


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) Patrick Seares		Signature 	
Position	Managing Director, Westport	Organisation	Department of Transport (Westport Project Office)
Email	Patrick.Seares@westport. wa.gov.au	Phone	08 6551 6850
Address	125	Murray Street	
	Perth	WA	6000
Date	18 March 2024		
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Referral declaration for proponent and Authorised representative: I, Patrick Seares declare that I am authorised to refer this proposal on behalf of the Director General of the Department of Transport on behalf of the State of Western Australia and further declare that the information contained in this form is true and not misleading. Date: 18 March 2024			
Proponent information			
Name of the proponent/s <i>Include Trading Name if relevant</i>		The Director General of the Department of Transport on behalf of the State of Western Australia	
Australian Company Number(s)	<input type="checkbox"/>	27 285 643 255	
OR			
Australian Business Number(s)	<input checked="" type="checkbox"/>		

Pre-referral discussions	
<p>Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)?</p> <p><i>If so, provide name, date, and overview of discussions.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Three pre-referral meetings have been held with DWER EPA Services on the following dates:</p> <ul style="list-style-type: none"> • 22 May 2023 • 27 October 2023 • 28 February 2024.
Proposal information	
Proposal name	Outer Harbour Port Development, Kwinana
What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)	<p>The Proposal is to construct and operate a new multimodal port in the Kwinana Industrial Area, approximately 30 km south of Perth.</p> <p>A full description of the Proposal and its elements is provided in the accompanying Proposal Content Document.</p>
Have you provided electronic spatial data, maps, and figures in the appropriate format?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>What type of proposal is being referred?</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 checked="" type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions) <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>	
Alternatives	A range of alternatives to the Proposal have been considered. This information is provided in Section 1.2 of the Referral Supporting Document.

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

Environmental factors

What are the likely significant environmental factors for this proposal?	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Benthic Communities and Habitat <input checked="" type="checkbox"/> Coastal Processes <input checked="" type="checkbox"/> Marine Environmental Quality <input checked="" type="checkbox"/> Marine Fauna <input checked="" type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input checked="" type="checkbox"/> Terrestrial Environmental Quality <input checked="" type="checkbox"/> Terrestrial Fauna <input checked="" 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	This information is provided in Sections 5 – 13 of the Referral Supporting Document.
2	Receiving environment	
3	Likely environmental impacts	
4	Application of the mitigation hierarchy, including other statutory decision-making processes	
5	Assessment and significance of residual impacts	
6	Likely environmental outcomes	

Holistic impact assessment

Outline the holistic impact assessment for the Proposal.
 This information is provided in Section 16 of the Referral Supporting Document.

Cumulative environmental impact assessment

Outline the relevant cumulative environmental impacts of the Proposal (based on scoping).
 This information is provided in Section 1.5 and Sections 5-13 of the Referral Supporting Document.

Consultation

Outline the stakeholder identification and consultation process, and outcomes of consultation on the Proposal and its likely environmental effects.
 This information is provided in Section 3 of the Referral Supporting Document.

Supporting documents

Provide a list of the supporting documents

- Referral Supporting Document
- Proposal Content Document

Has the referrer provided survey information according to the Instructions and Form: IBSA Data Packages and/or the Instructions and form: IMSA Data Packages	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Conclusion	
<p>Do you consider the proposal may have a significant effect on the environment? Yes, the Proposal is likely to have significant effects on the environment.</p> <p>The Proponent requests that the EPA:</p> <ul style="list-style-type: none"> • Set the level of assessment for the Proposal at Public Environmental Review (PER). • Prescribe that the Environmental Scoping Document (ESD) is prepared by the Proponent. • Set the public review period for the PER at the maximum length, being 12 weeks. <p>This is requested given:</p> <ul style="list-style-type: none"> • The Proposal is large in size, scale and complexity, with multiple project elements. • The Proposal is likely to trigger several preliminary key environmental factors. • The Proposal is likely to have significant effects on the environment and a detailed assessment is appropriate to assess the extent of any direct, indirect, cumulative and holistic impacts, and how such impacts could be avoided, mitigated and managed. <p>The Proposal is likely to attract a high level of public interest at a local and regional scale in relation to the likely effects of the proposal on the environment.</p>	

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS <u>FOR SIGNIFICANT AMENDMENTS ONLY</u>	
Type of significant amendment	<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
Information of the approved proposal	
Combined effects of the approved proposal and significant amendment	
Analysis of existing implementation conditions	
Previous changes to the Proposal and or implementation conditions	
Compliance	
Environmental Performance	
Control of implementation of significant amendment	

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)

This information is provided in Section 2.3 of the Referral Supporting Document.

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)

This information is provided in Section 2.3 of the Referral Supporting Document.

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.

Terrestrial elements: various land parcels, within the Kwinana Industrial Area, 30 km south of Perth.
Marine elements: waters of Cockburn Sound, Owen Anchorage, Gage Roads and Deep Water Channel (Lot 4552 on Deposited Plan 220690,).

Name of the Local Government Authority in which the proposal is located.	City of Kwinana (terrestrial elements) City of Cockburn (the southern portion of the second main channel intersects this LGA)
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What is the current land use on the property, and the extent (area in hectares) of the property?	<u>Terrestrial elements:</u> currently part of the Kwinana Industrial Area which supports various heavy industrial land uses. The Proposal's terrestrial elements have an indicative footprint of 89 ha. <u>Marine elements:</u> marine areas currently used for a combination of commercial shipping (part of the existing Port of Fremantle Outer Harbour operations) and recreational marine uses. The Proposal's marine elements have an indicative footprint of 1,159 ha.
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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 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: _____ EPBC No.: _____ The Proposal will be referred under the EPBC Act following submission of this EP Act referral.
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 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 type="checkbox"/> Yes - Bilateral <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – Accredited If the forthcoming EPBC Act referral results in a controlled action decision, then the Proponent requests that the Proposal is

	assessed by the EPA as an accredited assessment.
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Approval: Approval pursuant to the Commonwealth <i>Environment Protection (Sea Dumping) Act 1981</i> may be required. This is yet to be confirmed.
Decision-making authority referrals <u>ONLY</u>	
What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i>	Not applicable.