

# Form

## Referral of a proposal under s. 38 of the EP Act

PART A: PROPONENT AND REFERRER INFORMATION AND PROPOSAL DESCRIPTION	
<b>Referrer information</b>	
<b>Who is referring this proposal?</b>	<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party
<b>Name of the referrer</b> <i>Name of the person or organisation referring</i>	Steve Jenkins Department of Transport
<b>Contact details (for the EPA's assessment of this proposal)</b> <i>Name, organisation, position, email, phone and address</i>	James Holder Department of Transport 5 Newman Court, Fremantle WA 6160 0428911558 James.holder@transport.wa.gov.au
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 checked="" type="checkbox"/> No
<b>Declaration</b> I, Steve Jenkins declare that I am authorised to refer this proposal on behalf of Department of Transport and further declare that the information contained in this form is true and not misleading.	
<b>Proponent information</b>	
<b>Name of the proponent/s</b> <i>Include Trading Name if relevant</i>	Department of Transport
Australian Company Number(s) <input type="checkbox"/> Australian Business Number(s) <input checked="" type="checkbox"/>	27 285 643 255
<b>Pre-referral discussions</b>	
<b>Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)?</b> <i>If so, provide name, date, and overview of discussions.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 04/03/2021 – Nicola Willson and Leanne Thompson (DWER) Overview of project and environmental studies undertaken to date.
<b>Proposal information</b>	

<b>Proposal name</b>	Broome Boating Facility	
<p><b>What is the proposal? (Include general description in the <a href="#">Instructions and template: How to identify the content of a proposal</a>)</b></p>	<p>The proposed action is construction and operation of the Broome Boating Facility (BBF) which aims to improve safety and access to meet Broome’s present recreational and small commercial boating requirements and future demand. The upgrade will provide marine and terrestrial facilities to support the launch and retrieval of vessels up to approximately 10 m in length. Larger vessels (nominally to 20 m) may also access the facility for passenger transfers or possible jinking for servicing or cyclone shelter.</p> <p>The BBF will include:</p> <ul style="list-style-type: none"> <li>- Four-lane boat ramp with two floating finger jetties to improve access.</li> <li>- Sheltered water at the toe of the ramp to facilitate safer vessel launch and retrieval.</li> <li>- Parking for 160 car/trailer combinations and 60 single car bays and a bus drop-off zone.</li> <li>- Fishing platform, pedestrian promenade and improved beach access.</li> <li>- Sheltered areas and public open space, public amenities, interpretative information, artwork and signage around Aboriginal culture and heritage, dinosaurian tracks and the marine environment</li> </ul> <p>See attached Referral Supplementary Information for further information.</p>	
<p><b>Have you provided electronic spatial data, maps, and figures in the appropriate format?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p><b>What type of proposal is being referred?</b></p> <p><i>For significant amendment or derived proposal, provide the associated existing Ministerial statement number/s</i></p> <p><i>For a proposal under an assessed planning scheme, provide the scheme number and name</i></p>	<p><input type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> new proposal</li> <li><input type="checkbox"/> significant amendment (proposal only)</li> <li><input type="checkbox"/> significant amendment (conditions only)</li> <li><input type="checkbox"/> significant amendment (proposal and conditions)</li> </ul> <p><input type="checkbox"/> strategic proposal</p> <p><input type="checkbox"/> derived proposal</p> <p><input type="checkbox"/> proposals of a prescribed class</p> <p><input type="checkbox"/> proposal under an assessed planning scheme</p>	

**Proposal content:** Complete the corresponding template (Proposal Content Document) from the [Instructions and template: How to identify the content of a proposal](#) for the type of proposal identified above. The completed form **must be** submitted with the referral.

**Alternatives**

See attached Referral Supplementary Information

## PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

### Environmental factors

What are the likely significant environmental factors for this proposal?

- Benthic Communities and Habitat
- Coastal Processes
- Marine Environmental Quality
- Marine Fauna
- Flora and Vegetation
- Landforms
- Subterranean Fauna
- Terrestrial Environmental Quality
- Terrestrial Fauna
- Inland Waters
- Air Quality
- Greenhouse Gas Emissions
- Social Surroundings
- Human Health

For **each** of the environmental factors identified above, complete the following table, or provide the information in a supplementary report

### Potential environmental impacts – for each environmental factor

1	<b>EPA policy and guidance</b>	Please see attached Referral Supplementary Information
2	<b>Receiving environment</b>	Please see attached Referral Supplementary Information
3	<b>Likely environmental impacts</b>	Please see attached Referral Supplementary Information
4	<b>Application of the mitigation hierarchy</b>	Please see attached Referral Supplementary Information
5	<b>Assessment and significance of residual impacts</b>	Please see attached Referral Supplementary Information
6	<b>Likely environmental outcomes</b>	Please see attached Referral Supplementary Information

### Holistic impact assessment

Outline the holistic impact assessment for the Proposal.

Please see attached Referral Supplementary Information

Overall, no regional level impacts are predicted from the proposal and actual and potential impacts on the local environment are not considered to represent a significant environmental risk on the basis that:

- The proposed solution has been carefully refined and developed through close consultation with the community and stakeholders. The proposal has undergone significant changes through the

course of this planning exercise to avoid or minimise impacts to the sensitive local environment and significant cultural and heritage values.

- A comprehensive set of monitoring and management measures have been developed to further mitigate potential impacts of the proposal on the EPA’s environmental factors.
- Open and transparent reporting of environmental performance will be undertaken throughout the construction phase.

**Cumulative environmental impact assessment**

Outline the relevant cumulative environmental impacts of the Proposal (based on scoping).

Please see attached Referral Supplementary Information

The connectivity between environmental factors have been identified and the mitigation proposed provides a high level of confidence that the proposed BBF will have no significant or cumulative impacts on the environmental and social values of the area. It is predicted that implementation of the proposal can meet the EPA's objectives for the relevant key environmental factors.

**Consultation**

Outline the outcomes of consultation on the Proposal and its likely environmental effects.

A summary of the stakeholder consultation and engagement undertaken to date is presented in the attached Referral Supplementary Information

**Supporting documents**

Provide a list of the supporting documents:

- Broome Boating Facility Referral Supplementary Information
- Appendix A Database Searches
- Appendix B Likelihood of Occurrence
- Appendix C Stakeholder Online Survey, Letters of Support and Stakeholder Engagement Summary
- Appendix D Coastal Processes Modelling and Assessment
- Appendix E Underwater Noise Assessment
- Appendix F Migratory Shorebird Assessment

Has the referrer provided survey information according to the [Instructions and Form: IBSA Data Packages](#) and/or the [Instructions and form: IMSA Data Packages](#)

Yes  
 No

**Conclusion**

Do you consider the proposal may have a significant effect on the environment? No

The potential impacts identified for each key environmental factor are summarised in the attached Referral Supplementary Information with details of the proposed management measures and outcomes. Consequently, the proponent does not believe there is a significant effect on the environment from the proposal.

**PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR SIGNIFICANT AMENDMENTS ONLY**

<b>Type of significant amendment</b>	<input type="checkbox"/> significant amendment to the approved proposal <input type="checkbox"/> significant amendment to the implementation conditions <input type="checkbox"/> significant amendment to both the proposal and the implementation conditions
<b>Information of the approved proposal</b>	
<b>Combined effects of the approved proposal and significant amendment</b>	
<b>Analysis of existing implementation conditions</b>	
<b>Previous changes to the Proposal and or implementation conditions</b>	
<b>Compliance</b>	
<b>Environmental Performance</b>	
<b>Control of implementation of significant amendment</b>	

**PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR A PROPOSAL UNDER AN ASSESSED SCHEME ONLY**

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?	

**PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR DERIVED PROPOSALS ONLY**

Demonstrate how the proposal will meet the environmental outcomes defined through the assessment of the strategic proposal	
Provide an analysis of the existing implementation conditions of the related strategic proposal in relation to the derived proposal	

## PART C: OTHER APPROVALS AND REGULATION

### Decision-making authorities and their approvals

Provide a table list of the decision-making authorities, associated legislation or agreement regulating the activity and the specific approval required. (Example table at the end of form)	See Table below  See attached Referral Supplementary Information.
Provide a summary of the statutory decision-making processes you consider can mitigate the potential impacts of the proposal on the environment. (Note: this should be a summary of the information provided in Part B section 2.4).	See attached Referral Supplementary Information.

### Tenure and Local Government approvals

Location of proposal: 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.	Entrance Point Beach  Entrance Point Boat Ramp, Kabbarli Rd, Broome								
Name of the Local Government Authority in which the proposal is located.	Shire of Broome								
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<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?	Boat Ramp Proposed Extent: Boat Ramp, parking and open space – Physical footprint of 2.9ha Rock revetments and detached breakwater – Physical footprint 2.3ha  Kimberley Ports Authority is the key stakeholder as the project is wholly located within land and seabed under the control of the Port, and consequently the action is not subject to local government planning approval.								
Does the proponent have the legal access required for the implementation of all aspects of the proposal? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i> <i>If no, what authorisations / agreements / tenure is required and from whom?</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">Lot Number</th> <th style="width: 25%;">Responsible Agency</th> <th style="width: 20%;">Land Use</th> <th style="width: 40%;">Local Scheme reserve/ zone</th> </tr> </thead> <tbody> <tr> <td>Reserve 28650 – Lot 621</td> <td>Kimberley Ports Authority</td> <td>Port Reserve</td> <td>Broome Shire Town</td> </tr> </tbody> </table>	Lot Number	Responsible Agency	Land Use	Local Scheme reserve/ zone	Reserve 28650 – Lot 621	Kimberley Ports Authority	Port Reserve	Broome Shire Town
Lot Number	Responsible Agency	Land Use	Local Scheme reserve/ zone						
Reserve 28650 – Lot 621	Kimberley Ports Authority	Port Reserve	Broome Shire Town						

	on P70861 - LR3162 - 732			Plan Scheme No.6
	UCL Lot 600 P41001 0 - LR3167 -783	Kimberley Ports Authority	Port of Broome Waters	Port Waters
<b>Commonwealth Government approvals</b>				
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)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: <u>  TBC  </u> EPBC No.: <u>  TBC  </u>			
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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action			
If the proposal is determined to be a controlled action, do you request that this proposal be assessed under a Bilateral Agreement or as an accredited assessment?	<input checked="" type="checkbox"/> Yes - Bilateral <input type="checkbox"/> No <input type="checkbox"/> Yes - Accredited			
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Approval:			
<b>Decision-making authority referrals <u>ONLY</u></b>				
What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i>	N/A			

**Example Table:** Other approvals

Decision-making authority	Legislation or Agreement regulating the activity	Approval required (and specify which proposal element the approval is related to)	Whether and how statutory decision-making process can mitigate impacts on the environment? (Yes/No and summary of reasons. Include a separate line item for each relevant impact, and discuss how the EPA's factor objective will be met)
Kimberley Ports Authority	<i>Property Law Act</i>	Construction Works Lease (CWL)	No impacts expected. See attached Referral Supplementary Information