

Referral of a Proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*.

EPA REFERRAL FORM

PURPOSE OF THIS FORM

Section 38 of the *Environmental Protection Act 1986* (EP Act) makes provision for the referral to the Environmental Protection Authority (EPA) of a proposal (significant proposals, strategic proposals and proposals under an assessed scheme) by a proponent, a decision making authority (DMA), or any other person.

The purpose of this form is to ensure that EPA has sufficient information about a proposal to make a decision about the nature of the proposal and whether or not the proposal should be assessed under Part IV of the EP Act. Information provided in the referral form must be brief (no more than 30 pages), sharp and succinct to achieve the purposes of this form.

This form does not prevent the referrer from providing a supplementary referral report. Should a referrer choose to submit a supplementary referral report please ensure the following.

- i. Information is short, sharp and succinct.
- ii. Attachments are below eight megabytes (8 MB) as they will be published on the EPA's website (exemptions apply) for public comment. To minimise file size, "flatten" maps and optimise pdf files.
- iii. Cross-references are provided in the referral form to the appropriate section/s in the supplementary referral report.

This form is to be used for all proposals¹ which can be referred to the EPA under section 38 of the EP Act; i.e. referrals from: **proponents** of proposals (significant proposals, strategic proposals, derived proposals, proposals under an assessed scheme); **DMAs** (significant proposals); and **third parties** (significant proposals).

This form is divided into several sections, including; Referral requirements and Declaration; Part A - Information of the proposal and proponent; and Part B Environmental Factors. Guidance on successfully completing this form is provided throughout the form and is also available in the EPA's Environmental Assessment Guideline for Referral of a Proposal under s38 of the EP Act (EAG 16).

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¹ Please note that this form consolidates and replaces the following forms: Referral of a Proposal by the Proponent to the EPA under section 38(1) of the EP Act; Referral of a Proposal by a third party to the EPA under section 38(1) of the EP Act; and Referral of a development proposal to the EPA by the decision making authority.

Send completed forms to

Office of the Environmental Protection Authority Locked Bag 10, East Perth WA 6892

Email: Registrar@epa.wa.gov.au

Enquiries

Office of the Environmental Protection Authority Locked Bag 10, East Perth WA 6892 Telephone: 6145 0800

Fax: 6145 0895

Email: info@epa.wa.gov.au Website: www.epa.wa.gov.au

Referral requirements and Declaration

The following section outlines the referral information required from a proponent, decision making authority and third party.

(a) Proponents

Proponents are expected to complete all sections of the form and provide GIS spatial data to enable the EPA to consider the referral. Spatial GIS data is necessary to inform the EPA's decision.

The EPA expects that a proponent will address Part B of the form as thoroughly as possible to demonstrate whether or not the EPA's objectives for environmental factors can be met.

If insufficient information is provided the EPA will request more information and processing of the referral will commence once the information is provided or the EPA decides to make a precautionary determination on the available information.

Proponent to complete before submitting form	
Completed all the questions in Part A (essential)	⊠ Yes □ No
Completed all the questions in Part B	⊠ Yes □ No
Completed all other applicable questions	⊠ Yes □ No
Included Attachment 1 – any additional document(s) the proponent wishes to provide	⊠ Yes □ No
Included Attachment 2 – confidential information (if applicable)	⊠ Yes □ No
Enclosed an electronic copy of all referral information, including spatial data and contextual mapping but clearly separating any confidential information	⊠ Yes □ No
Completed the Declaration	⊠ Yes □ No
What is the type of proposal being referred? * a referred proposal seeking to be declared a derived proposal	Significant□ strategic□ derived*□ under an assessed scheme
Do you consider the proposal requires formal environmental impact assessment?	⊠ Yes □ No
If yes, what level of assessment? API = Assessment of Proponent Information PER = Public Environmental Review	☑ API Category A☐ API Category B☐ PER

NB: The EPA may apply an Assessment on Proponent Information (API) level of assessment when the proponent has provided sufficient information about:

- the proposal;
- · the proposed environmental impacts;
- the proposed management of the environmental impacts; and
- when the proposal is consistent with API criteria outlined in the <u>Environmental Impact</u> Assessment (Part IV Division 1 and 2) Administrative Procedures 2012.

If an API A formal level of assessment is considered appropriate, please refer to Environmental Assessment Guideline No. 14 *Preparation for an Assessment on Proponent Information (Category A) Environmental Review Document EAG 14* (EAG14).

Declaration

I, Jennifer May, declare that I am authorised on behalf of City of Busselton (being the person responsible for the proposal) to submit this form and further declare that the information contained in this form is true and not misleading.

Signature	Sofry	Name (print) Je	nnifer May	
Position	Manager Commercial Services	Organisation	City of Bus	selton
Email	Jennifer.May@busselton.v	va.gov.au		
Address	38	Peel Terrace		
	Busselton		WA	6280
Date	7 July 2016	>		

(b) Decision-making authority

The EPA expects decision-making authorities to complete applicable sections of Part A of the form and provide the proponent an opportunity to provide additional information in Part B of the form where appropriate.

Wherever possible the DMA should obtain relevant spatial information from the proponent and provide this to the EPA with the referral.

DMA to comp	lete before submitting form	n			
Completed all the questions in Part A (essential)			☐ Ye	es 🗌 No	
Provided Part B to the proponent for completion			☐ Ye	es 🗌 No	
Completed all	other applicable questions				es 🗌 No
Included Attac	hment 1 – any supporting in	formation			es 🗌 No
	lectronic copy of all referral i al data and contextual mapp			☐ Y€	es 🗌 No
Completed the	below Declaration			☐ Ye	es 🗌 No
	er the proposal requires forn impact assessment?	nal		☐ Y€	es 🗌 No
What is the typ	oe of proposal being referred	l?		significant	proposal
					proposal under sed scheme
Declaration I,, (full name) submit this referral to the EPA for consideration of the environmental significance of its impacts.					
Signature		Name (print)			
Position		Organisation			
Email					
Address	Street No.	Street Name			
	Suburb		Sta	ate	Postcode
Date				_	

(c) Third Party

Third parties are asked to have consideration for the Significance Test outlined in Part A Section 1.5 of this form before referring a significant proposal to the EPA. The EPA will only consider proposals that are likely, if implemented, to have a significant effect on the environment.

Third parties are to provide sufficient information to clearly identify the significant proposal, the proponent, and their reasons for referring the proposal. This can be done by completing as much of Part A of the form as possible, taking into consideration the information available. Third parties may wish to fill in Part B of the form to advance their own views of the significance of the environmental impacts and the need for EPA assessment.

In most cases the EPA will seek additional information from the proponent. This will be to confirm or amend the identity of the proponent, the proposal, and to allow the proponent opportunity to provide its views on the significance of the environmental impacts and the need for EPA assessment.

Complete all ap	Complete all applicable questions in Part A and B			☐ Yes	☐ No
Completed the	Declaration			☐ Yes	☐ No
Do you conside assessment?	er the proposal requir	res formal environmenta	I impact	☐ Yes	□No
		, <i>(full name)</i> sulignificance of its impacts		rral to th	e EPA for
Signature		Name (print)			
Email					
Position		Organisation			
Address	Street No.	Street Name			
		•			
	Suburb		State	Ро	stcode

PART A: Information on the proposal and the proponent

All fields of Part A must be completed by the proponent and/or decision-making authority for this document to be processed as a referral. Third party referrers are only expected to fill in the fields they have information for.

1 PROPONENT AND PROPOSAL DESCRIPTION

1.1 The proponent of the proposal

Proponent and/or DMA to complete	
Name of the proponent	City of Busselton
Joint Venture parties (if applicable)	n/a
Australian Company Number(s)	87 285 608 991
Postal Address (Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State)	Locked Bag 1 Busselton WA 6280
Key proponent contact for the proposal Please include: name; physical address; phone; and email.	Jennifer May City of Busselton 38 Peel Terrace BUSSELTON WA 6280 Phone: (08) 9781 0389 Email: Jennifer.May@busselton.wa.gov.au
Consultant for the proposal (if applicable) Please include: name; physical address; phone; and email.	Heath Morgan Strategen Environmental Consultants Pty Ltd 177 Spencer Street, BUNBURY 6230 Phone: (08) 9792 4797 Email: h.morgan@strategen.com.au

1.2 Proposal

Proposal is defined under the EP Act to mean a "project, plan, programme policy, operation, undertaking or development or change of land use, or amendment of any of the foregoing, but does not include scheme". Before completing this section please refer to Environmental Protection Bulletin 17 – Strategic and derived proposals (EPB 17) and Environmental Assessment Guideline for Defining the Key Characteristics of a proposal (EAG 1).

Proponent and/or DMA to complete		
Title of the proposal		
What project phase is the proposal at?	☐ Scoping☐ Feasibility☑ Detailed design☐ Other	
Proposal type More than one proposal type can be identified, however for filtering purposes it is recommended that only the primary proposal type is identified.	Power/Energy Generation Hydrocarbon Based – coal Hydrocarbon Based – gas Waste to energy Renewable – wind Renewable – wave Renewable – solar	

Proponent and/or DMA to complete	
	Renewable – geothermal
	 ☐ Mineral / Resource Extraction ☐ Exploration – seismic ☐ Exploration – geotechnical ☐ Development
	Oil and Gas Development Exploration Onshore – seismic Onshore – geotechnical Onshore – development Offshore – seismic Offshore – geotechnical Offshore – development
	☐ Industrial Development ☐ Processing ☐ Manufacturing ☐ Beneficiation
	□ Land Use and Development □ Residential – subdivision □ Residential – development □ Commercial – subdivision □ Commercial – development □ Industrial – subdivision □ Industrial – development □ Agricultural – subdivision □ Agricultural – development □ Tourism
	Linear Infrastructure Rail Road Power Transmission Water Distribution Gas Distribution Pipelines
	 Water Resource Development □ Desalination □ Surface or Groundwater □ Drainage □ Pipelines □ Managed Aquifer Recharge
	 ☐ Marine Developments ☐ Port ☐ Jetties ☐ Marina ☐ Canal ☐ Aquaculture ☐ Dredging

Proponent and/or DMA to complete	
	If other, please state below: ☑ Other Airport
Proponent and/or DMA to complete	
Description of the proposal – describe the key characteristics of the proposal in accordance with <u>EAG 1</u> .	Refer to attached Environmental Review
Timeframe in which the proposal is to occur (including start and finish dates where applicable).	Construction works are proposed to commence in December 2016 and be complete by December 2018, with the first Code 4C jet aircraft operations commencing in late 2018.
Details of any staging of the proposal.	Refer to attached Environmental Review
What is the current land use on the property, and the extent (area in hectares) of the property?	Refer to attached Environmental Review
Have pre-referral discussions taken place with the OEPA?	Yes Meeting held 20 November 2015
If yes, please provide the case number. If a case number was not provided, please state the date of the meeting and names of attendees.	Anthony Sutton, Hans Jacob and Amy Sgherza attended from OEPA.
DMA (Responsible Authority) to complete	
For a proposal under an assessed scheme (as defined in section 3 of the EP Act, applicable only to the proponent and DMA) provide details (in an attachment) as to whether:	n/a
 The environmental issues raised by the proposal were assessed in any assessment of the assessed scheme. 	
 The proposal complies with the assessed scheme and any environmental conditions in the assessed scheme. 	

1.3 Strategic / derived proposals

Complete this section if the proposal being referred is a strategic proposal or you are seeking the proposal to be declared a derived proposal. Note: Only a proponent may refer a strategic proposal and seek a proposal to be declared a derived proposal.

Proponent to complete	
Is this referred proposal a strategic proposal?	☐ Yes ⊠ No
Are you seeking that this proposal be declared a derived proposal?	☐ Yes ⊠ No
If you are seeking that this proposal be declared a derived proposal, what is the Ministerial Statement number (MS #) of the associated strategic proposal?	MS #:

1.4 Location

Proponents and DMAs must provide spatial data. Please refer to <u>EAG 1</u> for more detail.

Proponent, DMA and Third Party to complete	
Name of the Local Government Authority in which the proposal is located.	City of Busselton
Location:	
 a) street address; lot number; suburb; and nearest road intersection; or 	Refer to attached Environmental Review
 b) if remote the nearest town; and distance and direction from that town to the proposal site. 	
Have maps and figures been included with the referral (consistent with <u>EAG 1</u> where appropriate)?	⊠ Yes □ No
The types of maps and figures which need to be provided (depending on the nature of the proposal) include: • maps showing the regional location and context of the proposal; and	Refer to attached Environmental Review
 figures illustrating the proposal elements. 	
Proponent and DMA to complete	
Have electronic copies of spatial data been included with the referral?	⊠ Yes □ No
NB: Electronic spatial (GIS or CAD) data, geo-referenced and conforming to the following parameters:	
 GIS: polygons representing all activities and named; 	
 CAD: simple closed polygons representing all activities and named; 	
datum: GDA94;	
 projection: Geographic (latitude/longitude) or Map Grid of Australia (MGA); 	
 format: ESRI geodatabase or shapefile, MapInfo Interchange Format, Microstation or AutoCAD 	

1.5 Significance test and environmental factors

Proponent, DMA and Third Party to complete	
What are the likely significant	☐ Benthic Communities and Habitat
environmental factors for this proposal?	☐ Coastal Processes
	☐ Marine Environmental Quality
	☐ Marine Fauna
	☐ Flora and Vegetation
	☐ Landforms
	☐ Subterranean Fauna
	☐ Terrestrial Environmental Quality
	□ Terrestrial Fauna
	☐ Hydrological Processes
	☐ Inland Waters Environmental Quality
	☐ Air Quality & Atmospheric Gases

Proponent, DMA and Third Party to complete		
	☐ Heritage	
	☐ Human Health	
	☐ Offsets	
	Rehabilitation and Decommissioning	
Having regard to the Significance Test (refer to Section 7 of the EIA Administrative	Please outline in two paragraphs or less.	
Procedures 2012) in what ways do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA?	Aircraft operations may result in noise impacts to amenity and disturbance to waterbirds within the Vasse-Wonnerup wetlands.	
	Refer to attached Environmental Review	

1.6 Confidential information

All information will be made publically available unless authorised for exemption under the EP Act or subject to the Freedom of Information Act 1992.

Proponent to complete	
Does the proponent request that the EPA treat any part of the referral information as confidential?	⊠ Yes □ No
Ensure all confidential information is provided in a separate attachment in hard copy.	

2 REGULATORY CONSIDERATIONS

This section applies to the Local, State and Commonwealth regulatory considerations for the referred proposal.

2.1 Government approvals

2.1.1 State or Local Government approvals

DMA to complete	
What approval(s) is (are) required from you as a decision-making authority?	
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	⊠ Yes □ No
	The following lots are to be rezoned under Town Plan Scheme No. 21 from Agriculture to Special Purpose: Busselton Regional Airport:
	Part Lot 1 Plan 53715
	 Part Lot 3819 Plan 153196
	 Part Lot 203 / 204 Plan 32475

2.1.2 Regulation of aspects of the proposal

Complete the following to the extent possible.

Proponent to complete	
Do you have legal access required for the implementation of all aspects of the proposal?	☐ Yes ⊠ No
If yes, provide details of legal access authorisations / agreements / tenure. If no, what authorisations / agreements / tenure is required and from whom?	Acquisition required for • Part Lot 3819 Plan 153196 • Part Lot 203 / 204 Plan 32475 • Part Lot 1 Plan 53715
	Authorisation required to access the following lots to conduct clearing and/or pruning of vegetation: • Lot 57 Plan 5398 • Lot 591 Plan 126664

Outline both the existing approvals and approvals that will be / are being sought as a part of this proposal.

Proponent to complete			
Aspects* of the proposal	Type of approval	Legislation regulating this activity	Which State agency /entity regulate this activity?
Land acquisition	Subdivision and amalgamation approvals	Planning and Development Act 2005	WA Planning Commission

^{*}e.g. mining, processing, dredging

2.1.3 Commonwealth Government *Environment Protection and Biodiversity Conservation Act 1999* approvals

Refer to the <u>assessment bilateral agreement</u> between the Commonwealth of Australia and the State of Western Australia for assistance on this section.

Proponent to complete				
1.	Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?			
2.	What is the status of the decision on whether or not the action is a controlled action?	 □ Proposal not yet referred ☑ Proposal referred, awaiting decision □ Assessed – controlled action □ Assessed – not a controlled action 		
3.	If the action has been referred, when was it referred and what is the reference number (Ref #)?	Date: 1 April 2016 Ref #: 2016/7675		

Pro	Proponent to complete			
4.	If the action has been assessed, provide the decision in an attachment. Has an attachment been provided?	☐ Yes [⊠ No	
5.	Do you request this proposal to be assessed under the bilateral agreement?	☐ Yes [☐ No	

Complete the following to the extent possible for the Public Comment of EPBC Act referral documentation.

Proponent to complete				
6. Have you invited the public to comment on your referral documentation?	⊠ Yes □ No			
7. How was the invitation published?	☐ newspaper ⊠ website			
8. Did the invitation include all of the following?				
(a) brief description of the action	⊠ Yes □ No			
(b) the name of the action	⊠ Yes □ No			
(c) the name of the proponent	⊠ Yes □ No			
(d) the location of the action	⊠ Yes □ No			
(e) the matters of national environmental significance that will be or are likely to be significantly impacted	⊠ Yes □ No			
(f) how the relevant documents may be obtained	⊠ Yes □ No			
(g) the deadline for public comments	⊠ Yes □ No			
(h) available for public comment for 14 calendar days	⊠ Yes □ No			
(i) the likely impacts on matters of national environmental significance	⊠ Yes □ No			
(j) any feasible alternatives to the proposed action	☐ Yes ⊠ No			
(k) possible mitigation measures	⊠ Yes □ No			
Were any submissions received during the public comment period?	☐ Yes ☐ No			
Have public submissions been addressed? If yes provide attachment.	☐ Yes ☐ No			

2.1.4 Other Commonwealth Government Approvals

Proponent, DMA and Third Party to complete				
Is approval require Commonwealth C part of the propos	Government/s for any	If yes, pleas		Yes No
Agency / Authority	Approval required	Application lodged?		Agency / Local Authority contact(s) for proposal
		☐ Yes	☐ No	
		☐ Yes	☐ No	

3. SUPPORTING INFORMATION

Please attach copies of any relevant information on the proposal, supporting evidence and / or existing environmental surveys, studies or monitoring information undertaken and list the documents below.

Propo	Proponent, DMA and Third Party to complete			
(1)	Assessment of Proponent Information - Environmental review	Strategen Environmental Pty Ltd	Environmental Review, with supporting information (including technical reports) in appendices	

PART B: ENVIRONMENTAL FACTORS

The purpose of Part B is to assist the EPA to determine the significance of the likely environmental impacts of the proposal in accordance with the EPA's *Environmental Assessment Guideline for Environmental factors and objectives* (EAG 8) and *Environmental Assessment Guideline for Application of a significant framework in the EIA process* (EAG 9). Referrers completing Part B should refer closely to EAG 8 and EAG 9.

The EPA has prepared <u>Referral of a Proposal under s38 of the EP Act EAG No.16 - Appendix A</u> (Appendix A) to assist in identifying factors and completing the below table. Further guidance can be found in the guidance and policy documents cited in Appendix A under each factor.

How to complete Part B

For each environmental factor, that is likely to be significantly impacted by the implementation of the proposal, make a copy of the table below and insert a summary of the relevant information relating to the proposal. The table can be broken down into more than one table per factor, if the need arises. For example the hydrological processes factor can be presented in two separate tables, one for surface water and one for groundwater, or similarly one for construction and one for operations.

For complex proposals a supplementary referral report can be provided in addition to the referral form. If this option is chosen the table must still be completed (summaries are acceptable) to assist the Office of the EPA with statistical reporting and filtering proposals for processing.

Proponents expecting an API level of assessment must provide information in accordance with the EPA's *Environmental Assessment Guideline for Preparation of an API-A environmental review document* (EAG 14).

For <u>each</u> of the significant environmental factors, complete the following table (Questions 1 - 10).

Refer to attached Environmental Review document and appendices.