



Environmental Protection Authority

EPA REFERRAL
FORM

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

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).

Send completed forms to

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

or

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

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*.

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

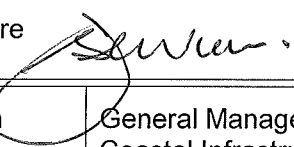
NB: The EPA may apply an Assessment on Proponent Information (API) level of assessment when the proponent has provided sufficient information about:

- 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 Environmental Impact 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, Steve Jenkins declare that I am authorised on behalf of the Department of Transport. (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				Name	Steve Jenkins	
Position	General Manager Coastal Infrastructure		Organisation	Department of Transport		
Email	Steve.Jenkins@transport.wa.gov.au					
Address	1		Essex Street			
	Fremantle			WA	6160	
Date	12 May 2015					

(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 complete before submitting form	
Completed all the questions in Part A (essential)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Provided Part B to the proponent for completion	<input type="checkbox"/> Yes <input type="checkbox"/> No
Completed all other applicable questions	<input type="checkbox"/> Yes <input type="checkbox"/> No
Included Attachment 1 – any supporting information	<input type="checkbox"/> Yes <input type="checkbox"/> No
Enclosed an electronic copy of all referral information, including spatial data and contextual mapping	<input type="checkbox"/> Yes <input type="checkbox"/> No
Completed the below Declaration	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you consider the proposal requires formal environmental impact assessment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What is the type of proposal being referred?	<input type="checkbox"/> significant proposal <input type="checkbox"/> significant proposal under an assessed 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	State	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.

Third Party to complete before submitting form	
Complete all applicable questions in Part A and B	<input type="checkbox"/> Yes <input type="checkbox"/> No
Completed the Declaration	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you consider the proposal requires formal environmental impact assessment?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Declaration

I,, (*full name*) submit this referral to the EPA for consideration of the environmental significance of its impacts.

Signature		Name (print)	
Email			
Position		Organisation	
Address	Street No.	Street Name	
	Suburb	State	Postcode
Date			

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	Department of Transport
Joint Venture parties (if applicable)	N/A
Australian Company Number(s) (if applicable)	27 285 643 255
Postal Address <i>(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)</i>	140 William Street Perth WA 6000
Key proponent contact for the proposal <i>Please include: name; physical address; phone; and email.</i>	Larry Adams PO Box 402, Fremantle WA 6959 T: (08) 9435 7624 E: Larry.adams@transport.wa.gov.au
Consultant for the proposal (if applicable) <i>Please include: name; physical address; phone; and email.</i>	N/A

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	Denham Foreshore and Marine Facilities Upgrade
What project phase is the proposal at?	<input type="checkbox"/> Scoping <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Detailed design <input type="checkbox"/> Other _____
Proposal type <i>More than one proposal type can be identified, however for filtering purposes it is recommended that only the primary proposal type is identified.</i>	<input type="checkbox"/> Power/Energy Generation <input type="checkbox"/> Hydrocarbon Based – coal <input type="checkbox"/> Hydrocarbon Based – gas <input type="checkbox"/> Waste to energy <input type="checkbox"/> Renewable – wind <input type="checkbox"/> Renewable – wave <input type="checkbox"/> 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

Proponent and/or DMA to complete	
	<input type="checkbox"/> Dredging <i>If other, please state below:</i> <input checked="" type="checkbox"/> Other <u>Coastal Facilities</u>
Proponent and/or DMA to complete	
Description of the proposal – describe the key characteristics of the proposal in accordance with <u>EAG 1</u> .	<p>Upgrade works to coastal infrastructure and onshore facilities in Denham Boat Harbour</p> <p>Extent (area) of proposed ground disturbance is approximately 1.5 ha (see Figure 2-2 in attached EIA Report, Cardno 2015)</p>
Timeframe in which the proposal is to occur (including start and finish dates where applicable).	July 2015 to August 2016
Details of any staging of the proposal.	<p>Yes</p> <p>This proposal is part of the “Foreshore and Main Street Revitalisation Plan” of Denham</p> <p>Stage 1 is the planned replacement of the Recreational Jetty (subject of a previous referral)</p> <p>This referral is for Stage 2</p> <p>Note that while not part of this referral, dredging associated with the DoT’s State-wide maintenance dredging program will be timed to coincide with the upgrade works.</p>
What is the current land use on the property, and the extent (area in hectares) of the property?	<p>The current use of the marine facilities is for marine activities, launching and retrieval of vessels. There is a fuel supply facility, waste oil receiveal, fish cleaning station and ablution block. There are sealed and unsealed parking areas and grassed recreation areas. The facilities are mainly used for recreational purposes, however there is also some commercial fishing industry use.</p> <p>The total area of the water area vested under Marine and Harbours Act 1981 is approx. 2,147.86 ha. Out of that area, approx. 6.78ha are used as maritime facilities (1.98ha basin and 4.8ha entrance channel).</p>
Have pre-referral discussions taken place with the OEPA? If yes, please provide the case number. If a case number was not provided, please state the	<p>Yes</p> <p>23 March 2015</p> <p>EPA - Leanne Thompson, DoT – Larry Adams, Olaya Lope-Casado-</p>

Proponent and/or DMA to complete	
date of the meeting and names of attendees.	
DMA (Responsible Authority) to complete	
<p>For a proposal under an assessed scheme (as defined in <u>section 3 of the EP Act</u>, applicable only to the proponent and DMA) provide details (in an attachment) as to whether:</p> <ul style="list-style-type: none"> • <i>The environmental issues raised by the proposal were assessed in any assessment of the assessed scheme.</i> • <i>The proposal complies with the assessed scheme and any environmental conditions in the assessed scheme.</i> 	

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you seeking that this proposal be declared a derived proposal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 EAG 1 for more detail.

Proponent, DMA and Third Party to complete	
Name of the Local Government Authority in which the proposal is located.	Shire of Shark Bay
Location: a) street address; lot number; suburb; and nearest road intersection; or b) if remote the nearest town; and distance and direction from that town to the proposal site.	Knight Terrace, Denham
Have maps and figures been included with the referral (consistent with <u>EAG 1</u> where appropriate)? <i>The types of maps and figures which need to be provided (depending on the nature of the proposal) include:</i> <ul style="list-style-type: none"> maps showing the regional location and context of the proposal; and figures illustrating the proposal elements. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Figures in attached EIA (Cardno 2015)
Proponent and DMA to complete	
Have electronic copies of spatial data been included with the referral? NB: Electronic spatial (GIS or CAD) data, geo-referenced and conforming to the following parameters: <ul style="list-style-type: none"> 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.. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1.5 Significance test and environmental factors

Proponent, DMA and Third Party to complete	
What are the likely significant environmental factors for this proposal?	<input type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input checked="" type="checkbox"/> Marine Environmental Quality <input checked="" type="checkbox"/> Marine Fauna <input type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input checked="" type="checkbox"/> Terrestrial Environmental Quality <input type="checkbox"/> Terrestrial Fauna <input type="checkbox"/> Hydrological Processes <input type="checkbox"/> Inland Waters Environmental Quality

Proponent, DMA and Third Party to complete	
	<input checked="" type="checkbox"/> Air Quality & Atmospheric Gases <input type="checkbox"/> Amenity <input type="checkbox"/> Heritage <input checked="" type="checkbox"/> Human Health <input type="checkbox"/> Offsets <input type="checkbox"/> Rehabilitation and Decommissioning
Having regard to the Significance Test (refer to Section 7 of the <i>EIA Administrative Procedures 2012</i>) in what ways do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA?	<p>The proponent is of the belief that the proposal is not likely to have a significant effect on the environment. Please see the attached EIA (Cardno 2015) which concludes that, so long as a number of outlined mitigation measures are adopted and implemented, the development proposal is likely to meet the EPA's objectives for all relevant factors. The proposal is considered unlikely to have a significant impact on the environment, and therefore, does not require formal assessment under the EPA Act.</p> <p>The referral has been made to gain the certainty of an EPA decision on the proposal and to assist in the proposal's timely consideration.</p>

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? <i>Ensure all confidential information is provided in a separate attachment in hard copy.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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?	N/A
Is rezoning of any land required before the	

proposal can be implemented? If yes, please provide details.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

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? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i> <i>If no, what authorisations / agreements / tenure is required and from whom?</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The area is vested under Marine and Harbours Act 1981

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?
None identified			

*e.g. mining, processing, dredging

2.1.3 Commonwealth Government Environment Protection and Biodiversity Conservation Act 1999 approvals

Refer to the assessment bilateral agreement 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)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If no continue to Part A section 2.1.4.</i>
2. What is the status of the decision on whether or not the action is a controlled action?	<input type="checkbox"/> Proposal not yet referred <input type="checkbox"/> Proposal referred, awaiting decision <input type="checkbox"/> Assessed – controlled action <input type="checkbox"/> Assessed – not a controlled action
3. If the action has been referred, when was it referred and what is the reference number (Ref #)?	Date: _____ Ref #: _____
4. If the action has been assessed, provide the decision in an attachment. Has an attachment been provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Proponent to complete	
5. Do you request this proposal to be assessed under the bilateral agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. How was the invitation published?	<input type="checkbox"/> newspaper <input type="checkbox"/> website
8. Did the invitation include all of the following?	
(a) brief description of the action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(b) the name of the action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(c) the name of the proponent	<input type="checkbox"/> Yes <input type="checkbox"/> No
(d) the location of the action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(e) the matters of national environmental significance that will be or are likely to be significantly impacted	<input type="checkbox"/> Yes <input type="checkbox"/> No
(f) how the relevant documents may be obtained	<input type="checkbox"/> Yes <input type="checkbox"/> No
(g) the deadline for public comments	<input type="checkbox"/> Yes <input type="checkbox"/> No
(h) available for public comment for 14 calendar days	<input type="checkbox"/> Yes <input type="checkbox"/> No
(i) the likely impacts on matters of national environmental significance	<input type="checkbox"/> Yes <input type="checkbox"/> No
(j) any feasible alternatives to the proposed action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(k) possible mitigation measures	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Were any submissions received during the public comment period?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Have public submissions been addressed? If yes provide attachment.	<input type="checkbox"/> Yes <input type="checkbox"/> No

2.1.4 Other Commonwealth Government Approvals

Proponent, DMA and Third Party to complete			
Is approval required from other Commonwealth Government/s for any part of the proposal?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<i>If yes, please complete the table below.</i>			
Agency / Authority	Approval required	Application lodged?	Agency / Local Authority contact(s) for proposal
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> 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.

Proponent, DMA and Third Party to complete			
1.	Environmental Impact Assessment Report Denham Foreshore and Maritime Facilities Upgrade Works	Cardno	Environmental Impact Assessment of the proposed marine facility upgrade undertaken to ensure the works program meets the EPA's objectives for protection of the environment, for the purposes of due diligence, to support communications with the EPA and support referral of the project and the decision that the proposal.
(2)			
(3)			

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 *Referral of a Proposal under s38 of the EP Act EAG No.16 - Appendix A* (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 each of the significant environmental factors, complete the following table (Questions 1 – 10).

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
1	Factor, as defined in <u>EAG 8</u>	Marine Environmental Quality
2	EPA Objective, as defined in <u>EAG 8</u>	To maintain the quality of water, sediment and biota so that the environmental values, both ecological and social, are protected
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	EAG 3 – Protection of Benthic Primary Producer Habitat in Western Australia's Marine Environment EAG 7 – Marine Dredging Proposals EAG 15 – Protecting the Quality of Western Australia's Marine Environment

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.

<p>4</p>	<p>Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including:</p> <ul style="list-style-type: none"> • <i>anticipated level of public interest in the impact;</i> • <i>consultation with regulatory agencies; and</i> • <i>consultation with community.</i> 	<p><u>Public consultation</u>: Since 1990's the Department of Transport (DoT) has been working with the Shire of Shark Bay and the community to consider improvements to the maritime facilities at Denham. DoT in partnership with the Shire of Shark Bay have completed a public consultation phase that ended up with a final report with recommendations that was supported by a Working Group (community group established in 2009 and chaired by Vince Catania MLA) and endorsed by the Shire of Shark Bay Council in July 2012 when a concept design was endorsed.</p> <p>Consultation has been carried out with the following regulatory agencies:</p> <ul style="list-style-type: none"> • <u>Shire of Shark Bay</u> which supports this project as it was the original proponent of the project when seeking funding. • <u>Department of Environment Regulation (DER)</u> advised that approvals are not required. • <u>Department of Parks and Wildlife (DPaW)</u> advised that the project area is not in the Shark Bay Marine Park and approvals from DPaW are not required from the Marine Parks and Reserves Authority. • <u>Heritage Council of WA</u> advised that the existing jetty to be removed in Stage 1 of the project is not heritage listed. • <u>Office of the Environmental Protection Authority (OEPA)</u>: advised: <ul style="list-style-type: none"> ○ Project area is out of turtle nesting areas so there is no need of implementing EPA Environmental Assessment Guideline No. 5. However, he encouraged DoT to implement it. ○ Management procedures for pile driving and marine fauna should be implemented ○ Contact EPA's Infrastructure Assessment Branch to provide additional advice: • <u>EPA's Infrastructure Assessment Branch</u> advised the use of EPA's Environmental Assessment Guidelines 8 & 9 and the submission of "Referral of a Proposal by the Proponent to the Environmental Protection Authority under Section 38(1) of the Environmental Protection Act 1986"
----------	--	---

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
5	<p>Baseline information - describe the relevant characteristics of the receiving environment.</p> <p><i>This may include: regional context; known environmental values, current quality, sensitivity to impact, and current level of cumulative impacts.</i></p>	<p>See information in Section 3 of the attached EIA (Cardno 2015)</p>
6	<p>Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.</p>	<p>Potential impacts identified are:</p> <ul style="list-style-type: none"> • Removal of existing finger jetty and timber groyne • Construction of service jetty extension, finger jetty and replacement groyne • Refurbishment of rock revetment • Minor land-based dredging (managed under maintenance dredging program EMF) • Operation of maritime facilities <p>For details see Section 4 of attached EIA (Cardno 2015)¹</p>
7	<p>Mitigation measures - what measures are proposed to mitigate the potential environmental impacts? The following should be addressed:</p> <ul style="list-style-type: none"> • <i>Avoidance - avoiding the adverse environmental impact altogether;</i> • <i>Minimisation - limiting the degree or magnitude of the adverse impact;</i> • <i>Rehabilitate – restoring the maximum environmental value that is reasonably practicable; and</i> • <i>Offsets – actions that provide environmental benefits to counterbalance significant residual environmental impacts or risks of a project or activity.</i> 	<ul style="list-style-type: none"> • Avoidance – N/A • Minimisation – the extent of planned disturbance and duration of proposed works will be minimised where possible • The risk of unplanned impacts will be managed as outlined in Section 4.5 of the attached EIA (Cardno 2015) • Rehabilitate – The proposal will result in an improvement in environmental quality, amenity and safety. Landscaping works form part of the project. • Offsets – N/A.

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
8	<p>Residual impacts – review the residual impacts against the EPA objectives.</p> <p><i>It is understood that the extent of any significant residual impacts may be hard to quantify at the referral stage. Referrers are asked to provide, as far as practicable, a discussion on the likely residual impacts and form a conclusion on whether the EPA's objective for this factor would be met if residual impacts remain. This will require:</i></p> <ul style="list-style-type: none"> • <i>quantifying the predicted impacts (extent, duration, etc.) acknowledging any uncertainty in predictions;</i> • <i>putting the impacts into a regional or local context, incorporating knowable cumulative impacts; and</i> • <i>comparison against any established environmental policies, guidelines, and standards.</i> 	No significant residual impacts are predicted to occur
9	EPA's Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? Refer to <u>EAG 9</u>	<input checked="" type="checkbox"/> <i>meets the EPA's objective</i> <input type="checkbox"/> <i>may meet the EPA's objective</i> <input type="checkbox"/> <i>is unlikely to meet the EPA's objective</i>
10	Describe any assumptions critical to your conclusion (in Question 9). <i>e.g. particular mitigation measures or regulatory conditions.</i>	<p>Mitigation measures to be implemented as outlined in Section 4.5 of attached EIA (Cardno 2015); including</p> <ul style="list-style-type: none"> • Construction contractors to provide and comply with a Construction Environmental Management Plan (CEMP); • Design of facilities to meet relevant Australian Standards; • Spill response kit available on site during construction, spill response during operations managed in accordance with DoT spill response procedures; and • Dredging to be carried out in accordance with DoT's overarching Environmental Management Framework (EMF) (Oceanica 2012a) and Dredging Environmental Impact Assessment (DEIA)(Oceanica 2012b) including adherence to a Dredging Environmental Management Plan (DEMP) ;

In circumstances where there was some uncertainty on the level of significance of a particular factor it is recommended that a brief summary (no longer than 1 - 2 paragraphs) is provided on the steps taken to determine why a factor was not considered to be significant.

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
1	Factor, as defined in <u>EAG 8</u>	Marine Fauna
2	EPA Objective, as defined in <u>EAG 8</u>	To maintain the diversity, geographic distribution and viability of fauna at the species and population levels
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	EAG 5 – Protecting Marine Turtles from Light Impacts EPA advice on management of potential impacts of pile driving on marine mammals (including cetaceans and dugongs) and marine turtles in the vicinity of the piling operations based on recent project example best practice.
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including (see above):	<ul style="list-style-type: none"> • See above for general consultation information • Office of the Environmental Protection Authority (OEPA): advised: <ul style="list-style-type: none"> ○ Project area is out of turtle nesting areas so there is no need of implementing EPA Environmental Assessment Guideline No. 5. However, he encouraged DoT to implement it. ○ Management procedures for pile driving and marine fauna should be implemented
5	Baseline information - describe the relevant characteristics of the receiving environment.	See information in Section 3 of the attached EIA (Cardno 2015)
6	Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.	Potential impacts identified are: <ul style="list-style-type: none"> • Construction of service wharf extension, finger jetty and replacement groyne • Operation of maritime facilities (lighting) For details see Section 4 of attached EIA (Cardno 2015) [†]
7	Mitigation measures - what measures are proposed to mitigate the potential environmental impacts?	<ul style="list-style-type: none"> • Avoidance – N/A • Minimisation – <ul style="list-style-type: none"> ○ risk of potential impacts on marine mammals (including cetaceans and dugongs) and marine turtles in the vicinity of the piling operations, will be minimised through appropriate management measures outlined in Section 4.5 of the attached EIA (Cardno 2015) ○ risk of potential impacts to marine turtles from lighting associated with upgrade works will be designed with consideration to EAG5 • Rehabilitate –N/A. • Offsets – N/A.

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
8	Residual impacts – review the residual impacts against the EPA objectives.	No significant residual impacts are predicted to occur
9	EPA's Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? Refer to <u>EAG 9</u>	<input checked="" type="checkbox"/> <i>meets the EPA's objective</i> <input type="checkbox"/> <i>may meet the EPA's objective</i> <input type="checkbox"/> <i>is unlikely to meet the EPA's objective</i>
10	Describe any assumptions critical to your conclusion (in Question 9). <i>e.g. particular mitigation measures or regulatory conditions.</i>	<p>Mitigation measures to be implemented as outlined in Section 4.5 of attached EIA (Cardno 2015); including</p> <ul style="list-style-type: none"> • Construction contractors to provide and comply with a CEMP which demonstrates management of potential impacts associated with noise and vibration impacts on marine mammals and turtles during piling activities; • Consideration of EAG 5 in the design and operation of lighting at the upgraded facilities.

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
1	Factor, as defined in <u>EAG 8</u>	Terrestrial Environmental Quality
2	EPA Objective, as defined in <u>EAG 8</u>	To maintain the quality of land and soils so that the environment values, both ecological and social, are protected.
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	Relevant Australian Design Standards
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including:	<ul style="list-style-type: none"> • See above for general consultation information
5	Baseline information - describe the relevant characteristics of the receiving environment.	See information in Section 3 of the attached EIA (Cardno 2015)
6	Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.	<p>Potential impacts identified are:</p> <ul style="list-style-type: none"> • Accidental spills and discharges during construction • Accidental spills and discharges during operation <p>For details see Section 4 of attached EIA (Cardno 2015)</p>

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
7	Mitigation measures - what measures are proposed to mitigate the potential environmental impacts?	<ul style="list-style-type: none"> • Avoidance – N/A • Minimisation – <ul style="list-style-type: none"> ○ CEMP which demonstrates management of potential impacts associated with accidental spills and discharges; ○ Drainage design to include interception devices and meet relevant Australian Standards ○ Fuel and waste oil facilities designed to meet relevant Australian Standards • Rehabilitate –N/A. • Offsets – N/A.
8	Residual impacts – review the residual impacts against the EPA objectives.	No significant residual impacts are predicted to occur
9	EPA's Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? Refer to <u>EAG 9</u>	<input checked="" type="checkbox"/> <i>meets the EPA's objective</i> <input type="checkbox"/> <i>may meet the EPA's objective</i> <input type="checkbox"/> <i>is unlikely to meet the EPA's objective</i>
10	Describe any assumptions critical to your conclusion (in Question 9). e.g. <i>particular mitigation measures or regulatory conditions.</i>	Mitigation measures to be implemented as outlined above and in Section 4.5 of attached EIA (Cardno 2015).

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
1	Factor, as defined in <u>EAG 8</u>	Air Quality
2	EPA Objective, as defined in <u>EAG 8</u>	To maintain air quality for the protection of the environment and human health and amenity
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	Construction industry best practice
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including:	See above for general consultation information
5	Baseline information - describe the relevant characteristics of the receiving environment.	See information in Section 3 of the attached EIA (Cardno 2015)
6	Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.	Potential impacts identified are: <ul style="list-style-type: none"> • Dust generation during construction For details see Section 4 of attached EIA (Cardno 2015)†

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
7	Mitigation measures - what measures are proposed to mitigate the potential environmental impacts?	<ul style="list-style-type: none"> • Avoidance – N/A • Minimisation – CEMP which demonstrates appropriate dust management practices • Rehabilitate –N/A. • Offsets – N/A.
8	Residual impacts – review the residual impacts against the EPA objectives.	No significant residual impacts are predicted to occur
9	EPA's Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? Refer to <u>EAG 9</u>	<input checked="" type="checkbox"/> <i>meets the EPA's objective</i> <input type="checkbox"/> <i>may meet the EPA's objective</i> <input type="checkbox"/> <i>is unlikely to meet the EPA's objective</i>
10	Describe any assumptions critical to your conclusion (in Question 9). <i>e.g. particular mitigation measures or regulatory conditions.</i>	Mitigation measures to be implemented as outlined above and in Section 4.5 of attached EIA (Cardno 2015).

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
1	Factor, as defined in <u>EAG 8</u>	Human Health
2	EPA Objective, as defined in <u>EAG 8</u>	To ensure that human health is not adversely affected
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	Construction industry best practice
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including:	See above for general consultation information
5	Baseline information - describe the relevant characteristics of the receiving environment.	See information in Section 3 of the attached EIA (Cardno 2015)
6	Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.	Potential impacts identified are: <ul style="list-style-type: none"> • Health and safety risks due to construction activities, large equipment operation, hazardous chemicals such as fuels and dust For details see Section 4 of attached EIA (Cardno 2015) [†]

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
7	Mitigation measures - what measures are proposed to mitigate the potential environmental impacts?	<ul style="list-style-type: none"> • Avoidance – N/A • Minimisation – Contractor's Health and Safety Management Plan including Safe Work Method Statements to outline how all potential risks will be managed • Rehabilitate –N/A. • Offsets – N/A.
8	Residual impacts – review the residual impacts against the EPA objectives.	No significant residual impacts are predicted to occur
9	EPA's Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? Refer to <u>EAG 9</u>	<input checked="" type="checkbox"/> <i>meets the EPA's objective</i> <input type="checkbox"/> <i>may meet the EPA's objective</i> <input type="checkbox"/> <i>is unlikely to meet the EPA's objective</i>
10	Describe any assumptions critical to your conclusion (in Question 9). <i>e.g. particular mitigation measures or regulatory conditions.</i>	Mitigation measures to be implemented as outlined above and in Section 4.5 of attached EIA (Cardno 2015).