

Chief Executive Officer
Shire of Shark Bay
65 Knight Terrace
DENHAM WA 6537

Your Ref: [REDACTED]
Our Ref: CMS14107
Enquiries: Angela Coletti, 6145 0800
Email: Angela.Coletti@epa.wa.gov.au

Dear Sir/Madam

**DECISION UNDER SECTION 48A(1)(a)
*Environmental Protection Act 1986***

SCHEME: Shire of Shark Bay - New Local Planning Scheme
4
LOCATION: Shire of Shark Bay
RESPONSIBLE AUTHORITY: Shire of Shark Bay
DECISION: Scheme Not Assessed: Advice Given (no
appeals)

Thank you for referring the above proposed scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DF', with a long horizontal flourish extending to the right.

Darren Foster
Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

24 August 2015

Encl. Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Shire of Shark Bay Local Planning Scheme No.4

Location: Shire of Shark Bay

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 24 August 2015

Summary

The Shire of Shark Bay proposes to replace the current Local Planning Scheme No.3 (LPS 3) with the proposed Local Planning Scheme No.4 (LPS 4). LPS4 updates the scheme text, scheme provisions and includes recommendations of the Local Planning Strategy.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). In making its decision on whether to assess the scheme, the EPA has applied its 'Significance Framework' which relates to the extent to which the scheme meets the EPA's environmental objectives for the environmental factors.

The EPA considers that the scheme is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The potential impacts from the scheme can be adequately managed to meet the EPA's objectives through the implementation of the Shire of Shark Bay's scheme provisions, management plans and regulated through other statutory processes.

Advice and Recommendations regarding Environmental Factors

The EPA has reviewed LPS 4 noting that it updates the scheme text and format changes in line with the proposed Planning and Development (Local Planning Schemes) Regulations 2014 and that the majority of zoning changes are proposed in the Denham Town Centre and Dirk Hartog Island.

The EPA's assessment has focused on the zoning changes. Proposals outside of these areas and/or proposals raising new environmental issues which are likely to have a significant effect on the environment should still be referred to the EPA pursuant to Section 38 of the Environmental Protection Act 1986.

As sufficient information in relation to the range of environmental impacts associated with proposals which may be allowable in these zones is not available to the EPA in considering LPS 4, the EPA has not been able to undertake an assessment of the applicable environmental issues. Subsequently, the EPA would expect that proposals within the above zones likely to lead to significant environmental impacts be referred to the EPA pursuant to Section 48I of the EP Act. This approach would also apply to proposals within the existing zones included within the LPS, which have been transferred from the previous scheme.

Officers of the EPA can provide assistance to the Shire in advising on whether specific proposals should be referred to the EPA.

Dirk Hartog Island

The EPA supports the rezoning of the majority of Dirk Hartog Island from 'Rural/Pastoral' zone to Local Scheme reserve for 'Conservation' as this change reflects the environmental importance.

The EPA considers the requirement for structure planning for the 'Special Use' zones 14 and 15 is important to ensure the environmental values of these areas are adequately considered through the planning process.