



Referral of proposed action

What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate. (Further references to 'the Minister' in this form include references to the Minister's delegate.) To obtain approval from the Environment Minister, a proposed action should be referred. The purpose of a referral is to obtain a decision on whether your proposed action will need formal assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided sufficient information is provided in the referral.

Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
 - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from the Department's website:

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Additional sectoral guidelines are also available.

- the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.
- the Policy Statement titled Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources.
- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

Can I refer part of a larger action?

In certain circumstances, **the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act)**. If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the Referrals Gateway (1800 803 772).

Do I need a permit?

Some activities may also require a permit under other sections of the EPBC Act or another law of the Commonwealth. Information is available on the Department's web site.

Is your action in the Great Barrier Reef Marine Park?

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB, GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (the Authority) for the Authority to commence its permit processes as required under the Great Barrier Reef Marine Park Regulations 1983. If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43, EPBC Act). The Authority can provide advice on relevant permission requirements applying to activities in the Marine Park.

The Authority is responsible for assessing applications for permissions under the GBRMP Act, GBRMP Regulations and Zoning Plan. Where assessment and approval is also required under the EPBC Act, a single integrated assessment for the purposes of both Acts will apply in most cases. Further information on environmental approval requirements applying to actions in the Great Barrier Reef Marine Park is available from <http://www.gbrmpa.gov.au/> or by contacting GBRMPA's Environmental Assessment and Management Section on (07) 4750 0700.

The Authority may require a permit application assessment fee to be paid in relation to the assessment of applications for permissions required under the GBRMP Act, even if the permission is made as a referral under the EPBC Act. Further information on this is available from the Authority:

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379

Townsville QLD 4810

AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

www.gbrmpa.gov.au

What information do I need to provide?

Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal enter N/A.

You can complete your referral by entering your information into this Word file.

Instructions

Instructions are provided in blue text throughout the form.

Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

Please ensure any attachments are below three megabytes (3mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referrals Gateway (email address below) for advice. Attachments larger than three megabytes (3mb) may delay processing of your referral.

Note: the Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence.

How do I pay for my referral?

From 1 October 2014 the Australian Government commenced cost recovery arrangements for environmental assessments and some strategic assessments under the EPBC Act. If an action is referred on or after 1 October 2014, then cost recovery will apply to both the referral and any assessment activities undertaken. Further information regarding cost recovery can be found on the Department's website at:

<http://www.environment.gov.au/epbc/publications/cost-recovery-cris>

Payment of the referral fee can be made using one of the following methods:

- **EFT Payments can be made to:**

BSB: 092-009

Bank Account No. 115859

Amount: \$7352

Account Name: Department of the Environment.

Bank: Reserve Bank of Australia

Bank Address: 20-22 London Circuit Canberra ACT 2601

Description: The reference number provided (see note below)

- **Cheque** - Payable to "Department of the Environment". Include the reference number provided (see note below), and if posted, address:

The Referrals Gateway
Environment Assessment Branch
Department of the Environment
GPO Box 787
Canberra ACT 2601

- **Credit Card**

Please contact the Collector of Public Money (CPM) directly (call (02) 6274 2930 or 6274 20260 and provide the reference number (see note below).

Note: in order to receive a reference number, submit your referral and the Referrals Gateway will email you the reference number.

How do I submit a referral?

Referrals may be submitted by mail or email.

Mail to:

Referrals Gateway
Environment Assessment Branch
Department of Environment
GPO Box 787
CANBERRA ACT 2601

- If submitting via mail, electronic copies of documentation (on CD/DVD or by email) are required.

Email to: epbc.referrals@environment.gov.au

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- **Follow up with a mailed hardcopy including copies of any attachments or supporting reports.**

What happens next?

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not formal assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral:

The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any other Commonwealth, state or local government requirements).

The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner

The action can proceed if undertaken in a particular manner (subject to any other Commonwealth, state or local government requirements). The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

The proposed action is LIKELY to have a significant impact and does NEED approval

If the action is likely to have a significant impact a decision will be made that it is a *controlled action*. The particular matters upon which the action may have a significant impact (such as World Heritage values or threatened species) are known as the *controlling provisions*.

The controlled action is subject to a public assessment process before a final decision can be made about whether to approve it. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

The proposed action would have UNACCEPTABLE impacts and CANNOT proceed

The Minister may decide, on the basis of the information in the referral, that a referred action would have clearly unacceptable impacts on a protected matter and cannot proceed.

Compliance audits

If a decision is made to approve a project, the Department may audit it at any time to ensure that it is completed in accordance with the approval decision or the information provided in the referral. If the project changes, such that the likelihood of significant impacts could vary, you should write to the Department to advise of the changes. If your project is in the Great Barrier Reef Marine Park and a decision is made to approve it, the Authority may also audit it. (See "*Is your action in the Great Barrier Reef Marine Park*," p.2, for more details).

For more information

- call the Department of the Environment Community Information Unit on 1800 803 772 or
- visit the web site <http://www.environment.gov.au/epbc>

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

Referral of proposed action

Project title:

1 Summary of proposed action

NOTE: You must also attach a map/plan(s) and associated geographic information system (GIS) vector (shapefile) dataset showing the location and approximate boundaries of the area in which the project is to occur. Maps in A4 size are preferred. You must also attach a map(s)/plan(s) showing the location and boundaries of the project area in respect to any features identified in 3.1 & 3.2, as well as the extent of any freehold, leasehold or other tenure identified in 3.3(i).

1.1 Short description

Clearing for orchard expansion on Lot 400, Canning Road, Carmel, Western Australia (see Figure 1 in the Mattiske report). This orchard expansion is proposed is an area that interfaces public land managed for forestry and water catchment. The orchard abuts a large orchard operation to the north and native forest to the west, south and east which is managed by the Shire of Kalamunda (east), Water Corporation (east) and Department of Parks and Wildlife (south and west)

The property has been used for cattle yards and previous agricultural activities and has had a range of introduced gums and pines planted in the past in sections of the property.

1.2 Latitude and longitude

Latitude and longitude details are used to accurately map the boundary of the proposed action. If these coordinates are inaccurate or insufficient it may delay the processing of your referral.

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds

The Interactive Mapping Tool may provide assistance in determining the coordinates for your project area.

If the area is less than 5 hectares, provide the location as a single pair of latitude and longitude references. If the area is greater than 5 hectares, provide bounding location points.

There should be no more than 50 sets of bounding location coordinate points per proposal area.

Bounding location coordinate points should be provided sequentially in either a clockwise or anticlockwise direction.

If the proposed action is linear (eg. a road or pipeline), provide coordinates for each turning point.

Also attach the associated GIS-compliant file that delineates the proposed referral area. If the area is less than 5 hectares, please provide the location as a point layer. If greater than 5 hectares, please provide a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer (refer to GIS data supply guidelines at [Attachment A](#)).

Do not use AMG coordinates.

See attached GIS file and map on Figure 1 in the Mattiske Report

1.3	Locality and property description <i>The Vincenti family (A., A.M., G.M., G. and J Vincenti) intend to clear a total of 16.80 hectares as an expansion to orchard facilities and associated fire breaks between the adjacent forest areas and the proposed orchard areas, see Figure 1. The proposed clearing area occurs in largely degraded low forests that have historically been associated with former cattle yards on the property.</i>	
	<i>Clearing for orchard expansion on Lot 400, 814 Canning Road, Carmel, Western Australia. This orchard expansion is proposed is an area that interfaces public land managed for forestry and water catchment. The orchard abuts a large orchard operation to the north and native forest to the west, south and east which is managed by the Shire of Kalamunda (east), Water Corporation (east) and Department of Parks and Wildlife (south and west).</i>	
1.4	Size of the development footprint or work area (hectares) 16.80ha	
1.5	Street address of the site <i>Lot 400, 814 Canning Road, Carmel, Western Australia 6076</i>	
1.6	Lot description <i>Lot 400, 814 Canning Road, Carmel, Western Australia (Copy of Title Attached)</i>	
1.7	Local Government Area and Council contact (if known) <i>Shire of Kalamunda, fire control officers already been on site and boundary clearing in line with local government needs already approved.</i>	
1.8	Time frame <i>In off season to avoid conflict with other orchard activities, as soon as possible in 2016.</i>	
1.9	Alternatives to proposed action <i>Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?</i>	<i>Alternative actions were considered. The area proposed includes clearing for the proposed orchard and fire management (in view of the lack of fire management on public lands near the proposed development – note some area of forest have not been burnt since 1946 and with the current fire risk situation in WA as exemplified with the recent fires near Yarloop the management issues are of concern). The balance between clearing for the orchard, fire management needs and keeping some remnant areas was considered and taken into account.</i>
1.10	Alternative time frames etc <i>Does the proposed action include alternative time frames, locations or activities?</i>	<i>None</i>
1.11	State assessment <i>Is the action subject to a state or territory environmental impact assessment?</i>	<i>Yes awaiting on the EPBC Act consideration under the native vegetation regulations group (DER).</i>

1.12	Component of larger action Is the proposed action a component of a larger action?		<i>No, it is associated with an orchard establishment on this property with associated netting to minimize impacts of all birds on the production. This techniques is used in other states of Australia.</i>
1.13	Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?		<i>No</i>
1.14	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?		<i>No</i>
1.15	Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?		<i>No</i>

2 Detailed description of proposed action

NOTE: It is important that the description is complete and includes all components and activities associated with the action. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in section 2.7.

2.1 Description of proposed action

The Vincenti family (A., A.M., G.M., G. and J Vincenti) intend to clear a total of 16.80 hectares as an expansion to orchard facilities and associated fire breaks between the adjacent forest areas and the proposed orchard areas, see Figure 1. The proposed clearing area occurs in largely degraded low forests that have historically been associated with former cattle yards on the property.

Clearing for orchard expansion on Lot 400, 814 Canning Road, Carmel, Western Australia. This orchard expansion is proposed in an area that interfaces public land managed for forestry and water catchment. The orchard abuts a large orchard operation to the north and native forest to the west, south and east which is managed by the Shire of Kalamunda (east), Water Corporation (east) and Department of Parks and Wildlife (south and west).

See details in Mattiske Consulting report (Figure 1).

2.2 Alternatives to taking the proposed action

There are no alternatives to taking this action as the district is dominated by orchards and the area has been subjected to previous agricultural activities. The Vincenti family are well recognized orchardists.

2.3 Alternative locations, time frames or activities that form part of the referred action

There are no alternatives or time frames to these actions as the season that allows the activities to establish the orchard. The Vincenti family intend to cover all the trees with the netting to minimize the need for any bird control measures during seasonal activities.

2.4 Context, planning framework and state/local government requirements

Explain the context in which the action is proposed, including any relevant planning framework at the state and/or local government level (e.g. within scope of a management plan, planning initiative or policy framework). Describe any Commonwealth or state legislation or policies under which approvals are required or will be considered against.

Approval will be assessed under State native vegetation clearing legislation despite the degraded nature of the vegetation (DER, WA). Processing of this will await the outcome from the EPBC Act considerations.

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

Approval will be assessed under State native vegetation clearing legislation despite the degraded nature of the vegetation (DER, WA). Processing of this will await the outcome from the EPBC Act considerations.

2.6 Public consultation (including with Indigenous stakeholders)

Consultation by the landowners has been undertaken with local and state agencies in the past over upgrading the boundary tracks and also the adjacent landowners.

Indigenous stakeholders are not affected by the proposed action.

2.7 A staged development or component of a larger project

This orchard expansion is not part of a larger action.

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The interactive map tool can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest.

Your assessment of likely impacts should refer to the following resources (available from the Department's web site):

- specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands;
- profiles of relevant species/communities (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*; and
- associated sectoral and species policy statements available on the web site, as relevant.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The Minister has prepared four marine bioregional plans (MBP) in accordance with section 176. It is likely that the MBP's will be more commonly relevant where listed threatened species, listed migratory species or a Commonwealth marine area is considered.

Note that even if your proposal will not be taken in a World Heritage area, Ramsar wetland, Commonwealth marine area, the Great Barrier Reef Marine Park or on Commonwealth land, it could still impact upon these areas (for example, through downstream impacts). Consideration of likely impacts should include both direct and indirect impacts.

3.1 (a) World Heritage Properties

N/A

3.1 (b) National Heritage Places

N/A

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

N/A

3.1 (d) Listed threatened species and ecological communities

Description

Listed Black Cockatoos – see attached reports by Mattiske Consulting 2016 and Western Wildlife 2016.

Nature and extent of likely impact

See summary in Mattiske Consulting 2016 and Western Wildlife 2016.

3.1 (e) Listed migratory species

N/A

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

N/A

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

N/A

3.1 (h) The Great Barrier Reef Marine Park

N/A

3.1 (i) A water resource, in relation to coal seam gas development and large coal mining development

N/A

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

N/A

3.2 (a)	Is the proposed action a nuclear action?		No
If yes, nature & extent of likely impact on the whole environment			
3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?		No
If yes, nature & extent of likely impact on the whole environment			
3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?		No
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))			
3.2 (d)	Is the proposed action to be taken on Commonwealth land?		No
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))			
3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?		No
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))			

3.3 Other important features of the environment

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed above). If at Section 2.3 you identified any alternative locations, time frames or activities for your proposed action, you must complete each of the details below (where relevant) for each alternative identified.

3.3 (a) Flora and fauna

See Mattiske Consulting for flora and vegetation – no listed threatened or priority flora species or ecological communities at the state or Federal level were recorded, despite extensive searching in multiple seasons.

See Western Wildlife (2016) and Mattiske Consulting (2016) for fauna. Key issues relate to the listed Black Cockatoo species and the interpretation of significance.

3.3 (b) Hydrology, including water flows

Upper valley and no surface water.

3.3 (c) Soil and Vegetation characteristics

See Mattiske Consulting report 2016 for regional and local context on soils and vegetation.

3.3 (d) Outstanding natural features

See Mattiske Consulting report 2016 for regional and local context on soils and vegetation.

3.3 (e) Remnant native vegetation

See Mattiske Consulting report 2016 for regional and local context on vegetation.

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

N/A

3.3 (g) Current state of the environment

Include information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

See Mattiske Consulting report 2016 for regional and local context on vegetation. Some sections have been subjected to previous grazing.

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values

N/A

3.3 (i) Indigenous heritage values

N/A

3.3 (j) Other important or unique values of the environment

Describe any other key features of the environment affected by, or in proximity to the proposed action (for example, any national parks, conservation reserves, wetlands of national significance etc).

See Mattiske Consulting 2016 report – proximity to forested areas managed by the Department of Parks and Wildlife, Water Corporation and Shire of Kalamunda.

3.3 (k) Tenure of the action area (eg freehold, leasehold)

Freehold – by Vincenti family (see title attached)

3.3 (l) Existing land/marine uses of area

Agricultural grazing. Past clearing and some previous plantations of introduced eucalypts and pines, some areas of remnant vegetation in various condition (see Mattiske report).

3.3 (m) Any proposed land/marine uses of area

Orchard development.

4 Environmental outcomes

See Mattiske Consulting Pty Ltd (2016) summary of proposed activities, photos of the proposed netting, measures for mitigation and on-going management to reduced impacts.

5 Measures to avoid or reduce impacts

See Mattiske Consulting Pty Ltd (2016) summary of proposed activities, photos of the proposed netting, measures for mitigation and on-going management to reduced impacts.

6 Conclusion on the likelihood of significant impacts

6.1 Do you THINK your proposed action is a controlled action?

<input checked="" type="checkbox"/>	No, complete section 5.2
<input type="checkbox"/>	Yes, complete section 5.3

6.2 Proposed action IS NOT a controlled action.

Specify the key reasons why you think the proposed action is NOT LIKELY to have significant impacts on a matter protected under the EPBC Act.

The proposed actions is considered to be localized and unlikely to have a "significant" impact on the listed Black Cockatoos (foraging is present in some areas and the area is not located near a waterway or creekline which is more suitable for roosting) in a local or regional context.

Although some trees had hollows on the property every attempt in the design of the clearing area was made to minimize this impact, whilst trying balance the proposed clearing with fire risks and the fauna values. The actual use of the larger tree hollows by the cockatoos was not been confirmed by climbing individual trees (see Western Wildlife 2016). As such, the proposed clearing is unlikely to threaten the current status of the species and in view of the proposed netting associated with this proposal will assist in mitigation of the needs to manage birds during crop production.

The district is one of the main orchards areas near Perth and the proposed netting should minimize and reduce the need for ongoing bird control measures during seasonal harvesting. This may have benefits to usage of areas in the nearby forested and local/state managed lands.

6.3 Proposed action IS a controlled action

Type 'x' in the box for the matter(s) protected under the EPBC Act that you think are likely to be significantly impacted. (The 'sections' identified below are the relevant sections of the EPBC Act.)

Matters likely to be impacted

<input checked="" type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input checked="" type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input checked="" type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
See above	Listed threatened species and communities (sections 18 and 18A)
<input checked="" type="checkbox"/>	Listed migratory species (sections 20 and 20A)

x	Protection of the environment from nuclear actions (sections 21 and 22A)
x	Commonwealth marine environment (sections 23 and 24A)
x	Great Barrier Reef Marine Park (sections 24B and 24C)
x	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
x	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
x	Protection of the environment from Commonwealth actions (section 28)
x	Commonwealth Heritage places overseas (sections 27B and 27C)

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above.

7 Environmental record of the responsible party

NOTE: If a decision is made that a proposal needs approval under the EPBC Act, the Environment Minister will also decide the assessment approach. The EPBC Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach.

	Yes	No
7.1 Does the party taking the action have a satisfactory record of responsible environmental management? Provide details – yes the current landowners operate an orchard in a valley within Carmel that is well managed for weeds, disease and feral animals.	✓	
7.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources? If yes, provide details		✓
7.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework? If yes, provide details of environmental policy and planning framework Orchard business – family operation.		✓
7.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act? Provide name of proposal and EPBC reference number (if known)		✓

8 Information sources and attachments

(For the information provided above)

8.1 References

- List the references used in preparing the referral.
- Highlight documents that are available to the public, including web references if relevant.

See two reports – Mattiske Consulting 2016 and Western Wildlife 2016 and reference lists.

8.2 Reliability and date of information

For information in section 3 specify:

- source of the information;
- how recent the information is;
- how the reliability of the information was tested; and
- any uncertainties in the information.

Information is up to date and relevant.

8.3 Attachments

Indicate the documents you have attached. All attachments must be less than three megabytes (3mb) so they can be published on the Department's website. Attachments larger than three megabytes (3mb) may delay the processing of your referral.

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	✓	See Mattiske Consulting 2016, Western Wildlife 2016, GIS Files
	GIS file delineating the boundary of the referral area (section 1)		
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	See Mattiske Consulting 2016, Western Wildlife 2016
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)		Awaiting EPBC Act consideration (DER)
	copies of any flora and fauna investigations and surveys (section 3)	✓	See Mattiske Consulting 2016, Western Wildlife 2016
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	See Mattiske Consulting 2016, Western Wildlife 2016
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		Consultation undertaken with adjacent landowners – no reports.

9 Contacts, signatures and declarations

NOTE: Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (s 489, EPBC Act).

Under the EPBC Act a referral can only be made by:

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action¹.

Project title:

9.1 Person proposing to take action

This is the individual, government agency or company that will be principally responsible for, or who will carry out, the proposed action.

If the proposed action will be taken under a contract or other arrangement, this is:

- the person for whose benefit the action will be taken; or
- the person who procured the contract or other arrangement and who will have principal control and responsibility for the taking of the proposed action.

If the proposed action requires a permit under the Great Barrier Reef Marine Park Act², this is the person requiring the grant of a GBRMP permission.

The Minister may also request relevant additional information from this person.

If further assessment and approval for the action is required, any approval which may be granted will be issued to the person proposing to take the action. This person will be responsible for complying with any conditions attached to the approval.

If the Minister decides that further assessment and approval is required, the Minister must designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action³.

1. Name and Title:

Mr Garrie Vincenti

2. Organisation (if applicable):

Organisation name should match entity identified in ABN/ACN search
Weemala Orchard

3. EPBC Referral Number (if known):

4: ACN / ABN (if applicable):

717 263 50224

5. Postal address

60 Morton Road, Carmel, WA, 6076

6. Telephone:

c/- Garrie Vincenti

7. Email:

garriev@bigpond.com

8. Name of proposed proponent (if not the same person at item 1 above and if applicable):

¹ If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Gateway (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

² If your referred action, or a component of it, is to be taken in the Great Barrier Reef Marine Park the Minister is required to provide a copy of your referral to the Great Barrier Reef Marine Park Authority (GBRMPA) (see section 73A, EPBC Act). For information about how the GBRMPA may use your information, see http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits.

9. ACN/ABN of proposed proponent (if not the same person named at item 1 above):

COMPLETE THIS SECTION ONLY IF YOU QUALIFY FOR EXEMPTION FROM THE FEE(S) THAT WOULD OTHERWISE BE PAYABLE

I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:

- ☐ an individual; OR
- ☒ a small business entity (within the meaning given by section 328-110 (other than subsection 328-119(4)) of the *Income Tax Assessment Act 1997*); OR
- ☐ not applicable.

If you are small business entity you must provide the Date/Income Year that you became a small business entity:

23 February 2000 - operating since 1960's but addition of family member in 23 February 2000 and hence ABN active from 23 February 2000

Note: You must advise the Department within 10 business days if you cease to be a small business entity. Failure to notify the Secretary of this is an offence punishable on conviction by a fine (regulation 5.23B(3) *Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)*).

COMPLETE THIS SECTION ONLY IF YOU WOULD LIKE TO APPLY FOR A WAIVER

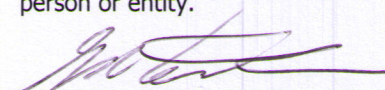
I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the [EPBC Regulations](#). Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made:

- ☐ not applicable.

Declaration

I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.
I understand that giving false or misleading information is a serious offence.
I agree to be the proponent for this action.
I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature



Date 5/2/16

9.2 Person preparing the referral information (if different from 8.1)

Individual or organisation who has prepared the information contained in this referral form.

Name Dr Elizabeth Mattiske
Title Managing Director
Organisation Mattiske Consulting Pty Ltd
ACN / ABN (if applicable) 39 063 507 175
Postal address PO Box 437, Kalamunda, WA 6926

Telephone 08 9257 1625
Email libby@mattiske.com.au

Declaration I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.
I understand that giving false or misleading information is a serious offence.

Signature

Date 5/2/16

REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

HAVE YOU:

- ✓ Completed all required sections of the referral form?
- ✓ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ✓ Provided a map showing the location and approximate boundaries of the project area?
- ✓ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ✓ Provided a digital file (preferably ArcGIS shapefile, refer to guidelines at Attachment A) delineating the boundaries of the referral area?
- ✓ Provided complete contact details and signed the form?
- ✓ Provided copies of any documents referenced in the referral form?
- ✓ Ensured that all attachments are less than three megabytes (3mb)?
- ✓ Sent the referral to the Department (electronic and hard copy preferred)?

Geographic Information System (GIS) data supply guidelines

If the area is less than 5 hectares, provide the location as a point layer. If the area greater than 5 hectares, please provide as a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer.

GIS data needs to be provided to the Department in the following manner:

- Point, Line or Polygon data types: ESRI file geodatabase feature class (preferred) or as an ESRI shapefile (.shp) zipped and attached with appropriate title
- Raster data types: Raw satellite imagery should be supplied in the vendor specific format.
- Projection as GDA94 coordinate system.

Processed products should be provided as follows:

- For data, uncompressed or lossless compressed formats is required - GeoTIFF or Imagine IMG is the first preference, then JPEG2000 lossless and other simple binary+header formats (ERS, ENVI or BIL).
- For natural/false/pseudo colour RGB imagery:
 - If the imagery is already mosaiced and is ready for display then lossy compression is suitable (JPEG2000 lossy/ECW/MrSID). Prefer 10% compression, up to 20% is acceptable.
 - If the imagery requires any sort of processing prior to display (i.e. mosaicing/colour balancing/etc) then an uncompressed or lossless compressed format is required.

Metadata or 'information about data' will be produced for all spatial data and will be compliant with ANZLIC Metadata Profile. (http://www.anzlic.org.au/policies_guidelines#guidelines).

The Department's preferred method is using ANZMet Lite, however the Department's Service Provider may use any compliant system to generate metadata.

All data will be provide under a Creative Commons license (<http://creativecommons.org/licenses/by/3.0/au/>)