Environmental Protection Authority

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)	☐ 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, Gavin Mark Butcher, declare that I am authorised on behalf of the Forest Products Commission (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 (print) Gavin Mark Butcher				
Position	Acting General Manager	Organisation	FPC	
Email	Email gavinb@fpc.wa.gov.au			
Address	Level 1, D Block Street Name 3 Baron-Hay Court			
	Kensington		WA	6151
Date 10 June 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 for	m		
Completed all the questions in Part A (essential)			Y	es 🗌 No
Provided Part	B to the proponent for comp	letion	☐ Y	es 🗌 No
Completed all	other applicable questions		☐ Y	es 🗌 No
Included Attac	hment 1 – any supporting in	formation	☐ Y	es 🗌 No
	lectronic copy of all referral al data and contextual mapp		☐ Y	es 🗌 No
Completed the	below Declaration		☐ Y	es 🗌 No
,	er the proposal requires forr impact assessment?	mal	☐ Y	es 🗌 No
What is the type	pe of proposal being referred	d?	significan	t proposal
				t proposal under sed scheme
Declaration I, significance of i	submit this referral to ts impacts.	the EPA for consi	deration of the	environmental
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	o complete before su	ıbmitting form			
Complete all	applicable questions ir	Part A and B		☐ Yes	☐ No
Completed th	e Declaration			☐ Yes	□No
Do you conside assessment?	der the proposal requir	res formal environmenta	l impact	☐ Yes	□No
Declaration I,, (full name) submit this referral to the EPA for consideration of the environmental significance of its impacts.					
Oignature	Signature Name (print)				
Email					
Position		Organisation			
Address	Street No.	Street Name			
	Suburb		State	Po	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	The Forest Products Commission
Joint Venture parties (if applicable)	
Australian Company Number(s)	
Postal Address	Looked Pag 999
(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 888 Perth Business Centre Western Australia 6849
Key proponent contact for the proposal	Gavin Butcher,
Please include: name; physical address; phone; and email.	Level 1; D Block, 3 Baron-Hay Court Kensington 0893634618; gavinb@fpc.wa.gov.au
Consultant for the proposal (if applicable)	
Please include: name; physical address; phone; and email.	

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	WA Sandalwood Harvesting Proposal
What project phase is the proposal at?	☐ Scoping☐ Feasibility☐ Detailed design✓ Other _Implementation
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 Renewable – geothermal

Proponent and/or DMA to complete	
	 ☐ 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
	

Proponent and/or DMA to complete		
	☐ Dredging	
	If other, please state below:	
	√Other Forestry	
Proponent and/or DMA to complete		
Description of the proposal – describe the key characteristics of the proposal in accordance with $\underline{\sf EAG\ 1}$.	Harvesting of wild WA Sandalwood from Crown Land with associated regeneration and industry activities. Refer to Proposal Document for further information.	
Timeframe in which the proposal is to occur (including start and finish dates where applicable).	1 July 2016 to 31 December 2026	
Details of any staging of the proposal.	Annual licencing, seasonal regeneration and year-round harvest activity.	
What is the current land use on the property, and the extent (area in hectares) of the property?	Crown Land in goldfields and rangelands areas. Pastoral and mining leases apply in some areas.	
Have pre-referral discussions taken place with the OEPA?	No	
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.		
DMA (Responsible Authority) to complete		
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:	No	
 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.

Name of the Local Government Authority in which the proposal is located. Location: a) street address; lot number; suburb; and nearest
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.
Have maps and figures been included with the referral (consistent with EAG 1 where appropriate)? $\sqrt{\text{Yes}}$ 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
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	

Proponent, DMA and Third Party to complete		
	☐ Air Quality & Atmospheric Gases ☐ Amenity ☐ Heritage ☐ Human Health ☐ Offsets ☐ Rehabilitation and Decommissioning	
(refer to Section 7 of the EIA Administrative Procedures 2012) in what ways do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA?	Currently the WA Sandalwood industry is dependent on wood from naturally occurring WA sandalwood. FPC undertakes the harvesting of sandalwood, and arranges for its processing, marketing and sale. To provide for a sustainable resource FPC has invested in esearch to understand the causes of regeneration decline and uncovered the role of marsupials in sandalwood ecology. A suite of other initiatives for egeneration, action on illegal harvesting and promotion of plantation sandalwood are being pursued to ensure the long term sustainability of the industry.	
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? 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	

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.	□ res vivo
If no, what authorisations / agreements / tenure is required and from whom?	Annual licencing required from the Department of Parks and Wildlife

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?
Removal of sandalwood trees	Licence	Wildlife Conservation Act	Department of Parks and Wildlife

^{*}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)?	☐ Yes √ No If no continue to Part A section 2.1.4.	
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:	

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			
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 required from other Commonwealth Government/s for any				√ Yes □ No
part of the propos	part of the proposal? If ye		lf yes, plea	se complete the table below.
Agency / Authority	Approval required		cation ged?	Agency / Local Authority contact(s) for proposal
Department of Agriculture and Water Resources	Export Licence	√ Yes	□No	Director; Forestry Section
		☐ 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.

Proponent, DMA and Third Party to complete			
(1)	Title	Author	Document Description
(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 <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 \underline{each} of the significant environmental factors, complete the following table (Questions 1 – 10).

Propoi	Proponent to complete. DMA and Third Party to complete to the best of their knowledge.			
1	Factor, as defined in <u>EAG 8</u>	Flora and Vegetation		
2	EPA Objective, as defined in <u>EAG 8</u>	To maintain representation, diversity, viability and ecological function at the species, population and community level.		
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	Refer to Proposal Document		
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including:	Refer to Proposal Document		
	anticipated level of public interest in the impact;			
	consultation with regulatory agencies; and			
	consultation with community.			
5	Baseline information - describe the relevant characteristics of the receiving environment.	Refer to Proposal Document		
	This may include: regional context; known environmental values, current quality, sensitivity to impact, and current level of cumulative impacts.			

Propo	Proponent to complete. DMA and Third Party to complete to the best of their knowledge.				
6	Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.	Refer to Proposal Document			
7	Mitigation measures - what measures are proposed to mitigate the potential environmental impacts? The following should be addressed:	Refer to Proposal Document			
	Avoidance - avoiding the adverse environmental impact altogether;				
	Minimisation - limiting the degree or magnitude of the adverse impact;				
	Rehabilitate – restoring the maximum environmental value that is reasonably practicable; and				
	Offsets – actions that provide environmental benefits to counterbalance significant residual environmental impacts or risks of a project or activity.				
8	Residual impacts – review the residual impacts against the EPA objectives.	Refer to Proposal Document			
	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:				
	 quantifying the predicted impacts (extent, duration, etc.) acknowledging any uncertainty in predictions; 				
	putting the impacts into a regional or local context, incorporating knowable cumulative impacts; and				
	 comparison against any established environmental policies, guidelines, and standards. 				
9	EPA's Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? <i>Refer to</i> <u>EAG 9</u>	 √ meets the EPA's objective ☐ may meet the EPA's objective ☐ is unlikely to meet the EPA's objective 			
10	Describe any assumptions critical to your conclusion (in Question 9). e.g. particular mitigation measures or regulatory conditions.				

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.