

28th April 2022

Compliance  
Department of Agriculture, Water and the Environment  
GPO Box 858 Canberra  
ACT 2601

By email: EPBCMonitoring@awe.gov.au

Dear Compliance Team,

**RE: EPBC 2017 /8004) Shamrock Station Irrigation Project, West Kimberley Region, WA – Annual Compliance Reporting**

Please find attached the 2021 Compliance Report for the above project. As at 31<sup>st</sup> Dec 2021 the project remained in the construction phase with only 5 x 40ha pivot sites within the development envelope cleared and irrigation yet to commence.

The project is also approved by DWER at the State level and our Operational Environmental Management Plan (OEMP) is approved at the State and Federal approval level. As such the State and Federal reporting for the period is covered by the Compliance Assessment Report (CAR).

Please find attached:

- Federal Reporting Requirements Annual Compliance Report Table (specific to Federal Conditions)
- Statement of Compliance
- Appendix 1 – Compliance Assessment Report as per approved Compliance Assessment Plan of OEMP
- Appendix 2 – Revised OEMP incorporating updated wording of OEMP as per condition 3 of our approval.

If you require any further information, please do not hesitate to contact me.

Yours sincerely,



Haydn Sale  
General Manager

## EPBC 2017/8004 Shamrock Station Irrigation Project Annual Compliance Report

Reporting Period 10.09.2020 - 31.12.2021

### 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 (please print) \_\_\_\_\_ Haydn Sale \_\_\_\_\_

Position (please print) \_\_\_\_\_ General Manager \_\_\_\_\_

Organisation (please print including ABN/ACN if applicable)

\_\_\_\_\_ 98 613 455 379 \_\_\_\_\_

Date \_\_\_\_\_ 28.04.2022 \_\_\_\_\_

# EPBC 2017/8004 Shamrock Station Irrigation Project

## Annual Compliance Report

Reporting Period 10.09.2020 - 31.12.2021

Part A - Conditions specific to the action		
Condition	Condition detail	Compliance Status
1	For the protection of EPBC Act listed threatened species and communities including the Greater Bilby ( <i>Macrotis lagotis</i> ) the approval holder must not: clear more than 650 hectares of vegetation, or disturb, through grazing, more than 550 hectares (not including the area cleared) within the project area shown at Attachment A.	Compliant - As at 31.12.2021 only 5 of the 12 approved 40ha pivots have been cleared within the development envelope.
2	For the protection of EPBC Act listed threatened species and communities including the Greater Bilby ( <i>Macrotis lagotis</i> ) the approval holder must commence implementing the Operational Environmental Management Plan prior to the commencement of the action and continue to implement the Operational Environmental Management Plan, or a revised version approved by the Minister in accordance with condition 3 or condition 17-22, for the rest of the life of this approval.	Compliant - OEMP is being implemented. Please refer to Appendix 1 for the 2021 Compliance Assessment Report (CAR) that has been submitted to DWER in line with the approved reporting requirements for the OEMP including results of Bilby surveys (no bilbies were located during any pre-clearance surveys).

3	<p>To compensate for residual significant impacts to the Greater Bilby (<i>Macrotis lagotis</i>), within 12 months of the implementation of the Operational Environmental Management Plan, the approval holder must undertake an annual review of this document, and within 40 business days of the completion of this review, the approval holder must submit for the Minister's approval a revised Operational Environmental Management Plan, which addresses the following commitments:</p> <p>a. if after a minimum of four consecutive years, feral cats (<i>Felis catus</i>) and foxes (<i>Vulpes vulpes</i>) have been demonstrated to be absent from the control area, surveillance monitoring, capable of detecting if any individual of these species has returned to the control area, must be conducted at least once every two years; and</p> <p>b. if subsequently, surveillance monitoring (as required under condition 3a) detects feral cats (<i>Felis catus</i>) and/or foxes (<i>Vulpes vulpes</i>) within the control area, annual control and monitoring measures, undertaken in accordance with the program methods, must be resumed for at least 20 years or until both feral species have again been demonstrated to be absent for a minimum of four consecutive years.</p> <p>The approved revised Operational Environmental Management Plan must be implemented.</p>	<p>Compliant - Please refer to Appendix 2 for the Updated OEMP. This has been revised in accordance with this condition (see amended text on page 21).</p>
4	<p>For the protection of EPBC Act listed threatened species and communities, listed migratory species, wetlands of international importance and the listed heritage values of a National Heritage Place, the approval holder must commence implementing the Detailed Water Resource Operating Strategy prior to the commencement of the action and continue to implement the Detailed Water Resource Operating Strategy for the life of this approval.</p>	<p>Compliant - DWROS forms part of the OEMP and is being implemented. Refer to Appendix 1 for the 2021 Compliance Assessment Report, this includes the 2021 Water monitoring report as an attachment.</p>
<b>Part B - Standard administrative conditions</b>		
<b>Condition</b>	<b>Condition detail</b>	<b>Compliance Status</b>

5	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant emailed 15.06.2021 to note that clearing had commenced however action is yet to fully commence with no irrigation undertaken in the 2021 year.
6	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	N/A for this reporting period
7	The approval holder must maintain accurate and complete compliance records.	Compliant
8	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	N/A for this reporting period
9	The approval holder must: <ul style="list-style-type: none"> <li>a. submit plans electronically to the Department;</li> <li>b. publish each plan on the website within 20 business days of the date of this approval decision, or the date the plan is approved by the Minister, unless otherwise agreed to in writing by the Minister;</li> <li>c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and</li> <li>d. keep plans published on the website until the end date of this approval.</li> </ul>	N/A for this reporting period
10	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department within one month of that monitoring data being collected.	N/A for this reporting period

11	<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <ol style="list-style-type: none"> <li>a. publish each compliance report on the website within 60 business days following the relevant 12 month period;</li> <li>b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication;</li> <li>c. keep all compliance reports publicly available on the website until this approval expires;</li> <li>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</li> <li>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</li> </ol>	<p>We received approval on the 20.09.2021 to amend our reporting period to align various compliance reporting requirements for the project. Reporting is now on an annual 01st Jan - 31st Dec cycle with compliance reports to be submitted within 60 days.</p> <p>We emailed the department on 28.02.2022 to request a 60 day extension due to staff being unable to return to the state as expected following COVID restrictions. This request was also submitted to DWER and approved. Since this time staffing has been further impacted by positive COVID cases. We are yet to receive a response from DOEE but hope that our submission by todays date will be acceptable.</p> <p>Please take this report as notice that the report is published on our website: <a href="http://www.argylecattle.com.au/shamrock-station/">http://www.argylecattle.com.au/shamrock-station/</a></p>
12	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> <li>a. any condition which is or may be in breach;</li> <li>b. a short description of the incident and/or non-compliance; and</li> <li>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</li> </ol>	N/A for this reporting period

13	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>b. the potential impacts of the incident or non-compliance; and</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>	N/A for this reporting period
14	<p>The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12 month period from the date of this approval and for every subsequent 12 month period.</p>	In progress - First audit to now be arranged to cover this first reporting period as represented by this Compliance Report.
15	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> <li>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</li> <li>b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and</li> <li>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</li> </ul>	As above
16	<p>The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.</p>	As above
17	<p>The approval holder may, at any time, apply to the Minister for a variation to an action management plan submitted as part of the assessment documentation for the action and required to be implemented under this approval, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.</p>	N/A for this reporting period

18	<p>The approval holder may choose to revise an action management plan required to be implemented under this approval, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.</p>	N/A for this reporting period
19	<p>If the approval holder makes the choice under condition 18 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> <li>a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> <li>i. an electronic copy of the RAMP;</li> <li>ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;</li> <li>iii. an explanation of the differences between the approved action management plan and the RAMP;</li> <li>iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and</li> <li>6</li> <li>v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department.</li> </ul> </li> <li>b. subject to condition 21, implement the RAMP from the RAMP implementation date.</li> </ul>	N/A for this reporting period



20	The approval holder may revoke their choice to implement a RAMP under condition 18 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 18, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 18.	N/A for this reporting period
21	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then: a. condition 18 does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice.	N/A for this reporting period
22	At the time of giving the notice under condition 21, the Minister may also notify that for a specified period of time, condition 18 does not apply for one or more specified action management plans.	N/A for this reporting period
23	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	N/A for this reporting period