



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 checked="" type="checkbox"/> Community member/third party	
Name [REDACTED]		Signature [REDACTED]	
Position	[REDACTED]	Organisation	Friends of the Esperance Tanker Jetty Association Inc.
Email	[REDACTED]		
Address	[REDACTED]	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]
Date	26 November 2018		
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Referral declaration for organisations, proponents and decision-making authorities:			
I, [REDACTED] (full name) declare that I am authorised to refer this proposal on behalf of Friends of the Esperance Tanker Jetty Association Inc 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)		Shire of Esperance	
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>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<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>	<div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <p>State owned State Heritage Asset under licence to the Shire of Esperance to maintain. Currently under Conservation Order.</p>
<p>Proposal type</p>	
<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>	<div style="display: flex;"> <div style="flex: 1;"> <input checked="" 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.: _____) </div> </div>
<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>The Esperance Tanker Jetty is the only significant timber jetty on the entire south coast of WA. It hosts a unique shaded marine environment that has built up over the past 83 years and is a tourism resource for Esperance.</p> <p>The Esperance Tanker Jetty was constructed in 1933-34. Since this time, for over 80 years, a uniquely shaded marine environment has developed including the presence of near threatened species such as the leafy seadragon. Out of the over 80 jetties built in WA since settlement only 3 remain intact and these three are present on the State Heritage Register. The Esperance Tanker Jetty is the last remaining jetty of its type along the south coast of Western Australia and therefore hosts a marine environment not found elsewhere in WA.</p> <p>The marine environment below the jetty warrants further study before any decision for demolition is made. In addition, due to the presence of over 500 introduced marine species introduced into the port area over the last century due to international shipping, the jetty provides a marine environment that would not be replicated with construction of a new jetty and is likely a good representation</p>

	<p>of many of WA's native local benthic species.</p> <p>To have this unique marine environment easily accessible is an exceptional advantage to Esperance's tourism industry as well as local community.</p>
<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	
Title of the proposal	Demolition of the State Heritage Listed Esperance Tanker Jetty
Name of the Local Government Authority in which the proposal is located.	Shire of Esperance
<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>	Esperance Tanker Jetty, State Heritage place 831, Tanker Jetty Hedland, The Esplanade
<p>Proposal description – including the key characteristics of the proposal</p> <p><i>Provide as an attachment to the form</i></p>	The Shire of Esperance has recently submitted an application under the Federal BBRF (Building Better Regions Funding) program for funds for a new jetty. This will involve complete demolition of the State owned State Heritage Listed Esperance Tanker Jetty and loss of the unique shaded marine environment.
<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 checked="" type="checkbox"/> No
What is the current land use on the property, and the extent (area in hectares) of the property?	The timber jetty is 512m long, and is currently closed to the public.
Have you had pre-referral discussions with the EPA at DWER Services? If so, quote the reference number and/or the DWER contact.	Refer to attached letter dated 3 April 2017 from Anthony Sutton, Director, Assessment and Compliance Division.
Part B: Environmental impacts	
Environmental factors	

What are the likely significant environmental factors for this proposal?		<input checked="" type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input 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 type="checkbox"/> Terrestrial Environmental Quality <input type="checkbox"/> Terrestrial Fauna <input type="checkbox"/> Inland Waters <input type="checkbox"/> Air Quality <input type="checkbox"/> Social Surroundings <input type="checkbox"/> Human Health <input checked="" type="checkbox"/> Amenity <input checked="" type="checkbox"/> Heritage
For <i>each</i> of the environmental factors identified above, complete the following table, or provide the information in a supplementary report		
Potential environmental impacts		
1	EPA Factor	Benthic Communities and Habitat
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	High level of public interest in the impact. There has been no consultation with the community concerning their loss of this marine environment.
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	The Esperance Tanker Jetty hosts a unique shaded environment which has built up over the past 83 years and is a tourism resource for Esperance.
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	Demolition of this State Heritage Asset and replacement with a new shorter jetty will significantly impact this unique shaded marine environment particularly from 400 – 513m.
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	The jetty should be reconstructed to the original design as per the Heritage Council's preferred option.
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	Loss of a rare unique shaded marine environment, the only one of the entire south coast of WA.
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	
Potential environmental impacts		

1	EPA Factor	Marine Fauna
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	The demolition of the State Heritage Listed Esperance Tanker Jetty will result in removal of the shade which has created the unique marine environment below the jetty, built up over 83 years and a tourism resource for Esperance. This jetty hosts a number of marine fauna, including the vulnerable leafy seadragon.
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	To mitigate the potential environmental impacts, The Friends of the Esperance Tanker Jetty Association Inc are proposing a reconstruction of the jetty in one action to its existing length, allowing retention of the shade and retention of the original piles below the waterline.
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.	The jetty is currently under a Conservation Order. The letter from the EPA dated 3 April 2017 states that “To lift the Conservation Order the proposal will have to be significantly modified to retain and integrate part of the original fabric and heritage structure”. This has not occurred, the current proposal is for a new jetty with no retention of part of the original fabric and heritage structure.

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:

1. There is currently a Conservation Order on the structure.
2. The Shire of Esperance has a Jetty Licence which requires them to maintain the jetty.
3. The Heritage Council has made a number of requests to the Shire of Esperance following rejection of their first concept plan for a new jetty, including: requesting that the Shire of Esperance consider the Busselton Jetty which is an exemplary example; requesting that the Shire retain an "in-situ" section(s) of original jetty, and stating that their preferred option was for reconstruction of the jetty to the original design. None of these requests have been honoured by the Shire of Esperance.

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. EP Act 1986 – Part V, RiWI Act 1914, Mining Act 1979

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?

If yes, describe.

☐ Yes

☒ No

Approval: