



## 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.

<b>Part A: Proponent and proposal description</b>
<b>Proponent Information</b>
Complete the details and provide an Australian Company Number (or Australian Business Number for government agencies).
<b>Proposal type</b>
<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 <a href="#">Statement of environmental principles, factors and objectives</a> for guidance on 'significance'.</p>
<b>Proposal description</b>
<p>Provide a clear proposal description, including maps and spatial information.</p> <p><b>Proposal description</b></p> <p>Provide a proposal description according to the EPA's <a href="#">Instructions and template: Defining the key proposal characteristics</a>, including:</p> <ul style="list-style-type: none"> <li>• a <i>general proposal description</i> that describes the key elements of a proposal that relate to the environment</li> <li>• <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).</li> </ul> <p><b>Spatial data, maps and figures</b></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"> <li>• Data type: closed polygons that represent the proposal boundary (development envelope) and the activity areas for all physical elements of the proposal (footprint).</li> <li>• Attribution: Name the development envelope and each activity area in the attribute table of the spatial data.</li> <li>• Format: ESRI geodatabase or shapefile.</li> <li>• Coordinate System: GDA94 (datum) and projected into the appropriate Map Grid of Australia (MGA) zone.</li> </ul> <p>Provide maps and figures that are clear and readable, of appropriate scale, in either jpeg or pdf format and of good resolution (&gt; 300 ppi).</p>
<b>Part B: Environmental impacts</b>
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.
<b>Environmental factors</b>
<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"> <li>• complete the 'Potential environmental impacts table', or</li> </ul>

- provide the information in a supplementary report according to the [Instructions and template: Environmental Review Document](#).

Refer to the EPA's *Statement of environmental Principles, Factors and Objectives* for the list of factors and the EPA's [Framework for environmental considerations in EIA](#) for guidance for each factor.

### **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'.

<b>Index of Biodiversity Surveys for Assessments (IBSA)</b>			
<p>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.</p> <p>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.</p> <p>The IBSA data package should be provided in accordance with the <a href="#">Instructions and Form: IBSA Data Packages</a>.</p>			
<b>Part C: Other approvals and regulation</b>			
<b>State and Local Government approvals</b>			
<p>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.</p> <p>List the approvals required, e.g.:</p>			
<b>Proposal activities</b>	<b>Land tenure/access</b>	<b>Type of approval</b>	<b>Legislation regulating the activity</b>
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>
<b>Commonwealth Government approvals</b>			
<p>Complete this section if the proposal will potentially impact Matters of National Environmental Significance that are protected under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).</p> <p>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.</p> <p>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.</p>			

### 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](mailto: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@dwer.wa.gov.au)

Website: [www.epa.wa.gov.au](http://www.epa.wa.gov.au)

**End of Instructions**

---