




Environmental Protection Authority

Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

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) Alan Tate		 Signature	
Position	Director	Organisation	Brikmakers (a division of BGC Australia Pty Ltd)
Email	ajt@bgc.com.au		
Address	PO Box 7223,	Cloisters Square	
	Perth	WA	6850
Date	20/6/19		
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	
Referral declaration for organisations, proponents and decision-making authorities: I, ...Alan Tate..., declare that I am authorised to refer this proposal on behalf of.....BGC Australia Pty Ltd.... and further declare that the information contained in this form is true and not misleading.			
Part A: Proponent and proposal description			
Proponent information			
Name of the proponent/s (including Trading Name if relevant)		Brikmakers (a division of BGC Australia Pty Ltd)	
Australian Company Number(s)	<input checked="" type="checkbox"/>	005 736 005	
OR Australian Business Number(s)	<input type="checkbox"/>		

<p>Contact for the proposal (if different from the referrer)</p> <p><i>Please include: name, physical address, phone, and email.</i></p>	<p>✓ Yes <input type="checkbox"/> No</p> <p><i>Nathan Blackwell, Raw Material Manager Brikmakers 260 Kalamunda Rd South Guildford WA 6055 0427421683 – 63131022 nwb@brikmakers.com</i></p>
<p>Does the proponent have the legal access required for the implementation of all aspects of the proposal?</p> <p><i>If yes, provide details of legal access authorisations / agreements / tenure.</i></p> <p><i>If no, what authorisations / agreements / tenure is required and from whom?</i></p>	<p>✓ Yes <input type="checkbox"/> No</p> <p>A “Clay extraction agreement” has been agreed between the land owner and BGC Australia.</p>
<p>Proposal type</p>	
<p>What type of proposal is being referred?</p> <p>For a change to an approved proposal please state the Ministerial Statement number/s (MS No./s) of the approved proposal</p> <p>For a derived proposal please state the Ministerial Statement number (MS No.) of the associated strategic proposal</p>	<p>✓ significant – new proposal</p> <p><input type="checkbox"/> significant – change to approved proposal (MS No./s: _____)</p> <p><input type="checkbox"/> proposal under an assessed planning scheme</p> <p><input type="checkbox"/> strategic</p> <p><input type="checkbox"/> derived (Strategic MS No.: _____)</p>
<p>For a significant proposal:</p> <ul style="list-style-type: none"> Why do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA? 	<p>The proposals development application required from the local government (City of Swan) has been refused by the Council partially based on environmental concerns.</p>
<p>For a proposal under an assessed planning scheme, provide the following details:</p> <ul style="list-style-type: none"> Scheme name and number <p>For the Responsible Authority:</p> <ul style="list-style-type: none"> 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? 	
<p>Proposal description</p>	
<p>Title of the proposal</p>	<p>Sand and clay extraction, Lots 5 and 6, 1728 Great Northern Hwy, Bullsbrook, WA</p>
<p>Name of the Local Government Authority in which the proposal is located.</p>	<p>City of Swan</p>
<p>Location:</p>	<p>Lots 5 and 6, 1728 Great Northern Hwy, Bullsbrook, WA</p>

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.	
Proposal description – including the key characteristics of the proposal <i>Provide as an attachment to the form</i>	See Development Application Report
Have you provided electronic spatial data, maps and figure in the appropriate format? <i>Refer to instructions at the front of the form</i>	<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?	Agricultural 51.6 ha
Have you had pre-referral discussions with the EPA at DWER Services? If so, quote the reference number and/or the DWER contact.	no

Part B: 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
- Social Surroundings
- Human Health

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

See Development Application Report etc listed below for discussion of environmental impacts

SERS - Development Application Report, Darling Down Sand and Clay Extraction Lots 5 and 6 (No 1728) Great Northern Highway, Bullsbrook, City of Swan . (rev6 26 Sept 2018) – **(SERS, 2018)**

Mattiske Consulting Pty Ltd – Review of Flora, Vegetation and Fauna values on Lots 5 & 6 (No 1728) Great Northern Highway, Bullsbrook – **(Mattiske, 2018)**

SERS – Visual Management Plan, Lots 5 and 6 (No 1728) Great Northern Highway, Bullsbrook – **(SERS, 2019a)**

SERS – Water Management Plan, Lots 5 and 6 (No 1728) Great Northern Highway, Bullsbrook – **(SERS, 2019b)**

City of Swan, Ordinary Meeting of Council, 10 April 2019, 3.3 Proposed “Industry - extractive” (sand and clay) – Lots 5 & 6 (No. 1728) Great Northern Highway, Upper Swan (DA200 – 18) **(CoS, 2019)**

Potential environmental impacts		
1	EPA Factor – Flora and Vegetation AND Terrestrial Fauna	
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	<p><i>EPA Environmental Factor Guideline ,Land , Flora and Vegetation AND Terrestrial Fauna.</i></p> <p>Particularly; Site selection to avoid clearing where possible. (SERS, 2018, s6.1)</p> <p>Undertaking of Flora and Fauna spring survey as per EPA Guidance (Mattiske, 2018)</p> <p>Vegetation planting is to be incorporated into the noise bunding. (SERS 2019a)</p> <p>The site will be progressively rehabilitated. (SERS, 2018, s7)</p>
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	Public and Government department consultation has been undertaken by the City of Swan (CoS) during the development application process (DA) for planning approval. The responses and discussion are contained in the officers report recommending approval of the DA (CoS, 2019).
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	Farm land with some remnant native vegetation. (Mattiske, 2018)
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	Sand and Clay extraction and rehabilitation of the site. (SERS, 2018)
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	See; SERS, 2018 s6 SERS, 2019a SERS, 2019b

7	<p>Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.</p>	<p><i>It is the objective of the Authority to use its best endeavours:</i></p> <p><i>a. to protect the environment;</i></p> <p>The extraction and rehabilitation has been planned to have minimal possible impact on a localised site. (SERS, 2018) (CoS, 2019)</p> <p><i>and b. to prevent, control and abate pollution and environmental harm.</i></p> <p>Management plans are in place to prevent, control and abate pollution and environmental harm. (SERS, 2018) (CoS, 2019)</p>
8	<p>Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.</p>	

1	<p>EPA Factor – Social Surroundings</p>	
2	<p>EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?</p>	<p><i>Environmental Factor Guideline, People Social Surroundings</i></p> <p>Particularly;</p> <p>Site selection to avoid residential areas. (SERS, 2018, s3)</p> <p>Noise modelling and planned noise bunding to demonstrate likely compliance with Noise Regulations. (SERS, 2018 s 6.12, App G)</p> <p>Dust management plan. (SERS 2019 s6.11)</p> <p>Traffic management plans based on traffic impact assessment (SERS, 2019 s 5.4, App E)</p>

3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	Public and Government department consultation has been undertaken by the City of Swan (CoS) during the development application process (DA) for planning approval. The responses and discussion are contained in the officers report recommending approval of the DA (CoS, 2019).
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	Farm land with some remnant native vegetation. (SERS, 2018, s3) (Mattiske, 2018)
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	Sand and Clay extraction, cartage of material off site and rehabilitation of the site. (SERS, 2018)
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	See; SERS, 2018 s6.9, 6.10, 6.12 and 6.16 SERS, 2019a
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	<i>It is the objective of the Authority to use its best endeavours:</i> <i>a. to protect the environment;</i> The extraction and rehabilitation has been planned to have minimal possible impact on a localised site. (SERS, 2018) (CoS, 2019) <i>and b. to prevent, control and abate pollution and environmental harm.</i> Management plans are in place to prevent, control and abate pollution and environmental harm. (SERS, 2018) (CoS, 2019)
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	

Part C: Other approvals and regulation

State and Local Government approvals

Is rezoning of any land required before the proposal can be implemented?

Yes

No

If yes, please provide details.

If this proposal has been referred by a decision-making authority, what approval(s) are required from you?

Please identify other approvals required for the proposal:

Proposal activities e.g. clearing, dewatering, mining, processing, dredging	Land tenure/access e.g. Crown land, Mining lease, specify legislation for access if relevant	Type of approval e.g. Native Vegetation Clearing Permit, licence, mining proposal,	Legislation regulating the activity e.g. <i>EP Act 1986 – Part V, RiWI Act 1914, Mining Act 1979</i>
Extraction	Freehold	Development Approval	Planning and Development Act 2005 (WA) (Pending SAT determination)
Clearing	Freehold	Clearing Permit	Environmental Protection Act 1986 (WA) (Pending outcome of SAT determination)
Clearing	Freehold	Controlled action determination	Environment Protection and Biodiversity Conservation Act 1999 (Federal) (determined <u>not</u> a controlled action see attached)
Crossing of water course	Freehold	Bed and banks permit	Rights in Water and Irrigation Act 1914 (Granted see attached)

Commonwealth Government approvals

Does the proposal involve an action that may be or is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)?

Yes

No

Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?

Yes

No

Date: 22/3/2019

EPBC No.: 2019/8415

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.

Yes

No

Decision – controlled action

Decision – not a controlled action

If the proposal is determined to be a controlled action, do you request that this proposal be assessed under the bilateral agreement or as an accredited assessment?

Yes - Bilateral

No

Yes - Accredited

Is approval required from other Commonwealth Government/s for any part of the proposal?

Yes

No

If yes, describe.

Approval:

