



Instructions for the referral of a Proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

Purpose of these instructions

To assist referrers to fill out the EPA s38 referral form.

Purpose of the Referral Form

The Environmental Protection Authority (EPA) requires that referrers use this form for all proposals referred to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act), to decide whether it is a valid referral and so that it receives sufficient information about a proposal to decide whether or not to assess it.

How to fill out this form

Advice

Proponents may contact EPA Services, Department of Water and Environmental Regulation (DWER) if they need assistance to fill out this form.

Refer also to the [Administrative Procedures](#) and [Procedures Manual](#) for more information about the referral process.

Referrer information

Who is referring this proposal?

Check the relevant box as the EPA needs to know whether you are a proponent, decision-making authority or community member/third party.

Does the referrer request that the EPA treat any part of the referral information as confidential?

If you are a proponent, you may request that the EPA keep any or all of the proposal information confidential by checking the 'Yes' box.

Where the EPA agrees that the information is confidential, the EPA will not publish the confidential information as part of the referral information.

Referral declaration

For the EPA to accept a referral from an organisation, proponent or a decision-making authority, it must be signed by an authorised person - either a CEO or a person with evidence to act on behalf of the organisation.

Part A: Proponent and proposal description

Proponent Information

Complete the details and provide an Australian Company Number (or Australian Business Number for government agencies).
Proposal type
<p>Check the relevant box for the type of proposal and any associated existing Ministerial Statement number/s, if relevant.</p> <p>If you checked 'significant proposal' or 'proposal under an assessed planning scheme', please provide a brief justification (or reference to the section in the supplementary report that explains this). Refer to the EPA's Statement of environmental principles, factors and objectives for guidance on 'significance'.</p>
Proposal description
<p>Provide a clear proposal description, including maps and spatial information.</p> <p>Proposal description</p> <p>Provide a proposal description according to the EPA's Instructions and template: Defining the key proposal characteristics, including:</p> <ul style="list-style-type: none"> • a <i>general proposal description</i> that describes the key elements of a proposal that relate to the environment • <i>key proposal characteristics</i> that quantify the limits or extent of the physical and operation elements (i.e. amount of clearing, rate of emissions and discharges etc). <p>Spatial data, maps and figures</p> <p>The EPA <i>requires</i> maps and figures in the referral.</p> <p>Provide spatial data in GIS format, that is geo-referenced and conforms to the following parameters:</p> <ul style="list-style-type: none"> • Data type: closed polygons that represent the proposal boundary (development envelope) and the activity areas for all physical elements of the proposal (footprint). • Attribution: Name the development envelope and each activity area in the attribute table of the spatial data. • Format: ESRI geodatabase or shapefile. • Coordinate System: GDA94 (datum) and projected into the appropriate Map Grid of Australia (MGA) zone. <p>Provide maps and figures that are clear and readable, of appropriate scale, in either jpeg or pdf format and of good resolution (> 300 ppi).</p>
Part B: Environmental impacts
<p>The purpose of Part B is to provide sufficient detail for the EPA to decide whether or not to assess the proposal and if it decides to assess the proposal, the level of assessment.</p>
Environmental factors
<p>Check the boxes for the environmental factors that the proposal may have a significant impact on.</p> <p>For each factor:</p> <ul style="list-style-type: none"> • complete the 'Potential environmental impacts table', or • provide the information in a supplementary report according to the Instructions and template: Environmental Review Document. <p>Refer to the EPA's <i>Statement of environmental Principles, Factors and Objectives</i> for the list of factors and the EPA's Framework for environmental considerations in EIA for guidance for each factor.</p>

Potential environmental impacts

Provide information about the anticipated environmental impacts of the proposal and the proposed application of the mitigation hierarchy to avoid, minimise, rehabilitate (and offset, if appropriate) those impacts.

EPA policy and guidance

Refer to the EPA's guidance for each factor in the EPA's Framework for environmental considerations in EIA.

Receiving environment

Describe the current condition, using appropriate baseline studies such as flora and vegetation surveys or water quality data.

This may include: regional context, known environmental values, current quality, sensitivity to impact, and current level of cumulative impacts.

If the proposal will impact increase a cumulative impact (such as on noise levels or air quality parameters) or on conservation significant species or communities, provide relevant information from other developments in the area.

Proposal activities

List the proposal-specific activities that will impact this environmental factor, considering direct and indirect impacts (e.g. impacts to flora and vegetation can be from clearing, ground water drawdown and dust).

Mitigation

Describe how you have applied the mitigation hierarchy (avoid, minimise, rehabilitate, offset) to reduce the potential environmental impacts of the proposal activities. Refer to the [WA Environmental offsets guidelines](#):

- Avoid - avoid the adverse environmental impact
- Minimise - limit the degree or magnitude of the adverse impact
- Rehabilitate – restore the maximum environmental value that is reasonably practicable
- Offset – actions that provide environmental benefits to counterbalance significant residual environmental impacts or risks of a project or activity.

Assessment of impacts and identification of residual impacts

Evaluate the significance of the impacts (direct, indirect and cumulative) from the proposal activities on the environmental factor:

- quantify the predicted impacts (extent, duration, etc.) against the baseline condition acknowledging any uncertainty in predictions
- consider the impacts in a local and regional context, incorporating cumulative impacts
- compare against established environmental policies, guidelines, and standards.

Identify whether there may be residual impacts after applying the mitigation hierarchy and whether these are significant. If there may be significant residual impacts, discuss whether these may be offset under 'Management measures'.

Index of Biodiversity Surveys for Assessments (IBSA)

The IBSA project is a mechanism by which all biodiversity survey information collected for environmental impact assessment under the EP Act will be captured and integrated into a consolidated, indexed and publicly available repository. IBSA is administered by DWER on behalf of itself, the EPA and the Department of Mines, Industry Regulation and Safety.

Each time a biodiversity survey report is submitted (at any point in the assessment and compliance process under Part IV of the EP Act) it should be accompanied by an electronic appendix known as the IBSA data package.

The IBSA data package should be provided in accordance with the [Instructions and Form: IBSA Data Packages](#).

Part C: Other approvals and regulation

State and Local Government approvals

The EPA needs accurate regulatory information to correctly identify decision-making authorities for the proposal. This information is important as it means that the relevant decision-making authorities are informed of decisions under the EP Act in relation to the proposal and the EPA confers with the correct decision-making authorities.

List the approvals required, e.g.:

Proposal activities	Land tenure/access	Type of approval	Legislation regulating the activity
Clearing		Native Vegetation Clearing Permit	<i>EP Act 1986 – Part V</i>
Water abstraction / Dewatering		Licence	<i>Rights in Water Irrigation Act 1914 (RiWI Act)</i>
Mining		Mining proposal	<i>Mining Act 1979</i>

Commonwealth Government approvals

Complete this section if the proposal will potentially impact Matters of National Environmental Significance that are protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

If the EPA decides to assess a proposal and the Commonwealth Department of the Environment and Energy has decided that the proposal is a controlled action, the proposal can be assessed by the EPA under the bilateral agreement between the State of WA and the Commonwealth Government, or as an accredited assessment.

If there are other approvals from the Commonwealth Government that may be required, such as a sea dumping permit, provide details in the box provided.

Including a supplementary report/s

A referrer may include a supplementary report/s instead of completing the 'Potential environmental impacts' table in Part B: Potential environmental impacts. The EPA requests that the referrer follow the format of the [Environmental Review Document](#) template when preparing a supplementary report and that the referrer includes the following:

- appropriate detail required by part B in the supplementary report
- cross-references in the referral form to the appropriate section/s in the supplementary report.

Submitting a completed Referral Form

Files must be below eight megabytes (8 MB) in size as they may be published on the EPA's website (exemptions apply) for public comment. To minimise file size, "flatten" maps and optimise pdf files.

The EPA prefers that referral forms (and any attachments and supplementary reports) are emailed but will also accept referrals submitted by post.

Email: Registrar@dwer.wa.gov.au

or

EPA Services

Department of Water and Environmental Regulation

Locked Bag 33, Cloisters Square, Perth WA 6850

Enquiries:

Telephone: 6364 7000

Fax: 6364 0896

Email: info.epa@dwer.wa.gov.au <mailto:info@epa.wa.gov.au> Website: www.epa.wa.gov.au

End of Instructions (remove before submitting Referral Form)



Environmental Protection Authority

EPA Referral Form

Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

Referrer information

Who is referring this proposal?		<input type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party	
Name (print)		Signature	
Position		Organisation	
Email			
Address	Street No.	Street Name	
	Suburb	State	Postcode
Date			
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Referral declaration for organisations, proponents and decision-making authorities:

I,, (*full name*) declare that I am authorised to refer this proposal on behalf of..... and further declare that the information contained in this form is true and not misleading.

Part A: Proponent and proposal description

Proponent information

Name of the proponent/s (including Trading Name if relevant)	
Australian Company Number(s) <input type="checkbox"/>	
OR	
Australian Business Number(s) <input type="checkbox"/>	
Contact for the proposal (if different from the referrer)	
<i>Please include: name, physical address, phone, and email.</i>	

<p>Does the proponent have the legal access required for the implementation of all aspects of the proposal?</p> <p><i>If yes, provide details of legal access authorisations / agreements / tenure.</i></p> <p><i>If no, what authorisations / agreements / tenure is required and from whom?</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposal type	
<p>What type of proposal is being referred?</p> <p>For a change to an approved proposal please state the Ministerial Statement number/s (MS No./s) of the approved proposal</p> <p>For a derived proposal please state the Ministerial Statement number (MS No.) of the associated strategic proposal</p>	<input type="checkbox"/> significant – new proposal <input type="checkbox"/> significant – change to approved proposal (MS No./s: _____) <input type="checkbox"/> proposal under an assessed planning scheme <input type="checkbox"/> strategic <input type="checkbox"/> derived (Strategic MS No.: _____)
<p>For a significant proposal:</p> <ul style="list-style-type: none"> Why do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA? 	
<p>For a proposal under an assessed planning scheme, provide the following details:</p> <ul style="list-style-type: none"> Scheme name and number <p>For the Responsible Authority:</p> <ul style="list-style-type: none"> What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme? How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme? 	
Proposal description	
<p>Title of the proposal</p>	
<p>Name of the Local Government Authority in which the proposal is located.</p>	
<p>Location:</p> <p>a) street address, lot number, suburb, and nearest road intersection; or</p> <p>b) if remote the nearest town and distance and direction from that town to the proposal site.</p>	
<p>Proposal description – including the key characteristics of the proposal</p> <p><i>Provide as an attachment to the form</i></p>	
<p>Have you provided electronic spatial data, maps and figure in the appropriate format?</p> <p><i>Refer to instructions at the front of the form</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>What is the current land use on the property, and the extent (area in hectares) of the property?</p>	

Have you had pre-referral discussions with the EPA at DWER Services? If so, quote the reference number and/or the DWER contact.	
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Part B: Environmental impacts

Environmental factors

What are the likely significant environmental factors for this proposal?	<input type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input type="checkbox"/> Marine Environmental Quality <input type="checkbox"/> Marine Fauna <input type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input type="checkbox"/> Terrestrial Environmental Quality <input type="checkbox"/> Terrestrial Fauna <input type="checkbox"/> Hydrological Processes <input type="checkbox"/> Inland Waters Environmental Quality <input type="checkbox"/> Air Quality <input type="checkbox"/> Social Surroundings <input type="checkbox"/> Human Health
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For each of the environmental factors identified above, complete the following table, or provide the information in a supplementary report

Potential environmental impacts

1	EPA Factor	
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	

Part C: Other approvals and regulation

State and Local Government approvals

Is rezoning of any land required before the proposal can be implemented?

Yes No

If yes, please provide details.

If this proposal has been referred by a decision-making authority, what approval(s) are required from you?

Please identify other approvals required for the proposal:

Proposal activities e.g. clearing, dewatering, mining, processing, dredging	Land tenure/access e.g. Crown land, Mining lease, specify legislation for access if relevant	Type of approval e.g. Native Vegetation Clearing Permit, licence, mining proposal,	Legislation regulating the activity e.g. <i>EP Act 1986 – Part V, RiWI Act 1914, Mining Act 1979</i>

Commonwealth Government approvals

Does the proposal involve an action that may be or is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)?

Yes No

Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?

Yes No

Date: _____

EPBC No.: _____

If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.

Yes No

Decision – controlled action

Decision – not a controlled action

If the proposal is determined to be a controlled action, do you request that this proposal be assessed under the bilateral agreement or as an accredited assessment?

Yes - Bilateral No

Yes - Accredited

Is approval required from other Commonwealth Government/s for any part of the proposal?

Yes No

If yes, describe.

Approval: