



Department of
Primary Industries and
Regional Development

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Compliance Report Weaber Plain Development Project 1 May 2022 to 30 April 2023

EPBC 2010/5491

August 2023



Document Control

Date	Version	Reviewed
21 August 2023	1	Renee Zuks

Acronyms and Abbreviations

AFMP	Aquatic Fauna Management Plan
BMP	Buffer Management Plan
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DPIRD	Department of Primary Industries and Regional Development
DW1GS	DW1 Gauging Station
DWER	Department of Water and Environmental Regulation
EMP	Environmental Management Programme (or Plan)
EP Act	<i>Environmental Protection Act 1986</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cwth)</i>
GFCP	Gouldian Finch Conservation Plan
GL	Gigalitres
GMP	Groundwater Management Plan
ha	Hectare
IRG	Independent Review Group
KAI	Kimberley Agricultural Investment Pty Ltd
km	Kilometres
MG Corporation	Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation
MS938	Ministerial Statement 938
OIC	Ord Irrigation Cooperative
ORIA	Ord River Irrigation Area
OSWM	Operational Surface Water Model
RIWI Act	<i>Rights in Water and Irrigation Act (WA)</i>
SGDMP	Stormwater and Groundwater Discharge Management Plan
WA	Western Australia

Statement of Compliance

Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed



Full Name

Eamonn McCabe

Position

Executive Director, Industry and Economic
Development

**Organisation (please print
including ABN/ACN if applicable)**

Department of Primary Industries and Regional
Development

ABN 18 951 343 745

Date

28 / 08 / 23

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1. Introduction

The Weaber Plain Development Project (Goomig Project) was approved on 13 September 2011. The approval reference is EPBC 2010/5491 (the Approval).

The Goomig Project comprises irrigated farmland, associated infrastructure, and a buffer area on the Weaber Plain located about 30 km north-northeast of Kununurra in Western Australia. Figure 1 shows the location and layout of the Goomig Project and interface with other projects including the Knox Creek Plain Irrigation Development (EPBC 2014/7143), Sorby Hills Silver Lead Zinc mining project, and Ord River Irrigation Area (ORIA) Stage 1 'Cave Springs' farms.

The Department of Primary Industries and Regional Development is the Goomig Project proponent. Kimberley Agriculture Investment Pty Ltd (KAI) has tenure of the Goomig Project farmlands, except Lots 15 and 16 which are owned by the Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation (MG Corporation). MG Corporation has the right under Ord Final Agreement Indigenous Land Use Agreement to acquire the buffer area in freehold.

This document reports on compliance with the conditions set out in the Approval for the period 1 May 2022 to 30 April 2023, as required by condition 3 of the Approval.

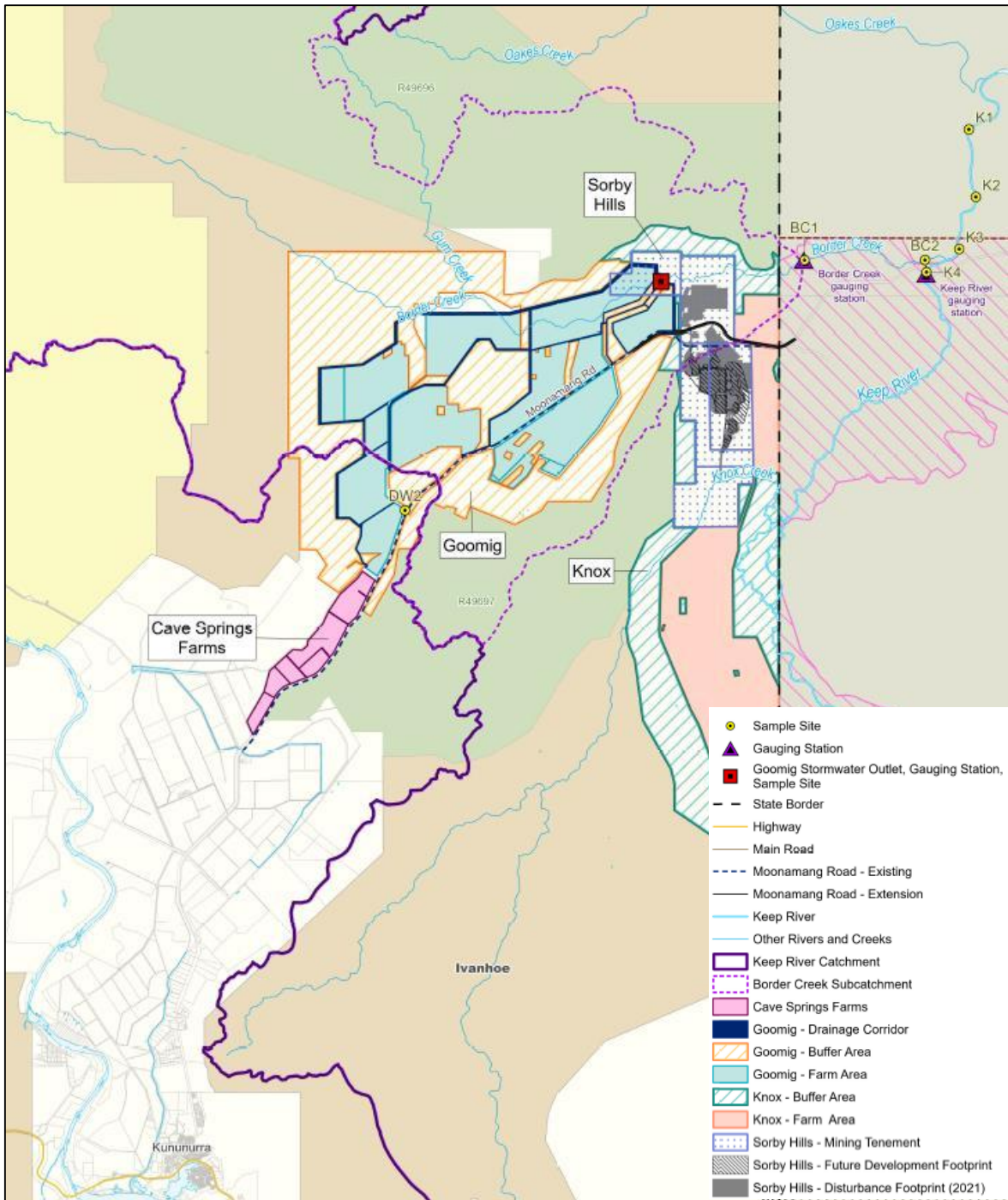


Figure 1 Goomig Project location, layout and adjacent development

2. Description of activities

Table 1 sets out key compliance details as required by the Annual Compliance Report Guidelines (Department of the Environment 2014).

Table 1. Key compliance details

Descriptor	Detail
Proponent	Department of Primary Industries and Regional Development
Proponent ABN	18 951 343 745
EPBC Number	EPBC 2010/5491
Project name	Weaber Plain Development Project
Project location	North-northeast of Kununurra, Western Australia
Approval date	13 September 2011
Person accepting responsibility for this report	Eamonn McCabe, Executive Director, Regional Business Development
Reporting period dates	1 May 2022 to 30 April 2023
Date of report preparation	August 2023

Figure 2 shows the extent of clearing within the Goomig Project area to 19 April 2023. No clearing was undertaken in the Goomig Project area in the reporting period. The Goomig Project is fully developed and operational except for farm Lots 4, 7, 11 and 15. Lot 15 was cleared during a previous reporting period but is not yet developed. Lots 4, 7 and 11 remained uncleared at the conclusion of the reporting period on 30 April 2023.

KAI grew maize and cotton during the reporting period. Cotton was also cropped on MG Corporation's Lot 16. Lots 19, 20 and 21 were sub-leased to external entities. KAI (2023) reported that:

- KAI and MG Corporation both continued their cropping programs on the Goomig farmlands in 2022.
- The Ord Irrigation Cooperative released 36.852GL to the Goomig farmlands through the M2C3 structure.
- Of this, the offtake meters recorded 32.012GL delivered to Goomig farms for irrigation during the 2022 irrigation season.
- There were no incidents or reports of tailwater releases or accidental discharges to Border Creek or the Keep River from the Goomig farmlands during the dry season.
- DWER issued water licence SWL179228(4) on 14 May 2020. The water licence was subsequently amended on the 26 June 2020 to include MG Corporation water requirement.



Figure 2 Goomig Project cleared area to 19 April 2023 (Satamap)

3. Other project approvals

Table 2 lists other approvals relevant or related to the Goomig Project approval EPBC 2010/5491. The environmental management programme required by condition 5 of Ministerial implementation Statement 938 (MS938) issued under the *Environmental Protection Act 1986* (WA) contains requirements in common with the EPBC approval conditions and underlying management plans. The MS938 Compliance Assessment Report 2022 is provided as Attachment 1 to this annual Compliance Report.

Table 2. Other relevant or related project approvals

Location	Approval	Approval Authority	Approval Holder	Relevance
Weaber Plain, Knox Creek Plain, and M2 corridor.	MS938 Ord River Irrigation Area Stage 2 (M2 Supply Channel)	WA Minister for Environment	WA Minister for Regional Development	The Goomig Project is within the ORIA Stage 2 area. The two approvals contain common requirements.
Weaber Plain (Goomig)	SWL179228 Surface Water License issued under RIWI Act	DWER under delegation	KAI	The licence Operating Strategy requires compliance with environmental approvals.
Knox Creek Plain	EPBC 2014/7143 Knox Creek Plain Irrigation Development	Australian Government Minister for the Environment	KAI	Located adjacent to the Goomig Project. Lies within the ORIA Stage 2 approval area. Located within the Keep River catchment.
Sorby Hills	EPBC 2011/6230 'Not a controlled action' decision Sorby Hills Silver Lead Zinc Project, East Kimberley	Australian Government Minister for the Environment	Boab Metals Pty Ltd	Located adjacent to the Goomig Project Located within the Keep River catchment
Sorby Hills	Ministerial implementation Statement 964, amended by Statement 1097 Sorby Hills Silver Lead Zinc Project, East Kimberley	Minister for Environment	Boab Metals Pty Ltd	Located adjacent to the Goomig Project Located within the Keep River catchment

4. Compliance assessment

Compliance was assessed for the period 1 May 2022 to 30 April 2023. The following designations were used to record compliance status.

Compliant

Where the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.

Non-compliant

Where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.

Not applicable

Where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. Requirements previously reported as complete are designated 'Not applicable'.

Table 4 (Compliance Table) details the compliance assessment for the reporting period. The assessment addresses all conditions of the Approval, as varied. Table 3 summarises the non-compliances and the corrective measures being undertaken by DPIRD. DCCEE was not notified of the non-compliances prior to submission of this Compliance Report. Key areas of non-compliance are:

- The absence of Gouldian Finches breeding and foraging in the Goomig Project buffer area (Condition 6)

It is unclear why Gouldian Finches are absent from the buffer area. DPIRD has requested external services to investigate the cause and is implementing Biota Environmental Science's (2023a) recommendations including the expansion of next year's program to include the systematic location and inspection of natural breeding hollows.

- Key buffer management actions not being undertaken (Condition 7)

DPIRD is implementing corrective buffer area management actions including weed survey, updating of priority areas for management, and implementation of mitigative action. A vegetation condition assessment of the whole buffer area will inform priority threats and areas for management.

- The continued dysfunction of the DW1 gauging station at the stormwater outlet (Condition 11D)

Water quality monitoring was undertaken at the stormwater outlet, and on the Border Creek and Keep River during the reporting period despite stormwater flow data being unavailable from the DW1 gauging station to trigger 'event-based' monitoring. Monitoring was conducted throughout the 2022-2023 wet season from the time of 'first flush' until after the cessation of stormwater discharges. Frequency of sampling was once per week for most of the wet season and analysis included an extended suite of pesticides. A detailed report is included as evidence: *Keep River 2022-2023 Water Quality Monitoring and Management Report* (DPIRD 2023).

KAI advised DPIRD that it has identified a suitable gauging system for implementation at the stormwater outlet to enable flow to be monitored on a continuous basis from the 2023-2024 wet season. Data will be transmitted via the existing onsite communications infrastructure.

- The groundwater model has not been updated since Project commencement (Condition 12E)

The Independent Review Group (IRG) determined that review and analysis of groundwater monitoring data collected since 2019 must be completed after the collection of 2023 comprehensive data and that the question of whether the groundwater model should be updated be revisited after the groundwater review and analysis.

Table 3. Non-compliances and corrective measures

Condition No.	Short description	Details of non-compliance	Corrective measures
3	Submission of annual compliance report	The annual compliance report for the period 1 May 2021 to 30 April 2022 was submitted late.	DPIRD engaged a dedicated Project (Environmental) Manager in July 2022 to assist the Department in meeting the State's environmental obligations under MS938 and EPBC 2010/5491. DPIRD also secured further operational funding in 2023 to support compliance with approval conditions.
6A	Gouldian Finch breeding, foraging activity, phenology, and productivity of wet season feeding habitat and assessment of use by Gouldian Finches.	<p>No Gouldian Finches were found breeding in the Goomig Project buffer area (Biota 2023a) during surveys in March, April, and May 2023. These results indicate the target identified in the approved Gouldian Finch Conservation Plan of 'no reduction in baseline breeding numbers which can be attributed to Buffer Area management' has not been achieved.</p> <p>The results of wet season foraging and grass monitoring in the buffer area in December 2022 and March 2023 (Biota 2023b) indicate that the target identified in the GFCP of 'no reduction in baseline [wet season] foraging activity which can be attributed to Buffer Area management' has not been met, as no Gouldian Finches were recorded during systematic foraging surveys in the wet season nor incidentally during nest box monitoring in April and May.</p>	<p>DPIRD has requested external services to investigate and report on why Gouldian Finches are not breeding and foraging in the buffer area. The outcome of this investigation will inform corrective measures.</p> <p>DPIRD refurbished and reinstalled nest boxes in October 2022 and relocated others to more suitable habitat. DPIRD will undertake maintenance activities again prior to the commencement of the 2023-2024 wet season targeting those nest boxes recorded by Biota (2023a) as blocked or broken.</p> <p>Biota (2023a) considered there may be a lag in uptake of the nest boxes refurbished and reinstalled in 2022. Biota also considered it possible, though unlikely, that past reduction in artificial nest box</p>

Condition No.	Short description	Details of non-compliance	Corrective measures
6B	Implementation of Fire Management Program to protect and enhance Gouldian Finch feeding and breeding habitat.	While there was noticeably less evidence of fire in the buffer area in 2022-2023, it is possible that the late season fires in the buffer area and adjacent Goomig Conservation Park in 2021 played some role in the Gouldians being absent from the area. Biota (2022) felt that fires were unlikely to be the primary reason for the lack of breeding activity in 2022 as no breeding was recorded the previous year either. However, DPRID has assessed that the Goomig Project is non-compliant with condition 6B until investigation is completed to understand the cause of absence of Gouldians in the buffer area.	availability caused Gouldian Finches to shift back to using natural hollows. DPRID is implementing Biota's (2023a) recommendations. The 2024 monitoring program will be extended to include the systematic location and inspection of potentially suitable natural hollows in the area. DPRID is also investigating the potential expansion of the monitoring program to include control site(s). Monitoring in 2024 will ascertain whether there is in fact a lag in uptake of the new nest boxes.
6F	Gouldian Finch population performance standards	The Goomig Project is assessed as non-compliant with the Gouldian Finch performance standards prepared by Save the Gouldian Fund because of the lack of breeding and foraging activity in the buffer area.	
6G	Adaptive management and implementation of contingency measures if performance standards are not being met	The GFCP identifies corrective actions to be implemented if targets are not being met. In the first instance, DPRID is to investigate the cause of the targets not being met. The Goomig Project is assessed as non-compliant with condition 6G given an investigation has not yet commenced.	
6H	Annual audit and review of effectiveness of management measures and implementation of improvements.	The Goomig Project is assessed as non-compliant with condition 6H because the GFCP targets are not being met and an investigation into why the targets have not been met, has not yet commenced.	

Condition No.	Short description	Details of non-compliance	Corrective measures
7C	Management of buffer area to maximise benefits to threatened species	Key buffer management actions are not being undertaken including maintenance and monitoring of established weed transects, updating of priority areas for management, controlled burns, and buffer condition assessment.	DPIRD will survey established weed transects in August and September 2023 and update priority areas for management. Management will commence prior to the 2023-2024 wet season.
7E	Regular and ongoing inspection of buffer area	The Goomig Project is assessed as non-compliant with condition 7E because weed transects have not been maintained and monitored, and annual buffer vegetation condition assessment has not been undertaken.	DPIRD has requested external services to undertake vegetation condition assessment of the Goomig Project buffer area and update the vegetation condition map. The outcome of the vegetation condition assessment will inform priority threats and areas for management.
7F	Fire management of buffer area	Controlled, mosaic burning within the buffer area is not being undertaken. An assessment of implementation of fire management is needed taking an environmental outcome-based approach. In the absence of a complete buffer vegetation condition assessment, it is uncertain whether the lack of controlled burning is affecting buffer condition adversely or otherwise. Given this uncertainty, the Project is assessed as non-compliant with this condition.	
8	Implement Weed, Plant Pathogen and Pest Management Plan	The Goomig Project is assessed as non-compliant with condition 8 because key management actions are not being undertaken including maintenance and monitoring of established weed transects, updating of priority areas for management, and buffer condition assessment.	

Condition No.	Short description	Details of non-compliance	Corrective measures
11D	Water quality and flow gauging station at stormwater outlet	<p>The DW1 gauging station was installed at the Goomig Project stormwater outlet in 2013 however the DW1GS did not transmit data during the current or previous reporting periods.</p> <p>The Goomig Project is assessed as non-compliant with condition 11D because the DW1 gauging station was not transmitting data as required on a continuous basis during the reporting period.</p>	<p>Water quality monitoring was undertaken at the stormwater outlet, and on the Border Creek and Keep River despite stormwater flow data being unavailable. Monitoring was conducted throughout the 2022-2023 wet season from the time of 'first flush' until after the cessation of stormwater discharges. Frequency of sampling was once per week for most of the wet season and analysis included an extended suite of pesticides.</p> <p>KAI advised DPIRD that it has identified a suitable gauging system for implementation at the stormwater outlet to enable flow to be monitored on a continuous basis from the 2023-2024 wet season. Data will be transmitted via the existing onsite communication system.</p>
12B	Monitoring of groundwater bores	<p>This item is assessed as non-compliant because:</p> <ul style="list-style-type: none"> • manual depth measurements were not taken at the low intensity bores. The groundwater monitoring program requires manual depth measurements to be taken annually at all bores, both high and low intensity, and • five bores are damaged and out of operation because of flood damage: <ul style="list-style-type: none"> ○ 11CS10RD (high intensity) ○ 11CS10RS (high intensity) ○ 11WP51S (high intensity) ○ 11WP4R (low intensity) ○ 11WP53S (low intensity) 	<p>Manual depth measurements will be taken at the low intensity bores in September 2023.</p> <p>DPIRD has prepared a scope of work to reinstall the five damaged bores.</p>

Condition No.	Short description	Details of non-compliance	Corrective measures
12C, D and F	Establishment and monitoring of on-farm bores	<p>Bennett et al. (2019, p.22) considered that the installation and monitoring of the extra “farm bores”, as proposed in the EPBC conditions is not required or necessary. The authors noted that it was originally envisaged there could be multiple land managers within the Goomig Farmlands. This did not eventuate. On 27 February 2020, the IRG accepted the recommendations of Bennett et al. (2019). However, this item is assessed as non-compliant because the condition has not been varied despite the IRG’s acceptance of the recommendations.</p>	<p>DPIRD will seek a variation to conditions 12C, D and F in conjunction with other proposed amendments to the Approval conditions. DPIRD is planning a single submission to DCCEEW that includes revised management plans endorsed by the IRG.</p>

12E

Updates of the groundwater model and operation of the groundwater management system

At its meeting on 27 February 2020, the IRG accepted the recommendation of Bennett et al. (2019) that '[t]he next groundwater modelling update be undertaken after the next [detailed groundwater] review when the development has been completed and at least two more comprehensive chemistry sample sets (high intensity bores) plus 5 years of other data have been collected and analysed.' On 28 March 2023, the IRG

DPIRD is implementing the IRG's decision of 28 March 2023. The question of whether the groundwater model should be updated will be revisited after the implementation of the 2023 groundwater monitoring program and the subsequent groundwater review and analysis.

- 1) agreed that a review and analysis of groundwater monitoring data collected since 2019 must be completed after the collection of 2023 comprehensive data and reported as soon as practicable following that review, guided by the scope and content of the previous review completed by DPIRD in 2019 (Bennett et al. 2019),
- 2) agreed that a scope for the review and analysis will be approved by the IRG out-of-session prior to the commencement of the review and analysis,
- 3) agreed that the question of whether the groundwater model should be updated be revisited after the groundwater review and analysis,
- 4) noted that DPIRD will review and update the Groundwater Management Plan (GMP) in consultation with KAI and the IRG and request amendments to Condition 12 of the Approval, being an outstanding action from the IRG's meeting of 27 February 2020,
- 5) agreed that the environmental need and consequent requirement to continue undertaking groundwater quality monitoring be considered and determined as part of the GMP review.

Despite the IRG's decision, this item is assessed as non-compliant because the groundwater model has not been updated since the commencement of irrigation, which is inconsistent with the requirement that modelling must be updated at least every 4 years.

Condition No.	Short description	Details of non-compliance	Corrective measures
15	<p>Carrying out activities otherwise than in accordance with the management plans</p>	<p>DPIRD is undertaking some activities otherwise that in accordance with the management plans. Key deviations from management plans are:</p> <p><u>On-farm bores</u> On-farm bores have not been installed (see item 12C). As noted earlier, it was originally envisaged that farm lots would be operated by multiple entities, providing rationale for the installation of a monitoring bore on each farm. However, only two entities have tenure of farm lots within the Goomig Project area: KAI and MG Corporation.</p> <p><u>OSWM</u> Pro-active wet-season water quality monitoring was undertaken in place of 'event-based' monitoring triggered by the outputs of an OSWM. This ensured that water quality data was acquired, regardless of the outputs of a predictive tool (i.e., the OSWM) which is unable to account for the variable trigger values, mobilities and degradation rates of farm chemicals used on Goomig Project farm lots and other farms that discharge stormwater to the Keep River. It provides a simple approach to monitoring and meeting environmental outcomes.</p>	<p>DPIRD is planning a single submission to DCCEEW proposing variations to conditions and revised management plans, enabling efficient and holistic assessment. Revised management plans will be submitted to the IRG for review and endorsement prior to submission to DCCEEW.</p>
6I, 7J, 10H, 11N, 12M	<p>Protocols and timing for review and reporting to the Department.</p>	<p>The approval management plans require the submission of triennial performance reports in addition to annual compliance reports. Triennial reports have not been submitted.</p>	<p>Requested variations to the approval conditions and associated management plans will seek annual reporting only.</p>

Table 4. Compliance Table

Condition number	Condition	Compliance	Comments	Evidence
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.	Not applicable	Completed in a previous reporting period.	Not applicable
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.	Compliant	Records have been retained. The Evidence column lists evidence validating the compliance assessment detailed in this report.	Not applicable
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.	Non-compliant	The annual report for the previous compliance reporting period 1 May 2021 to 30 April 2022 is available here: Ord Kimberly Expansion Project - Australian environmental approval documents (www.wa.gov.au) The 2022 report was submitted to DCCEEW on 2 November 2022 and published on DPIRD's website on 17 November 2023. This requirement was not met within the anniversary period.	2010.5491.2023.001 Submission of 2022 compliance report
4	The person taking the action must provide a schedule of works to the Department prior to the commencement of the action.	Not applicable	Completed in a previous reporting period.	Not applicable
5	To avoid and/or minimise impacts on listed threatened and migratory species, the person taking the action must:			
5A	Not clear more than 9,375 hectares of vegetation (as described in the Supplementary Environmental Impact Statement)	Compliant	The total cleared area to 30 April 2023 is 8,330.3 ha . No clearing was undertaken in the compliance reporting period, 1 May 2022 to 30 April 2023.	2010.5491.2023.002 Weaber Plain Clearing Area
5B	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;	Not applicable	Completed in a previous reporting period. The established Weaber Plain buffer area is 11,473 ha (Lot 425 on Plan 400992).	Not applicable
5C	Not clear any Gouldian Finch breeding habitat that is known to have been utilised by the Gouldian Finch	Compliant	Gouldian Finch breeding habitat is located within the buffer area. No clearing of breeding habitat has occurred.	2010.5491.2023.003 <i>Goomig Project Gouldian Finch Monitoring – Nesting Activity 2022-2023</i> (see page 10 for aerial image of Gouldian Finch breeding areas within the buffer area).
5D	Use no more than 120 GL of water per water year from the Ord River System for irrigation in the development area	Compliant	The annual Goomig-Knox Surface Management report 2022 advises that OIC released 36.852 GL to the Goomig farmlands in 2022 through the M2C3 structure. Of this, the offtake meters recorded 32.012 GL delivered to Goomig farms for irrigation during the 2022 irrigation season.	2010.5491.2023.004 <i>Goomig-Knox Surface Water Report 2022</i> (KAI, 2023)

Condition number	Condition	Compliance	Comments	Evidence
5E	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).	Not applicable	Discharge of groundwater is not yet required.	Not applicable
6	To protect the Gouldian Finch, the person taking the action must prepare a Gouldian Finch Conservation Plan which must include the following:	Compliant	The Gouldian Finch Conservation Plan (GFCP) was approved in a previous reporting period. The GFCP is published here: Ord Kimberly Expansion Project - Australian environmental approval documents (www.wa.gov.au)	Not applicable
6A	A monitoring program that includes: <ul style="list-style-type: none"> 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, iii. annual wet season monitoring of foraging activity in critical wet season feeding areas in proximity to breeding areas, and iv. mapping and annual monitoring of the phenology and productivity of wet season feeding habitat and assessment of their use by Gouldian Finches. 	Non-compliant	<p>Baseline surveys (i)</p> <p>Baseline surveys were completed in a previous reporting period.</p> <p>Monitoring of breeding populations (ii)</p> <p>Biota Environmental Sciences (Biota) conducted breeding surveys in the buffer area across three phases in March, April, and May 2023, to coincide with the primary breeding period previously recorded. No Gouldian Finches were confirmed breeding in the buffer area. On this basis, Biota (2023a) considered that the results of the monitoring indicate that the target identified in the approved Gouldian Finch Conservation Plan of 'no reduction in baseline breeding numbers which can be attributed to Buffer Area management' has not been achieved.</p> <p>Monitoring of foraging activity and phenology (iii & iv)</p> <p>Biota conducted wet season foraging and grass monitoring in the buffer area across two phases in December 2022 and March 2023. Biota (2023b) considered the monitoring results indicate that the target identified in the GFCP of 'no reduction in baseline [wet season] foraging activity which can be attributed to Buffer Area management' has not been met, as no Gouldian Finches were recorded during systematic foraging surveys in the wet season nor incidentally during nest box monitoring in April and May.</p> <p>Biota (2023b) felt it was not possible to clearly determine whether the target for grass productivity and phenology of 'no reduction in baseline phenology and productivity which can be attributed to Buffer Area management' is being met this season due to several confounding factors such as high inter-seasonal variation in phenology, and a lack of control sites. Biota noted, however, that there is some evidence of changes to vegetation composition in some parts of the study area.</p>	<p>2010.5491.2023.003</p> <p><i>Goomig Project Gouldian Finch Monitoring – Nesting Activity 2022-2023</i></p> <p>2010.5491.2023.005</p> <p><i>Goomig Project Gouldian Finch Monitoring – Foraging Activity and Grass Phenology 2022-2023</i></p>
6B	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) and must be developed in close consultation with a Gouldian Finch expert.	Non-compliant	<p>Biota (2022) commented that the late season fires in 2021 may have reduced breeding suitability by reducing the quantity of seed available in breeding areas. The following survey year, 2023, Biota (2023b, p.31) confirmed that 'no fires affected the study area this season, resulting in noticeably less evidence of fire in the study plots compared to the 2021-22 monitoring season where two fires occurred in the southern and northern parts of the study area.'</p> <p>While there was noticeably less evidence of fire in the study area in 2022-2023, it is possible that the late season fires in the buffer area and adjacent Goomig Conservation Park in 2021 played some role in the Gouldians being absent from the area. However, Biota (2022) felt that fires were unlikely to be the primary reasons for the lack of breeding activity in 2022 as no breeding was recorded the previous year either.</p>	<p>2010.5491.2023.006</p> <p><i>Goomig Project Gouldian Finch Monitoring – Nesting Activity 2021-2022</i></p> <p>2010.5491.2023.005</p> <p><i>Goomig Project Gouldian Finch Monitoring – Foraging Activity and Grass Phenology 2022-2023</i></p>

Condition number	Condition	Compliance	Comments	Evidence
6C	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.	Not applicable	Widened vegetation corridors are reflected in the approved Phase 2 (Weaber Plain) Final Project Design Plan (Strategen 2011) and have been implemented through the creation of the buffer area lot, Lot 425 on Plan 400992.	Not applicable
6D	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.	Compliant	Gouldian Finch breeding habitat is located within the buffer area. No clearing of breeding habitat has occurred.	2010.5491.2023.003 <i>Goomig Project Gouldian Finch Monitoring – Nesting Activity 2022-2023</i> (see page 10 for aerial image of Gouldian Finch breeding areas within the buffer area).
6E	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.	Not applicable	Salvaging and relocation of breeding hollows was undertaken in 2013.	Not applicable
6F	Performance standards in relation to the Gouldian Finch population.	Non-compliant	Performance standards were prepared by Save the Gouldian Fund in 2013. For the reasons described in Item 6A, this item is assessed as non-compliant.	Refer to evidence listed in relation to item 6A.
6G	Adaptive management triggers should performance standards not be met and contingency measures to be implemented if this occurs.	Non-compliant	<p>The GFCP identifies corrective actions to be implemented if targets are not being met. DPIRD is to investigate the cause in the first instance. DPIRD has requested external services to investigate and report on why Gouldian Finches are not breeding and foraging in the buffer area. The outcome of this investigation will inform corrective measures. The Goomig Project is assessed as non-compliant with condition 6G given this investigation has not yet commenced.</p> <p>DPIRD refurbished and reinstalled nest boxes in October 2022 and relocated others to more suitable habitat. Biota (2023a) considered there may be a lag in uptake of these nest boxes. Biota also considered it possible, though unlikely, that past reduction in artificial nest box availability caused Gouldian Finches to shift back to using natural hollows.</p> <p>DPIRD will undertake maintenance activities again prior to the commencement of the 2023-2024 wet season targeting those nest boxes recorded by Biota (2023a) as blocked or broken.</p> <p>DPIRD is implementing Biota's (2023a) recommendations. The 2024 monitoring program will be extended to include the systematic location and inspection of potentially suitable natural hollows in the area. DPIRD is also investigating the potential expansion of the monitoring program to include control site(s). Monitoring in 2024 will ascertain whether there is in fact a lag in uptake of the new nest boxes.</p>	<p>2010.5491.2023.007 Next box works 2022</p> <p>2010.5491.2023.008 Refurbished nest box example</p>

Condition number	Condition	Compliance	Comments	Evidence
6H	An annual audit and review of the effectiveness of management measures, operating controls, and implementation of any required improvements to management conditions	Non-compliant	<p>The GFCP identifies corrective actions to be implemented if targets are not being met. DPIRD is to investigate the cause in the first instance. DPIRD has requested external services to investigate and report on why Gouldian Finches are not breeding and foraging in the buffer area. The outcome of this investigation will inform corrective measures. The Goomig Project is assessed as non-compliant with condition 6H given this investigation has not yet commenced.</p> <p>Biota(2023b) assessed evidence of fire and cattle activity affecting the availability of important foraging grasses within 50 m x 50 m quadrats at 41 monitoring sites. Biota (2023b, p.32) observed that:</p> <p><i>No fires affected the study area this season, resulting in noticeably less evidence of fire in the study plots compared to the 2021-22 monitoring season where two fires occurred in the southern and northern parts of the study area.</i></p> <p>...</p> <p><i>The number of plots where cattle activity was detected increased compared to the previous year overall, but remains significantly lower than activity levels when monitoring commenced (Table 4.11). However, qualitatively, cattle activity appeared lower this season than during the 2021-22 monitoring, and no cattle were directly observed in the study area this season.</i></p> <p>The Developer undertakes routine de-stocking of the buffer area. The Developer is also looking to extend the buffer area fencing higher up the range to prevent cattle walking around the fenced area and into the buffer.</p> <p>DPIRD refurbished and reinstalled nest boxes in October 2022 and relocated others to more suitable habitat. Biota (2023a) considered there may be a lag in uptake of these nest boxes. The consultant also considered it possible, though unlikely, that past reduction in artificial nest box availability caused Gouldian Finches to shift back to using natural hollows.</p> <p>DPIRD will undertake maintenance activities again prior to the commencement of the 2023-2024 wet season targeting those nest boxes recorded by Biota (2023a) as blocked or broken.</p> <p>DPIRD is implementing Biota's (2023a) recommendations. The 2024 monitoring program will be extended to include the systematic location and inspection of potentially suitable natural hollows in the area. DPIRD is also investigating the potential expansion of the monitoring program to include control site(s). Monitoring in 2024 will ascertain whether there is in fact a lag in uptake of the new nest boxes.</p>	<p>2010.5491.2023.005 Goomig Project Gouldian Finch Monitoring – Foraging Activity and Grass Phenology 2022-2023</p> <p>2010.5491.2023.007 Next box works 2022</p> <p>2010.5491.2023.008 Refurbished nest box example</p>

Condition number	Condition	Compliance	Comments	Evidence
6I	Protocols and timelines for review and reporting to the Department.	Non-compliant	Reporting protocols are specified in the approved GFCP including the requirement to submit this Annual Compliance Report. The GFCP also includes a requirement to submit triennial Performance Review Reports. Triennial performance reports have not been submitted however those reports substantially duplicate the content of the required annual compliance reports. Nonetheless this item is assessed as potential non-compliant because separate triennial reports have not been submitted in addition to the annual compliance reports. The GFCP is required to be reviewed as part of the annual reporting process and revised as required. DPIRD is directing resources to investigate why Gouldian Finches are not breeding and foraging in the buffer area and action to see the return of Gouldian Finches to the area. The key action undertaken in the reporting period was the refurbishment of nest boxes and relocation of nest boxes that were previously installed in unsuitable areas, to suitable breeding areas. In addition, DPIRD is implementing Biota's (2023a) recommendations. The 2024 monitoring program will be extended to include the systematic location and inspection of potentially suitable natural hollows in the area. DPIRD is also investigating the potential expansion of the monitoring program to include control site(s). Monitoring in 2024 will ascertain whether there is in fact a lag in uptake of the new nest boxes.	Not applicable
6	The approved Gouldian Finch Conservation Plan must be implemented.	See above	See above	See above
7	In order to protect listed threatened species, the person taking the action must prepare a Buffer Management Plan (BMP), which must include:	Compliant	The Buffer Management Plan was approved in a previous reporting period. The BMP is published here: Ord Kimberly Expansion Project - Australian environmental approval documents (www.wa.gov.au)	Not applicable
7A	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 (<i>Dasyurus hallucatus</i>), the vulnerable Red Goshawk (<i>Erythrorhynchus radiates</i>) and the vulnerable Northern Shrike-itt (<i>Falculculus frontatus whiteii</i>). Surveys must be completed prior to 31 December 2012.	Not applicable	Completed in a previous reporting period.	Not applicable
7B	Details of tenure and management arrangements of the Buffer Area that provides assurance that the area will be conserved and managed in perpetuity.	Not applicable	Completed in a previous reporting period.	Not applicable

Condition number	Condition	Compliance	Comments	Evidence																																													
7C	Ongoing management practices that will be applied to the Buffer Area to maximise benefits to listed threatened species.	Non-compliant	<p>The below items from the Statement 938 Compliance Assessment Report 2022 audit table address compliance with ongoing management of the buffer area. The Goomig Project is assessed as non-compliant with Condition 7C because of the potential non-compliance with EMP 75 and 76, EMP 133, EMP 135, 136, 138 and 139 and because buffer area fire management is potentially non-compliant.</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Summary</th> <th>Compliance Status</th> </tr> </thead> <tbody> <tr> <td>EMP 63</td> <td>Buffer access via designated tracks only</td> <td>C</td> </tr> <tr> <td>EMP 70</td> <td>Rehabilitation of disturbed areas</td> <td>C</td> </tr> <tr> <td>EMP 72</td> <td>Pest eradication program</td> <td>C</td> </tr> <tr> <td>EMP 73</td> <td>Signage to discourage access</td> <td>C</td> </tr> <tr> <td>EMP 74</td> <td>Removal of stock</td> <td>C</td> </tr> <tr> <td>EMP 75 and 76</td> <td>Monitoring of weed transects</td> <td>PNC</td> </tr> <tr> <td>EMP 78</td> <td>Monitoring feral animals (including stock)</td> <td>C</td> </tr> <tr> <td>EMP 121</td> <td>Control vehicle access</td> <td>C</td> </tr> <tr> <td>EMP 122</td> <td>Control human access</td> <td>C</td> </tr> <tr> <td>EMP 123</td> <td>Personnel induction</td> <td>C</td> </tr> <tr> <td>EMP 127</td> <td>Weed control in degraded areas</td> <td>C</td> </tr> <tr> <td>EMP 131</td> <td>Maintenance of fencing and removal of livestock</td> <td>C</td> </tr> <tr> <td>EMP 133</td> <td>Vegetation condition assessment</td> <td>PNC</td> </tr> <tr> <td>EMP 135, 136, 138 and 139</td> <td>Rehabilitation methods and monitoring</td> <td>PNC</td> </tr> </tbody> </table>	Item	Summary	Compliance Status	EMP 63	Buffer access via designated tracks only	C	EMP 70	Rehabilitation of disturbed areas	C	EMP 72	Pest eradication program	C	EMP 73	Signage to discourage access	C	EMP 74	Removal of stock	C	EMP 75 and 76	Monitoring of weed transects	PNC	EMP 78	Monitoring feral animals (including stock)	C	EMP 121	Control vehicle access	C	EMP 122	Control human access	C	EMP 123	Personnel induction	C	EMP 127	Weed control in degraded areas	C	EMP 131	Maintenance of fencing and removal of livestock	C	EMP 133	Vegetation condition assessment	PNC	EMP 135, 136, 138 and 139	Rehabilitation methods and monitoring	PNC	Attachment 1 Statement 938 Compliance Assessment Report 2022
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7D	Methods to control human disturbance of the Buffer Area, including restriction of vehicular access.	Compliant	<p>No unauthorised access to the buffer area was observed by the auditor of MS938 during multiple site visits over the course of the compliance period. The auditor further noted that the buffer area is difficult to access as it is substantially separated from the development area and roads by hillside drains and flood protection levees. KAI confirmed during interview on 11 April 2023 that access to the buffer area is restricted. This is specifically addressed in personnel site inductions. Finally, the auditor accompanied KAI on its annual bore run on 4 October 2022 to retrieve data from groundwater data loggers. Access was via designated tracks only.</p>	2010.5491.2023.009 File Note of compliance audit meeting with KAI																																													

Condition number	Condition	Compliance	Comments	Evidence
7E	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.	Non-compliant	<p>Passive surveillance for weeds and other pests is undertaken while conducting bores runs as part of the groundwater monitoring program.</p> <p>The auditor of MS938 was present in the Goomig Project area on 29 October 2022 and observed the implementation of a pest eradication program. This was also confirmed in the audit interview.</p> <p>However, the Goomig Project is assessed as non-compliant with condition 7E because weed transects have not been maintained and monitored, and annual buffer vegetation condition assessment has not been undertaken (see comments in relation to condition 8 for further detail).</p>	2010.5491.2023.009 File Note of compliance audit meeting with KAI
7F	Fire management of the Buffer Area to maximise benefits to listed threatened species.	Non-compliant	<p>The listed evidence shows the fire scars over the buffer area in 2020, 2021 and 2022. Fires that affected the north-east portion of the buffer area in November 2022 originated outside the buffer area to the north, following the commencement of wet season rain, thus avoiding adverse impacts associated with late dry season wildfire. Regrowth and recovery in the fire area was observed while conducting flora surveys over the 2022-2023 wet season. No infrastructure was impacted by the November fire. Gouldian Finch habitat located in the buffer area to the south of the Goomig farmland remained unburnt in 2022. Buffer area fire breaks are being maintained by KAI.</p> <p>However, controlled, mosaic burning within the buffer area is not being undertaken. An assessment of implementation of fire management is needed taking an environmental outcome-based approach. In the absence of a complete buffer vegetation condition assessment, it is uncertain whether the lack of controlled burning is affecting buffer condition adversely or otherwise. Given this uncertainty, the Project is assessed as non-compliant with this condition.</p>	2010.5491.2023.010A Fire scar 2020 2010.5491.2023.010B Fire scar 2021 2010.5491.2023.010C Fire scar 2023 2010.5491.2023.005 Goomig Project Gouldian Finch Monitoring – Foraging Activity and Grass Phenology 2022-2023
7G	Methods to minimise the impacts of construction activities on the Buffer Area.	Compliant	<p>Construction is substantially complete with all infrastructure and farm lots developed other than farm Lots 4, 7, 11 and 15. Constructed common infrastructure separate these lots from the buffer, and the lots are accessible from within the development area, therefore construction impacts associated with the development of these remaining lots will be minimised.</p>	Not applicable
7H	Rehabilitation of disturbed portions of the Buffer Area to benefit listed threatened species.	Not applicable	<p>The construction compound area within the buffer was rehabilitated in a previous reporting period. The other disturbed areas within the buffer area (i.e., materials extraction area, firebreaks and bore access tracks) are still in use.</p>	Not applicable
7I	Responsibilities and provision of resources for the ongoing management of the Buffer Area.	Compliant	<p>DPIRD has formal arrangements in place with the Developer regarding buffer management, however, DPIRD is ultimately responsible for buffer management as Proponent.</p>	Not applicable
7J	Protocols and timing of review and reporting to the Department.	Non-compliant	<p>Reporting protocols are included in the approved BMP including the requirement to submit this Annual Compliance Report. The BMP also includes a requirement to submit triennial Performance Review Reports. Triennial performance reports have not been submitted however those reports substantially duplicate the content of the required annual compliance reports. Nonetheless this item is assessed as non-compliant because triennial reports have not been submitted separate and additional to the annual reports.</p>	Not applicable
7K	The approved Buffer Management Plan must be implemented.	Non-compliant	<p>See above</p>	See above

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8	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 <i>Environmental Protection Act 1986</i> , 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.	Non-compliant	<p>Assessment of compliance with the Weed, Plant pathogen and Pest Management Plan is detailed in the Statement 938 Compliance Assessment Report 2022. The potential non-compliance items are summarised in the below table.</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Action</th> <th>Comment</th> </tr> </thead> <tbody> <tr> <td>EMP 53</td> <td>Establish permanent weed survey transects within 100 m into the Weaber Plain Buffer Area.</td> <td>Weed transects were established in July and August 2012, however, the weed transects have not been maintained, therefore, this item is assessed as potentially non-compliant.</td> </tr> <tr> <td>EMP 54</td> <td>Conduct weed surveys along permanent weed survey transects to establish baseline information and identify and update Priority Areas for management and control.</td> <td>Weed transects have not been maintained and annual updates of priority management areas have not occurred, therefore, this item is assessed as potentially non-compliant.</td> </tr> <tr> <td>EMP 55</td> <td>Update the extent of Priority Areas.</td> <td>These updates have not been occurring therefore this item is assessed as potentially non-compliant.</td> </tr> <tr> <td>EMP 56</td> <td>Develop and undertake a weed control program in Priority Areas except roads.</td> <td>Priority Areas have not been updated.</td> </tr> <tr> <td>EMP 75</td> <td>Monitor weed species found along permanent weed survey transects in the buffer</td> <td>Weed transects have not been maintained</td> </tr> <tr> <td>EMP 76</td> <td>Monitor density/ cover/ distribution of weed species in the permanent weed survey transects and common use infrastructure areas.</td> <td>Weed transects have not been maintained</td> </tr> </tbody> </table>	Item	Action	Comment	EMP 53	Establish permanent weed survey transects within 100 m into the Weaber Plain Buffer Area.	Weed transects were established in July and August 2012, however, the weed transects have not been maintained, therefore, this item is assessed as potentially non-compliant.	EMP 54	Conduct weed surveys along permanent weed survey transects to establish baseline information and identify and update Priority Areas for management and control.	Weed transects have not been maintained and annual updates of priority management areas have not occurred, therefore, this item is assessed as potentially non-compliant.	EMP 55	Update the extent of Priority Areas.	These updates have not been occurring therefore this item is assessed as potentially non-compliant.	EMP 56	Develop and undertake a weed control program in Priority Areas except roads.	Priority Areas have not been updated.	EMP 75	Monitor weed species found along permanent weed survey transects in the buffer	Weed transects have not been maintained	EMP 76	Monitor density/ cover/ distribution of weed species in the permanent weed survey transects and common use infrastructure areas.	Weed transects have not been maintained	Attachment 1 Statement 938 Compliance Assessment Report 2022
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9	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:	Compliant	<p>The Independent Review Group (IRG) was originally established in 2011. The IRG met during the reporting period on 14 September 2022 and 28 March 2023. The 28 March 2023 meeting was held in-person in Kununurra.</p>	2010.5491.2023.011 Record of Meeting held on 14 September 2022 - FINAL 2010.5491.2023.012 DRAFT Record of Meeting held on 28 March 2023																					
9A	The group must be funded, resourced and managed by the person taking the action.	Compliant	DPIRD resources and manages the IRG	Not applicable																					

Condition number	Condition	Compliance	Comments	Evidence
9B	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.	Compliant	The IRG consists of the following approved members: David Menzel – Chair Ray Evans – groundwater hydrology Mark Silburn – surface water Prof David Morgan – Glyphis and Pristis expert There were no changes to the membership during the reporting period.	Not applicable
9C	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.	Not applicable	The Terms of Reference for the group were prepared and approved in a previous reporting period.	Not applicable
9D	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).	Compliant	The Stormwater and Groundwater Discharge Management Plan is under review on the advice of the IRG. A revised SGMMP is expected to be submitted to DCCEEW within the 2023/2024 reporting period. DPIRD will seek the IRG's endorsement of the revised SGMMP prior to submission of the plan for approval.	Not applicable
9E	The group must assess any exceedance of trigger values and advise changes as required.	Compliant	A draft Exceedance Report was noted by the IRG on 28 March 2023 (Agenda Item 3). The draft minutes of that meeting are attached as evidence. DPIRD finalised the report and, on 11 July 2023, the IRG met out-of-session and provided comments on the report titled the <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i> (Report), and a draft IRG letter to DCCEEW. DPIRD amended the Report following the 11 July meeting to include details of the actions taken by DPIRD when trigger values were exceeded, relative to the corrective actions specified in the approved SGMMP. On 12 July 2023, DPIRD requested (by email) the IRG to note the amended report and endorse the draft letter for the IRG Chair to sign, and DPIRD to forward to DCCEEW on the IRG's behalf. The IRG members endorsed the Report and draft letter. The Report and letter were submitted to the DCCEEW on 15 August 2023.	2010.5491.2023.012 DRAFT Record of Meeting held on 28 March 2023 2010.5491.2023.013 <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i> 2010.5491.2023.014 Letter from IRG Chair to Assistant Director, Office of Compliance, DCCEEW.
9F	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.	Not applicable	The Minister did not seek advice from the IRG during the reporting period.	Not applicable

Condition number	Condition	Compliance	Comments	Evidence
10	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:	Compliant	The Aquatic Fauna Management Plan was approved in a previous reporting period. The AFMP is published here: www.wa.gov.au	Not applicable
10A	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>). 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.	Not applicable	Baseline studies of aquatic fauna in the Keep River were completed in a previous reporting period.	Not applicable
10B	Details of water quality and flow requirements, including relevant downstream environmental quality parameters, in accordance with ANZECC guidelines.	Not applicable	Seasonal baseline water quality trigger values were determined and endorsed by the IRG in a previous reporting period. These trigger values are identified in a draft revised SGDMP currently in preparation.	Not applicable
10C	A monitoring program in the Keep River pools to be undertaken to ensure water quality and flow does not exceed trigger values.	Compliant	The 2022-2023 water quality monitoring program is documented in the <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i> .	2010.5491, 2023.013 <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i>
10D	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.	Not applicable	An outcome-based risk assessment was completed in a previous reporting period. The Assessment was reported to the IRG at its meeting on 29 June 2015 and confirmed as complete at its meeting of 9 January 2016.	Not applicable
10E	Details of management objectives, management actions, performance standards and contingency measures to mitigate impacts on listed aquatic fauna species in the Keep River.	Compliant	The management objective specified in the approved AFMP is to protect listed species the Keep River. The management actions specified in the AFMP are the actions specified in condition 10 of the approval (10A to D & 10F) and the SGDMP. Compliance with the SGDMP is reported at Item 11 of this Table.	Refer to evidence items at Items 10A to D & 10F and 11A to 11M
10F	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.	Compliant	Surveillance for weeds, plant pathogens and pest animals in these environments is undertaken while conducting the water quality monitoring program. The Border Creek and Keep River downstream of the Goomig Project are also impacted by other land uses, including pastoral lands within the Northern Territory. As noted in section 5 of this Compliance Report, DPIRD is pursuing the development of a collaborative Keep River catchment management plan in consultation with catchment stakeholders that addresses all sources of agricultural and other pollutants and pressures on Keep River environmental values including listed species.	Not applicable

Condition number	Condition	Compliance	Comments	Evidence
10G	A targeted aquatic fauna monitoring program to be undertaken to measure the success of management measures to inform an adaptive management approach.	Compliant	<p>The third post-development aquatic ecology and targeted sawfish survey was completed in September 2022. The survey report (Indo-Pacific Environmental (IPE) 2023) is included as evidence.</p> <p>The survey report concludes there is no evidence that the Goomig Project has impacted the water or sediment quality, or the aquatic fauna assemblages in the Keep River. IRG member and sawfish expert, Prof David Morgan, reviewed the data and reported that there were no significant differences in the catch rates of Dwarf Sawfish and the Freshwater Sawfish between the baseline and post-development surveys.</p> <p>The IRG considered the report at its meeting on 28 March 2023 and made the following decision:</p> <p>The IRG:</p> <ol style="list-style-type: none"> 1) <i>noted the outcomes of the 2022 aquatic ecology and threatened fauna survey as detailed in the Survey Report,</i> 2) <i>noted IPE's recommendations for future surveys,</i> 3) <i>agreed that the frequency of survey can be reduced to three-yearly with the next survey to be undertaken in 2025.</i> 4) <i>on the advice of IRG member David Morgan, requested that consideration be given to the collection of the following additional information in future surveys:</i> <ol style="list-style-type: none"> a) <i>genetic information, by taking and analysing tissue samples,</i> b) <i>sawfish movements, through acoustic tracking.</i> 	2010.5491.2023.015 <i>Post Development Keep River Aquatic Fauna and Targeted Sawfish Survey - 2022</i>
10H	Protocols and timelines for review and reporting to the Department.	Non-compliant	<p>The approved AFMP requires that exceedances of trigger levels will be reported to DCCEE and the IRG in the first instance, where further action and reporting will commence. As noted at Item 10G, the survey report (IPE 2023) concluded there is no evidence that the Goomig Project has impacted the water or sediment quality, or the aquatic fauna assemblages in the Keep River. DPIRD reported 2022-2023 exceedances of water quality trigger criteria to the IRG in July 2023 and the IRG wrote to the Department regarding these the exceedances (refer to Item 9E).</p> <p>Reporting protocols are included in the approved AFMP including the requirement to submit this annual Compliance Report. The AFMP also includes a requirement to submit triennial Performance Review Reports. Triennial performance reports have not been submitted however those reports substantially duplicate the content of the required annual Compliance Reports. Nonetheless this item is assessed as non-compliant because triennial reports have not been submitted separate and additional to the annual reports.</p>	Refer to evidence at Items 10G and 9E.
10	The approved Aquatic Fauna Management Plan must be implemented.	See above	See above	See above

Condition number	Condition	Compliance	Comments	Evidence
11	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 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:	Compliant	The SGDMP was approved in a previous reporting period. The SGDMP is published here: www.wa.gov.au The SGDMP is currently under review in consultation with the IRG.	Not applicable
11A	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.	Compliant	A tailwater management system is operational across the development area. There was no tailwater discharge from the Goomig Project during the reporting period and stormwater was contained onsite until the capacity of the system was reached. First stormwater flows commenced late November 2022 as reported in the <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i> .	2010.5491.2023.013 <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i>
11B	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 11G and 11H, to ensure pollutants are not transported into the Border Creek and Keep River in low flow periods.	Compliant	Stormwater discharge was retained onsite until more than 25 mm of wet season run-off had occurred as indicated by data from the rainfall gauge at the nearby Frank Wise Institute of Tropical Agriculture. The operator of MG Corporation's Lot 16 advised DPIRD that water was retained on Lot 16 until 10 January 2023, as reported in the <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i> .	2010.5491.2023.016 Commencement of stormwater discharge at stormwater outlet relative to rainfall 2010.5491.2023.013 <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i>
11C	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	Completed	Baseline monitoring was completed in a previous reporting period. See Bennett and George (2014).	Not applicable
11D	Installation of water quality and flow gauging stations capable of sampling first flush discharges at the stormwater outlet from the Development Area and installation of flow gauging stations at Border Creek and Keep River, in consultation with the independent Review Group. Sampling must include analytes identified in Condition 11.1 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.	Non-compliant	Flow gauging stations are operational on the Border Creek and Keep River. A flow gauging station, the DW1 gauging station (DW1GS), was installed at the Goomig Project stormwater outlet in 2013 however the DW1GS did not transmit data during the current reporting period. Despite this, monitoring was conducted throughout the 2022-2023 wet season from the time of 'first flush' until after the cessation of stormwater discharges at the DW1GS. Frequency of sampling was once per week for most of the wet season and analysis included an extended suite of pesticides. DPIRD is working with Cooperative Research Centre for Development Northern Australia universities to trial the use of telemetered nitrate, temperature, and EC sensors at targeted locations including the Border Creek flow gauging station site downstream of the DW1GS, the K4 reference pool, and the K3 receiving pool. The trial will commence in the 2023-2024 wet season.	2010.5491.2023.013 <i>Keep River 2022-2023 Water Quality Monitoring and Management Report</i>

Condition number	Condition	Compliance	Comments	Evidence
11E	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.	Compliant	Seasonal baseline water quality trigger values were determined and endorsed by the IRG in a previous reporting period. These trigger values are identified in a draft revised SGDMP currently under review in consultation with the IRG.	Not applicable
11F	Use of best practice multivariate analyses on species level macro-invertebrate and fish assemblage data, with an adequate experimental design (as defined in the Aquatic Fauna Management Plan required under Condition 10), using multiple indices of 'ecological condition' and a 'weight of evidence' approach, to assess any change in ecological health of Keep River Pools (K1, K2 & K3) relative to baseline and upstream reference sites.	Compliant	Indo-Pacific Environmental (2023) undertook this analysis and assessment and it was reported to the IRG on 28 March 2023.	2010.5491.2023.015 Keep River Aquatic Fauna and Targeted Sawfish Survey - 2022
11G	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). This must be conducted prior to commencement of irrigation and annually during operation.	Compliant	The Keep River hydrodynamic model was updated during the reporting period. Scenarios were modelled to inform management provisions for inclusion in a revised SGDMP. This work is reported in Romero, J. (2023), included as evidence.	2010.5491.2023.017 Managing Water Quality to Enable Future Irrigation Development in the Kimberley Region – Three-Dimensional Hydrodynamic Modelling to Evaluate the Effect of Farm Chemicals on the Lower Pools of the Keep River
11H	An adaptive groundwater and stormwater discharge program to provide for adaptive management of the discharge of stormwater and surplus groundwater that includes:	Compliant	See below	Not applicable
11H i	discharge rules and rates and contingency actions	Compliant	The Keep River 2022-2023 Water Quality Monitoring and Management Report details the management and corrective actions undertaken over the 2022-2023 wet season when there was stormwater discharge from the Goomiog Project and other farmlands.	2010.5491.2023.013 Keep River 2022-2023 Water Quality Monitoring and Management Report
11H ii	monitoring locations and requirements including infrastructure and setup	Compliant	Monitoring locations were identified and adopted following the baseline Keep River water quality assessment. These locations are: the DW1GS, Keep River pools K4, K3, K2, K1, and Keep River estuary sites E1, E2 and E3. Monitoring is also undertaken on the Border Creek and in the Goomiog Project DW2 drain and buffer area which receive stormwater from Ord Stage 1 farms.	2010.5491.2023.013 Keep River 2022-2023 Water Quality Monitoring and Management Report
11H iii	design and location of dewatering infrastructure	Not applicable	Dewatering is not yet required.	Not applicable
11H iv	design and location of discharge infrastructure	Compliant	The DW1GS was design and constructed in a previous reporting period. Groundwater discharge infrastructure is not yet required.	2010.5491.2023.018 Photo of DW1 gauging station weir

Condition number	Condition	Compliance	Comments	Evidence
11H v	written evidence of any Northern Territory Government permits that are required for discharge of groundwater, and management measures that ensure discharge of water will not impact on water quality in Border Creek and Keep River, including erosion protection measures.	Not applicable	Groundwater discharge permits are not yet required.	Not applicable
11I	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	Compliant	The annual list of analytes for monitoring was confirmed at the IRG meeting of 14 September 2023. Laboratory analysis of the key analytes was undertaken within larger analytical suites.	2010.5491.2023.011 Record of Meeting held on 14 September 2022 - FINAL 2010.5491.2023.013 Keep River 2022-2023 Water Quality Monitoring and Management Report
11J	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 11H. 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.	Not applicable	Groundwater discharge is not yet required.	Not applicable
11K	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.	Not applicable	Groundwater discharge is not yet required.	Not applicable
11L	An Operational Surface Water Model (OSWM) (that incorporates the outcomes of Conditions 11A, 11G and 11H, and the requirements of 11J and 11K) 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.	Compliant	An OSWM was constructed in a previous reporting period. A simplified OSWM was considered by the IRG at its meeting in April 2019 and included in a draft revised SGDMP which was considered by the IRG at its meeting on 7 May 2020. However, detailed analysis of the proposed '1.5% flow rule' underpinning the simplified OSWM found that it was unsuitable as the trigger for event-based water quality monitoring. DPIRD implemented regular sampling over the course of the wet-season in place of a OSWM to guide 'event-based' sampling. The Keep River hydrodynamic model was updated during the reporting period. Scenarios were modelled to understand the concentration and fate of key farm chemical analytes in the Keep River under different flow scenarios. This work is reported in Romero, J. (2023) and will inform management provisions for inclusion in a revised SGDMP. DPIRD is also considering using the updated model as a tool to appropriately guide ongoing management. The Goomig Project is assessed as compliant with condition 11L because water quality monitoring is undertaken to monitor and meet environmental outcomes regardless of the outputs of a predictive OSWM.	2010.5491.2023.013 Keep River 2022-2023 Water Quality Monitoring and Management Report 2010.5491.2023.019 Record of Meeting – 7 May 2020 2010.5491.2023.017 Managing Water Quality to Enable Future Irrigation Development in the Kimberley Region – Three-Dimensional Hydrodynamic Modelling to Evaluate the Effect of Farm Chemicals on the Lower Pools of the Keep River

Condition number	Condition	Compliance	Comments	Evidence
11M	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 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.	Compliant	The Keep River 2022-2023 Water Quality Monitoring and Management Report describes the corrective actions that were undertaken in accordance with the approved SGDMMP when water quality trigger values were exceeded	2010.5491.2023.013 Keep River 2022-2023 Water Quality Monitoring and Management Report
11N	Protocols and timelines for reporting to the Department.	Non-compliant	Reporting protocols are included in the approved SGDMMP including the requirement to submit this annual Compliance Report. The SGDMMP also includes a requirement to submit triennial Performance Review Reports. Triennial performance reports have not been submitted however those reports substantially duplicate the content of the required annual compliance reports. Nonetheless this item is assessed as potentially non-compliant because triennial reports have not been submitted separate and additional to the annual reports. DPIRD also reports to the IRG twice per year and out-of-session as required.	This annual Compliance Report and the related reports listed in evidence.
11	The approved Stormwater and Groundwater Discharge Management Plan must be implemented.	See above	See above	See above
12	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:	Compliant	The GMP was approved in 2012. The GMP is published here: Ord Kimberly Expansion Project - Australian environmental approval documents (www.wa.gov.au)	Not applicable
12A	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 ii. At least 30 low intensity regional bores The management plan must indicate the locations for the expanded bore network.	Completed	Complete in a previous reporting period	Not applicable

Condition number	Condition	Compliance	Comments	Evidence
12B	Monitoring of the bores established under Condition 12A 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: <ul style="list-style-type: none"> 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. 	Non-compliant	<p>On 27 February 2020, the IRG endorsed changes to the groundwater monitoring program, as recommended by Bennett et al. (2019). The revised monitoring program is illustrated and tabulated in Bennett et al. (2019) – Figure 1.1 (page 3) and Tables 4.1 and 4.2 (pages 27 to 29).</p> <p>This item is assessed as potentially non-compliant because:</p> <ul style="list-style-type: none"> • manual depth measurements were not taken at the low intensity bores. The groundwater monitoring program requires manual depth measurements to be taken annually at all bores, both high and low intensity, and • five bores are damaged and out of operation because of flood damage: <ul style="list-style-type: none"> o 11CS10RD (high intensity) o 11CS10RS (high intensity) o 11WP51S (high intensity) o 11WP4R (low intensity) o 11WP53S (low intensity) <p>DPIRD has prepared a scope of work to reinstall these bores.</p>	<p>2010.5491.2023.020 High intensity bore hydrographs</p> <p>2010.5491.2023.021 ALS Environmental – Certificate of Analysis issued on 25 October 2022.</p> <p>2010.5491.2023.022 Groundwater bores out of operation</p>
12C	The establishment of at least one on-farm bore per farm. The on-farm bore network must be installed prior to commencement of irrigation.	Non-compliant	<p>On-farm bores have not been established. At its meeting on 27 February 2020, the IRG accepted the recommendations of Bennett et al. (2019) including that (p.22):</p> <p>‘We do not believe that the installation and monitoring of the extra “farm bores”, as proposed in the EPBC conditions (at the time when it was envisaged that there could be multiple land managers within the Goomig Farmlands), is required or necessary.’</p> <p>This item is assessed as non-compliant because the condition has not been varied despite the IRG’s acceptance of the above recommendation.</p>	<p>2010.5491.2023.024 Record of Meeting – Goomig IRG Meeting – 27 February 2020</p>
12D	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	Non-compliant	<p>See comments against item 12C</p>	<p>See evidence against item 12C</p>

Condition number	Condition	Compliance	Comments	Evidence
12E	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 worst case scenario indicates a breach in trigger levels, modelling must be updated every 2 years, otherwise every 4 years)	Non-compliant	<p>At its meeting on 27 February 2020, the IRG accepted the recommendations of Bennett et al. (2019) including that (p.24-25):</p> <p>'The next groundwater modelling update be undertaken after the next [detailed groundwater] review when the development has been completed and at least two more comprehensive chemistry sample sets (high intensity bores) plus 5 years of other data have been collected and analysed.'</p> <p>The following IRG decision was recorded at its meeting on 28 March 2023:</p> <p>'The IRG:</p> <ol style="list-style-type: none"> 1) agreed that a review and analysis of groundwater monitoring data collected since 2019 must be completed after the collection of 2023 comprehensive data and reported as soon as practicable following that review, guided by the scope and content of the previous review completed by DPIRD in 2019 (Bennett et al. 2019), 2) agreed that a scope for the review and analysis will be approved by the IRG out-of-session prior to the commencement of the review and analysis, 3) agreed that the question of whether the groundwater model should be updated be revisited after the groundwater review and analysis, 4) noted that DPIRD will review and update the Groundwater Management Plan (GMP) in consultation with KAI and the IRG and request amendments to Condition 12 of the Approval, being an outstanding action from the IRG's meeting of 27 February 2020, 5) agreed that the environmental need and consequent requirement to continue undertaking groundwater quality monitoring be considered and determined as part of the GMP review.' <p>Despite the IRG's decision, this item is assessed as potentially non-compliant because the groundwater model has not been updated since the commencement of irrigation, which is inconsistent with the requirement that modelling must be updated at least every 4 years.</p> <p>Groundwater levels were less than 2 metres below ground level during the reporting period at reference bore CG2 and impact bores CG4, 10WP37 and 11WP51D. Soil electrical conductivity remains below the GMP trigger criteria of 400 mS/m at all sample sites. Groundwater conductivity exceeded the 500 mS/m trigger criteria at 11WP15R (1,330 mS/m) and 11WP57 (1,610 mS/m). As determined by the IRG, a comprehensive review and analysis of groundwater data will be completed after the collection of 2023 comprehensive data.</p>	<p>2010.5491.2023.024 Record of Meeting – Goomig IRG Meeting – 27 February 2020</p> <p>2010.5491.2023.020 High intensity bore hydrographs</p> <p>2010.5491.2023.021 ALS Environmental – Certificate of Analysis issued on 25 October 2022.</p> <p>2010.5491.2023.023 Weaber Plain (Goomig) Soil Monitoring Results 2022</p>
12F	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.	Non-compliant	<p>See comments in relation to item 12C</p>	<p>See evidence in relation to item 12C</p>
12G	Establishment of baseline groundwater quality monitoring in accordance with ANZECC guidelines (2000). Site specific trigger levels may be determined in consultation with the IRG, within the context of Condition 11.	Not applicable	<p>Baseline groundwater quality has been established (see Lillicrap et al. 2015)</p>	<p>Not applicable</p>

Condition number	Condition	Compliance	Comments	Evidence
12H	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).	Not applicable	Dewatering is not yet required.	Not applicable
12I	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.	Not applicable	Reference bores were established in a previous reporting period.	Not applicable
12J	Monitoring of the bores established under Condition 12.I to collect reference baseline and ongoing groundwater data. Sampling must include daily groundwater levels and temperature and seasonal EC and pH levels	Compliant	The high intensity reference bores are CG1 (ORD5), CG2 (ORD6), KC13 and KC3PB). The monitoring results are provided as evidence.	2010.5491.2023.020 High intensity bore hydrographs 2010.5491.2023.021 ALS Environmental – Certificate of Analysis issued on 25 October 2022.
12K	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.	Compliant	The approved GMP contains details of contingency measures.	Not applicable
12L	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.	Compliant	The approved GMP contains details of contingency measures.	Not applicable
12M	Protocols and timelines for review and reporting to the Department	Non-compliant	Reporting protocols are included in the approved GMP including the requirement to submit this annual Compliance Report. The GMP also includes a requirement to submit triennial Performance Review Reports. Triennial performance reports have not been submitted however those reports substantially duplicate the content of the required annual compliance reports. Nonetheless this item is assessed as potentially non-compliant because triennial reports have not been submitted separate and additional to the annual reports.	Not applicable
12	The approved Groundwater Management Plan must be implemented.	See above	See above	See above

Condition number	Condition	Compliance	Comments	Evidence
13	<p>In order to protect listed threatened species, the person taking the action must prepare a Decommissioning Plan, in consultation with the WA DEC. A preliminary Decommissioning Plan 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 Decommissioning Plan must include:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. optimising habitat and habitat connectivity for Matters of National Environmental Significance, ii. enhancing pre-construction environmental quality, and iii. ongoing management during rehabilitation. <p>The approved Decommissioning Plan must be implemented.</p> <p>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.</p>	Compliant	<p>A preliminary Decommissioning Plan was prepared and submitted to the Department during a previous reporting period.</p> <p>Implementation of the Decommissioning Plan is not yet required, nor is it envisaged given the long-term nature of farming.</p>	Not applicable

14	<p>In order to offset the potential impacts on listed threatened species, including the endangered Gouldian Finch (<i>Erythrura gouldiae</i>), the endangered Northern Quoll (<i>Dasyurus hallucatus</i>), the vulnerable Red Goshawk (<i>Erythrotrichis radiates</i>), the vulnerable Crested Shrike-tit (<i>Falculculus frontatus whitei</i>), the critically endangered Speartooth Shark (<i>Glyphis glyphis</i>), the endangered Northern River Shark (<i>Glyphis garricki</i>), the vulnerable Dwarf Sawfish (<i>Pristis microdon</i>) and the vulnerable Dwarf Sawfish (<i>Pristis clavata</i>), 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:</p> <p>E. 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:</p> <ol style="list-style-type: none"> Mapping of the native vegetation habitat suitable for listed threatened species, Details of the area and characteristics of suitable habitat for listed threatened species, 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, 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), 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, Provision of ongoing management of the offset site, including details of funding mechanisms. <p>F. Details of alternative direct or indirect offsets if the proposed offsets do not satisfy the requirements listed in Condition 14.A,</p> <p>G. 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 (<i>Glyphis glyphis</i>), the endangered Northern River Shark the endangered Northern River Shark (<i>Glyphis garricki</i>), the vulnerable Dwarf Sawfish (<i>Pristis microdon</i>) and the vulnerable Dwarf Sawfish (<i>Pristis clavata</i>). 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.</p> <p>The approved Offset Management Plan must be implemented.</p>	Complete	<p>The Offset Management Plan was approved in 2012 and has been fully implemented. The OMP is published here: Ord Kimberly Expansion Project - Australian environmental approval documents (www.wa.gov.au)</p> <p>DPIRD made the tenth and final \$150,000 payment to CSIRO on 13 April 2022 in accordance with the <i>Sawfish and Glyphis Research Program Research Collaboration Agreement</i> executed on 24 July 2013. CSIRO will deliver its Final Report and Final Financial Statement on 15 June 2025.</p>	<p>2010.5491.2023.024 Variation to CSIRO Research Collaboration Agreement.</p> <p>2010.5491.2023.025 CSRIO Sawfish and Glyphis Research Program - 12 monthly progress report.</p>
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Condition number	Condition	Compliance	Comments	Evidence
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.	Non-compliant	DPIRD is undertaking some activities otherwise than in accordance with the management plans. Key deviations from management plans are: On-farm bores On-farm bores have not been installed (see item 12C). As noted earlier, it was originally envisaged that farm lots would be operated by multiple entities, providing rationale for the installation of a monitoring bore on each farm. However, only two entities have tenure of farm lots within the Goomig Project area: KAI and MG Corporation. OSWMM Pro-active wet-season water quality monitoring was undertaken in place of 'event-based' monitoring triggered by the outputs of an OSWM. This ensured that water quality data was acquired, regardless of the outputs of a predictive tool (i.e., the OSWM), which is unable to account for the variable trigger values, mobilities and degradation rates of farm chemicals used on Goomig Project farm lots and other farms that discharge stormwater to the Keep River. It provides a simple approach to monitoring and meeting environmental outcomes.	2010.5491.2023.024 Record of Meeting – Goomig IRG Meeting – 27 February 2020 (wherein the IRG accepted the recommendations from the groundwater review by Bennett et al. 2019). 2010.5491.2023.013 Keep River 2022-2023 Water Quality Monitoring and Management Report
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.	Not applicable	No requests to amend management plans were received during the reporting period.	Not applicable
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.	Compliant	The management plans are published here: Ord Kimberly Expansion Project - Australian environmental approval documents (www.wa.gov.au)	Not applicable
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.	Not applicable	There have been no land sales to date. KAI operates under a development lease. MG Corporation (Traditional owners) has received Lots 15 and 16 in freehold under the terms of the Ord Final Agreement Indigenous Land Use Agreement.	Not applicable
19	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 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.	Not applicable	The Minister did not issue a direction during the reporting period.	Not applicable

Condition number	Condition	Compliance	Comments	Evidence
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.	Completed	The project has substantially commenced.	Not applicable

5. New environmental risks

There are other sources of agricultural pollutants, separate and additional to the Goomig Project, that may impact cumulatively on the quality of stormwater discharging to the Keep River. The Goomig Project and the Knox Creek Plain Agricultural Project (the latter not yet operational), are the only ones regulated under the EPBC Act and the WA EP Act. The Sorby Hills Silver Lead Zinc project was determined not a controlled action, however, lies within the catchment near to a key tributary, the Knox Creek. There are also other land uses and activities that interact with the Keep River, including recreational fishing and camping activity, and long-established pastoral activities.

Given the cumulative pressures on Keep River environmental values, DPIRD is pursuing the development of a collaborative Keep River catchment management plan in consultation with catchment stakeholders that addresses all sources of agricultural and other pollutants and pressures on Keep River environmental values including listed species. How that plan interacts with the Goomig and Knox Creek Plan environmental approvals will be considered and determined as the plan is prepared. In the meantime, DPIRD is reviewing and updating the approved Goomig Project SGDMP for the IRG's consideration before it is submitted for assessment and approval.

References

Bennett, D L, and George, R J. (2014), *Goomig Farmlands development Baseline water quality in the lower Keep River*. Department of Primary Industries and Regional Development, Western Australia, Perth. Report 393.

Bennett, D., George, R. and Lillicrap, A. (2019), *Goomig Farmlands: review and analysis of results of groundwater monitoring undertaken from 2014 to 2018, Report to the Independent Review Group (IRG)*, Department of Primary Industries and Regional Development, July 2019.
Department of the Environment, 2014, *Annual Compliance Report Guidelines*. Commonwealth of Australia, Canberra.

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ATTACHMENT 1

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