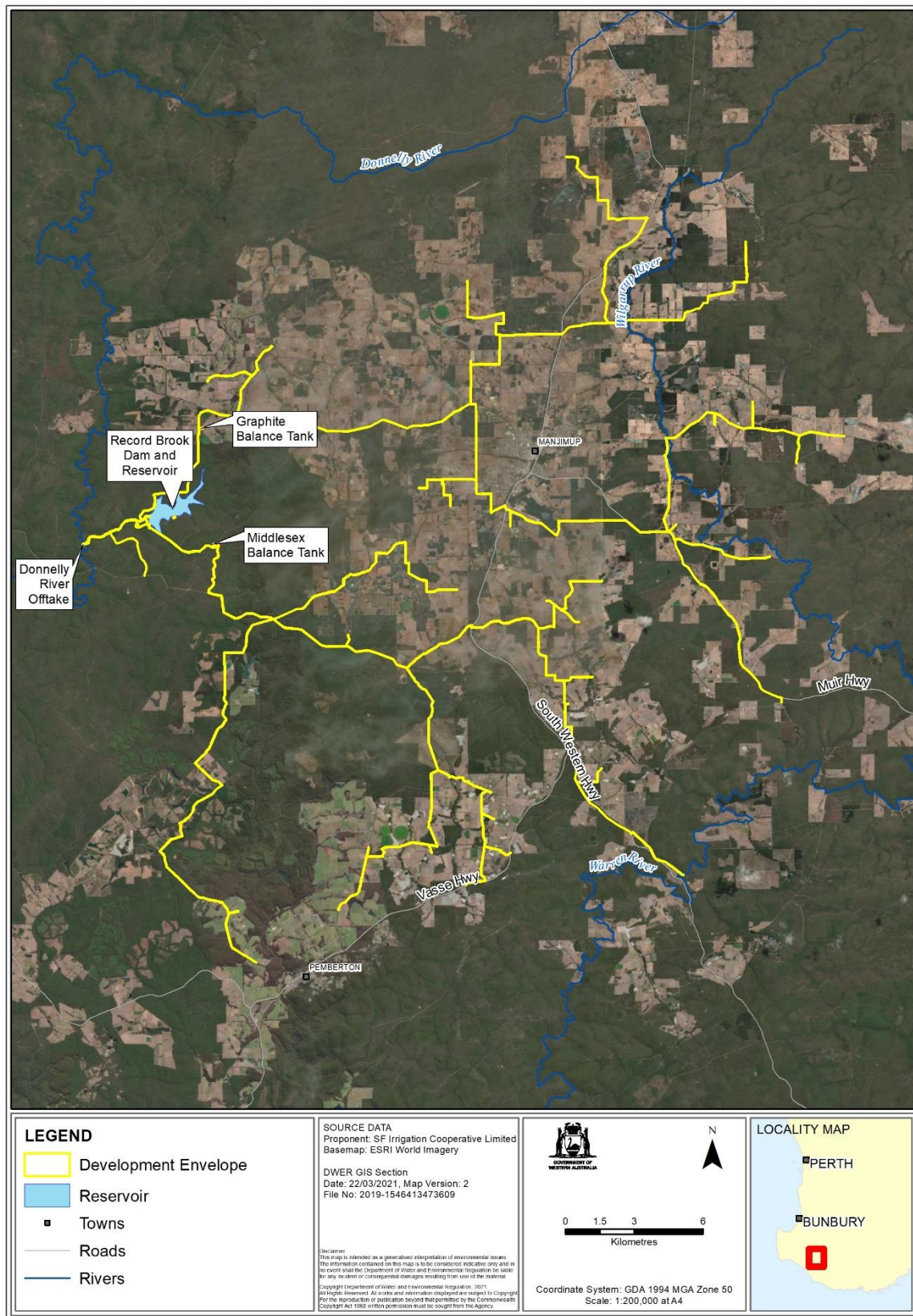


Figure 1 – Pipeline corridor development envelope

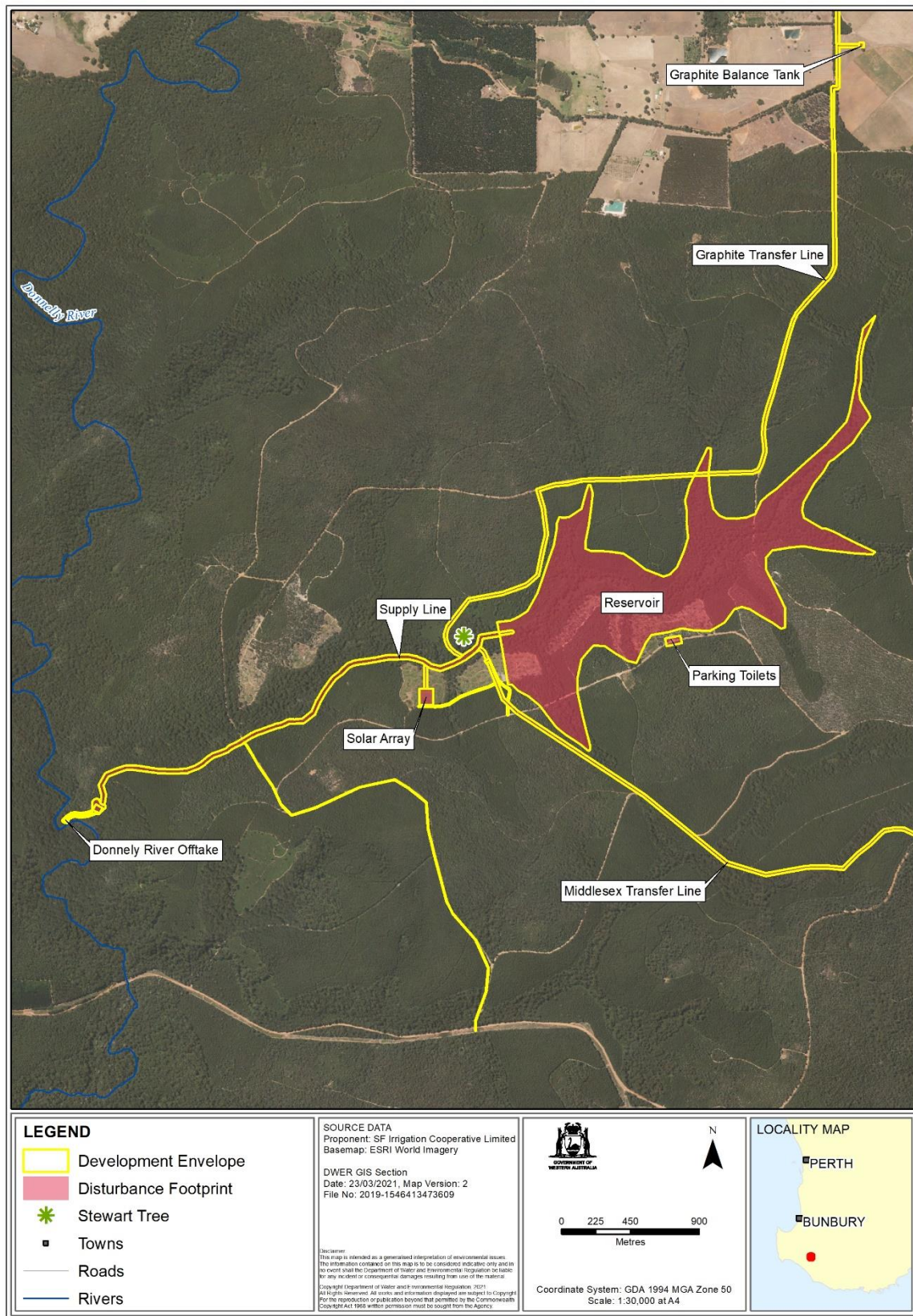


Figure 2 – Proposed Record Brook reservoir

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Southern Forest Irrigation Scheme

Proponent: SF Irrigation Co-operative Limited

Decision

For the reasons outlined below, the Environmental Protection Authority (EPA) has determined to consent to the proponent changing the proposal outlined in Schedule 1 attached to this Statement of Reasons.

I have also determined that no consultation or public review is necessary when considering the request to consent to the change. The proponent's environmental review document incorporating the changes will be published for a six-week public environmental review and the changes to the proposal will be fully assessed in the EPA's Report and Recommendations to the Minister for Environment which will be subject to a two-week appeal period.

Background

On the 21 December 2018, the SF Irrigation Co-operative Limited (Ltd) referred the proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal involves the construction and operation of a horticultural irrigation scheme in the Southern Forest region of Western Australia. Up to 9.3 giga litres (GL) per year of water will be supplied to irrigators from a 15 GL capacity storage reservoir on Record Brook. Water will be sourced from the Donnelly River. It is proposed that a 220 kilometre (km) network of pipelines, two balance tanks and the associated infrastructure will be constructed to receive and distribute water to irrigators (Figure 1).

The EPA determined to assess the proposal at the level of Public Environmental Review (PER) on 16 April 2019 with a six-week review period.

On the 22 October 2019, the EPA consented to a change to the proposal during assessment (under s. 43A of the EP Act). The changes included a decrease in the width of the pipeline corridor development envelope from 30 metres (m) to 20 m. The result was a reduction in native vegetation clearing from 215 hectares (ha) to 142 ha. With a redesign in the engineering of the water offtake, a 4 m weir on the Donnelly River was no longer needed and a 2.2 km stretch of the Donnelly River would no longer be inundated. An operational component of the proposal was also clarified regarding the water offtake and involved a change in wording.

In June 2020, the preliminary draft ERD was reviewed by various agencies and the comments provided to the proponent to address. An updated draft ERD (Rev 2) was submitted to EPA Services on the 18 December 2020. This document is under review for adequacy for the PER.

In advance of the ERD being published for public review, the proponent has sought the EPA's consent to changes to the proposal.

Relevant Statutory and Administrative Provisions

Section 38 of the Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016 guides what information the EPA requires from a proponent wanting to change their proposal during assessment.

The proponent is required to provide:

- details of the proposed change
- statement of the significance of the change and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. SF Irrigation Co-operative Ltd s. 43A request (25 September 2019)
2. SF Irrigation Co-operative Ltd s. 43A request (11 December 2020 and 7 April 2021)
3. The SF Irrigation Co-operative Ltd Environmental Scoping Document (EPA approved 6 January 2020)
4. The draft environmental review document (ERD (Rev 2) and supporting appendices (submitted 18 December 2020)
5. Relevant EPA guidance and procedures.

Consideration

1. Nature of the proposed change

a) Change to the pipeline corridor development envelope and extent

The proponent has identified existing cleared areas where the pipeline can be installed. The pipeline length has been reduced from 250 km to 220 km. Pipeline alignment has resulted in a reduction of the pipeline corridor width from 20 m to 5 m in sections. These changes will result in:

- a decrease in the pipeline corridor development envelope from 481 ha to 398 ha
- a reduction in the amount of native vegetation to be cleared from 142 ha to 122 ha within the corridor

The changes to the pipeline corridor development envelope are considered unlikely to result in any significant additional impact on flora and vegetation,

terrestrial fauna, or social surroundings as the change is a reduction in clearing, excavation, and disturbance.

b) Provision of infrastructure within the proposed Record Brook reservoir area

The potential use of the proposed Record Brook reservoir for recreation was raised during stakeholder consultation. The proponent considers this use as a social benefit. Following a community workshop/survey the proponent requested that facilities such as carparks and public amenities for recreational use near the Record Brook reservoir area be part of the proposal description (Figure 2). The construction of these facilities near the reservoir area was not included in the original referral.

The proponent proposes to build and maintain basic infrastructure for public use and ensure public access is suitably managed. The inclusion of the proposed amenities will involve some minor clearing of additional areas with access proposed via existing roads and tracks.

The Department of Biodiversity, Conservation and Attractions (DBCA) has advised that the proposed recreation option for the Record Brook reservoir is to be regarded as indicative, at this stage. It is noted that the DBCA is a decision-maker for the recreation facilities within State Forest lands and will therefore need to consider further the details associated with this option, at the appropriate time.

Due to the small scale and extent, the provision of the infrastructure described above within the proposed Record Brook reservoir area is unlikely to significantly increase any impact that the proposal may have on the environment.

In addition, through the proponent's further analysis of the extent of vegetation in the Record Brook reservoir area, the proponent has identified that up to 157 ha of clearing will be required (this is within a development envelope of 162 ha). Overall, this represents a refinement and a reduction of 5.7 ha of clearing of vegetation since the referral.

c) Changes to the wording of the operational elements of the proposal.

Currently, the proposal describes the operational element as the pumping of an average of approximately 9.3 GL/yr from the Donnelly River to the Record Brook reservoir. The proponent has advised that this does not reflect the operation of the proposal, which is to supply up to 9.3 GL/yr to irrigators from water stored in the proposed reservoir. The water will be sourced from the Donnelly River at the offtake. There is no change to the water being pumped from Donnelly River or the distribution of this water in pipelines, as elements of the proposal.

The change to the wording of the operational element clarifies the amount of water intended to be pumped from the proposed reservoir as part of the proposal. It is not considered to be an additional significant impact to inland waters or terrestrial fauna (aquatic invertebrates).

The timing and magnitude of water abstraction from the Donnelly River will need to be assessed by the EPA to ascertain whether the EPA's objective for the Inland Waters environmental factor can be met. The proponent's assessment will be documented in the ERD document and published for public comment.

2. Stage of the assessment process

The proposal is currently at assessment stage. In December 2020, the SF Irrigation Co-operative Ltd requested a second change to the proposal under s. 43A of the EP Act.

The draft ERD (Rev 2) was submitted to EPA Services on the 18 December 2020. The document is being reviewed to determine if it is suitable for publication for the six-week public review period. Comment on the ERD (Rev 2) has been requested from agencies including the Commonwealth Department of Agriculture, Water and the Environment (DAWE), DBCA and the Department of Water and Environmental Regulation (DWER).

The proposal was determined to be a controlled action by the DAWE and is being assessed under the *Environment Protection and Biodiversity Conservation Act 1999* as an accredited assessment.

3. Currency, relevance and reliability of the information, including submissions

The proposal was referred to the EPA in December 2018. Since referral, the proponent has undertaken additional surveys following advice on the first draft ERD (June 2020). A revised ERD (Rev 2) was submitted to EPA Services in December 2020 and is under review for adequacy. The most recent surveys were undertaken in 2020 and include flora and vegetation, terrestrial fauna, short-range endemic invertebrates, and targeted aquatic fauna surveys. Additional surveys include a water quality monitoring program in October 2020 and community consultation workshops. The adequacy of the surveys is under review by the DBCA, DAWE and DWER. Sections of private land are yet to be surveyed, the significance of this will be assessed during the PER.

EPA Services considers the environmental surveys that have been undertaken to be current and reliable.

4. Community engagement

Comments on the potential recreational use of the Record Brook reservoir from DBCA were provided during a review of the first draft ERD. These comments were provided to the proponent for consideration. As a result, the proponent has undertaken community workshops to discuss potential recreational uses. Community workshops were advertised on the SF Irrigation Co-operative Ltd's website and in the Manjimup Bridgetown Times (4 and 26 August 2020 and 2 September 2020). A workshop was held on the 9 September 2020 and 25 community members attended the number limited due to COVID-19 restrictions. A survey was presented to the workshop attendees and to the wider community which included questions relating to the public's current use of the Record Brook

reservoir area and preference for potential recreational use of the proposed reservoir area.

5. Level of public concern

The level of public concern for this proposal is high. The EPA received 94 submissions following the seven day public comment period for the referral (February 2019); 79 submissions requested the level of assessment be set at PER. Key issues raised included the potential impacts on the Donnelly River, the methodology of planning and allocation, the amount of native vegetation to be cleared and associated fauna habitat.

The proposed changes to the proposal are unlikely to change the level of public interest and concern in the proposal.

Consideration of Whether the Change is Unlikely to Significantly Increase Any Impact that the Proposal May Have on the Environment

The following were considered:

- Values, sensitivity and the quality of the environment which is likely to be impacted

The proposal lies within the Warren and Jarrah Forest (Interim Biogeographic Regionalisation for Australia) bioregions which support high biodiversity and include numerous conservation significant species and communities. Much of the area lies within DBCA managed areas. The region also has high recreational/social amenity values with pristine rivers, old-growth forest and trees of significance, such as the Stewart Tree. The popular Bibbulmun walking track and the Munda-Biddi cycling trail intersect the proposal area with a camp site at the proposed water offtake point. Loss of vegetation, in particular within the forested areas, is considered highly sensitive.

Including cleared and otherwise modified areas, approximately 51 per cent of the vegetation in the proposal area was classified as completely degraded. Of the area that was identified as intact native vegetation, 18 per cent is of excellent condition, 14 per cent in very good condition and 11 per cent is good. Only 6 per cent is considered degraded or completely degraded.

Despite suitable habitat being present, the targeted surveys did not yield any threatened or priority flora within the proposal area, including the 'Epiphytic Cryptograms of the Karri Forest' priority ecological community. However, sections of the pipeline corridor located on private property are yet to be surveyed. These areas will be surveyed prior to any clearing for the pipeline corridor, as outlined in the construction environmental management plan in the draft ERD (Rev 2). The suitability of this approach will be addressed during the in PER.

Twenty-four conservation significant fauna species were identified as potentially occurring within the proposal area. Conservation significant

terrestrial fauna species recorded within the proposal area on survey included Baudin's and forest red-tailed cockatoos, quokkas, western false pipistrelles, rakalis (water rat) and quendas. The species identified as having a high likelihood of occurring were the western ringtail possum, Carnaby's cockatoo, the chuditch, the south western brush-tailed phascogale and the peregrine falcon.

The preliminary key environmental factors for the proposal are:

- Flora and Vegetation
- Terrestrial Environmental Quality
- Terrestrial Fauna
- Inland Waters, and
- Social Surroundings.

The changes being considered will not require additional factors to be considered as preliminary key environmental factors for the purposes of the EPA's assessment of the proposal. The proposed changes result in a decrease in the clearing of native vegetation and a reduction in the disturbance footprint.

- Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

Pipeline

The extent of the irrigation distribution pipeline corridor and associated infrastructure has been reduced from 250 km to 220 km. On referral, the amount of native vegetation that would be cleared was 215 ha. This has been reduced to 122 ha with further realignment of the pipeline. At this stage, it is estimated that 101.9 ha of this area will be revegetated post-construction, with 20.1 ha permanently cleared to allow for a 5 m access corridor.

Record Brook Reservoir area

The change involves the inclusion of recreation amenities such as toilets and carpark. This will result in the clearing of approximately 1.4 ha of native vegetation within the reservoir area. In addition to the biological surveys that were undertaken for the proposal on referral, supplementary surveys were completed in 2020 and included the entire reservoir development area.

In addition, through the proponent's further analysis of the extent of vegetation in the Record Brook reservoir area, the proponent has identified that up to 157 ha of clearing will be required (this is within a development envelope of 162 ha). Overall, this represents a reduction of 5.7 ha of clearing of vegetation since the referral.

Total Disturbance

The total disturbance for the overall proposal is 560 ha. The total amount of native vegetation that will be cleared for this proposal is up to 279 ha, of which 176.3 ha will be permanently cleared. The areas which will remain permanently cleared are 20.1 ha of pipeline corridor, 152.9 ha of inundated reservoir and 3.3

ha of supply infrastructure. Overall, since the referral and the approval of the previous change to the proposal, it is noted that there is a net decrease in the extent of the clearing of native vegetation by 27 ha.

Operational Element

The proponent has proposed a change to the wording of the operational element of the proposal. The change clarifies that the 9.3 GL/yr will be supplied to irrigators from water stored in the proposed Record Brook reservoir. It was always intended that water will be taken from the Donnelly River. However, the rules by which this will occur will be assessed by the EPA.

The proposed changes to the wording of the operational element does not result in an additional significant impact.

- Consequence of the likely impacts (or change)

The consequence of the proposed changes in the pipeline corridor will reduce the amount of native vegetation to be cleared.

Because of the small scale and extent, and the quality of the receiving environment, the inclusion of recreational infrastructure in the reservoir area is unlikely to significantly increase any impact that the proposal may have on the environment.

The changes to the proposed operational elements are not considered likely to result in additional environmental impacts. The changes merely clarify the volume of water to be supplied from the reservoir to the irrigators as part of the proposal. As mentioned above, the EPA will need to fully assess the magnitude and timing for the abstraction of water and the consequences of the likely impact on the Donnelly River. This aspect of the proposal has not changed.

- Resilience of the environment to cope with the impacts or change

The changes identify a reduction in the clearing of native vegetation and therefore environment impacts compared to the original proposal. The proposal is yet to be assessed.

- Cumulative impacts with other projects

Cumulative impacts will be considered in the assessment of the proposal during the six-week ERD public review period.

- Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

A holistic assessment of the changed proposal will be undertaken during the assessment stage of the proposal.

Level of confidence in the prediction of impacts and the success of proposed mitigation

The is no change in the level of confidence in the predicted impacts or the success of proposed mitigation as the proposal has not yet been assessed.

- Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

The EPA is of the opinion that public interest in the proposal will likely remain the same. This proposal has and continues to generate a high level of public interest.

Conclusion

In conclusion, the EPA considers that the changes are unlikely to result in any additional significant impact to the key preliminary environmental factors. Overall, the changes result in a decrease in the amount of native vegetation that will be cleared.

- Changes to the pipeline corridor development envelope

The overall length of pipeline has been reduced from 250 km to 220 km. The changes proposed involve a reduction in the amount of native vegetation to be cleared from 142 ha to 122 ha. Of this, approximately 102 ha will be revegetated, and 20 ha will remain permanently cleared.

- Inclusion of amenities in the Record Brook reservoir area

The inclusion of recreational amenities such as toilets and parking area will result in the clearing of 1.4 ha. The small scale and extent of this clearing and its location adjacent to and in close proximity to already disturbed areas mean it is unlikely to significantly increase any impact that the proposal may have on the environment.

In addition, it is noted through the proponent's further analysis of the extent of vegetation in the Record Brook reservoir area, the proponent has identified that up to 157 ha of clearing will be required (this is within a development envelope of 162 ha). Overall, this represents a refinement and a reduction of 5.7 ha of clearing of vegetation since the referral.

- Changes to the wording of the operational element

This does not result in any additional impact from the proposal. The changed wording clarifies the operational element of the proposal. The timing and magnitude of water to be pumped from Donnelly River will need to be assessed by the EPA.

Schedule 1

Change to Proposal

Element	Current Proposal	Changed Proposal
<i>Physical elements</i>		
Donnelly River water offtake (DRO) Record Brook reservoir	Construction of Donnelly River water offtake, which includes sump, submersible pumps, pump station, access roads and power supply infrastructure, Record Brook reservoir and balance tanks. Clearing of up to 170 ha.	Construction of Donnelly River water offtake, which includes sump, submersible pumps, pump station, access roads and power supply infrastructure, Record Brook reservoir, balance tanks and associated infrastructure, such as carparks, site offices and public amenities. Clearing of up to 157 ha within a development envelope of 162 ha.
Approximately 220 km of irrigation distribution pipelines and associated infrastructure.	Clearing of approximately 142 ha of native vegetation within 481 ha pipeline corridor development envelope based on an average width of 20 m.	Clearing of up to 122 ha of native vegetation within 398 ha pipeline corridor development envelope based on an average width of up to 20 m.
<i>Operational elements</i>		
Donnelly River water offtake	Pump an average of approximately 9.3 GL/yr of water from the Donnelly River to the Record Brook reservoir.	Supply of up to 9.3 GL/yr of water to irrigators from the Record Brook reservoir with water to be taken (in accordance with environmental flow rules) from the Donnelly River.

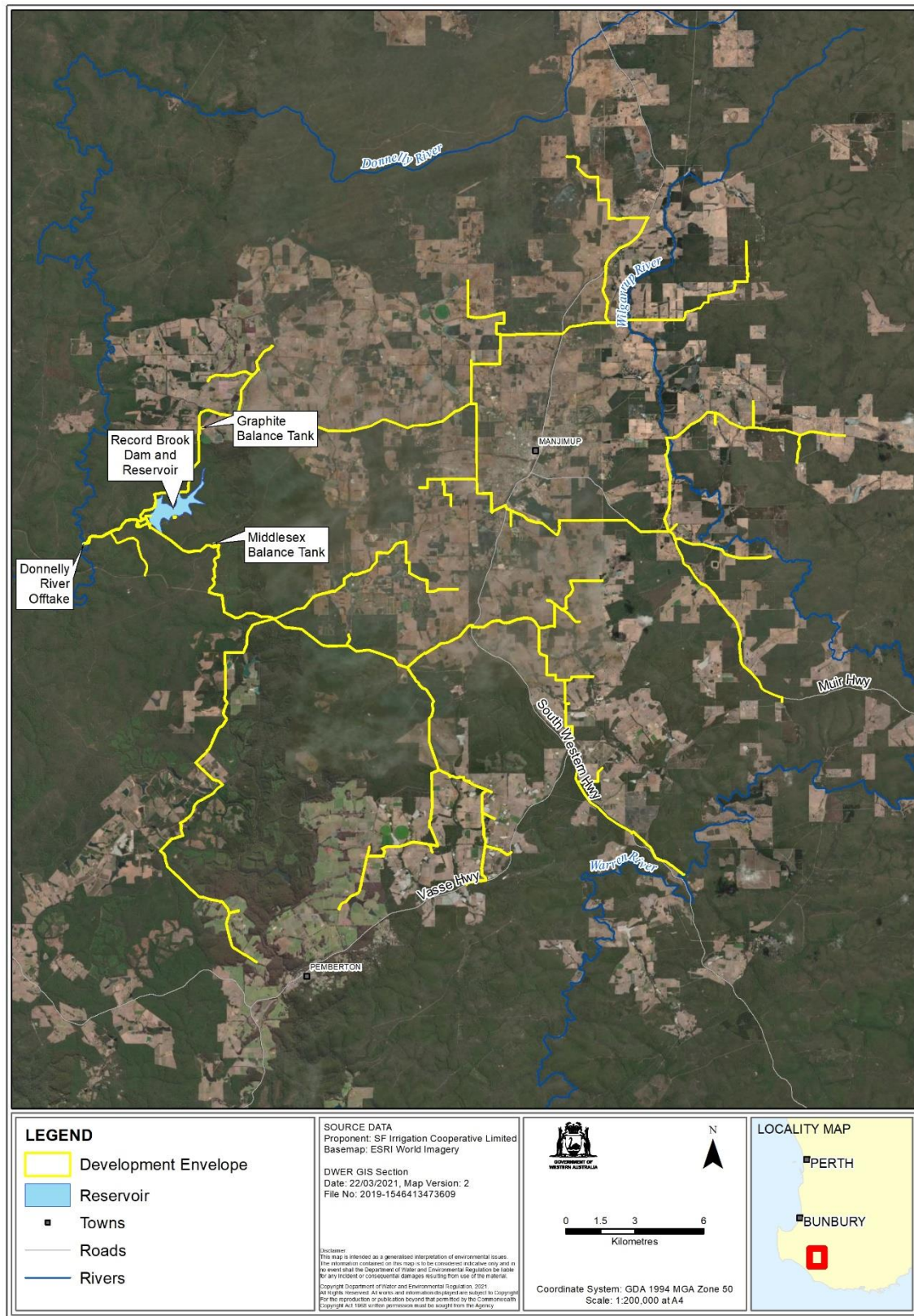


Figure 1: Southern Forest Irrigation Scheme development envelope

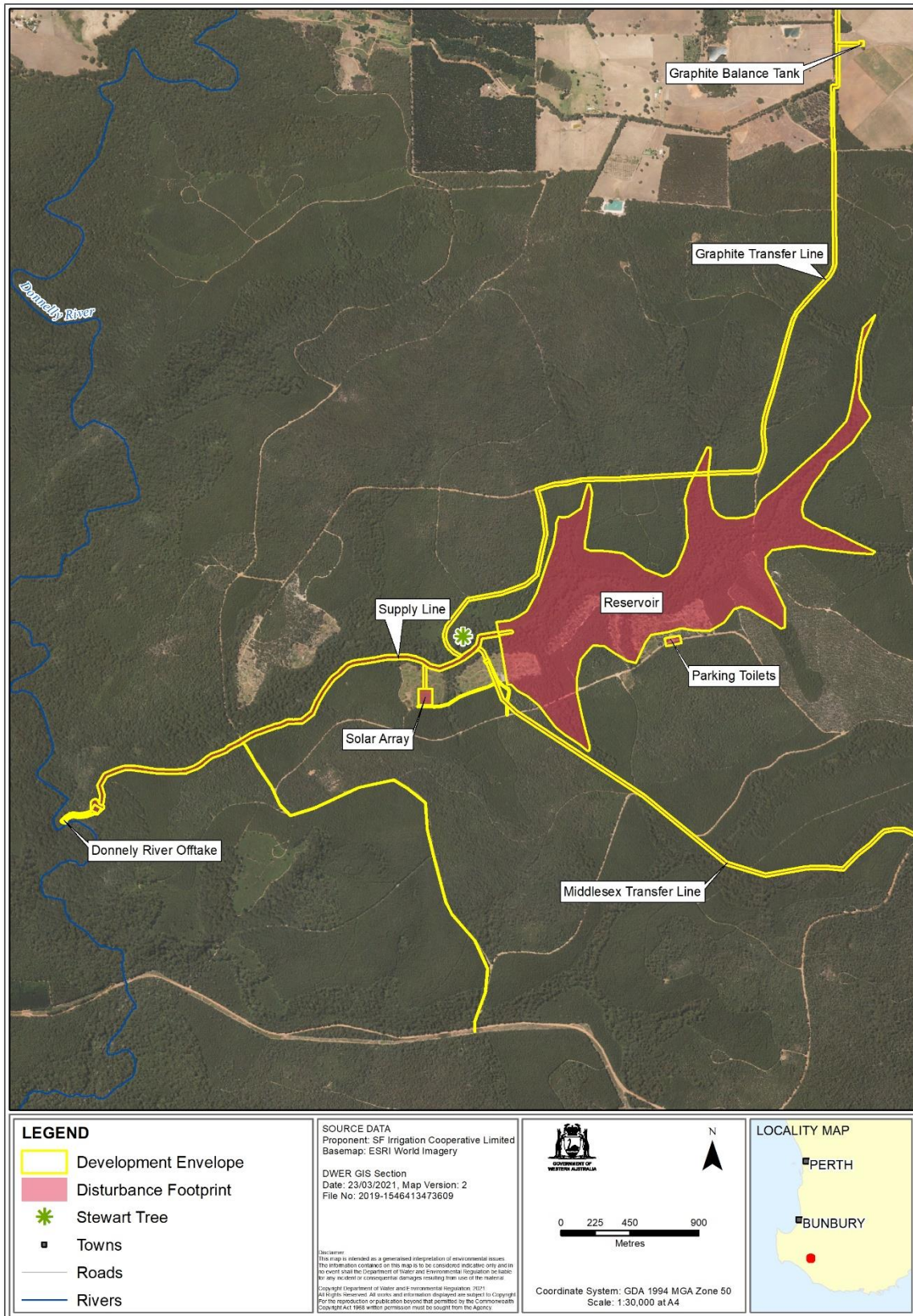


Figure 2: Proposed Record Brook reservoir including recreation amenities