



Environmental Protection Act 1986

**Hon Donna Faragher JP MLC  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **AGAINST THE ENVIRONMENTAL PROTECTION AUTHORITY DECISION NOT TO ASSESS AUSTRALIAN SQUARE KILOMETRE ARRAY PATHFINDER (ASKAP) RADIO TELESCOPE**

#### **Purpose of this document**

This document sets out the Minister's decision on an appeal lodged against the decision of the Environmental Protection Authority (EPA) not to assess the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au).

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<b>Appellants:</b>	Conservation Council of Western Australia
<b>Proponent:</b>	CSIRO Australia Telescope National Facility (CSIRO)
<b>Proposal description:</b>	Construction and operation of a radio telescope on the Murchison Radio-astronomy Observatory (MRO) site located on the Boolardy Station in the Shire of Murchison.
<b>Minister's Decision:</b>	The Minister dismissed the appeal
<b>Date of Decision:</b>	16 October 2009

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## **REASONS FOR MINISTER'S DECISION**

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeals.

One appeal was received in relation to this matter.

The grounds of the appeals were summarised by the Appeals Convenor under the following headings:

1. Inadequate consultation;

2. Land capability constraints;
3. Compliance with EPA policy;
4. Precedent;
5. State regulatory compliance;
6. Transparency in site selection; and
7. Closure and future land use.

The Minister noted that the key environmental concern raised by the appeal is that of land capability. The appeal questioned the decision to site the proposal within the Sherwood land system given the fragility of soil types involved.

Minister's consideration of the appeal is as follows.

### **APPEALS CONSIDERATION**

With respect to the key issue of land capability raised by the appeal, the Minister noted the Appeals Convenor's consideration of this issue. In considering the significance of this issue, the Appeals Convenor noted that the Murchison Radio-observatory site represents only 3.7 percent of the broader Boolardy Station land area and only 0.5 percent is proposed to be developed for the purpose of the ASKAP. It was also noted that the majority of the proposed infrastructure is located within land unit 5 (non-saline stony or gritty surfaced plains), consistent with the recommendations provided in the Environmental Assessment submitted with the Referral to the EPA.

The Minister understood that some infrastructure is proposed within land unit 3 (saline lower foot slopes below breakaways), one of the land units listed in the Environmental Assessment as mostly unsuitable for development. The Minister noted the recommendation in the Environmental Assessment that the development of infrastructure within this land unit must not be undertaken without soil conservation measures to prevent accelerated erosion. In this regard, the Minister was aware that the CSIRO is committed to implementing the recommendations in the Environmental Assessment.

The *Environmental Impacts Assessment (Part IV Division 1) Administrative Procedures 2002* provide for the EPA to consider the ability of other decision-making authorities to place conditions on proposals in deciding whether or not a proposal should be assessed. The EPA advised that its decision not to assess acknowledges that a clearing permit is required under Part V of the Act. The Minister was aware that the Department of Environment and Conservation can attach such conditions to clearing permits as are considered necessary for the purposes of environmental protection.

Further to the above, the Minister noted the CSIRO's advice that the special lease for the purpose of the Murchison Radio-observatory site contains standard requirements regarding environmental protection.

In light of the above points, the Minister agreed with the Appeals Convenor's view that the significance of this issue is not at a level to warrant formal assessment by the EPA.

Whilst the appeal submits other grounds against the EPA's decision not to assess the proposal, it does not raise, as a separate appeal ground, any other environmental matters. The Minister accepted the Appeals Convenor's advice in relation to these other matters.

## **APPEAL DETERMINATION**

Taking the foregoing consideration into account, the Minister considered that the environmental matters raised in the appeal are not so significant as to warrant formal assessment by the EPA. On this basis, the Minister dismissed the appeal.

However, the Minister noted that concerns raised in the appeal regarding the potential for land degradation and soil erosion may require ongoing management. In this regard, the Minister supported the EPA's intention to acknowledge and support the CSIRO's commitment to prepare a Construction Environmental Management Plan in Public Advice given in relation to the proposal.

The Minister also wrote to the EPA requesting that it provide advice to decision-making authorities and the proponent on the need to address:

- the management of clearing impacts through Part V of the *Environmental Protection Act 1986* (clearing of native vegetation provisions); and
- the control of soil erosion and land degradation impacts through conditions of the special lease for the Murchison Radio-observatory site.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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