



Approval

Weaber Plain Development Project (EPBC 2010/5491)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted

Department of State Development

proponent's ABN

90 199 516 864

proposed action

The proposed action is to clear for irrigation and infrastructure an area up to 9,375ha on the Weaber Plain, 30km north-northeast of Kununurra, WA. The project infrastructure includes a main drainage channel, smaller distribution channels, stormwater and groundwater drainage, flood protection levees, access roads and power supply for each farm lot. (See EPBC Act referral 2010/5491).

Approval decision

Controlling Provision	Decision
Wetlands of international importance (sections 16 & 17B)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2061

Decision-maker

name and position

The Hon Tony Burke MP
Minister for Sustainability, Environment, Water, Population and Communities

signature

date of decision

13. 9. 11

Conditions attached to the approval

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.
2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of 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 the 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.
3. Within three months of every 12 month anniversary of the **commencement of the action**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
4. The person taking the action must provide a schedule of works to the **Department** prior to the **commencement of the action**.
5. To avoid and/or to minimise impacts on listed threatened and migratory species, the person taking the action must:
 - A. Not clear more than 9,375 hectares of vegetation (as described in the Supplementary Environmental Impact Statement);
 - B. Establish a **Buffer Area** of at least 11,470 hectares (as shown in Figure 2 of the Supplementary Environmental Impact Statement), to be managed for conservation in perpetuity;
 - C. Not clear any Gouldian Finch breeding habitat that is known to have been utilised by the Gouldian Finch;
 - D. Use no more than 120 GL of water per **water year** from the Ord River System for irrigation in the development area; and
 - E. Discharge groundwater only in the K1 pool or downstream in the Keep River estuary (as identified in Figure 5 of the Supplementary Environmental Impact Statement).

6. Gouldian Finch Conservation Plan

In order to protect the endangered Gouldian Finch (*Erythrura gouldiae*), the person taking the action must prepare a Gouldian Finch Conservation Plan (GFCP), in consultation with the **WA DEC** and a **Gouldian Finch Expert**. The GFCP must be submitted for approval by the **Minister**. **Clearance of farm lots** must not be undertaken until the GFCP is approved. The GFCP must include the following:

- A. A monitoring program that includes:
 - i. Baseline surveys of the quality and distribution of Gouldian Finch feeding habitat in the **Buffer Area**;
 - ii. Annual monitoring of breeding populations, including timing and reproductive outputs (i.e. clutch size and fledging success);
 - iii. Annual wet-season monitoring of foraging activity in critical wet-season feeding areas in close proximity to breeding areas;

- iv. Mapping, and annual monitoring of the **phenology** and productivity of wet season feeding habitat, and assessment of their use by Gouldian Finches;
- B. A Fire Management Program developed and implemented to protect and enhance Gouldian Finch feeding and breeding habitat. The Fire Management Program must incorporate relevant findings from fire management projects such as, but not limited to, the Ecofire project conducted in the northern and central Kimberley (Rangelands NRM 2011, <http://www.rangelandswa.com.au/pages/150/ecofire>) and must be developed in close consultation with a **Gouldian Finch expert**;
- C. Widening of all vegetation corridors indicated in Figure 2 of the Supplementary Environmental Impact Statement (including between Lots 5 and 18 and Lots 9 and 14) to a minimum width of 400m;
- D. Avoidance of clearing any breeding habitat that has been utilised by the Gouldian Finch, as identified in Figure 1 of the Gouldian Finch Management Plan;
- E. Salvaging of breeding hollows that are cleared for relocation in the **Buffer Area** and results of their use recorded as part of the monitoring program;
- F. Performance standards in relation to the Gouldian Finch population;
- G. Adaptive management triggers should performance standards not be met and contingency measures to be implemented if this occurs;
- H. An annual audit and review of the effectiveness of management measures, operating controls and implementation of any required improvements to management conditions;
- I. Protocols and timelines for review and reporting to the **Department**.

The approved Gouldian Finch Conservation Plan must be implemented.

7. **Buffer Management Plan**

In order to protect listed threatened species, the person taking the action must prepare a Buffer Management Plan (BMP) in consultation with the **WA DEC**. The BMP must be submitted for approval by the **Minister**. **Clearance of farm lots** must not be undertaken until the BMP is approved. The BMP must include:

- A. Vegetation and fauna surveys and mapping of the **Buffer Area** (shown in Figure 2 of the supplementary Environmental Impact Statement). Fauna surveys must be targeted for **EPBC Act** listed threatened species that are likely to occur in the **Buffer Area**. The program must be developed in consultation with **WA DEC**, with methodologies approved by the **Department**. The person taking the action must provide results of the survey program to the **Department**, including maps showing the location of any breeding, nesting or denning habitat identified in the **Buffer Area**. The survey program must include the endangered Northern Quoll (*Dasyurus hallucatus*), the vulnerable Red Goshawk (*Erythrorchis radiates*) and the vulnerable Northern Shrike-tit (*Falcunculus frontatus whitei*). Surveys must be completed prior to 31 December 2012.
- B. Details of tenure and management arrangements of the **Buffer Area** that provides assurance that the area will be conserved and managed in perpetuity;
- C. Ongoing management practices that will be applied to the **Buffer Area** to maximise benefits to listed threatened species;

- D. Methods to control human disturbance of the **Buffer Area**, including restriction of vehicular access;
- E. Regular and ongoing inspection of the **Buffer Area** for weeds, plant pathogens and pest animals and methods to prevent the introduction and spread and provide for quick control of weeds, plant pathogens and pest animals in the **Buffer Area**;
- F. Fire management of the **Buffer Area** to maximise benefits to listed threatened species;
- G. Methods to minimise the impacts of construction activities on the **Buffer Area**;
- H. Rehabilitation of disturbed portions of the **Buffer Area** to benefit listed threatened species;
- I. Responsibilities and provision of resources for the ongoing management of the **Buffer Area**;
- J. Protocols and timing of review and reporting to the **Department**.

The approved Buffer Management Plan must be implemented.

Note: To avoid doubt, if a condition of another approval held by the proponent requires a Buffer Management Plan, the proponent may simultaneously meet the relevant requirements of both conditions by submitting a single plan.

8. **Weed, Plant pathogen and Pest Management Plan**

In order to protect listed threatened species, the person taking the action must undertake the action in accordance with the Weed, Plant pathogen and Pest Management Plan approved under the *Environmental Protection Act 1986*, and any amendments to that plan. The person taking the action must provide an annual report to the **Department** on compliance with the plan, with the first report submitted not later than 12 months after commencement of the action.

9. **Independent Review Group**

The person taking the action must appoint an **Independent Review Group** to review hydrological aspects of the action and associated impacts on **EPBC Act** listed threatened species. The **Independent Review Group** must be established prior to the submission of the Aquatic Fauna Management Plan, Stormwater and Groundwater Discharge Management Plan and Groundwater Management Plan (referred to in Conditions 10, 11 and 12) to the **Minister** for approval. The **Independent Review Group** must be established according to the following requirements:

- A. The group must be funded, resourced and managed by the person taking the action;
- B. The group must consist of independent scientific and technical experts, of whom at least one must be a **Glyphis and Pristis expert** and two must be technical experts with at least 5 years experience in northern Australian surface water and groundwater hydrology. The members of the group and any subsequent changes must be approved by the **Minister**;
- C. Terms of Reference for the group 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 and chairing and quorum arrangements. The Terms of Reference must be approved by the **Minister** in writing prior to the submission of the Aquatic Fauna Management Plan, Stormwater and Groundwater Discharge Management Plan and Groundwater Management Plan, to the **Minister** for approval;

- D. The group must provide advice on any substantive changes to, or reviews of the Aquatic Fauna Management Plan, Stormwater and Groundwater Discharge Management Plan and Groundwater Management Plan (referred to in Conditions 10, 11 and 12);
- E. The group must assess any exceedance of trigger values and advise changes as required;
- F. The **Minister** may seek advice from the review group at any time. Specific matters identified through such advice may need to be addressed in the Management Plans. Where such advice is sought the proponent would be provided with opportunity to submit information and respond to the specific matters identified, in order to ensure the Management Plans are based on the best available information;

10. Aquatic Fauna Management Plan

In order to protect listed threatened species in the Keep River, the person taking the action must prepare an Aquatic Fauna Management Plan (AFMP), in consultation with the **WA DEC** and the **Independent Review Group**. The AFMP must be submitted for approval by the **Minister**. **Clearance of farm lots** must not be undertaken until the AFMP is approved. The AFMP must include:

- A. 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 (*Glyphis glyphis*), the endangered Northern River Shark (*Glyphis garricki*), the vulnerable Dwarf Sawfish (*Pristis clavata*) and the vulnerable Freshwater Sawfish (*Pristis Microdon*). The methodology of the baseline surveying program must be developed in consultation with the **Independent Review Group**. 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 3 sites in the Keep River estuary;
- B. Details of water quality and flow requirements, including relevant downstream environmental quality parameters, in accordance with **ANZECC guidelines**;
- C. A monitoring program in the Keep River pools to be undertaken to ensure water quality and flow does not exceed trigger values;
- D. Details of an outcome based risk assessment which utilises data collected during the baseline monitoring program to determine the potential for risk to listed species at an individual and local population level;
- E. Details of management objectives, management actions, performance standards and contingency measures to mitigate impacts on listed aquatic fauna species in the Keep River;
- F. Regular and ongoing inspection of the Border Creek and Keep River for weeds, plant pathogens and pest animals and methods to prevent the introduction and provide for quick control of weeds, plant pathogens and pest animals in the Border Creek and Keep River as a result of the action;
- G. A targeted aquatic fauna monitoring program to be undertaken to measure the success of management measures to inform an adaptive management approach;
- H. Protocols and timelines for review and reporting to the **Department**.

The approved Aquatic Fauna Management Plan must be implemented.

11. Stormwater and Groundwater Discharge Management Plan

In order to protect listed threatened species in the Keep River, the person taking the action must prepare a Stormwater and Groundwater Discharge Management Plan (SGDMP) in consultation with the **Independent Review Group**. The SGDMP must be submitted for approval by the **Minister**. **Clearance of farm lots** must not be undertaken until the SGDMP is approved. The SGDMP must include:

- A. Details of a **Tailwater Management System** to be established on each farm to manage runoff and minimise the discharge of pollutants into the Border Creek and Keep River. The **Tailwater Management System** must be actively managed to minimise the discharge of stormwater into the Border Creek and Keep River. The **Tailwater Management Systems** must be constructed and operational prior to **commencement of irrigation**;
- B. Management actions to prevent runoff transporting pollutants downstream should the agreed tailwater retention capacity be reached. This must include diversion of on-farm stormwater to irrigation channels in periods of low flow, where there is capacity, as identified by Conditions 11.G and 11.H, to ensure pollutants are not transported into the Border Creek and Keep River in low flow periods;
- C. A baseline monitoring program for water quality and hydrology in the Border Creek and Keep River. This must be completed prior to **commencement of irrigation** and prior to any release of stormwater or groundwater from farms. Sampling sites must include the Keep River estuary and the four Keep River pools (K4, K3, K2 and K1). Methodologies and sampling locations must be established in consultation with the **Independent Review Group**;
- D. Installation of water quality and flow gauging stations capable of sampling first flush discharges at: the stormwater outlet from the **Development Area**; Border Creek; and in the Keep River, in consultation with the **Independent Review Group**. Sampling must include analytes identified in Condition 11.I and must have the required accuracy to measure low flow rates. Gauging stations must be established prior to the **commencement of irrigation**. For any release of first flush water, monitoring must be conducted more than once a day and for any other stormwater flows monitoring must be conducted at least once per day. Automated sampling techniques may be utilised.
- E. **Seasonal** baseline water quality trigger values for the Keep River must be determined in accordance with **ANZECC guidelines** and agreed by the **Independent Review Group**. Until these trigger values are agreed by the **Independent Review Group**, **ANZECC guidelines** trigger values for systems with high conservation/ecological value (as defined in the **ANZECC guidelines**) must be used. Sample analytes must be agreed to by the **Independent Review Group** and in accordance with Condition 11.I;
- F. Details of **AUSRIVAS** trigger levels for aquatic macro-invertebrates. **AUSRIVAS** assessment must be undertaken in consultation with the **Independent Review Group** and prior to the **commencement of irrigation**;
- G. Updating of the discharge dilution and release timing model (based on Keep River and Border Creek flow monitoring data and water quality characteristics of stormwater from the **Development Area** and the Keep River system). This must be conducted prior to **commencement of irrigation** and annually during operation.
- H. An adaptive groundwater and stormwater discharge program to provide for adaptive management of the discharge of stormwater and surplus groundwater that includes:
 - i. discharge rules and rates and contingency actions; and

- ii. monitoring locations and requirements including infrastructure and setup;
 - iii. design and location of dewatering infrastructure;
 - iv. design and location of discharge infrastructure;
 - v. written evidence of any Northern Territory Government permits that are required for discharge of groundwater; and
 - vi. management measures that ensure discharge of water will not impact on water quality in Border Creek and Keep River, including erosion protection measures.
- I. Establishment of a list of key analytes to be sampled as part of ongoing water quality monitoring in consultation with the **Independent Review Group**. The list must be updated annually based on monitoring results.
- J. Discharge of groundwater to the Keep River to occur only if all other strategies have been undertaken and there is sufficient flow as determined by Condition 11.H. Discharge must be in the K1 pool or downstream in the Keep River estuary (as identified in Figure 5 of the Supplementary Environmental Impact Statement), with discharge timings and rules developed with consideration of ebb tides and in consultation with the **Independent Review Group**.
- K. Contingency actions to dispose of excess groundwater should monitoring results from Condition 10.C and 10.G indicate there are likely to be adverse impacts on listed threatened species as a result of the action.
- L. An Operational Surface Water Model (OSWM) (that incorporates the outcomes of Conditions 11.A, 11.G and 11.H, and the requirements of 11.J and 11.K) to minimise discharges of stormwater and groundwater into the Border Creek and Keep River and ensure that all flow rules are complied with. A framework of the OSWM must be provided prior to **commencement of irrigation** and a full model, which includes updated monitoring results, provided within 12 months of the **commencement of irrigation**. The OSWM must be updated on a **seasonal** basis.
- M. Contingency measures should water quality and flow trigger values be exceeded or there are impacts on the health of threatened species as identified in aquatic fauna monitoring results in Condition 10.G. This must include the ceasing of discharge of stormwater and groundwater to the Border Creek and Keep River, implementation of a high intensity (at least daily) water quality sampling program, release of fresh irrigation water to flush the system and changes to farm practices such as reducing or ceasing the use of fertilisers and chemicals.
- N. Protocols and timelines for review and reporting to the **Department**.

The approved Stormwater and Groundwater Discharge Management Plan must be implemented.

Note: To avoid doubt, if a condition of another approval held by the proponent requires a Stormwater and Groundwater Discharge Management Plan (or a similar plan), the proponent may simultaneously meet the relevant requirements of both conditions by submitting a single plan.

12. Groundwater Management Plan

In order to protect listed threatened species in the Keep River, the person taking the action must prepare a Groundwater Management Plan (GMP) in consultation with the **Independent Review Group**. The GMP must be submitted for approval by the **Minister**. **Clearance of farm lots** must not be undertaken until the GMP is approved. The GMP must include:

- A. Expansion of the existing groundwater monitoring bore network for the collection of baseline and ongoing groundwater data. The expanded bore network must be

installed prior to commencing **clearance of farm lots** and at least 18 months before the **commencement of irrigation** and must include:

- i. At least 20 high intensity regional bores, and
- ii. At least 30 low intensity regional bores.

The management plan must indicate the locations for the expanded bore network;

- B. Monitoring of the bores established under Condition 12.A to collect baseline and ongoing groundwater data. Baseline monitoring must commence at least 18 months prior to **commencement of irrigation**.

Sampling parameters must be determined in consultation with the **Independent Review Group** and must include:

- i. High intensity bores:
Daily groundwater levels and temperature monitoring;
Seasonal monitoring of Electrical Conductivity (EC), pH, Total Dissolved Solids (TDS), major cations and anions, nutrients and pesticides;
- ii. Low intensity bores:
Seasonal monitoring of EC, pH, groundwater levels, TDS, nutrients and pesticides;

- C. The establishment of at least one on-farm bore per farm. The on-farm bore network must be installed prior to **commencement of irrigation**;
- D. Monitoring of the on-farm bores established under Condition 12.C to collect baseline and ongoing groundwater data. Parameters for monitoring must be determined in consultation with the **Independent Review Group** and must include **seasonal** monitoring of groundwater levels, EC and pH;
- E. Updates of the groundwater model and operation of the groundwater management system with monitoring data derived from Conditions 12.B and 12.D to assist in determining an optimal dewatering strategy. Numerical groundwater modelling must be updated prior to **commencement of irrigation** and in consultation with the **Independent Review Group**. Subsequent updates must be conducted every 2-4 years depending on monitoring in Condition 12.D (if worse case scenario indicates a breach in trigger levels, modelling must be updated every 2 years, otherwise every 4 years);
- F. Monitoring of the bores established under Condition 12.C for physical, chemical and nutrient parameters, if high or low intensity bores exceed groundwater quality or groundwater level triggers. Sampling must include groundwater levels, EC, TDS, major cations and anions, nutrients, pesticides and pH and must be undertaken on a **seasonal** basis for five years following the exceedance of trigger levels.
- G. Establishment of groundwater quality trigger levels for chemicals and nutrients through the use of baseline groundwater quality monitoring in accordance with **ANZECC guidelines (2000)**. **ANZECC guidelines** trigger values for a 'high conservation/ecological value system' must be adopted for the initial 3 year period. Site specific trigger levels may be determined following this period based on **ANZECC guidelines** protocols.
- H. Establishment of groundwater management infrastructure, including a network of groundwater abstraction bores in the **Development Area** and **Buffer Area** and discharge infrastructure at the K1 pool or downstream in the Keep River estuary designed in consultation with the **Independent Review Group**. Forecasting of trigger level exceedance must be projected 10 years into the future. Abstraction wells and

groundwater discharge infrastructure must be installed and operational prior to any expected breach of trigger levels based on forecasting (incorporating the accuracy of the model into installation timings).

- I. Establishment of a series of high intensity reference bores, at locations agreed to by the **Independent Review Group**, to define a groundwater reference condition. The reference bores must be installed at least 18 months prior to **commencement of irrigation**.
- J. Monitoring of the bores established under Condition 12.1 to collect reference baseline and ongoing groundwater data. Sampling must include daily groundwater levels and temperature and **seasonal** EC and pH levels.
- K. Details of contingency measures should groundwater levels, soil salinity, chemicals or nutrients exceed trigger levels. This must include details of increased monitoring, implementation of a groundwater control program and changes to farm practices such as reducing or ceasing the use of fertilisers and chemicals.
- L. Details of contingency measures to be implemented should trend analysis of groundwater levels exceed the trend at reference bores by a rate determined in consultation with the **Independent Review Group**. This must include details of increased monitoring and implementation of a groundwater control program.
- M. Protocols and timelines for review and reporting to the **Department**.

The approved Groundwater Management Plan must be implemented.

Note: To avoid doubt, if a condition of another approval held by the proponent requires a Groundwater Management Plan, the proponent may simultaneously meet the relevant requirements of both conditions by submitting a single plan.

13. Decommissioning Plan

In order to protect listed threatened species, the person taking the action must prepare a Decommissioning Plan (DP), in consultation with the **WA DEC**. A preliminary DP must be submitted for approval by the **Minister** not more than 5 years after **commencement of the action** and a final DP submitted at least 6 months prior to the anticipated date of decommissioning. The DP must include:

- A. The progressive removal or reuse of infrastructure where operations cease;
- B. Establishment of management practices and safeguards to minimise environmental disturbance;
- C. Measures to ensure **Matters of National Environmental Significance** are not impacted by progressive decommissioning, or final decommissioning of infrastructure;
- D. Rehabilitation actions for the infrastructure sites following decommissioning including for:
 - i. optimising habitat and habitat connectivity for **Matters of National Environmental Significance**;
 - ii. enhancing pre-construction environmental quality; and
 - iii. ongoing management during rehabilitation.

The approved Decommissioning Plan must be implemented.

Note: To avoid doubt, if a condition of another approval held by the proponent requires a Decommissioning Plan, the proponent may simultaneously meet the relevant requirements of both conditions by submitting a single plan.

14. Offset Management Plan

In order to offset the potential impacts on listed threatened species, including the endangered Gouldian Finch (*Erythrura gouldiae*), the endangered Northern Quoll (*Dasyurus hallucatus*), the vulnerable Red Goshawk (*Erythrotorchis radiates*), the vulnerable Crested Shrike-tit (*Falcunculus frontatus whitei*), the critically endangered Speartooth Shark (*Glyphis glyphis*), the endangered Northern River Shark (*Glyphis garricki*), the vulnerable Freshwater Sawfish (*Pristis Microdon*) and the vulnerable Dwarf Sawfish (*Pristis clavata*), the person taking the action must prepare an Offset Management Plan (OMP) in consultation with the **WA DEC**. The OMP must be submitted for approval by the **Minister**. The OMP must be submitted to the **Department** for approval by the **Minister** no later than 12 months after the date of this approval decision.

The OMP must include, but should not be limited to:

- A. Details of the direct offsets proposed in the draft Environmental Impact Statement and how these will deliver long-term conservation benefits for relevant terrestrial listed threatened species that would not otherwise be achieved. This must include:
 - i. Mapping of the native vegetation habitat suitable for listed threatened species;
 - ii. Details of the area and characteristics of suitable habitat for listed threatened species;
 - iii. Details of whether the offset site provides the same landscape function and habitat type for the listed species as the habitat cleared or impacted by the proposal;
 - iv. Details of whether the offset site delivers a real conservation outcome that would not have otherwise been achieved (i.e. whether it was to be protected regardless of the action);
 - v. Steps that will be taken to ensure that any direct offset site will be protected in perpetuity for conservation purposes and details of evidence that will be provided to the **Department** that conservation covenants have been entered into;
 - vi. Provision of ongoing management of the offset site, including details of funding mechanisms.
- B. Details of alternative direct or indirect offsets if the proposed offsets do not satisfy the requirements listed in Condition 14.A;
- C. Funding of research activities, agreed by the **Department**, to an amount of no less than \$150,000 per year for 10 years, for the management, monitoring and/or improved protection of the critically endangered Speartooth Shark (*Glyphis glyphis*), the endangered Northern River Shark (*Glyphis garricki*), the vulnerable Freshwater Sawfish (*Pristis Microdon*) and the vulnerable Dwarf Sawfish (*Pristis clavata*). The proposed research activities must be developed in consultation with the **Sawfish and Glyphis Recovery Team**. Payments must be made to a trust fund agreed to by the **Department**. Research activities must be approved and the first yearly payment must be provided within 18 months of the date of this approval decision.

The approved Offset Management Plan must be implemented.

15. If the person taking the action wishes to carry out any activity otherwise than in accordance with any of the management plans as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that management plan. The varied activity shall not commence until the **Minister** has approved the varied management plan in writing. The **Minister** will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the

revised management plan, that management plan, must be implemented in place of the management plan originally approved.

16. If the **Minister** believes that it is necessary or convenient for the better protection of the listed threatened and 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.
17. Unless otherwise agreed to 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 1 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**.
18. Prior to the sale of any land the person taking the action must provide evidence to the **Department** that any relevant conditions (including, but not limited to the requirements of Conditions 6, 7, 8, 10, 11, 12 and 13) have been registered on the title.
19. Annually, beginning twelve months after the **commencement of the action**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
20. 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**.

Definitions:

ANZECC guidelines are the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000).

AUSRIVAS is the Australian River Assessment System.

The **Buffer Area** is the area surrounding the **development area**, as shown in Figure 2 of the Supplementary Environmental Impact Statement.

Clearance of farm lots is the removal of any vegetation on the farm lots identified in the Supplementary Environmental Impact Statement.

Commencement of the action is the construction of any infrastructure associated with the proposed action.

Commencement of irrigation is the commencement of any irrigation of farmland in the development area.

The **Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

The **Development Area** is the area to be developed, including farm lots and associated infrastructure, not including the **Buffer Area**, as shown in Figure 2 of the Supplementary Environmental Impact Statement.

Glyphis and pristis expert is a person with at least five years experience in ecology and experience in *Pristis* and *Glyphis* species ecology and management.

The **EPBC Act** is the *Environment Protection and Biodiversity Conservation Act 1999*.

Gouldian Finch Expert is a person with at least five years experience in ecology and experience in Gouldian Finch (*Erythrura gouldiae*) ecology and management.

The **Minister** is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Phenology is the study of periodic life cycle events and how these are influenced by seasonal and interannual variations in climate.

The **Project Area** is the whole footprint of the proposal, including the **development area** and the **Buffer Area**, as shown in Figure 2 of the Supplementary Environmental Impact Statement.

The **Sawfish and Glyphis Recovery Team** is the team working on the *Draft Recovery Plan for Sawfish and Glyphis*, being led by the **Department**.

Seasonal means the start of the dry season prior to irrigation and the start of the wet season prior to wet season rains.

Tailwater Management System is a system to retain first-flush rainfall and irrigation runoff from farms, as outlined in section 3.2.2 of the Draft Environmental Impact Statement.

WA DEC means the Western Australian Department of Environment and Conservation or its successor organisation.

A **water year** is the year beginning 1 November and ending 31 October.