


# 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>			
Who is referring this proposal?		<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party	
Name: Kristen Watts		Signature: 	
Position	Director	Organisation	Coterra Environment
Email	<a href="mailto:kristen.watts@coterra.com.au">kristen.watts@coterra.com.au</a>	Phone	(08) 9381 5513
Address	Level 1, 98 Colin Street		
	West Perth	WA	6005
Date	22 October 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Referral declaration for proponent and Authorised representative: I, <i>Kristen Watts</i> , declare that I am authorised to refer this proposal on behalf of <i>Western Australia Golf and Beach Resorts Pty Ltd</i> and further declare that the information contained in this form is true and not misleading.  Date: 22 October 2024			
<b>Proponent information</b>			
Name of the proponent/s <i>Include Trading Name if relevant</i>		Western Australia Beach and Golf Resort Pty Ltd (WABGR)	
Australian Company Number(s)	<input type="checkbox"/>	89 097 109 067	
<b>OR</b> Australian Business Number(s)	<input checked="" type="checkbox"/>		

Pre-referral discussions	
<p><b>Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)?</b></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>Pre-referral meeting with Hans Jacobs and Erika Eto of DWER was held on 27 June 2024. Further liaison was undertaken with Hans Jacobs by Gordon Motherwell (O2 Marine) following this date.</p> <p>Discussions included project overview, and proposed content of the referral documentation.</p>
Proposal information	
<p><b>Proposal name</b></p>	<p>Kennedy Bay Public Jetty</p>
<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 proposal is for constructing and operating a recreational jetty in Port Kennedy, located in the south of Warnbro Sound within the City of Rockingham.</p> <p>The Proposal will provide:</p> <ul style="list-style-type: none"> <li>• an elevated main deck</li> <li>• low-level short-stay vessel berth</li> <li>• central jetty 'node' to include a diving platform, terracing, stairs and swimming platform</li> <li>• demarcated swimming area.</li> </ul> <p>Further detail is provided in the attached Proposal Content Document and Referral Supporting Document.</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 checked="" 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> <li><input type="checkbox"/> strategic proposal</li> <li><input type="checkbox"/> derived proposal</li> <li><input type="checkbox"/> proposals of a prescribed class</li> <li><input type="checkbox"/> proposal under an assessed planning scheme</li> </ul>

**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.

Refer to attached Proposal Content Document and Referral Supporting Document.

**Alternatives**

The Proposal design has been developed in consultation with relevant stakeholders and government departments, and with reference to the review of boating facility demand for the Perth region (DoT 2019) and the requirements of the Kennedy Bay Sale and Development Agreement (SADA) which was made between the State of Western Australia and the project proponent (WABGR).

The DoT (2019) review recommended that additional boating facilities would be required within the City of Rockingham to cater for increased population growth and predicted increased vessel ownership. To meet this demand, upgrades would be required to existing facilities and/or new facilities constructed within the area (City of Rockingham, 2023).

The SADA outlines the requirement for a Public Jetty to be constructed as part of the Kennedy Bay development project.

The specific jetty location along the Kennedy Bay development site foreshore was selected on the basis of proximity to deeper water and shelter offered by the site. Other possible locations reviewed to the west and north-east did not have as favourable site conditions.

This proposed Jetty has also had various design iterations, to respond to site conditions and community needs. the project history is further discussed in the attached Referral Supporting Document.

**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

Refer to attached Referral Supporting Document.

**Potential environmental impacts – for each environmental factor**

1	<b>EPA policy and guidance</b>	<p>EPA WA Environmental Factor Guideline: Marine Fauna</p> <p>Commonwealth of Australia National Light Pollution Guidelines for Wildlife including Marine Turtles, Seabirds, and Migratory Shorebirds</p>
2	<b>Receiving environment</b>	<p>Port Kennedy locality and southern end of Warnbro Sound within the City of Rockingham.</p>
3	<b>Likely environmental impacts</b>	<p>Potential Impacts include:</p> <ul style="list-style-type: none"> <li>• Propagation of underwater noise from pile installation, which may lead to: <ul style="list-style-type: none"> <li>○ Permanent threshold shift, temporary threshold shift, or stress response to marine fauna</li> <li>○ Avoidance of important habitat</li> <li>○ Injury or mortality, avoidance behaviour and potential displacement of prey</li> </ul> </li> <li>• Introduction of new substrate, which may lead to: <ul style="list-style-type: none"> <li>○ New niche/habitat for introduced marine pests to establish</li> </ul> </li> <li>• Presence of vessels and activities generating underwater noise, which may lead to: <ul style="list-style-type: none"> <li>○ Avoidance behaviour by marine fauna</li> <li>○ Disruption to marine fauna migratory or foraging behaviours</li> </ul> </li> <li>• Proposal vessels during construction and increase in recreational vessels during operations <ul style="list-style-type: none"> <li>○ Vessel strikes that may cause marine fauna injuries, displacement or death</li> <li>○ Increased propagation of underwater noise; avoidance of important habitat or stress response to marine fauna</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Hydrocarbon spills causing marine fauna injury or facilities and/or impacts on critical habitat.</li> <li>• Entanglement or plastic ingestion from marine debris and discarded recreational fishing gear.</li> </ul>
4	<b>Application of the mitigation hierarchy, including other statutory decision-making processes</b>	<p>Implementation of the mitigation hierarchy to develop Marine Construction Environmental Management procedures and management targets.</p> <ul style="list-style-type: none"> <li>• Piling to avoid sensitive time periods: <ul style="list-style-type: none"> <li>○ Peak Australian sea lion abundance (June to August)</li> <li>○ Little penguin peak guarding (August to mid-October)</li> <li>○ Peak whitebait spawning (June and July).</li> </ul> </li> <li>• Implementation of Dedicated Marine Fauna Observers during piling activities <ul style="list-style-type: none"> <li>○ Including 30-minute pre-start, 30-minute soft-start, shutdown and low visibility conditions</li> </ul> </li> <li>• Piling restricted to daylight hours only</li> <li>• Adherence to vessel speeds and approach distances</li> </ul> <p>Ongoing management during operations</p>
5	<b>Assessment and significance of residual impacts</b>	No significant residual impacts identified.
6	<b>Likely environmental outcomes</b>	<p>Construction impacts would generally be minor and temporary. Some impacts such as those relating to underwater noise emissions have the potential to be significant, however, noise modelling and assessments of significance prepared for threatened species have shown these are unlikely to be significant.</p> <p>With the proposed management measures, the Proponent considers that the Proposal will not result in significant impacts to Marine Fauna and the Environmental Protection Authority's Objective can be met.</p>
<b>Holistic impact assessment</b>		
Outline the holistic impact assessment for the Proposal.		
Refer to attached Referral Supporting Document.		

<b>Cumulative environmental impact assessment</b>	
Outline the relevant cumulative environmental impacts of the Proposal (based on scoping).	
Refer to attached Referral Supporting Document.	
<b>Consultation</b>	
Outline the stakeholder identification and consultation process, and outcomes of consultation on the Proposal and its likely environmental effects.	
Refer to attached Referral Supporting Document	
<b>Supporting documents</b>	
Provide a list of the supporting documents.	
<ul style="list-style-type: none"> <li>• ANV Consultants (2024). Kennedy Bay Jetty Underwater Piling Noise Modelling. Report prepared for O2 Marine Pty Ltd.</li> <li>• Hydrobiology (2024). <i>Baseline Marine Environmental Assessment – Kennedy Bay Proposed Jetty and Mooring Development</i>. Report prepared for Coterra Environment Pty Ltd.</li> <li>• O2 Marine (2024a). <i>Referral Supporting Document – Kennedy Bay Jetty</i>. Report prepared for Westen Australia Beach and Golf Resort Pty Ltd.</li> <li>• O2 Marine (2024b). <i>Marine Fauna Desktop Review – Kennedy Bay Jetty</i>. Report prepared for Westen Australia Beach and Golf Resort Pty Ltd.</li> </ul>	
Has the referrer provided survey information according to the <a href="#">Instructions and Form: IBSA Data Packages</a> and/or the <a href="#">Instructions and form: IMSA Data Packages</a>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Conclusion**

Do you consider the proposal may have a significant effect on the environment?

The proposal is not anticipated to result in a significant effect on the environment.

Construction impacts would generally be minor and temporary and noise modelling undertaken for the project identified that potential impacts to threatened marine fauna species are unlikely to be significant.

With the proposed management measures, it is concluded that the Proposal will not result in significant impacts to Marine Fauna and the Environmental Protection Authority's Objective can be met.

**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>	Not applicable
<b>Combined effects of the approved proposal and significant amendment</b>	Not applicable
<b>Analysis of existing implementation conditions</b>	Not applicable
<b>Previous changes to the Proposal and or implementation conditions</b>	Not applicable
<b>Compliance</b>	Not applicable
<b>Environmental Performance</b>	Not applicable
<b>Control of implementation of significant amendment</b>	Not applicable

**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?	Not applicable
How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme?	Not applicable

**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	Not applicable
Provide an analysis of the existing implementation conditions of the related strategic proposal in relation to the derived proposal	Not applicable

**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 1 at the end of this form
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)	See Table 2 at the end of this form

**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.	Public jetty to be located within Lot 209 (Reserve 44886) Port Kennedy, and adjacent marine environment.  Nearest road intersection is Parmelia Entrance and Offshore Drive, Port Kennedy.
Name of the Local Government Authority in which the proposal is located.	City of Rockingham
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?	'General Use' zone in Shoalwater Islands Marine Park – allows for recreational and commercial activities to occur, providing they are compatible with overall maintenance of marine park values (DEC, 2007).  Lot 209 (Reserve 44886) is a C Class Reserve for public recreation, vested to the City of Rockingham
Does the proponent have the legal access required for the implementation of all aspects of the proposal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Legal access to implement the Kennedy Bay development and associated public



<p><b>If yes, provide details of legal access authorisations / agreements / tenure.</b></p> <p><b>If no, what authorisations / agreements / tenure is required and from whom?</b></p>	<p>infrastructure works forms a component of the SADA. As such, once necessary approvals are obtained (see Tables 1 and 2 below) there will be no further restrictions preventing works commencing.</p>
<p><b>Commonwealth Government approvals</b></p>	
<p>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)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Date: _____</p> <p>EPBC No.: _____</p>
<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</p> <p><input type="checkbox"/> Decision – controlled action</p> <p><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</p> <p><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</p> <p>Approval: _____</p>
<p><b>Decision-making authority referrals <u>ONLY</u></b></p>	
<p>What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i></p>	

**References**

Department of Environment and Conservation (DEC) (2007). *Shoalwater Islands Marine Park Management Plan*. Government of Western Australia, Perth, Western Australia.

City of Rockingham (2023). *Strategic Boating Plan 2023-2026*. City of Rockingham, Perth, Western Australia.

Department of Transport (2019). *Perth Recreational Boating Facilities Study Review 2019*. Government of Western Australia, Perth, Western Australia.

**Table 1: Other approvals**

Decision-making authority	Legislation or Agreement regulating the activity	Approval required (and specify which proposal element the approval is related to)
Department of Planning, Lands and Heritage	<i>Planning and Development Act 2005 (PD Act)</i>	<p>Development Application (DA) – Jetty</p> <p>DA to be approved by Western Australian Planning Commission (WAPC). The DA will also be referred to other DMAs.</p> <p>Conditions will be applied to DA which are anticipated to include requirements relating to:</p> <ul style="list-style-type: none"> <li>• Jetty design</li> <li>• Construction management</li> <li>• Environmental monitoring and management in accordance with Referral Scoping Document and/or other management plans.</li> </ul>
Department of Biodiversity, Conservation and Attractions	<i>Conservation and Land Management Act 1984 (CALM Act)</i>	Disturbance Approval System (DAS) application to seek approval for disturbance within Department of Biodiversity, Conservation and Attractions (DBCA) managed lands and waters.
Department of Water and Environmental Regulation	<p><i>Environmental Protection Act (Part V Division 2)</i></p> <p><i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i></p>	<p>Native Vegetation Clearing Referral/Native Vegetation Clearing Permit</p> <p>An approval to clear approximately 0.16 ha of native vegetation will be sought from DWER prior to commencement of jetty construction.</p>

Decision-making authority	Legislation or Agreement regulating the activity	Approval required (and specify which proposal element the approval is related to)
Department of Transport	<i>Jetties Act 1926</i> <i>Jetty Regulations 1940</i>	Jetty Licence  Once other approvals have been sought (i.e. environmental approval, DA approval), a Jetty Licence will be obtained to construct the jetty.  A New Jetty Structure Construction Completed Statutory Declaration will be provided to the DoT for approval, prior to the Jetty Licence being approved.  The Jetty Licence will be issued contingent on standard Jetty Licence Conditions being undertaken.
	<i>Marine and Harbours Act 1981</i>	Standard Seabed Lease  To be issued to allow for construction within marine waters. Will contain standard seabed lease conditions.
City of Rockingham	<i>Planning and Development Act 2005</i> <i>Building Regulations 2012</i> <i>City of Rockingham Town Planning Scheme No. 2</i>	Building Permit

**Table 2:** Other statutory decision-making process which can mitigate potential impacts on the environment

Environmental impact	How is the impact regulated by other decision-making process(es)?	Limit(s) of the decision-making process(es) to regulate the impact eg time limits, excluded operations	Likely environmental outcome of decision-making process(es), and consistency with EPA objective	Conditions, enforcement, and review process required by decision-making process(es)	Stakeholder engagement in decision-making process(es)
<p><b>Terrestrial Flora and Vegetation</b></p> <p>Vegetation clearing will be required within approximately 0.16 ha and post-construction, parts of this area not comprising jetty or landscape infrastructure will be revegetated and/or landscaped with native species.</p>	<p>Part V Division 2 of the EP Act and the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (Clearing Regulations)</p>	<p>This process will only be relevant to the terrestrial vegetation clearing and not to the marine component (this Proposal).</p>	<p>The EPA objective ‘to protect flora and vegetation so that biological diversity and ecological integrity are maintained’ will be achieved.</p>	<p>Part V Division 2 of the EP Act can apply conditions to clearing activities, if deemed to significantly impact the environment.</p>	<p>Stakeholder engagement with DWER will continue throughout the process. Further information on stakeholder engagement is provided in Section 3 of the RSD.</p>
	<p>Development Application (DA) conditions – issued by WAPC on advice of the City of Rockingham</p>	<p>Any revegetation and/or landscaping plans will require approval likely from the City of Rockingham in relation to post-construction activities.</p>		<p>Conditions for approval of landscaping and/or revegetation plans can be considered under the DA.</p> <p>Monitoring and reporting may be undertaken to ensure compliance with achieving completion criteria/landscape outcomes prior to handover of responsibility for the area to the City of Rockingham.</p>	<p>Stakeholder engagement will continue to be undertaken with DMAs through the DA process. Further information on stakeholder engagement is provided in Section 3 of the RSD.</p>

Environmental impact	How is the impact regulated by other decision-making process(es)?	Limit(s) of the decision-making process(es) to regulate the impact eg time limits, excluded operations	Likely environmental outcome of decision-making process(es), and consistency with EPA objective	Conditions, enforcement, and review process required by decision-making process(es)	Stakeholder engagement in decision-making process(es)
<p><b>Marine Environment</b></p> <p>Impacts to marine fauna have the potential to occur as a result of Proposal construction and/or operation.</p>	<p>Under the PD Act. The DA to be submitted for planning approval by the WAPC</p>	<p>The PD Act governs development and planning in the context of land-use zoning throughout Western Australia and outlines the consultation with relevant authorities</p>	<p>The DA approval will inform other secondary approvals such as building permits and jetty licence and is separate to the Part IV environmental approvals</p>	<p>DMA (WAPC) DA Approval conditions</p> <p>The DA approval would likely contain conditions for the implementation of management measures consistent with the RSD.</p>	<p>The DA would be referred to key government stakeholders, likely including the City of Rockingham and DBCA</p>
	<p>DBCA DAS Application – CALM Act</p>	<p>The CALM Act allows for the provision of jetties (as public utility works) within Class A marine reserves (Section 13AA). The CALM Regulations (Part 2, Division 4, Regulation 34) specify that unauthorised buildings, including jetties, are not able to be erected or placed on CALM land, without a Lawful Authority (Part 1, Regulation 3) being obtained.</p>	<p>Approval through the DAS will enable DBCA to issue a Lawful Authority and a Deed of Licence for the jetty which are separate to the Part IV environmental approvals.</p> <p>The Lawful Authority would be issued to manage short-term impacts and conditions associated with the construction of the jetty and be issued for the construction period.</p> <p>The Deed of Licence will be issued in relation to operation of the Jetty and will provide DBCA with a mechanism to approve</p>	<p>DBCA has provided advice regarding the conditions which may be applied to the Lawful Authority and Deed of Licence (noting the Deed of Licence is likely to contain similar conditions to the Lawful Authority). This information is provided in Attachment 1 below.</p> <p>As such we anticipate that the Proposal specific conditions which would likely be applied would be reflective of management measures outlined within the RSD and potentially include:</p>	<p>Stakeholder engagement with DBCA will continue throughout the process. Further information on stakeholder engagement is provided in Section 3 of the RSD.</p>

Environmental impact	How is the impact regulated by other decision- making process(es)?	Limit(s) of the decision-making process(es) to regulate the impact eg time limits, excluded operations	Likely environmental outcome of decision-making process(es), and consistency with EPA objective	Conditions, enforcement, and review process required by decision-making process(es)	Stakeholder engagement in decision-making process(es)
			management of jetty infrastructure within the SIMP. The Deed of Licence will specify management responsibilities and any monitoring/reporting requirements applicable to WABGR.	<ul style="list-style-type: none"> <li>• Piling to avoid sensitive time periods</li> <li>• Implementation of dedicated marine fauna observers during piling activities</li> <li>• Piling restricted to daylight hours only</li> <li>• Adherence to vessel speeds and approach distances</li> </ul>	
	<p>Building Permit – City of Rockingham</p> <p>Addresses construction impacts e.g. piling and artificial lighting.</p>	A Building Permit will be issued for jetty construction and as such can identified required construction management actions.	<p>Detailed design and lighting plans will be provided to the City of Rockingham for approval as part of the Jetty Building Permit phase of the project approvals.</p> <p>Approval of DA and DAS will inform assessment of building permit and is separate to the Part IV environmental approvals.</p>	The Building Permit can contain conditions regarding construction management requirements.	Further information on stakeholder engagement is provided in Section 3 of the RSD.

Environmental impact	How is the impact regulated by other decision-making process(es)?	Limit(s) of the decision-making process(es) to regulate the impact eg time limits, excluded operations	Likely environmental outcome of decision-making process(es), and consistency with EPA objective	Conditions, enforcement, and review process required by decision-making process(es)	Stakeholder engagement in decision-making process(es)
	Jetty Licence – Jetties Act	Under the Jetties Act 1926 (Jetties Act), the DoT is responsible for issuing jetty licences for construction, maintenance and operation of private, commercial and community jetty use.	<p>Detailed design and lighting plans will be provided to the DoT for approval as part of the Jetty licensing.</p> <p>Approval of DA and DAS will inform assessment of jetty licence and is separate to the Part IV environmental approvals.</p>	The Jetty Licence will contain standard conditions for management and operation.	Further information on stakeholder engagement is provided in Section 3 of the RSD.

## **Attachment 1 Example conditions for a Lawful Authority Reg 4**

**[Information provided by Melissa Evans, Acting District Manager – Swan Coastal District, Department of Biodiversity, Conservation and Attractions, via email to Coterra Environment dated 21/10/2024]**

For a lawful authority the standard conditions are below and then DBCA add in additional measures depending on the specific works (example of these are also indicates below):

### Standard Conditions

1. The Authority holder has full responsibility for all actions taken under this Authority.
2. The Authority holder must comply with the CALM Act and Regulations and the Biodiversity Conservation Act 2016 and Regulations.
3. The Director General retains the right to terminate the Authority at any time.
4. The District Manager or his/her delegate has on-site control of all activities.
5. The Authority holder shall ensure a copy of the Authority is on-site during construction and is produced on demand to an officer of the Department of Biodiversity, Conservation and Attractions.
6. Authorities are not transferrable.
7. The Authority holder must provide adequate stakeholder consultation and communication before, during and after these works including with Commercial Operators in the area.
8. The Authority holder must keep a record of all public enquiries and complaints. These shall be summarised and submitted at the end of the contract works.
9. The Authority does not allow the taking of declared (or threatened) rare flora or fauna.
10. The Authority provides no entry to Park or Reserves or parts thereof, listed as limited access or prohibited areas.
11. Works will be undertaken within the footprint as shown in XXXX.
12. Works will be undertaken on weekdays and weekends only during hours agreed to by the Department's representative.

### Potential Additional Measures (examples from other approvals)

13. The Authority holder will undertake public notification of proposed works.
14. The Authority holder will be responsible for communications with the public regarding the proposed works and will keep a record of public queries. This information is to be provided to DBCA on request.
15. The total amount of sand removed from the excavation site (Attachment XXXX, approximately XXXX m<sup>3</sup>) will be undertaken in a manner reducing future erosion the excavation site.
16. The Authority holder will monitor the site as outlined in the monitoring program shown at Attachment XXXX. This information is to be provided to DBCA on request.
17. All areas of CALM land impacted during the works will be remediated to a natural state post works including the smoothing if significant machinery tracks and removal of all rubbish.



18. Contractors must monitor wildlife in the area during works.

19. Operations will cease if a dolphin, whale, sea lion or little penguin is observed within XXXX m of the excavator, and only allow excavating to resume when the fauna has moved away greater than XXXX m from the excavator.

20. Any dead fauna shall be reported immediately to Vaughn Chapple, A/Marine and Riverpark Coordinator, Department of Biodiversity, Conservation and Attractions.

21. The Swan Region contact for this permit will be Vaughn Chapple, A/Marine and Riverpark Coordinator, 0427 380 236 or [vaughn.chapple@dbca.wa.gov.au](mailto:vaughn.chapple@dbca.wa.gov.au).