

Form

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

PART A: PROPONENT AND REFERRER INFORMATION AND PROPOSAL DESCRIPTION			
Referrer information			
Who is referring this proposal?		<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party	
Name (print) <i>Name of the person or organisation referring</i>		Signature	
Position		Organisation	Kimberley Ports Authority
Email		Phone	
Address	549	Port Drive	
	Broome	WA	6725
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 checked="" type="checkbox"/> No
Does the referrer confirm that they consent to receive correspondence electronically?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Referral declaration for proponent and Authorised representative: I, declare that I am authorised to refer this proposal on behalf ofand further declare that the information contained in this form is true and not misleading. Date:			
Proponent information			
Name of the proponent/s <i>Include Trading Name if relevant</i>		Kimberley Ports Authority	
Australian Company Number(s)	<input type="checkbox"/>	56 780 427 150	
OR Australian Business Number(s)	<input checked="" type="checkbox"/>		
Pre-referral discussions			
Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

<i>If so, provide name, date, and overview of discussions.</i>	
Proposal information	
Proposal name	Wharf Extension
What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)	<p>Kimberly Ports Authority (KPA) is proposing to undertake several improvements and modifications (works) to the wharf at the Port of Broome (the Port) to maximise wharf space and facilities while assisting with safe and efficient operations. The works include the construction of a new wharf laydown and new offices and amenities. The Port is located near Entrance Point at the tip of the Broome Peninsula, north-west of Roebuck Bay and approximately 5 km south-west of the town of Broome. The Port is the region's largest deep-water Port and is managed by KPA. The wharf consists of a steel pile jetty extending out from Entrance Point into the deeper waters of the Bay. The existing wharf comprises steel piles, a concrete deck and spring fendering with an outer berth of 331 m long. The works involve extending the wharf deck and piling in the following areas on the wharf (the Proposal):</p> <ul style="list-style-type: none"> • Area 1: infill of the area adjacent to the wharf neck and berth 11 • Area 2: extension of the lumpers mess deck. <p>Area 1 is approximately 610 m² and will be utilised primarily for storing miscellaneous stevedoring equipment such as gangways, rigging boxes, sea containers, and forklifts. Area 2 is approximately 495 m² and will be the foundation for new facilities, including stevedore amenities. KPA's preliminary design suggests that approximately 26 piles will be required to be driven in with a hammer (the size of the hammer will be determined by the contractor) as part of the proposed works.</p> <p>See attached Preliminary EIA (23ENV185_R22-322_O2M_Preliminary EIA_Rev1) for full description</p>
Have you provided electronic spatial data, maps, and figures in the appropriate format?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

What type of proposal is being referred? <i>For significant amendment or derived proposal, provide</i>	✓ significant proposal. <i>Choose which type of significant proposal</i> ✓ new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions)
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<p><i>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"/> 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>
<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.</p>	
<p>Alternatives</p>	<p><u>Alternative 1: No Development</u></p> <p>The only alternative option possible was not to undertake the Proposal, however this would lead to potentially less safe and inefficient operations. The wharf space is currently too small for future needs and therefore the Proposal is considered necessary.</p> <p><u>Alternative 2: Timeline</u></p> <p>No alternative timeframe was considered. Timeframe selected ensures piling avoids humpback whale migration. Alternative timeframe would overlap with humpback whale migration.</p> <p><u>Alternative 3: Location</u></p> <p>No alternative location was considered. Current location of the Proposal is within Port Operational area and existing lumpers mess. The wharf space is currently too small for future needs extension in these areas is considered necessary.</p> <p><u>Alternative 4: Element</u></p> <p>No Alternative element was considered. The wharf extension is required as the wharf space is currently too small for future needs.</p> <p><u>Alternative 5: Activity</u></p> <p>Current method is hammer pile installation to install 1 pile per 24 hours. Note: the piling is likely to be conducted from the wharf, however, could include barge piling. Underwater noise modelling used piling noise sources and energies of a reasonably conservative approach. Hammer piling modelled due to rock relief in Proposal area.</p> <p>Current method is hammer pile installation to install 1 pile per 24 hours This maximum of 1 pile every 24 hours will reduce the potential cumulative noise exposure impacts to marine fauna. Compared to installing multiple piles per 24 hours.</p> <p><u>Alternative 6: Technology</u></p> <p>No alternative technology was considered. Underwater noise modelling used piling noise sources and energies of a reasonably conservative approach. Hammer piling modelled due to rock relief in Proposal area.</p>

PART B: ASSESSMENT OF 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 checked="" 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"/> Greenhouse Gas Emissions <input checked="" 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 – for each environmental factor

1	EPA policy and guidance	See attached See attached Preliminary EIA (23ENV185_R220322_O2M_Preliminary EIA_Rev1).
2	Receiving environment	
3	Likely environmental impacts	
4	Application of the mitigation hierarchy, including other statutory decision-making processes	Whale observation (TTS) and exclusion (PTS) zones are too large to be effectively managed by marine fauna overserves therefore to avoid impacts to humpback whale the piling works for the Proposal will not occur during the humpback whale migration in the Kimberley (July to September). Underwater noise modelling has been completed for the Proposal see attached Appendix E - TN23039-1 KPA Broome Wharf Extension Project UWN_2.0 (002). See attached Preliminary EIA (23ENV185_R220322_O2M_Preliminary EIA_Rev1) and Marine Construction Environmental Management Plan (MCEMP) (23ENV185_MCEMP_R220520_Rev1) for additional information on all other mitigation strategies and measures are outline in the
5	Assessment and significance of residual impacts	See attached See attached Preliminary EIA (23ENV185_R220322_O2M_Preliminary EIA_Rev1).
6	Likely environmental outcomes	

Holistic impact assessment

KPA recognises the high degree of connectivity and interrelatedness between BCH, MEQ, Marine Fauna and Social Surroundings. The maintenance of MEQ is recognised as critical to the protection of BCH. Importantly, apart from small, localised and temporary impacts during construction, no long-term impacts to MEQ are expected from the Proposal. KPA also recognises that BCH often supports Marine Fauna. The small impact to BCH being localised to the pile locations, the location of the Proposal within an existing Port and no indirect loss of seagrass habitats as a result of the Project, significant impacts to BCH that is critical to support conservation significant marine fauna and Social Surroundings such as economically important aquaculture species are also unlikely.

Underwater noise, which is a key potential impact identified from the proposed piling, has the potential to impact Marine Fauna. To address this a detailed underwater noise modelling and impact assessment of the likely effects of piling generated underwater noise to sensitive receptors was undertaken. Following avoidance and mitigation strategies, it is predicted that temporary increases in noise levels can be managed without significant impact to Marine Fauna.

The combined effects on the marine environment as a whole are no greater than the effects on individual factors (BCH, MEQ, Marine Fauna, Social Surroundings). Furthermore, any potential impacts to these factors have been effectively mitigated through the development of a comprehensive MCEMP (see attached).

Cumulative environmental impact assessment

Benthic Communities and Habitats

KPA implement ongoing monitoring of the BCH within the Port and surrounding environment. The Proposal is located within the Port operational area- berth 11 (Area 1) and Area 2 is currently an existing lumpers mess these are areas where BCH has previously been disturbed. Based on the small footprint of potential BCH loss at the pile location the Proposal will not contribute to cumulative loss of BCH such that biological diversity and ecological integrity are at risk at either a local or regional scale. KPA considers the EPA's Objective for BCH can be met.

Marine Environmental Quality

KPA implement an Ongoing Marine Monitoring Program (OMMP). There are no predicted long-term impacts to MEQ it is considered that the Proposal will not contribute significant adverse cumulative effects to MEQ.

Marine Fauna

Piling for the Proposal is limited to 1 pile per 24 hours to reduce the cumulative underwater noise exposure to marine fauna. The Proposal is to maximise wharf space and facilities while assisting with safe and efficient operations. Vessels movements during construction will be minimal potentially a barge and small tender, and will not significantly increase the vessel activity Port waters. The impacts to marine fauna are not expected contribute to cumulative impacts and not have any consequent impacts to ecological integrity and/or biodiversity at a local or regional scale.

Social Surroundings

The Proposal is located within the Port of Broomes operational area. The Proposal may temporarily restrict access to sections of the Broome wharf public access walkway which is used by the general public. There are no registered sites intersect with the Proposal area. Impacts to social surroundings will be temporary and will add to the reduction of aesthetic, cultural, economic or other social surroundings in the Port of Broome and the surrounding environment.

Consultation

Under the *Port Authorities Act 1999* a port authority must establish a committee for each port for which it has the control and management for the purpose of promoting and facilitating communication between, information sharing and consultation between the port authority and members of the public who are or may be affected by port operations. The wharf extension works projects will be presented to the Port of Broomes CCC.

Consultation Register:

Name: Nyamba Buru Yawuru	
Organisation	Nyamba Buru Yawuru
Role	The traditional owners of the lands and waters in and around Broome
Date of consultation	08-02-2024
Interactions and outcomes	Presentation to the Yawuru PBC on the wharf extension project. Confirmed there were no heritage concerns in this work area. Yawuru rangers will be engaged as marine fauna observers for the project. KPA will continue to liaise with Yawuru on the project.

Consultation summary

The Community Consultation Committee (CCC) for the Port of Broome meets at least three times a year with membership comprising of representatives from special interest groups, the Shire of Broome and members of the community. The purpose of the CCC is to provide feedback to KPA on infrastructure developments, management plans, mechanisms for enhanced community communication and consultation, and identifying any potential social, economic and environmental impacts on the community. The Proposal will be presented to the Port of Broome CCC.

The Proponent has liaised with Nyamba Buru Yawuru (NBY) on the Proposal.

The Proponent will also liaise with the owner of the pearl farm within Port waters about the Proposal.

Supporting documents

Provide a list of the supporting documents

- 32ENV185_MCEMP_R220520_Rev1
- 23ENV185_R220322_O2M_Preliminary_EIA_Rev1
- Appendix A - Appendix A - T220444_O2M_Broome wharf extension BCH field survey_Rev1
- Appendix B - Appendix B - Protected Matters - MNES layers - July 28th 2023
- Appendix E - Appendix E - TN23039-1 KPA Broome Wharf Extension Project UWN_2.0 (002)

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?

See attached Preliminary EIA (23ENV185_R220322_O2M_Preliminary EIA_Rev1).

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)	Hon. Rita Saffioti Minister for Ports <i>Port Authorities Act 1999</i>
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). (Example table at the end of form)	The <i>Port Authorities Act 1999</i> governs Western Australia's port authorities, covering their functions, responsibilities, concepts of operations and related matters. In the provisions of the <i>Port Authorities Act 1999</i> requires port authority to manage the port environment.
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.	The Proposal is located within the Port of Broome, and the current use of Area 2 is an existing lumpers mess and Area 1 is located in Berth 11. The Proposal is located within the water-side restricted zone.
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?	Located within the 'Waters' Port of Broome limits.
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 Lease agreement- the Proposal is located within the Port of Broome Port water limits.
Commonwealth Government approvals	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: <u>18/03/2024</u> EPBC No.: <u>2024/09823</u>

<p>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.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action</p>
<p>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?</p>	<p><input type="checkbox"/> Yes - Bilateral <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Accredited</p>
<p>Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Approval:</p>
<p>Decision-making authority referrals <u>ONLY</u></p>	
<p>What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i></p>	<p>Not applicable</p>