



# **Knox Creek Plain EPBC Approval 2014/7143**

# **Annual Report 2018**

June 2018

Prepared for Kimberley Agricultural Investment Pty Ltd by



# KIMBERLEY BOAB CONSULTING

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The content of this report is limited by the parameters provided by KAI, including scope and timeframes.

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## Acronyms and Abbreviations

CAR	Compliance Assessment Plan
DoEE	Department of Environment and Energy
DPIRD	Department of Primary Industries and Regional Development
DSD	(Former) Department of State Development
DWER	Department of Water and Environmental Regulation
EMP	Environmental Management Program
EPA	Environmental Protection Authority
EPBC	Environment Protection and Biodiversity Conservation (Act 1999)
FPDP	Final Project Design Plan
IRG	Independent Review Group
KAI	Kimberley Agricultural Investment Pty Ltd
OEPA	Office of the Environmental Protection Authority
WA	Western Australia

## 1.0 Overview

On June 16, 2015, the Australian Government Department of the Environment, under delegation of the Minister for the Environment, issued Kimberley Agricultural Investment Pty Ltd (KAI) conditional approval to develop the Knox Creek Plain for irrigated agriculture. Approval 2014/7143 contains fifteen conditions targeted at ensuring the protection of Matters of National Environmental Significance, listed under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

This document reports on progress against implementation of the conditions of approval, for the period ending 31 December 2018, and meets the annual report requirement under Condition 3 of EPBC 2014/7143.

It will be supplemented by the 2018 annual Environmental Management Program (EMP) audit of compliance with the requirements of Statement 938, issued by the Western Australian Minister for the Environment, in relation to the development of the M2 agricultural area in the north-east Kimberley, which partially includes the Knox Creek Plain. The 2018 EMP annual compliance audit is being undertaken for the Western Australian Department of Primary Industries and Regional Development (DPIRD) and was not finalised at the time of preparation of this report.

Development of the Knox Creek Plain for irrigated agriculture has not yet commenced (see Attachment A for satellite imagery). Investigations and planning, including required baseline research and the development of management plans required under EPBC 2014/7143, commenced in 2015/16.

## 2.0 Key approval changes in 2018

### *Variation to conditions*

No condition variations were issued in 2018.

### *Statement 938 changes and review of Environmental Management Plan*

Ministerial Statement 938 covers both the Weaber Plain (Goomig) and Knox Creek Plain developments. On 12 December 2017, the proponenty transferred from the WA Department of State Development (DSD) to DPIRD. The Department of Water and Environmental Regulation (DWER) requested, in mid-2017, that the proponent for Statement 938 conduct a full review of the EMP, in line with new DWER guidelines issued in March 2017. The revised EMP will amalgamate the existing Weaber and Knox EMPs, which have both been approved under Statement 938.

The revised EMP for the Weaber and Knox areas had not been finalised by DPIRD for approval by DWER, at the end of this reporting period. It will be submitted to the DoEE as required under the (revised) condition 5 of the Knox Creek Plain EPBC approval when the WA government and DWER complete the revision process.

## 3.0 Statement of progress against EPBC 2014/7143 conditions

Table 1 provides a summary of progress during the period 1 January 2018 to 31 December 2018.

Table 1 - EPBC 2014/7143 Progress Statement 2016

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
1	Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Commencement of the action has not yet occurred.	No change. Commencement of the action has not yet occurred.	No change. Commencement of the action has not yet occurred.	No change. Commencement of the action has not yet occurred.
2	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	KAI is maintaining all records of environmental investigations and compliance with the requirements of EPBC 2014/7143.	KAI is maintaining all records of environmental investigations and compliance with the requirements of EPBC 2014/7143.	KAI is maintaining all records of environmental investigations and compliance with the requirements of EPBC 2014/7143.	KAI is maintaining all records of environmental investigations and compliance with the requirements of EPBC 2014/7143.
3	By 31 March of each year after commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the Department within two days of the person taking the action becoming aware of the non-compliance and at the same time as the compliance report is published. The person taking the action must continue to publish the report until such time as agreed in writing by the Minister or the approval has expired.	This report is provided to update the Minister for the Environment on progress against compliance with EPBC 2014/7143, despite the action having not yet commenced.	This report is provided to update the Minister for the Environment on progress against compliance with EPBC 2014/7143, despite the action having not yet commenced.	This report is provided to update the Minister for the Environment on progress against compliance with EPBC 2014/7143, despite the action having not yet commenced. This report is delayed due to the delay in finalisation of the WA EPA Approval Statement 938 Compliance Assessment Report (CAR), which was itself delayed due to proponenty changeover over in late 2017 within the WA government, and a revision of the EMP in	This report is provided to update the Minister for the Environment on progress against compliance with EPBC 2014/7143, despite the action having not yet commenced. The Statement 938 2018 compliance audit will be forwarded when a copy is received by KAI.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
				line with new WA EPA requirements for Environmental Management Plans.	
4	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and submitted to the Minister. The person taking the action must not commence the audit until the independent auditor and audit criteria have been approved by the Minister. The audit report must address the criteria to the satisfaction of the Minister.	No audit requests received to date.	No audit requests received to date.	No audit requests received to date.	No audit requests received to date.
5	The person taking the action may choose to revise the <i>Knox Creek Plain Environmental Management Program, August 2015</i> ; Bare-rumped Sheathtail Bat Management Plan; and Aquatic Fauna Management Plan, approved by the Minister without submitting it for approval (including under section 14A of the EPBC Act), if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must: <ul style="list-style-type: none"> <li>a) Notify the Department in writing that the approved plan has been revised and provide the Department, at least four weeks before implementing the revised plan, with: <ul style="list-style-type: none"> <li>i. An electronic copy of the revised plan;</li> <li>ii. An explanation of the differences between the revised plan and the approved plan; and</li> <li>iii. The reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact.</li> </ul> </li> </ul>	N/A	N/A	A variation to the original conditions was approved on 24 April 2017.	The review of the EMP approved under the requirements of WA EP Act approval Statement 938 is still being undertaken by DPIRD as proponent for that approval. A copy of the revised EMP (when approved by the WA EPA) will be provided when received.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
5A	The person taking the action may revoke its choice under condition 5 at any time by giving written notice to the Department. If the person taking the action revokes its choice to implement the revised plan, without approval under Section 143A of the EPBC Act, the plan approved by the Minister must be implemented.	N/A	N/A	A variation to the original conditions was approved on 24 April 2017.	N/A
5B	<p>If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> <li>i. Condition 5 does not apply, or ceases to apply, in relation to the revised plan; and</li> <li>ii. The person taking the action must implement the plan approved by the Minister.</li> </ul> <p>To avoid any doubt, this condition does not affect any operations of conditions 5 or 5A in the period before the day the notice is given.</p> <p>At the time of giving the notice, the Minister may also notify that for a specified period of time condition 5 does not apply to the plan required under the approval.</p> <p>Conditions 5, 5A and 5B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the Minister for approval.</p>	N/A	N/A	<p>New sub-condition added in 2017.</p> <p>A full review of the Statement 938 EMP is currently being undertaken by the WA DPIRD, in line with the requirements of the OEPA. This commenced in 2017 and is anticipated to be completed in late 2018.</p> <p>In June 2017, the WA OEPA approved a revision to the Knox Creek Plain Final Project Design Plan (FPDP) to accommodate a road realignment by the WA Government through the Knox Creek Plain. The road proposal was submitted by the WA Government to the DoEE, and was assessed as 'Not a controlled action'. EPBC Approval 2017/7856 relates to this proposal, which does not materially</p>	N/A.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
				change the Knox development footprint or increase environmental risk already managed through Statement 938 and EPBC 2014/7143.	
6	If the Minister believes that it is necessary or convenient for the better protection of the listed threatened or migratory species to do so, the Minister may request that the person taking the action make specified revisions to the management plans specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.	No requests from the Minister have been received to date.	No requests from the Minister have been received to date.	No requests from the Minister have been received to date.	No requests from the Minister have been received to date.
7	If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Not required at this stage.	Substantial commencement is required by June 15 2020.	Substantial commencement is required by June 15 2020. KAI has not yet commenced development.	KAI has not yet commenced development of the Knox Creek Plain.
8	Unless otherwise agreed in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval and any baseline information and monitoring results required by these plans on their website. Each management plan must be published on the website within one month of being approved and all baseline information and monitoring results must be published on the website annually, beginning twelve months after the commencement of the action. The person taking the action must continue to publish the approved management plans and baseline information until such time	No management plans have been approved under EPBC 2014/7143 to date.	The Aquatic Fauna Management Plan (AFMP) was approved on 23 December 2016. Upload to the KAI website occurred on 23 January 2017.	Baseline bore monitoring results for the Knox Creek Plain were uploaded to the Department of State Development (WA) website on 17 May 2017, as these are integrated with the EPBC 2010/5491 and Statement 938 monitoring data.	Three years' baseline bore monitoring has been completed and is currently being analysed by the WA DPIRD through its role as Proponent for Statement 938 under the WA EP Act 1986. This report will be made available when received.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
	as agreed in writing by the Minister or the approval has expired.				
9	Any amendments to Sections of the <i>Knox Creek Plain Environmental Management Program May 2015</i> referred to in the conditions below must be submitted to the Department and approved by the Minister prior to any amendments being implemented.	No substantive changes to the referenced Knox Creek Plain EMP Sections have been made to date.	No change.	Condition revoked per variation advice dated 24 April 2017.	Condition revoked.
10	To avoid and/or minimise impacts on listed threatened and migratory species from impacts resulting from the action, the person taking the action must not clear more than 6,280ha of vegetation, as specified by 'Proposed Development Area" in Annexure 1.	No clearing of the Knox Creek Plain occurred in 2015.	No clearing of the Knox Creek Plain occurred in 2016.	No clearing of the Knox Creek Plain occurred in 2017.	No clearing of the Knox Creek Plain occurred in 2018.
11	To protect the critically endangered Bare-rumped Sheathtail Bat ( <i>Saccolaimus saccolaimus nudicluniatu</i> s) from impacts resulting from the action, the person taking the action must:	Noted	On 7 December 2016, based on advice from the Threatened Species Scientific Committee, the Minister for the Environment changed the listing status of the BRSB to <u>Vulnerable</u> rather than Critically Endangered. KAI will be seeking a variation to Condition 11 based on this amended status.	No change.	No change.
11A	Ensure the clearance of the Development Area does not result in the death of any Bare-rumped Sheathtail Bats	Noted	As above	No change.	No change.
11B	Conduct Bare-rumped Sheathtail Bat roosting tree surveys of potential Bare-rumped Sheathtail Bat habitat areas in accordance with the advice of a Bare-rumped Sheathtail Bat expert. Bare-rumped Sheathtail Bat roosting tree surveys must identify, tag and map all potential or confirmed Bare-rumped Sheathtail Bat roost trees in the	Roost tree surveys were conducted in August 2015 under the advice of Dr Kyle Armstrong (Specialised	The report to the Department has not been submitted, due to KAI waiting for the listing status review process to be	No change. This action will be progressed when the development is scheduled to commence.	No change. This action will be progressed when the development is scheduled to commence.



Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
	potential Bare-rumped Sheathtail Bat habitat areas and be completed within six months prior to clearance of potential Bare-rumped Sheathtail Bat habitat areas; and	Zoological). A report will be provided to the Department with the Bare-rumped Sheathtail Bat (BRSB) Management Plan in early 2016.	completed (see above). Submission of the survey report will occur once the outcome of a proposed variation to Condition 11 is known.		
11C	If the Bare-rumped Sheathtail Bat roosting tree surveys identify potential or confirmed Bare-rumped Sheathtail Bat roost trees in the potential Bare-rumped Sheathtail Bat habitat areas, then submit to the Department a Bare-rumped Sheathtail Bat Management Plan (BRSBMP). The BRSBMP must detail how all potential and confirmed Bare-rumped Sheathtail Bat roost trees in the potential Bare-rumped Sheathtail Bat habitat areas will be avoided, mitigated or offset. The BRSBMP must be submitted for approval by the Minister. The person taking the action must not commence clearance of potential Bare-rumped Sheathtail Bat habitat areas until the BRSBMP is approved by the Minister. The BRSBMP must be approved by the Minister prior to implementation	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.  Note that KAI is aware that the EPBC listing status of the BRSB is currently under review by the Threatened Species Scientific Committee. If a reclassification of the listing status of the BRSB is made, KAI will submit a request for variation to Condition 11 of EPBC 2014/7143.	The BRSBMP has not been submitted to the Department, due to KAI waiting for the listing status review process to be completed (see above). Submission of the survey report will occur once the outcome of a proposed variation to Condition 11 is known.	No change. This action will be progressed when the development is scheduled to commence.	No change. This action will be progressed when the development is scheduled to commence.
	The approved BRSBMP must be implemented and include commitments to:	The BRSB Management Plan has been drafted and will be	The BRSBMP has not been submitted to the Department, due to KAI waiting for the	No change. This action will be progressed when the development is	No change. This action will be progressed when the development is

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
		submitted to the Department in early 2016.	listing status review process to be completed (see above). Submission of the survey report will occur once the outcome of a proposed variation to Condition 11 is known.	scheduled to commence.	scheduled to commence.
11C(i)	Consider the implementation of more focused survey methods, such as mist netting, to obtain more refined results. This may be particularly beneficial in the event that the number of potential or confirmed Bare-rumped Sheathtail Bat roost trees identified during Bare-rumped Sheathtail Bat roosting tree surveys is high	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.
11C(ii)	Conduct all clearance of potential Bare-rumped Sheathtail Bat habitat areas outside of the Bare-rumped Sheathtail Bat breeding season	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.
11C(iii)	Conduct a pre-clearance disturbance regime in accordance with the advice of a Bare-rumped Sheathtail Bat expert	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.
11C(iv)	Fell any potential or confirmed Bare-rumped Sheathtail Bat roost trees that cannot be avoided, with care, in the presence of a Bare-rumped Sheathtail Bat expert, and in accordance with the advice of a Bare-rumped Sheathtail Bat expert, so as to avoid mortality of Bare-rumped Sheathtail Bat individuals	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
11C(v)	Translocate, with the service of a Bare-rumped Sheathtail Bat expert, any Bare rumped Sheathtail Bat that is captured following the felling of a potential or confirmed Bare-rumped Sheathtail Bat roost tree	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.
11C(vi)	Report site locations (both original location site and, if a Bare-rumped Sheathtail Bat is captured, the translocated site) to the Department if any confirmed Bare rumped Sheathtail Bat roost trees are found	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.
11C(vii)	Provide offsets of no less than \$100,000 to a trust fund for Bare-rumped Sheathtail Bat research for each confirmed Bare-rumped Sheathtail Bat roost tree cleared for the proposal, to a maximum contribution of \$500,000. The offset trust fund and research activities must be approved by the Minister prior to implementation; or	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.
11C(viii)	Not clear selected potential or confirmed Bare-rumped Sheathtail Bat roost trees or any vegetation within a 30m zone around these trees	The BRSB Management Plan has been drafted and will be submitted to the Department in early 2016.	As above.	No change.	No change.
12	Buffer Management				
12A	The person taking the action must establish a buffer area of at least 6,415ha, as specified by "Proposed Buffer Areas" in Annexure 1.	KAI is liaising with the WA Government regarding access to the Knox Creek Plain. The WA Government will establish the Knox Creek Plain buffer area, under	No change.	Knox Creek Plain lease arrangements were finalised in late 2017.	No change.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
		freehold to Traditional Owners, under the requirements of the Ord Final Agreement.			
12B	The person taking the action must implement the action in accordance with Sections 10 and 11 of the Knox Creek Plain Environmental Management Program, August 2015.	An independent audit of compliance with the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2015 Statement 938 compliance assessment for the WA EPA. This audit was undertaken by Strategen Pty Ltd in 2015. The associated compliance assessment report will be submitted to the Department when it is released by the Department of State Development (as proponent for both the Goomig and Knox developments under WA EP Act 1986).	An audit of compliance with the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2016 Statement 938 compliance assessment for the WA EPA. This audit was undertaken by Strategen Pty Ltd in 2016. The associated compliance assessment report will be submitted to the Department when it is released by the Department of State Development (as proponent for both the Goomig and Knox developments under WA EP Act 1986).	An audit of the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2017 Statement 938 compliance assessment required by the WA EPA.	An audit of the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2017 Statement 938 compliance assessment required by the WA EPA. The associated compliance assessment report will be forwarded when received from the DPIRD.
12C	The person taking the action must ensure that none of the following habitat trees or any vegetation within a 30m zone around these trees are cleared within the Buffer Area:	No clearing by KAI has occurred to date. Existing Carlton Hill Station	No change.	No change.	No change.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
		tracks and firebreaks are in situ.			
12C(i)	Confirmed or potential Bare-rumped Sheathtail Bat ( <i>Saccolaimus Saccolaimus nudicluniatu</i> s) roosting trees;	No clearing by KAI has occurred to date.	No change.	No change.	No change.
12C(ii)	Gouldian Finch ( <i>Erythrura gouldiae</i> ) breeding trees;	No clearing by KAI has occurred to date.	No change.	No change.	No change.
12C(iii)	Red Goshawk ( <i>Erythrorchis radiatus</i> ) nesting trees; and	No clearing by KAI has occurred to date.	No change.	No change.	No change.
12C(iv)	Masked Owl (Northern) ( <i>Tyto novaehollandiae kimberli</i> ) nesting trees.	No clearing by KAI has occurred to date.	No change.	No change.	No change.
12C(v)	The location and date of any incidental sightings of the species listed in Condition 12.C above must be reported to the Department within 30 days of occurrence.	No clearing by KAI has occurred to date.	No incidental sightings of species listed in Condition 12.C have occurred to date.	No change.	No change.
13	Weed and Pest Animal Management				
13A	The person taking the action must implement the action in accordance with Section 6 of the Knox Creek Plain Environmental Management Program August 2015.	An independent audit of compliance with the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2015 Statement 938 compliance assessment for the WA EPA. This audit was undertaken by Strategen Pty Ltd in 2015. The associated compliance assessment report	An audit of compliance with the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2016 Statement 938 compliance assessment for the WA EPA. This audit was undertaken by Strategen Pty Ltd in 2016. The associated compliance assessment report will be submitted to the Department when it is released by the	An audit of the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2017 Statement 938 compliance assessment required by the WA EPA.	An audit of the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2017 Statement 938 compliance assessment required by the WA EPA. The associated compliance assessment report will be forwarded when received from the DPIRD.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
		will be submitted to the Department when it is released by the Department of State Development (as proponent for both the Goomig and Knox developments under WA EP Act 1986).	Department of State Development (as proponent for both the Goomig and Knox developments under WA EP Act 1986).		
14	Independent Review Group				
14A	The person taking the action must appoint an Independent Review Group (IRG) to review the impacts of the action on aquatic listed threatened and migratory species. The IRG must be established prior to the submission of the Aquatic Fauna Management Plan to the Minister for approval. If a condition of another approval held by the proponent requires an IRG identical in nature, the proponent may meet the relevant requirements of both conditions by appointing a single IRG. The IRG must be established by the person taking the action in accordance with the following requirements:	The Knox Creek Plain Independent Review Group (IRG) was established in November 2015 and met for the first time on 30/11/2015. This meeting included review of the draft <i>Knox Creek Plain Aquatic Fauna Management Plan</i> , which was submitted to the Department for Ministerial approval on 4 January 2016.	The Knox Creek Plain AFMP was approved on 23 December 2016. The Knox IRG did not meet in 2016 due to (1) the development not having commenced; (2) monitoring being reviewed by the Weaber Plain (Goomig) IRG, which met in February and October 2016; and (3) the AFMP not being approved until very late in the year, despite it having no material difference to the approved Weaber Plain (Goomig) AFMP applying to the same river system. The Knox and Weaber Plain IRGs are expected to merge in 2017 with the transfer of the	The Weaber Plain IRG (established under EPBC 2010/5491) met on 8 January 2018 to review the 2017 operations and monitoring impacts. Formal merger of the Weaber and Knox IRG arrangements cannot occur until there is a single proponent for both the EPBC 2014/7143 and 2010/5491 approvals.	The Knox IRG did not meet in 2018, however the Weaber Plain IRG met on 9/1/18, 24/4/18 and 10/4/18. The Weaber IRG is progressing amendments to the water management and monitoring requirements, through the DoEE. A merger of the two groups occurred in early 2019.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
			proponency for EPBC 2010/5491 (Weaber Plain) to KAI.		
14A(i)	The IRG must be funded, resourced and managed by the person taking the action.	KAI funds and provides executive support to the Knox Creek Plain IRG.	No change.	The Knox IRG did not meet in 2017, as the development of the Knox Creek Plain has not yet commenced.	The Knox IRG did not meet in 2018, as the development of the Knox Creek Plain has not yet commenced.
14A(ii)	The IRG must consist of independent scientific and technical experts, of whom at least one must be a <i>Glyphis</i> and <i>Pristis</i> expert and two must be technical experts with at least five years experience in northern Australian surface water and groundwater hydrology, approved by the Minister.	Membership of the IRG was approved by the Department on 23 November 2015. Membership is as follows: Mr David Menzel - Independent Chairperson Dr Helen Larson – <i>Glyphis</i> and <i>Pristis</i> expert Mr Ray Evans – hydrology expert Dr Richard George – hydrology expert	No change to membership in 2016. Dr Helen Larson is withdrawing from many commitments, including the Knox and Weaber Plain IRG groups. Advice to the Minister regarding proposed alternative IRG membership will be forwarded in 2017.	Dr Helen Larson remains active on the Weaber Plain IRG. As such, a request for change of membership is yet to be forwarded to the Minister.	No change in 2018.
14A(iii)	Terms of Reference for the IRG must be prepared by the person taking the action and submitted for approval by the Minister. The Terms of Reference must include the frequency of proposed meetings, tenure of membership, and chairing and quorum arrangements. The Terms of Reference must be approved by the Minister in writing prior to the submission of the <i>Aquatic Fauna Management Plan</i> to the Minister for approval.	Knox Creek Plain IRG Terms of Reference were approved by the Department on 8 September 2015.	No change.	No change.	No change.
14A(iv)	The IRG must provide advice to the person taking the action on any revisions to the <i>Aquatic Fauna Management Plan</i> . The advice of the IRG must also be provided to the Minister.	Not required at this stage.	No change.	No change.	No change.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
14A(v)	The IRG must assess any exceedances of trigger values and advise changes to the person taking the action as required; and	Not required at this stage.	Water monitoring analysis reports for 2015 and 2016 have been prepared for the Weaber Plain (Goomig) development. These reports are not yet required for Knox but nonetheless are indicative of the proposed land management when Knox is developed.	Baseline studies only have been undertaken for the Knox Creek Plain. Water monitoring results are provided to the Weaber Plain IRG as the Knox IRG did not meet in 2017.	No change in 2018.
14A(vi)	The Minister may seek advice from the IRG at any time.	Advice not sought to date.	Advice not sought to date.	Advice not sought to date.	No change in 2018.
15	Aquatic Fauna Management.				
15A	The person taking the action must implement the action in accordance with Sections 7, 8 and 9 of the <i>Knox Creek Plain Environmental Management Program August 2015</i> , to minimise impacts on listed threatened and migratory species in the Keep River.	An independent audit of compliance with the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2015 Statement 938 compliance assessment for the WA EPA. This audit was undertaken by Strategen Pty Ltd in 2015. The associated compliance assessment report will be submitted to the Department when it is released by the Department	An audit of compliance with the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2016 Statement 938 compliance assessment for the WA EPA. This audit was undertaken by Strategen Pty Ltd in 2016. The associated compliance assessment report will be submitted to the Department when it is released by the Department of State Development (as proponent for both the Goomig and Knox	An audit of the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2017 Statement 938 compliance assessment required by the WA EPA. The associated compliance assessment report is attached as Appendix A.	An audit of the <i>Knox Creek Plain Environmental Management Program</i> has been undertaken as part of the 2018 Statement 938 compliance assessment required by the WA EPA. A copy will be made available when received from the DPIRD.



Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
		of State Development (as proponent for both the Goomig and Knox developments under WA EP Act 1986).	developments under WA EP Act 1986).		
15B	In order to mitigate impacts to listed threatened and migratory species in the Keep River from impacts resulting from the action, the person taking the action must prepare an Aquatic Fauna Management Plan (AFMP), in consultation with the IRG. The AFMP must be submitted for approval by the Minister. The person taking the action must not commence clearance of the Development Area until the AFMP is approved by the Minister. The approved AFMP must be implemented. If a condition of another approval held by the proponent requires an AFMP, the proponent may meet the relevant requirements of both conditions by submitting a single plan. If a single plan is submitted, the plan must identify to which approval the sections of the plan relate. The AFMP must include:	<p>The <i>Knox Creek Plain Aquatic Fauna Management Plan</i> was submitted to the Department for Ministerial approval on 4 January 2016.</p> <p>The Goomig Independent Review Group, established under the associated EPBC Approval 2010/5491, cannot be directly applied to the Knox Creek Plain at this stage as a different proponent holds the Goomig approval. Nonetheless, there is a fifty per cent overlap in Goomig and Knox IRG membership.</p>	<p>The Knox AFMP was approved on 23 December 2016.</p> <p>The Knox and Weaber Plain IRGs are expected to merge in 2017 with the transfer of the proponenty for EPBC 2010/5491 (Weaber Plain) to KAI.</p>	<p>The Knox AFMP was approved on 23 December 2016.</p> <p>The Knox and Weaber Plain IRGs were expected to merge in 2017 with the transfer of the proponenty for EPBC 2010/5491 (Weaber Plain) to KAI, however neither of these occurred as proponenty transfer is a condition precedent to formal merger of the IRGs given that this condition states “if another approval held by the proponent...”.</p> <p>Nonetheless, the requirements of the Knox and Weaber AFMPs are congruent, with the Weaber IRG overseeing implementation.</p>	No change in 2018.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
15B(i)	A targeted, non-lethal baseline surveying program for listed threatened species that are likely to occur in the Keep River. This must include the critically endangered Speartooth Shark ( <i>Glyphis glyphis</i> ), the endangered Northern River Shark ( <i>Glyphis garricki</i> ), the vulnerable Dwarf Sawfish ( <i>Pristis clavata</i> ) and the vulnerable Freshwater Sawfish ( <i>Pristis Microdon</i> ), now known as Largetooth Sawfish ( <i>Pristis pristis</i> ). The methodology of the baseline surveying program must be developed in consultation with the IRG. Surveys must be conducted over a period of 3 years and must be undertaken in the four Keep River pools (K1, K2, K3 and K4) and at least three sites in the Keep River estuary.	This action has been completed under the requirements of the Goomig EPBC Approval 2010/5491. The Knox Creek Plain approval relates to the same aquatic system and KAI has adopted, under guidance of both IRGs, the findings of the baseline studies and the associated water quality triggers and management responses.	Complete.	Complete.	Complete.
15B(ii)	An outcome based risk assessment which is based on data collected during the baseline monitoring program and other relevant data to determine the potential risks to the listed threatened species named in Condition 15.B.i above as well as for the listed vulnerable Green Sawfish ( <i>Pristis zijsron</i> ) and the listed migratory Australian Snubfin Dolphin ( <i>Orcaella heinsohm</i> ) and Indo Pacific Humpback Dolphin ( <i>Sousa chinensis</i> ), at an individual and local population level.	An outcome-based risk assessment was completed under the Goomig EPBC Approval 2010/5491 in 2015. Extension to additional species will be undertaken in 2016 under the Aquatic Fauna Management Plan requirements.	An outcome-based risk assessment was included in the Knox AFMP approved on 23 December 2016. This action is now complete.	Complete.	Complete.
15B(iii)	Seasonal, site-specific baseline water quality and flow trigger values for the Keep River listed threatened and migratory species determined with reference to the ANZECC guidelines and the advice of the IRG. Until trigger values are established with the advice of the IRG, ANZECC guidelines trigger values for systems with high conservation/ecological value (as defined in the ANZECC guidelines) must be used. Sample analytes must also be determined with the advice of the IRG.	Trigger values for the Keep River have been established by the Goomig IRG under EPBC 2010/5491 requirements. These triggers have	Water monitoring analysis reports for 2015 and 2016 have been prepared for the Weaber Plain (Goomig) development, addressing triggers established for the	The 2017 water monitoring report was submitted to the Weaber IRG in early 2018, and also to the WA Department of Water and	The 2018 water monitoring report was submitted to the Weaber IRG in early 2018, and also to the WA Department of Water and Environmental

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
		been endorsed by both the Goomig and Knox IRGs.	Keep River under ANZECC guidelines. These reports are not yet required for Knox but nonetheless are indicative of the proposed land management when Knox is developed.	Environmental Regulation.	Regulation. KAI has determined that Keep River water quality triggers are based on out-of-season data for the receiving pool (K3), and is pursuing amendments to the triggers through the Weaber IRG.
15B(iv)	A monitoring program for the Keep River, Keep River pools, on the Development Area, and of relevant groundwater sites and parameters to be undertaken to monitor water quality and flow with the purpose of enabling early detection of changes so that corrective action can be taken to ensure that trigger values are not exceeded during construction and operation.	A monitoring program for the Keep River has been established under the oversight of the Goomig IRG within the EPBC 2010/5491 requirements. Monitoring program details are included in the <i>Knox Creek Plain Aquatic Fauna Management Plan</i> which has been submitted for approval.	Surface and groundwater monitoring is occurring under the Goomig and Knox approvals. A groundwater database and surface water monitoring reports for 2016 will be provided to the IRG in early 2017.	Not yet required as construction has not commenced.  <i>Surface and groundwater monitoring is occurring under the Goomig and Knox approvals. A groundwater database and surface water monitoring reports for 2017 will be provided to the IRG in 2018.</i>	No change in 2018.
15B(v)	A method or mechanism for predicting, modelling and/or monitoring the water quality of the seasonal first flush of water capable of detecting water quality trigger levels for listed threatened and migratory species, developed in consultation with the IRG. This may include onsite monitoring.	Dilution calculation approaches are being developed and refined under the guidance of the Knox and Goomig IRGs. This is included in the <i>Knox Creek Plain Aquatic Fauna Management Plan</i> which has been	Dilution calculation to inform risk assessment and management is included in the 2016 surface water monitoring report for Goomig and Knox. This report is, however, not yet required for the Knox development.	Not yet required.	Not yet required.

Condition	Requirement	Statement of Progress - 2015	Statement of Progress - 2016	Statement of Progress - 2017	Statement of Progress - 2018
		submitted for approval.			
15B(vi)	A targeted aquatic fauna monitoring program to be undertaken during construction and operation to measure the success of management measures to inform an adaptive management approach.	The targeted aquatic fauna monitoring program has been considered by both the Knox and Goomig IRGs and has been included in the <i>Knox Creek Plain Aquatic Fauna Management Plan</i> which has been submitted for approval.	Not yet required in relation to the Knox approval.	Not yet required as construction has not commenced.	Not yet required as construction has not commenced.
15B(vii)	Details of management objectives, management actions, performance standards, corrective actions should trigger values be reached, adaptive management and contingency measures to mitigate impacts on listed threatened and migratory species in the Keep River from changes to flow, water quality from surface water, stormwater and groundwater during construction and operation.	Management responses are included in the <i>Knox Creek Plain Aquatic Fauna Management Plan</i> which has been submitted for approval.	Management responses are included in the approved Knox AFMP.	No change.	No change.

### 3.0 References

Environmental Protection Authority, 2017, *Instructions on how to prepare Environmental Protection Act Part IV Environmental Management Plans*. OEPA, Perth.

Kimberley Agricultural Investment, 2017, *Goomig-Knox Surface Water Management Report 2016*. Prepared by Kimberley Boab Consulting for KAI.

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Kimberley Boab Consulting, 2015, *Knox Creek Plain Environmental Management Program August 2015*. Prepared for Kimberley Agricultural Investment Pty Ltd, Kununurra.

Kimberley Boab Consulting, 2016, *Knox Creek Plain Aquatic Fauna Management Plan*. Prepared for Kimberley Agricultural Investment Pty Ltd, Kununurra.

Kimberley Boab Consulting, 2018, *Ord River Irrigation Area Stage 2 (M2 Supply Channel) Compliance Assessment Report 2017*. Prepared for the Department of Primary Industries and Regional Development, WA.

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Strategen, 2016, *Ord River Irrigation Area Stage 2 (M2 Supply Channel) Compliance Assessment Report - Statement 938*. Prepared for LandCorp acting on behalf of the Department of State Development, Perth.

*Attachment A – Knox Creek Plain Satellite Image December 2018*



Satellite image (Sentinel 2) dated 11/12/2018, indicating that development has not commenced on the Knox Creek Plain. (Source: [www.satamap.com.au](http://www.satamap.com.au))