



Environmental Protection Act 1986

**Hon Stephen Dawson MLC**  
**Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEALS IN OBJECTION TO THE DECISION TO GRANT CLEARING PERMIT CPS 7312/1, LOT 1556 ON PLAN 70856, PARDOO, SHIRE OF EAST PILBARA**

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

This document sets out the Minister's decision on appeals lodged under section 101A of the *Environmental Protection Act 1986* in objection to the decision by the former Department of Environment Regulation to grant a clearing permit. 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).

---

<b>Appellants:</b>	Environs Kimberley; B Dicker
<b>Applicant:</b>	Pardoo Beef Corporation Pty Ltd
<b>Proposal description:</b>	Proposed clearing of no more than 400 hectares of native vegetation on Lot 1556 on Deposited Plan 70856 at Pardoo in the Shire of East Pilbara, for the purpose of irrigated agriculture and associated activities
<b>Minister's Decision:</b>	The Minister partly allowed the appeals
<b>Date of Decision:</b>	7 July 2017

---

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

---

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the former Department of Environment Regulation (DER) on the matters raised in the appeals. The Minister also noted that representatives of the Office of the Appeals Convenor discussed the appeal with the appellants, and with the permit holder.

After considering the appeals, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeals.

By way of summary, the appeals raised concerns about impacts to flora, fauna, groundwater and the Eighty-Mile Beach Ramsar wetland.

In its assessment of the permit application, DER sought advice from the former Departments of Parks and Wildlife (Parks and Wildlife), Water (DoW), and Lands, and the Commissioner

of Soil and Land Conservation. DER also noted that a licence to abstract groundwater for the irrigation proposal is required under the *Rights in Water and Irrigation Act 1914*.

In relation to fauna, Parks and Wildlife provided advice to DER that the area under application contains suitable habitat for the threatened greater bilby and Priority 4 brush-tailed mulgara. DER issued the permit with a condition requiring the permit holder to manage potential impacts to these species that may result from clearing, including requirements to engage a suitably qualified person to inspect the area prior to clearing and to relocate any fauna identified in accordance with a licence issued under the *Wildlife Conservation Act 1950*. DER noted that any licence issued under that Act is expected to include specific details relating to relocation of any identified fauna.

Notwithstanding the above, DER recommended additional conditions be applied to the permit, including extending the pre-clearing surveys to areas surrounding the vegetation proposed to be cleared. DER also recommended that recording requirements be extended to include information such as species, location of capture and relocation sites and weather conditions.

The Minister agreed with these changes, and requested the Department of Water and Environmental Regulation (which has replaced DER) to give effect to this decision as soon as practicable.

With regard to concerns relating to impacts to conservation significant flora, the Minister noted that the proposal is unlikely to pose a significant ongoing risk to the continued existence and persistence of priority species known to occur within the area under application over the long term.

In respect to groundwater, one appellant expressed concern that insufficient information is available to demonstrate that the Broome sandstone and Wallal aquifers are separate and that as a result, water abstraction associated with the future land use could affect groundwater dependent species associated with areas within the Eighty-Mile Beach Ramsar wetland.

Relevant to this issue, Parks and Wildlife and DoW advised that no significant impacts are likely to occur to the conservation area as a result of native vegetation clearing. The Minister also noted advice that the boundary of the area authorised to be cleared under the permit is a minimum 100 metres from the mapped boundary of the Eighty-Mile Beach Ramsar wetland. DoW further advised that there is no evidence that the shallow Broome sandstone aquifer is hydraulically connected to the artesian Wallal aquifer, which is the source of water for the future irrigated agriculture proposal.

Taking into account this advice, the Minister was of the view that the clearing of native vegetation is not expected to have any significant impact to the Eighty-Mile Beach Ramsar site. The Minister noted that the permit holder may have notification responsibilities under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, and it should contact the Commonwealth Department of the Environment and Energy for further information in that regard.

In relation to concerns raised by an appellant around consistency between assessments, the Minister noted that the unacceptable environmental issues which led to the refusal of application CPS 6917/1 were addressed through the application and assessment process for CPS 7312/1. In this regard, DER advised that the impacts of the clearing the subject of this appeal were not so significant that they could not be managed through conditions imposed on the clearing permit.

After considering the information presented to him, the Minister was of the view that DER was justified in its decision to grant the permit subject to conditions.

**Appeal Numbers:  
C002 to 003 of 2017**

However, the Minister partly allowed the appeals by requesting the Department of Water and Environmental Regulation to amend the permit in respect to pre-clearance surveys and relocation of the greater bilby and mulgara, as stated above. The Minister otherwise dismissed the appeals.

The precise wording of the amendment will be determined by Department of Water and Environmental Regulation in giving effect to the decision under section 110 of the Act.

---

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*.

**Office of the Appeals Convenor**

Level 22, 221 St Georges Terrace  
Perth WA 6000

**Tel: (08) 6467 5190**

Fax: (08) 6467 5199

[www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au)