

APPENDIX 1

EPA Referral Form



Referral of a Proposal to the Environmental Protection Authority under Section 38(1) of the Environmental Protection Act.
Referral by the Proponent

PURPOSE OF THIS FORM

Section 38(1) of the *Environmental Protection Act 1986* provides that where a development proposal is likely to have a significant effect on the environment, a proponent may refer the proposal to the Environmental Protection Authority (EPA) for a decision on whether or not it requires assessment under the Act.

A referral to the EPA by a proponent under Section 38(1) must be made on this form.

Before completing this form, proponents are encouraged to familiarise themselves with the EPA's *General Guide for Referral of Proposals to the EPA under section 38(1) of the EP Act 1986* (accessed at the EPA's website at www.epa.wa.gov.au or by contacting the EPA on 9222 7186).

Proponents need to complete Parts A and B of the form by marking the appropriate boxes and providing explanatory or additional information where requested. Part B should be completed based on information known to the proponent. Only those sections of Part B that are pertinent to the proposal need to be completed. If space is insufficient, attach additional pages. Where information is contained in a report that is to be submitted with the referral form, the proponent may complete sections of the form by referring to the pertinent section of the report.

Proponents are encouraged to attach any other environmental information they consider may be relevant to the EPA for making a decision on whether or not to assess the proposal, and, if it is to be assessed, the level of assessment. In general, referrals should contain information on the potential environmental impacts of the proposal, the proposed management mechanisms to be implemented to minimise and mitigate for these impacts, and how the principles of the EP Act have been addressed by the proposal.

In addition to providing a hard copy of referral documentation, proponents are also requested to provide an electronic copy of the referral document, noting that section 39(2) of the EP Act provides for a proponent to request that matters of a confidential nature not be kept on the public record. If confidential matters are included in the referral, proponents are requested to submit this information in a separate hard copy attachment to the referral document. The electronic copy of the referral should be identical to the hard copy of the referral document, excluding any confidential attachment.

You may need to contact government agencies or local authorities to obtain information required by this form. A list of key agencies and their contact details is provided in Attachment 1.

Where the EPA decides that a proposal will be assessed at the level of Public Environmental Review or Environmental Review and Management Programme, it will also require the proponent to prepare an Environmental Scoping Document (refer *Environmental Impact Assessment (Part IV Division 1) Administrative Procedures 2002*).

Proponents should also be aware of the need to determine their obligations under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act is separate legislation to the Environmental Protection Act and it identifies a number of matters of national environmental significance which are subject to assessment and approval by the Commonwealth. The matters identified as triggers for the Commonwealth assessment and approval regime are World Heritage properties, Ramsar wetlands, nationally threatened species and ecological communities, migratory species, Commonwealth marine areas, and nuclear actions (refer to the Department of Environment and Heritage's website at www.deh.gov.au). Questions in this referral form that may be relevant to matters of national environmental significance are marked with a #.

PART A - PROPONENT AND PROPOSAL INFORMATION

1. PROPONENT DETAILS, PROPOSAL DESCRIPTION AND LOCATION

1.1 Proponent information

- Proposal title
Proposed Kwinana Ethanol Bio-Refinery
- Name of proponent (Person or entity proposing to implement the proposal)
Matthew James Kelley
- Address of proponent
'Warragundi West', CURRABUBULA NSW 2342
(PO Box 1734, TAMWORTH NSW 2340)
- Key contact for the proposal
(Name address and phone/facsimile number and email address. The contact may be a consultant, if one is being used)
Peter Jamieson, Director, Umwelt (Australia) Pty Limited, Phone: (02)4950 5322,
pjamieson@umwelt.com.au
- Does the proponent own the land on which the proposal is to be established? If not, what other arrangements have been established to access the land?
No. Agreement established with LandCorp.
- Is rezoning of any land required before the proposal can be implemented?
(please tick) Yes **If yes, please provide details.**
 No
- Is approval required from any Commonwealth or State Government agency or Local Authority for any part of the proposal?
 Yes No **If yes, name all Agencies and Local Authorities from which any approval is required.**

Refer to Section 1.3 of accompanying report.
- If yes above, have you lodged any of the necessary applications or have you discussed the proposal with any person(s) at the Agency or Local Authority?
 Yes No **If yes, name all Agencies and Local Authorities for which applications have been submitted or with whom the proposal has been discussed.**

Refer to Sections 1.3 and 6.0 of accompanying report.
- What is the current land use on the property, and the extent (area in hectares) of the property?
Vacant land, approximately 24 hectares.

1.2 Proposal Description *(Please attach extra pages where necessary)*

- Provide a description of the proposal.
Refer to Section 2.0.
- What is the proposed ultimate extent (area in hectares) of the activity?
Approximately 24 hectares.

- Provide the timeframe in which the activity or development is proposed to occur. (Include start and finish dates where applicable)

Refer to Section 2.10.

- Provide details of any staging of the proposal.

Refer to Sections 2.2 and 2.10.

- Indicate whether, and in what way, the proposal is related to other proposals in the region.

Refer to Section 3.0.

1.3 Location information

- Please provide proposal location details in one of the following two ways:

EITHER

- a) Electronic spatial data (preferred)

GIS or CAD on CD, depicting the proposal extent, geo-referenced and conforming to the following parameters:

- datum: GDA94
- projection: Geographic (latitude/longitude) or Map Grid of Australia (MGA)
- format: Arcview shapefile, Arcinfo coverages, Microstation or AutoCAD.

OR

- b) Maps and/or directions (if no electronic spatial data is available)

Any maps or diagrams of the proposal, together with the following directions:

- for urban areas: street address, lot number, the suburb and nearest road intersection;
- for remote localities: the nearest town, together with distance and direction from that town to the proposal site.

Please also attach the following map/plans, clearly showing the location of the development in its regional and local context.

❖ **Locality plan – Broad Scale**

Provide a locality plan (preferably superimposed on an aerial photograph) to identify:

- proposed development site and any associated infrastructure
- main roads
- urban centres
- wetlands and watercourses
- remnant native vegetation
- adjoining land uses (including recreation)
- sensitive marine areas

❖ **Site Plan – Proposal Details**

Provide a site plan to scale and indicate the location of:

- lot boundaries
- road frontages
- extent of the proposed development area
- extent of the proposed buffer area (if applicable)

❖ **Site Plan – Existing Environment**

Provide a site plan to scale (the same scale as above) and indicate the location of:

- lot boundaries
- road frontages
- any information required to be shown from Section 2.2 of this form
- extent of native vegetation of the site (the extent of overlap between the proposed development area and the area of native vegetation must be highlighted)
- extent of hydrological features on the site (this includes wetlands, watercourses, creek lines, seasonal creeks and artificial drainage lines)
- sensitive marine areas

PART B - ENVIRONMENTAL IMPACTS AND MANAGEMENT COMMITMENTS

2. ENVIRONMENTAL IMPACTS

Describe the impacts of the proposal on the following elements of the environment, through the questions below:

- (i) flora and vegetation #;
- (ii) fauna #;
- (iii) rivers, creeks, wetlands and estuaries;
- (iv) significant areas and/ or land features;
- (v) coastal zone areas;
- (vi) marine areas and biota #;
- (vii) water supply and drainage catchments;
- (viii) pollution;
- (ix) greenhouse gas emissions;
- (x) contamination;
- (xi) social surroundings; and
- (xii) risk.

These features should be shown on the site plan, where appropriate)

For all information, please provide:

- (a) the source of the information; and
- (b) how recent the information is.

2.1 Flora and Vegetation

- Do you propose to clear any native flora and vegetation as a part of this proposal?

(A proposal to clear native vegetation may require a clearing permit under Part V of the EP Act (*Environmental Protection (Clearing of Native Vegetation) Regulations 2004*). Please contact the Department of Environment for more information.

(please tick)

Yes

If yes, complete the rest of this section

No

If no, go to the next section

- How much vegetation are you proposing to clear (in hectares)?

- Have you submitted an application to clear native vegetation to the Department of Environment (unless you are exempt from such a requirement)?

Yes No **If yes**, on what date and to which office was the application submitted of the Department of Environment?

No - refer to Section 4.2.1.

- Are you aware of any recent flora surveys carried out over the area to be disturbed by this proposal?

Yes No **If yes**, please attach a copy of any related survey reports and provide the date and name of persons / companies involved in the survey/s. (If no, please do not arrange to have any biological surveys conducted prior to consulting with the DoE.)

Refer to Section 5.1.

- Has a search of CALM records for known occurrences of rare or priority flora or threatened ecological communities been conducted for the site? #

Yes No If you are proposing to clear native vegetation for any part of your proposal, a search of Department of Conservation and Land Management (CALM) records of known occurrences of rare or priority flora and threatened ecological communities will be required. Please contact the Como office of CALM for more information.

Refer to Section 5.1.

- Are there any known occurrences of rare or priority flora or threatened ecological communities on the site? #

Yes No **If yes**, please indicate which species or communities are involved and provide copies of any correspondence with CALM regarding these matters.

Refer to Section 5.1.

- If located within the Perth Metropolitan Region, is the proposed development within or adjacent to a listed Bush Forever Site? (You will need to contact the Bush Forever Office, at the Department for Planning and Infrastructure)

Yes No **If yes**, please indicate which Bush Forever site is affected (site number and name of site where appropriate).

- What is the condition of the vegetation at the site?

Refer to Section 5.1.

2.2 Fauna

- Do you expect that any fauna or fauna habitat will be impacted by the proposal?

(please tick) Yes **If yes, complete the rest of this section**
 No **If no, go to the next section**

- Describe the nature and extent of the expected impact.

- Are you aware of any recent fauna surveys carried out over the area to be disturbed by this proposal?

Zone Wetlands) Policy 1998			
Perth's Bush Forever site	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Environmental Protection (Swan & Canning Rivers) EPP 1998	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
The management area as defined in s4(1) of the Swan River Trust Act 1988	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Which is subject to an international agreement, because of the importance of the wetland for waterbirds and waterbird habitats (e.g. Ramsar, JAMBA, CAMBA) #	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure

2.4 Significant Areas and/ or Land Features

- Is the proposed development located within or adjacent to an existing or proposed National Park or Nature Reserve?
- Yes No **If yes**, please provide details.
- Are you aware of any Environmentally Sensitive Areas (as declared by the Minister under section 51B of the EP Act) that will be impacted by the proposed development?
- Yes No **If yes**, please provide details.
- Are you aware of any significant natural land features (e.g. caves, ranges etc) that will be impacted by the proposed development?
- Yes No **If yes**, please provide details.

2.5 Coastal Zone Areas (Coastal Dunes and Beaches)

- Will the development occur within 300m of a coastal area?
- (please tick) Yes ***If yes, complete the rest of this section***
- No ***If no, go to the next section***
- What is the expected setback of the development from the high tide level and from the primary dune?
- Approximately 250 metres. Refer to Section 5.2.
- Will the development impact on coastal areas with significant landforms including beach ridge plain, cusped headland, coastal dunes or karst?
- Yes No **If yes**, please describe the extent of the expected impact.
- Refer to Section 5.2.
- Is the development likely to impact on mangroves?
- Yes No **If yes**, please describe the extent of the expected impact.
- Refer to Section 5.2.

2.6 Marine Areas and Biota

- Is the development likely to impact on an area of sensitive benthic communities, such as seagrasses, coral reefs or mangroves?
 Yes No **If yes**, please describe the extent of the expected impact.
- Is the development likely to impact on marine conservation reserves or areas recommended for reservation (as described in *A Representative Marine Reserve System for Western Australia*, CALM, 1994)?
 Yes No **If yes**, please describe the extent of the expected impact.
- Is the development likely to impact on marine areas used extensively for recreation or for commercial fishing activities?
 Yes No **If yes**, please describe the extent of the expected impact, and provide any written advice from relevant agencies (e.g. Fisheries WA).

2.7 Water Supply and Drainage Catchments

- Are you in a proclaimed or proposed groundwater or surface water protection area?
(You may need to contact the Water and Rivers Commission (WRC) for more information on the requirements for your location, including the requirement for licences for water abstraction. Also, refer to the WRC website)
 Yes No **If yes**, please describe what category of area.
- Are you in an existing or proposed Underground Water Supply and Pollution Control area?
(You may need to contact the WRC for more information on the requirements for your location, including the requirement for licences for water abstraction. Also, refer to the WRC website)
 Yes No **If yes**, please describe what category of area.
- Are you in a Public Drinking Water Supply Area (PDWSA)?
(You may need to contact the WRC for more information or refer to the WRC website. A proposal to clear vegetation within a PDWSA requires approval from WRC.)
 Yes No **If yes**, please describe what category of area.
- Is there sufficient water available for the proposal?
(Please consult with the WRC as to whether approvals are required to source water as you propose. Where necessary, please provide a letter of intent from the WRC)
 Yes No (please tick)
- Will the proposal require drainage of the land?

Yes No **If yes**, how is the site to be drained and will the drainage be connected to an existing Local Authority or Water Corporation drainage system? Please provide details.

Is there a water requirement for the construction and/ or operation of this proposal?
(please tick) Yes **If yes, complete the rest of this section**
 No **If no, go to the next section**

What is the water requirement for the construction and operation of this proposal, in kL/year?
50,000 kL.

What is the proposed source of water for the proposal? (eg dam, bore, surface water etc.)
Sepia Depression Line.

2.8 Pollution

Is there likely to be any discharge of pollutants from this development, such as noise, vibration, gaseous emissions, dust, liquid effluent, solid waste or other pollutants?
(please tick) Yes **If yes, complete the rest of this section**
 No **If no, go to the next section**

Is the proposal a prescribed premise, under the Environmental Protection Regulations?
(Refer to the EPA *General Guide for Referral of Proposals to the EPA under section 38(1) of the EP Act 1986* for more information)
 Yes No **If yes**, please describe what category of prescribed premise.

Refer to Section 4.2.1.

Will the proposal result in gaseous emissions to air?
 Yes No **If yes**, please briefly describe.

Refer to Section 5.3.

Have you done any modelling or analysis to demonstrate that air quality standards will be met, including consideration of cumulative impacts from other emission sources?
 Yes No **If yes**, please briefly describe.

Refer to Section 5.3.

Will the proposal result in liquid effluent discharge?
 Yes No **If yes**, please briefly describe the nature, concentrations and receiving environment.

If there is likely to be discharges to a watercourse or marine environment, has any analysis been done to demonstrate that the State Water Quality Management Strategy or other appropriate standards will be able to be met?
 Yes No **If yes**, please describe.

- Will the proposal produce or result in solid wastes?
 Yes No **If yes**, please briefly describe the nature, concentrations and disposal location/ method.
- Will the proposal result in significant off-site noise emissions?
 Yes No **If yes**, please briefly describe.
- Will the development be subject to the Environmental Protection (Noise) Regulations?
 Yes No **If yes**, has any analysis been carried out to demonstrate that the proposal will comply with the Regulations?
Please attach the analysis.

Yes – refer to Sections 4.2.1 and 5.3.

- Does the proposal have the potential to generate off-site, air quality impacts, dust, odour or another pollutant that may affect the amenity of residents and other “sensitive premises” such as schools and hospitals (proposals in this category may include intensive agriculture, aquaculture, marinas, mines and quarries etc.)?
 Yes No **If yes**, please describe and provide the distance to residences and other “sensitive premises”.
- If the proposal has a residential component or involves “sensitive premises”, is it located near a land use that may discharge a pollutant?
 Yes No Not Applicable **If yes**, please describe and provide the distance to the potential pollution source

2.9 Greenhouse Gas Emissions

- Is this proposal likely to result in substantial greenhouse gas emissions (greater than 100 000 tonnes per annum of carbon dioxide equivalent emissions)?
 Yes No **If yes**, please provide an estimate of the annual gross emissions in absolute and in carbon dioxide equivalent figures.

Refer to Section 5.4.

- Further, if yes, please describe proposed measures to minimise emissions, and any sink enhancement actions proposed to offset emissions.

2.10 Contamination

- Has the property on which the proposal is to be located been used in the past for activities which may have caused soil or groundwater contamination?
 Yes No Unsure **If yes**, please describe.

Refer to Section 5.5.

- Has any assessment been done for soil or groundwater contamination on the site?

Yes No **If yes, please describe.**

Refer to Section 5.5.

- Has the site been registered as a contaminated site under the Contaminated Sites Act 2003? (on finalisation of the CS Regulations and proclamation of the CS Act)
- Yes No **If yes, please describe.**

2.11 Social Surroundings

- Is the proposal on a property which contains or is near a site of Aboriginal ethnographic or archaeological significance that may be disturbed?
- Yes No Unsure **If yes, please describe.**

Refer to Section 5.6.

- Is the proposal on a property which contains or is near a site of high public interest (for example, a major recreation area or natural scenic feature)?
- Yes No **If yes, please describe.**

Wells Park – refer to Section 5.6.

- Will the proposal result in or require substantial transport of goods, which may affect the amenity of the local area?
- Yes No **If yes, please describe.**

Refer to Section 5.6.

2.12 Risk

- Is the proposal located near a hazardous industrial plant or high-pressure gas pipeline?
- Yes No **If yes, please describe.**

Refer to Sections 2.1 and 5.7.

- Does the proposal have the potential to generate off-site risk?
- Yes No **If yes, will the proposal be a major hazardous facility regulated under the *Explosives and Dangerous Goods Act*?**

Refer to Section 5.7.

3. **MANAGEMENT**

3.1 Principles of Environmental Protection

- Have you considered how your project gives attention to the following Principles, as set out in section 4A of the EP Act? (For information on the Principles of Environmental Protection, please see EPA Position Statement No. 7, available on the EPA web.)

- | | | |
|---|---|-----------------------------|
| 1. The precautionary principle. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. The principle of intergenerational equity. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

- 3. The principle of the conservation of biological diversity and ecological integrity. Yes No
- 4. Principles relating to improved valuation, pricing and incentive mechanisms. Yes No
- 5. The principle of waste minimisation. Yes No

Refer to Section 7.0.

- Is the proposal consistent with the EPA's Position Statements (available on the EPA web)?
 Yes No

Refer to Section 7.0.

3.2 Management Commitments

- How has the proposal been developed to avoid, minimise and manage potential impacts? Please describe any specific commitments you make as the proponent to minimising the potential environmental impacts of this development.

Refer to Section 7.0.

3.3 Consultation

- Has public consultation taken place (such as with other government agencies, community groups or neighbours), or is it intended that consultation shall take place?
 Yes No **If yes**, please list those consulted and attach comments or summarise response on a separate sheet.

Refer to Section 6.0.

CHECKLIST AND DECLARATION

Before you submit this form, have you:	<u>YES</u>	<u>NO</u>
Completed all the questions on this form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have you attached any extra information, such as:		
Site plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Detailed explanations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments obtained during consultation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have you included any electronic information, such as:		
A CD of the referral and documentation, in PDF format, excluding any confidential information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A CD of the spatial data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Any other relevant information?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Following a review of the information presented in this form, please consider the following question. (Your response is Optional)


DO YOU CONSIDER THE PROPOSAL REQUIRES FORMAL ENVIRONMENTAL IMPACT ASSESSMENT?
(Information on the levels of environmental impact assessment is available on the EPA website at www.epa.wa.gov.au)

YES
 NO
 NOT SURE

IF YES, WHAT LEVEL OF ASSESSMENT?

ASSESSMENT ON REFERRAL INFORMATION
 ENVIRONMENTAL PROTECTION STATEMENT
 PUBLIC ENVIRONMENTAL REVIEW
 ENVIRONMENTAL REVIEW AND MANAGEMENT PROGRAMME
 STRATEGIC ENVIRONMENTAL ASSESSMENT

I, (full name) declare that I have completed all of the questions in this form and attached the requested information and declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature	
Name	Peter Jamieson
Position	Director
Date	30 June 2006

Environmental Protection Authority

Westralia Square
Level 8 141 St Georges Tce
PERTH WA 6000

Please mail completed referrals to:

Postal address:
PO Box K822
PERTH WA 6842
Website: www.epa.wa.gov.au

EPA Service Unit

Westralia Square
Levels 8 & 9 141 St Georges Tce
PERTH WA 6000

Telephone: (08) 9222 7000
Facsimile :(08) 9322 1598
Website: www.environment.wa.gov.au

Contact details for the head offices of the primary agencies involved in development proposals follow. You may need to contact your relevant district or regional office (details of all State Government agencies are available on the website of the Department of the Premier and Cabinet, www.dpc.wa.gov.au). You will also need to contact your Local Government Authority in the first instance. For some proposals, consultation with or referral to Commonwealth agencies may be required.

Department of Environment

Westralia Square
Level 8 141 St Georges Tce
Perth WA 6000

For Licensing under Part V -

Telephone: (08) 9222 7000
Website: www.environment.wa.gov.au

Hyatt Centre
3 Plain St
East Perth WA 6004

For Clearing Permit under Part V -

Telephone: (08) 9278 0300
Website: www.environment.wa.gov.au

Water and Rivers Commission

Hyatt Centre
3 Plain St
East Perth WA 6004

Telephone: (08) 9278 0300
Website: www.environment.wa.gov.au

Department of Industry & Resources

The Atrium
168 St George's Terrace
Perth WA 6000

Telephone: (08) 9327 5555
Website: www.doir.wa.gov.au

Mineral House
100 Plain St
East Perth WA 6004

Telephone: (08) 9327 5555
Website: www.doir.wa.gov.au

Department of Fisheries

3rd floor, SGIO Atrium
168 St George's Terrace
Perth WA 6000

Telephone: (08) 9482 7333
Website: www.wa.gov.au/westfish

Department of Conservation and Land Management

Hackett Drive
Crawley WA 6009

Telephone: (08) 9334 0333
Website: www.calm.wa.gov.au

Department for Planning and Infrastructure (including Bush Forever Office)

Albert Facey House
469 Wellington Street
Perth WA 6000

Telephone: (08) 9264 7777
Telephone: 1800 626 477 (Bush Forever Office)
Website: www.planning.wa.gov.au

Department of Indigenous Affairs

Level 1, 197 St George's Terrace
PERTH WA 6000

Telephone: (08) 9235 8000
Website: www.dia.wa.gov.au

Health Department of Western Australia

189 Royal St
EAST PERTH WA 6004

Telephone: (08) 9222 4222
Website