

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: <u>info@epa.wa.gov.au</u> Website: <u>www.epa.wa.gov.au</u>

EPA REFERRAI

FORM

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,Jonathan Roach......, *(full name)* declare that I am authorised on behalf of.....Western Australian Land Authority (Landcorp). (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 Fronte PM		Name (print) Jonathan Roach		
Position	DEVELOPMENT MANAGER	Organisation	Western A Authority (Nustralian Land Landcorp)
Email	Jonathan.Roach@lando	corp.com.au		
Address	Level 3 Wesfarmers House, 40	The Esplanade		
	Perth		WA	Perth
Date	11-9-2016			· · · · · · · · · · · · · · · · · · ·
	1		1	

(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)	🗌 Yes 🗌 No
Provided Part B to the proponent for completion	🗌 Yes 🗌 No
Completed all other applicable questions	🗌 Yes 🔲 No
Included Attachment 1 – any supporting information	🗌 Yes 📗 🗌 No
Enclosed an electronic copy of all referral information, including spatial data and contextual mapping	🗌 Yes 🗌 No
Completed the below Declaration	Yes No
Do you consider the proposal requires formal environmental impact assessment?	🗌 Yes 🗌 No
What is the type of proposal being referred?	significant proposal
	☐ 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	I	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	🗌 Yes	🗌 No
Completed the Declaration	🗌 Yes	🗌 No
Do you consider the proposal requires formal environmental impact assessment?	C Yes	🗌 No

Declaration

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

Signature	Name (print)	Name (print)	
Email			
Position	Organisation		
Address			
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	Western Australian Land Authority (Landcorp)
Joint Venture parties (if applicable)	NA
Australian Company Number(s)	073618701
Postal Address	LandCorp
(Where the proponent is a corporation or an	Locked Bag 5
association of persons, whether incorporated or not, the postal address is that of the principal place of	Perth Business Centre
business or of the principal office in the State)	PERTH WA 6849
	Jonathan Roach Level 3 Wesfarmers House
Key proponent contact for the proposal	40 The Esplanade
Please include: name; physical address;	Perth WA 6000
phone; and email.	T: 08 9482 7433 358
	Jonathan.Roach@landcorp.com.au
Consultant for the proposal (if applicable) Please include: name; physical address; phone; and email.	Paul van der Moezel PGV Environmental Unit 1, 61 Guthrie Street OSBORNE PARK WA 6017
	(08) 6500 8801 <u>Paul@pgv.net.au</u>

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 <u>Environmental Protection</u> <u>Bulletin 17 – Strategic and derived proposals (EPB 17)</u> and <u>Environmental Assessment Guideline</u> for Defining the Key Characteristics of a proposal (EAG 1).

Proponent and/or DMA to complete	
Title of the proposal	Rockingham Industry Zone Subdivision
What project phase is the proposal at?	 Scoping Feasibility Detailed design Other _Subdivision_
Proposal type More than one proposal type can be identified,	 Power/Energy Generation Hydrocarbon Based – coal

nowever for filtering purposes it is recommended	 Hydrocarbon Based – gas
hat only the primary proposal type is identified.	Waste to energy
	Renewable – wind
	 Renewable – wave
	Renewable – solar
	Renewable – geothermal
	Mineral / Resource Extraction
	 Exploration – seismic
	 Exploration – geotechnical
	Development
	Oil and Gas Development
	Exploration
- 6	Onshore – seismic
- 3	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
	Marine Developments
	PortJetties

 \bigcirc

Proponent and/or DMA to complete	
	Marina Canal Canal Aquaculture Dredging If other, please state below: Other
Proponent and/or DMA to complete	
Description of the proposal – describe the key characteristics of the proposal in accordance with EAG 1.	Subdivision and provision of infrastructure as per Ministerial Statement 863, Schedule 1
Timeframe in which the proposal is to occur (including start and finish dates where applicable).	May 2016
Details of any staging of the proposal.	NA
What is the current land use on the property, and the extent (area in hectares) of the property?	Undeveloped – 418.19ha
Have pre-referral discussions taken place with the OEPA?	Yes Meeting on 7 July 2015 at OEPA
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 Sheehan – OEPA, Sharon Clark – Landcorp, Jonathan Roach - Landcorp, Jackalyn Cabot – PGV, Paul van der Moezel – PGV
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: • 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

1 - 1

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 #: _863

1.3 Location

4 K 17 N K

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.	City of Rockingham and City of Kwinana
Location:	Various Lots as outlined in
street address; lot number; suburb; and nearest road intersection; or	Subdivision Application – Attached to Covering Letter
if remote the nearest town; and distance and direction from that town to the proposal site.	Paterson Road, East Rockingham
Have maps and figures been included with the referral (consistent with $EAG 1$ where appropriate)?	Yes 🗋 No
The types of maps and figures which need to be provided (depending on the nature of the proposal) include:	Included in Subdivision Application – Attached to Covering Letter
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 	

1.4 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	
	Sector Flora and Vegetation	
	🖂 Landforms	
	Subterranean Fauna	
	Terrestrial Environmental Quality	
	I Terrestrial Fauna	
	Hydrological Processes	

Having regard to the Significance Test (refer to Section 7 of the EIA Proposal as p)

1.5 Confidential information

 $\frac{k}{t} = -\frac{k}{2t}$

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?	Yes No
If yes, please provide details.	

2.1.2 Regulation of aspects of the proposal

Complete the following to the extent possible.

 $\frac{1}{|r|} = \frac{2}{4r} = \frac{2}{r}$

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?	Certificates of Title attached to Subdivision Application

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

Aspects* proposal	of	the	Type of approval	Legislation regulating this activity	Which agency regulate activity?	State /entity this
Subdivision			Subdivision	Planning and Development Act	WAPC	

*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.

Pro	oponent to complete	
1.	Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and</i>	🛛 Yes 🗌 No
	Biodiversity Conservation Act 1999 (EPBC Act)?	If no continue to Part A section 2.1.4.
2.	What is the status of the decision on whether or not the	Proposal not yet referred
	action is a controlled action?	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: Approved 30 November 2011
		Ref #: EPBC 2010/5337
4.	If the action has been assessed, provide the decision in an attachment. Has an attachment been provided?	🛛 Yes 🗌 No

Pro	Proponent to complete			
5.	Do you request this proposal to be assessed under the bilateral agreement?	🗌 Yes	🖾 No	

 $\frac{g}{g_{\rm c}} = \frac{g}{4\pi} = \frac{g}{g}$

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 N		
(b) the name of the action	🛛 Yes 🗌 N		
(c) the name of the proponent	🛛 Yes 🗌 N		
(d) the location of the action	Yes 🗌 N		
(e) the matters of national environmental significance that will be or are likely to be significantly impacted	🛛 Yes 🗌 N		
(f) how the relevant documents may be obtained	Yes 🗌 N		
(g) the deadline for public comments	🛛 Yes 🗌 N		
(h) available for public comment for 14 calendar days	🛛 Yes 🗌 N		
(i) the likely impacts on matters of national environmental significance	🖾 Yes 🗌 N		
(j) any feasible alternatives to the proposed action	🛛 Yes 🗌 N		
(k) possible mitigation measures	🛛 Yes 🗌 N		
9. Were any submissions received during the public comment period?	🛛 Yes 🗌 N		
10. Have public submissions been addressed? If yes provide attachment. Notice of Approval attached	🛛 Yes 🗌 N		

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 proposal?	If yes, please complete the table below.	

roponent, DM	IA and Third Party to	complete	
Agency / Authority	Approval required	Application lodged?	Agency / Local Authority contact(s) for proposal
		Yes No	

3. SUPPORTING INFORMATION

a no a a la c

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.

	Title	Author	Document Description
1	Covering Letter	PGV Environmental	Covering Letter including the following attachments:
			Appendix 1: Subdivision Application Appendix 2: Ministerial Statement 863 Appendix 3: Attachment 2 to Ministerial Statement 863 Appendix 4: Ministerial Statement 973 Appendix 5: Ministerial Statement 995 Appendix 6: Attachment 3 to Ministerial Statement 863 Appendix 7: Notice of Approval EPBC 2010/5337 Appendix 8: WMS Approval Appendix 9: ICAMP Approval Appendix 10: DOE ICAMP Approval Appendix 11: Approval of WMS from DoW Appendix 12: Approval of WMS from DoE Appendix 13: DPaW and CoR Comments – EMP and CEMP Table of Contents Appendix 14: Comments from CoR RE EMP and CEMP
2	Water Management Strategy	Hyd2o	Water Management Strategy
3	Environmental Management Plan	PGV Environmental	Environmental Management Plan
4	Construction Environmental Management Plan	PGV Environmental	Construction Environmental Management Plan
5	Initial Conservation Area Management Plan	PGV Environmental	Initial Conservation Area Management Plan

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

i i i

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).

Environmental factors for the proposed subdivision were examined as part of the Strategic Environmental Assessment and include:

- Flora and Vegetation;
- Landforms;
- Terrestrial Environmental Quality;
- Terrestrial Fauna;
- Hydrological Processes;
- Inland Waters Environmental Quality; and
- Heritage.

For <u>each</u> 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>	Factors addressed during SEA as per bullet points above		
2	EPA Objective, as defined in EAG 8			
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?			

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.				
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including:	Consultation undertaken during SEA process –some public interest – all submissions answered		
	• 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.	Characteristics were described in the SEA Document		
	This may include: regional context; known environmental values, current quality, sensitivity to impact, and current level of cumulative impacts.			
6	Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.	The Impact of the proposed subdivision was assessed during the SEA Process		
7	Mitigation measures - what measures are proposed to mitigate the potential environmental impacts? The following should be addressed:	Mitigation measures were determined and incorporated into Ministerial Statement 863. The proposed subdivisions in in		
	 Avoidance - avoiding the adverse environmental impact altogether; 	accordance with the ministerial Statement and subsequent management plans – see covering letter.		
	 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.	Residual impacts were assessed as part of the SEA process for the strategic proposal, not individual industries.		
	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 <u>EAG 9</u></i>	 meets the EPA's objective may meet the EPA's objective is unlikely to meet the EPA's objective 		

c + x = p $c = k_1 = p$

15

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.				
10	Describe any assumptions critical to your conclusion (in Question 9). e.g. particular mitigation measures or regulatory conditions.	The Strategic Approval under Ministerial Statement 863		

 $\stackrel{c_1}{=} \begin{array}{c} \psi(x) = 1 \\ \psi(x) = 0 \end{array}$

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.



