

VALHALLA FRACKING APPEAL GUIDE

SUBMISSIONS CLOSE 9 FEB



Document Overview

Western Australia's Environmental Protection Authority (EPA) has recommended the Cook government approve Black Mountain Energy (BME)'s proposal to drill and frack up to 20 gas wells in the West Kimberley as part of its Valhalla project — a major step toward opening the Kimberley to unconventional gas development.

This proposal poses unacceptable risks to precious groundwater, threatened species, and the global climate. We all need to take action to stop this dirty and dangerous project.

The Western Australian Office of the Appeals Convenor will accept appeals against the recommendation until 10 February 2026. This is one of the most important opportunities to stop the project.

The Cook government and Environment Minister Matthew Swinbourn will make the final decision on whether this project can go ahead.

If the Appeals Convenor advises the Minister against the EPA's recommendation, it will give him the grounds he needs to reject this project.

This document is designed to help you submit an appeal against the EPA's recommendation and shape the Appeals Convenor's findings.



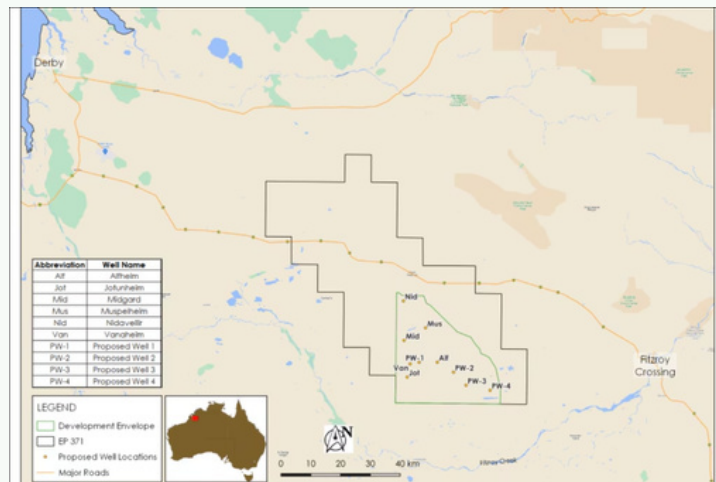
Project Overview

Name: Valhalla Gas project

Location: West Kimberley/Canning Basin, in the catchment of the Martuwarra Fitzroy River, 18 kilometres from the Yungngora (Noonkanbah) community and 123 kilometres from Derby.

Proponent: Bennett Resources Pty Ltd, a subsidiary of Black Mountain Energy Limited.

Proposal: Drilling and construction of up to 20 gas exploration wells. This is the thin edge of the wedge and could lead to the fracking of hundreds or possibly thousands of wells across the Kimberley.



Our concerns:

We believe this proposal poses several serious risks that have not been adequately considered by the EPA:

- Risks to groundwater supply and ecosystems, including the Martuwarra Fitzroy River National Heritage area.
- Climate impacts through greenhouse gas emissions.
- Risks to stygofauna (aquatic animals that live in groundwater systems).
- Impacts to threatened species including the greater bilby, the ghost bat, and migratory species.

For these reasons, the EPA's recommendation is not supported by sufficient evidence and should be reconsidered.

Political context:

- Fracking is banned throughout much of Western Australia, including the South West, Peel and Metropolitan areas.
- In 2018, the state government lifted a moratorium on fracking in the Canning Basin in the Kimberley.
- In 2025, the Labor Party passed a resolution in favor of a state-wide fracking ban at its conference.
- The EPA has not assessed the project in terms of greenhouse gas emissions, instead deferred to the Federal government's Safeguard Mechanism, as advised by the Cook government's 2024 Greenhouse Gas Emissions Policy. However, given the severe risk to Western Australia's environment from increasing greenhouse gas emissions, the EPA should consider climate impacts of all new proposals.

Grounds for Appeal

There are multiple possible grounds of appeal for this project, some of which are listed below. You can choose one or more grounds upon which to appeal or add additional grounds to your appeal.

1. The EPA did not adequately consider the risks to groundwater resources. The Proposal will use 40 megalitres of groundwater per well.

The groundwater abstraction for the Proposal could adversely affect downstream groundwater users, and conservation-significant species and ecosystems, including the Martuwarra Fitzroy River National Heritage area. There may also be local impacts for groundwater dependent ecosystems in the arid environment of the West Kimberley. The EPA assessed the Proposal without complete site-specific data and groundwater monitoring and instead relied on DWER groundwater modelling across the broader Fitzroy River catchment.

According to the EPA's report:

“The EPA determined it could proceed with its assessment despite limitations in the proponent's information, such as the completion of baseline groundwater monitoring. The EPA had regard to the proponent's commitments to undertake further monitoring and risk analysis prior to fully implementing the proposal, including as part of compliance with other statutory decision-making processes.” (p 25)

The EPA should not have gone ahead with its assessment with incomplete evidence. The Independent Expert Scientific Committee (IESC) released advice in December 2025 that found that the proponent's assessment documentation “is not sufficient to assess the project's potential impacts on surface and groundwater resources and water-related assets.” The EPA has not considered the IESC's recommendation that extensive further study is undertaken to understand the project's impacts on surface and groundwater.

Outcome Sought:

That the EPA assessment and recommendations in relation to groundwater should be rejected by the Office of the Appeals Convenor on the ground that the EPA failed to comply with their own objective “To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.”

That the Office of the Appeals Convenor and the Minister for Environment require the EPA to consider the IECS recommendations and require the proponent to conduct further studies on the impacts on surface and groundwater.

2. The EPA did not adequately consider greenhouse gas emissions from the proposal and their effect on climate

The proposal would emit up to 368,000 tonnes of CO₂-e per year, totalling 1.6 million tonnes over its life.

According to the EPA, peak annual emissions during years 6 and 7 of the Proposal would constitute approximately 0.45% of WA's total emissions and 0.09% of Australia's total reported emissions.

If the Valhalla project is eventually developed in full, Climate Analytics has estimated it would add 1.8-2.6% to Australia's annual emissions.

During an intensifying climate crisis, emissions should be decreasing. As a new gas project, this proposal is incompatible with the Paris Agreement's 1.5-degree warming target or Federal emissions reduction target of 65-70% by 2035.

Outcome Sought:

That the EPA assessment and recommendations in relation to Greenhouse gas emissions should be rejected by the Office of the Appeals Convenor on the ground that the EPA failed to comply with their own objective "To minimise the risk of environmental harm associated with climate change by reducing greenhouse gas emissions as far as practicable."



3. The EPA did not adequately consider the risks to stygofauna

The Proposal poses risks to stygofauna (aquatic animals that live in groundwater systems).

The Kimberley is recognised as containing moderately diverse stygofauna communities and there are known stygofauna at various sites near to Valhalla. The EPA has failed to require the proponent to do site-specific stygofauna surveys.

The EPA has noted that there are potential impacts to stygofauna from groundwater drawdown and loss of habitat. It has also noted that there is a lack of knowledge about site specific stygofauna.

Given the potential risks and the lack of data, we fail to see how the EPA can conclude that “potential impacts to stygofauna are not likely to be significant.”

The Appeals Convenor should require surveying of local stygofauna populations and specific data on drawdown habitat loss and any contamination risks.

Outcome Sought:

That the EPA assessment and recommendations in relation to stygofauna should be rejected by the Office of the Appeals Convenor on the ground that the EPA failed to comply with their own objective “To protect subterranean fauna (including stygofauna) so that biological diversity and ecological integrity are maintained.”

4. The EPA did not adequately consider the risks to threatened species or mitigate against the impacts

The Proposal poses risks to ecosystems through:

24/7 industrial activity including drilling and flaring that will cause disturbance and physical risks to fauna.

The removal of 22 hectares of forage habitat critical to the survival of threatened species. Impacts to fauna from vehicle strike.

Long-term impacts: If the project proceeds beyond this initial exploratory phase, it will have much longer-term environmentally significant impacts. This Proposal is just the preliminary stage of a much larger and more polluting project.

There are significant data gaps in regard to the impact to a range of fauna species and, more broadly, a lack of peer reviewed studies in the Oceania region for impacts to terrestrial wildlife from petroleum exploration. **The Proposal should not proceed in the absence of knowledge on species of conservation significance and clear strategies developed to avoid or mitigate impacts.**

Particular species that may be impacted by the project include:

The Greater Bilby:

- The Greater Bilby uses ground burrows and could be significantly impacted by the activities of the Proposal.
- The Greater Bilby could be at risk from the created seismic lines or vehicle trails, which are known to funnel feral cats.
- Feral predators can be attracted to putrescible waste and water supplies (whether covered or not).
- The removal of protective habitat increases the risk of predation.
- The disturbance of this size for the Proposal could have an impact on the foraging behaviours of female bilbies, produce further environmental fragmentation and edge effects, and create barriers to dispersal and gene flow.
- The Proposal does not include baseline or ongoing monitoring for impacts on Greater Bilby populations from the project.

The Ghost Bat:

- The Proponent has noted that Ghost Bats have been found 50 kilometres northeast of the Proposal Area and foraging habitats may be present in the Proposal Area. However, it does not incorporate mitigation strategies to protect the Ghost Bat.
- The distribution data used by the Proponent is from 2006 and needs updating.
- The Kimberley population of Ghost Bats is ecologically important.
- Ghost Bats can forage for distances of up to 30km from their diurnal roost.
- The diet of the Ghost Bat is broad and includes invertebrates, birds, reptiles and mammals – prey species that will be present within the Proposal area.

Migratory Species:

- Several threatened migratory bird species are noted as having the potential to occur in the Proposal area. The Proposal does not include mitigation strategies to protect these species.



Outcome Sought:

Outcome sought: That the EPA assessment and recommendations in relation to threatened species should be rejected by the Office of the Appeals Convenor on the ground that the EPA failed to comply with their own objective “To protect terrestrial fauna so that biological diversity and ecological integrity are maintained.”

How to Appeal

You can make an appeal through [CCWA's submissions portal](#). Submissions via CCWA close on 9 February, 2026.

You will be guided through a form where you can adapt/write your appeal. With your permission, CCWA will submit your appeal to the Appeals Convenor on your behalf.

There is a \$10 fee for submitting an appeal. If you submit through our portal, CCWA will cover the cost of your appeal. You can [donate](#) to cover the cost of your appeal, or to support others to make their appeal.

Alternatively, you can make your own submission directly through the [Appeals Convenor website](#). Submissions to the Appeals Convenor close on 10 February, 2026. (The EPA report number is 1800.)

It is important that you do not make more than one submission. If you have made a previous submission through Environs Kimberley, Lock the Gate, or directly through the Appeals Convenor, please don't make another one through CCWA's portal.

After making your initial submission to the Appeals Convenor, you will have the opportunity to engage further with them through additional submissions and meetings.

The Appeals Convenor values unique submissions. We encourage you to individualise your submission and write it in your own words. Even a short submission in your own words can have an impact.

Additional Resources

The following additional resources may assist in your appeal:

- The EPA's [full report](#) on the Proposal
- Environs Kimberley's [Valhalla Briefing paper](#)
- Climate Analytics report: [Fracking the Kimberley: the Canning Basin development plans](#)