


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: Chantelle McGurk		Signature 	
Position	Acting Chief Executive Officer	Organisation	Shire of Ashburton
Email	chantelle.mcgurk@ashburton.wa.gov.au	Phone	08 9184 9315
Address	Lot 246 Poinciana Street		
	Tom Price	WA	6751
Date	10 December 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, Chantelle McGurk declare that I am authorised to refer this proposal on behalf of the Shire of Ashburton and 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>		Shire of Ashburton	
Australian Company Number(s)	<input type="checkbox"/>	45 503 070 070	
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>✓ Yes <input type="checkbox"/> No</p> <p>A pre-referral meeting was undertaken at DWER on 31 May 2024 with Hans Jacobs and Scott Jenkinson from DWER to discuss the Proposal.</p>
<p>Proposal information</p>	
<p>Proposal name</p>	<p>Onslow Recreational Jetty</p>
<p>What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)</p>	<p>The Shire of Ashburton propose to build a new recreational jetty at Beadon Point, northwest of the main township of Onslow, Western Australia. The location has previously been used as a jetty site in the past, and remains of the historical Onslow Jetty are still present, adjacent to the Proposed jetty location. The proposed recreational jetty will be a pedestrian accessible fixed jetty design, intended to provide access for deeper water fishing at low tide, with usage limited to walking and recreational fishing, with no vehicle or vessel access permitted (with the exception of ad-hoc maintenance vessels/vehicles).</p>
<p>Have you provided electronic spatial data, maps, and figures in the appropriate format?</p>	<p>✓ Yes <input type="checkbox"/> No</p>
<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>✓ significant proposal. <i>Choose which type of significant proposal</i></p> <ul style="list-style-type: none"> ✓ new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions) <input type="checkbox"/> strategic proposal <input type="checkbox"/> derived proposal <input type="checkbox"/> proposals of a prescribed class <input type="checkbox"/> proposal under an assessed planning scheme
<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>Please refer to the attached Proposal Content Document and Referral Supporting Document</p>	

Alternatives	A range of bathymetry, tidal and oceanographic studies were considered and discussed with the Shire of Ashburton to inform optimal jetty design and location whilst reducing overall environmental impact. Further details are provided in the Referral Supporting Document.
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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 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	<p>EPA policy and guidance</p>	<ul style="list-style-type: none"> ● <i>Environmental Factor Guideline – Benthic Communities and Habitats</i> ● <i>Technical Guidance – Protection of Benthic Communities and Habitats</i> ● <i>Environmental Factor Guideline – Marine Environmental Quality</i> ● <i>Technical Guidance – Protecting the Quality of Western Australia’s Marine Environment</i> ● <i>Environmental Factor Guideline – Marine Fauna</i> ● <i>Environmental Factor Guideline: Flora and Vegetation.</i> ● <i>Technical Guidance: Flora and Vegetation surveys for environmental impact assessment</i> ● <i>Environmental Factor Guideline: Terrestrial fauna</i> ● <i>Technical Guidance: Sampling of short range endemic invertebrate fauna</i> ● <i>Technical Guidance: terrestrial vertebrate fauna surveys for environmental impact assessment</i> ● <i>Environmental Factor Guideline: Terrestrial environmental quality</i> ● <i>Environmental Factor Guideline – Social Surroundings</i>
2	<p>Receiving environment</p>	<p>The existing environment presented in Section 4 of the Referral Supporting Document provides information on the holistic environment within the Proposal area., the receiving environment for the key environmental factors are presented in Section 7.3 (BCH), 8.3 (MEQ), 9.3 (Marine Fauna) and 10.3 (Social Surroundings)</p>
3	<p>Likely environmental impacts</p>	<p>Potential environmental impacts for each key environmental factor are presented separately in the Referral Supporting Document. Please refer to the following sections for the details:</p> <ul style="list-style-type: none"> ● 7.4 (BCH) ● 8.4 (MEQ) ● 9.4 (Marine Fauna) ● 10.4 (Social Surroundings)

4	Application of the mitigation hierarchy, including other statutory decision-making processes	Mitigation actions for each key environmental factor are presented separately in the Referral Supporting Document. Please refer to the following sections for the details: <ul style="list-style-type: none">● 7.5 (BCH)● 8.5 (MEQ)● 9.5 (Marine Fauna)● 10.5 (Social Surroundings)
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5	Assessment and significance of residual impacts	<p>The assessment and significance of residual impacts for each key environmental factor are presented separately in the Referral Supporting Document. Please refer to the following sections for the details:</p> <ul style="list-style-type: none"> • 7.6 (BCH) • 8.6 (MEQ) • 9.6 (Marine Fauna) • 10.6 (Social Surroundings)
6	Likely environmental outcomes	<p>The proposed likely environmental outcomes for each key environmental factor are presented separately in the Referral Supporting Document. Please refer to the following sections for the details:</p> <ul style="list-style-type: none"> • 7.7 (BCH) • 8.7 (MEQ) • 9.7 (Marine Fauna) • 10.7 (Social Surroundings) <p>In summary, the proposed likely outcomes are as follows:</p> <ul style="list-style-type: none"> • BCH: <ul style="list-style-type: none"> • Direct disturbance of BCH from construction activities is confined to the development envelope • No detectable impacts to BCH outside the development envelope. • MEQ <ul style="list-style-type: none"> • No residual changes to MEQ as a result of Proposal activities • Marine Fauna <ul style="list-style-type: none"> • No reported negative impacts on marine fauna attributable to the Proposal • Social Surroundings <ul style="list-style-type: none"> • No reported complaints from the general public associated with the Proposal
Holistic impact assessment		
Please refer to Section 14 of the Referral Supporting Document.		
Cumulative environmental impact assessment		
Please refer to Section 14 of the Referral Supporting Document.		
Consultation		

Stakeholder engagement has been undertaken throughout the process and will continue through to the operations phase. Stakeholder engagement and consultation is outlined in Section 3 of the Referral Supporting Document.

Supporting documents

Provide a list of the supporting documents
 Attachment A Referral Supporting Document
 Attachment B Marine Construction Management Plan
 Attachment C Benthic Communities and Habitats Survey Report

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Conclusion

Do you consider the proposal may have a significant effect on the environment?
 The Proposal avoids and minimises impact to high-value and sensitive environmental receptors primarily through developing facilities in an area that has previously been subject to disturbance. The combined effects on the environment as a whole are also no greater than the effects on individual factors (BCH, MEQ, Marine Fauna and Social Surroundings). The Proposal may cause temporary and localised impacts due to piling and construction of the jetty, particularly on marine fauna through the underwater noise generated by piling, and the potential for increased turbidity around the piling activities. However, these risks and potential impacts will be managed through the Marine Construction Environmental Management Plan, and the construction management plan to be prepared by the contractors prior to construction for the terrestrial works. Terrestrial works will also be minimal to allow for access paths only, and undertaken in accordance with the Contractors environmental management plan to be developed prior to clearing and any works or clearing approvals by DBCA.
 Through the cumulative environmental impact assessment it has also been considered that the incremental and cumulative risk to these factors from this Proposal will be acceptable.

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR SIGNIFICANT AMENDMENTS ONLY

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)	Please refer to Table 1
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	Please refer to Table 2

the information provided in Part B section 2.4). (Example table at the end of 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.	Beadon Point, Onslow
Name of the Local Government Authority in which the proposal is located.	Shire of Ashburton
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?	The area is currently vacant, disturbed land. It is adjacent the Onslow Caravan Park, and the path will join onto an existing pedestrian path to the north of the Onslow Caravan Park site.
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
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: _____ EPBC No.: _____
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 checked="" 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 type="checkbox"/> Yes - Accredited

<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>Development applications under the Shire of Ashburton will be undertaken as required.</p>

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"> - Jetty design - Construction management - Environmental monitoring and management in accordance with the Referral Supporting Document and Marine Construction Environmental Management Plan (both documents attached).
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 1.4 ha of native vegetation will be sought from DWER prior to commencement of jetty construction</p>
Department of Transport	<p><i>Jetties Act 1926</i></p> <p><i>Jetty Regulations 1940</i></p>	<p>Once other approvals have been sought (i.e. environmental approval, DA approval) a Jetty Licence will be obtained to construct the jetty.</p> <p>A New Jetty Structure Completed Statutory Declaration will be provided to the DoT for approvals, prior to the Jetty Licence being</p>

		approved. The Jetty Licence will be issued contingent on standard Jetty Licence Conditions being undertaken.
	<i>Marine and Harbours Act 1981</i>	A Standard Seabed Lease will need to be issued to allow for construction within marine water and is expected to contain standard lease conditions.

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>Terrestrial Flora and Vegetation</p> <p>Vegetation clearing will be required within approximately 1.4 ha for access to the jetty for pedestrians and construction vehicles.</p>	Part V Division 2 of the EP Act and the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (Clearing Regulations)	This process will be relevant to the terrestrial vegetation clearing and not to the marine component.	The EPA objective ‘to protect flora and vegetation so that biological diversity and ecological integrity are maintained’ will be achieved.	Part V Division 2 of the EP Act can apply conditions to clearing activities, if deemed to significantly impact the environment.	Stakeholder engagement with DWER will continue throughout the process. Further information on stakeholder engagement is provided in Section Error! Reference source not found. of the RSD.
<p>Marine Environment</p> <p>Impacts to marine fauna have the potential to occur as a result of Proposal construction and/or operation.</p>	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 jetty licence will be separate to the Part IV environmental approvals.</p>	The Jetty Licence will contain standard conditions for management and operation.	Stakeholder engagement will be undertaken with DoT throughout the process.

<p>Marine and Terrestrial environments</p>	<p>Development Application (DA) conditions – issued by WAPC under the Planning and Development Act.</p>	<p>This will be relevant to the development but is dependent on the environmental approvals process for regulation of impacts. 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>Stakeholder engagement will continue to be undertaken with DMAs through the DA process.</p>
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