

Mr Ross McKim
Chief Executive Officer
City of Greater Geraldton
PO Box 101
GERALDTON WA 6531

Our Ref: CMS17473
Enquiries: Gerard O'Brien, 6364 7600
Email: Gerard.Obrien@dwer.wa.gov.au

Dear Mr McKim

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

SCHEME: City of Greater Geraldton - Local Planning
Scheme 1 - Amendment 9
LOCATION: Various lots, Cape Burney
RESPONSIBLE AUTHORITY: City of Greater Geraldton
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

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



Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

3 December 2018

Encl. Scheme Advice and Recommendations

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

City of Greater Geraldton Local Planning Scheme 1 Amendment 9

Location: Cape Burney

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 3 December 2018

Summary

The City of Greater Geraldton proposes to include the former Town Planning Scheme No. 1A scheme area into the City's Local Planning Scheme No. 1. As part of this amendment process it is also proposed to concurrently repeal Town Planning Scheme No. 1A (TPS 1A) and transfer the land and its current zoning over to Local Planning Scheme No. 1 (LPS 1).

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the documentation provided by the City of Greater Geraldton. Having considered this matter the following advice is provided.

Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Coastal Processes
- Flora and Vegetation
- Terrestrial Fauna
- Landforms; and
- Terrestrial Environmental Quality

Advice and Recommendations regarding Environmental Factors

The Environmental Protection Authority (EPA) notes that the proposed amendment area covers the area previously assessed by the EPA under Amendment 4 to TPS 1A, which resulted in the EPA releasing its recommendations under EPA Report 1326, with a final Ministerial Statement 1024 (MS 1024) being issued by the then Minister for Environment. In June 2018 the Minister for Planning refused Amendment No. 4, meaning that the conditions within MS 1024 have not been inserted into TPS 1A. The EPA understands it is now opportune to include the subject area into LPS 1, and in the process bring the subject area under the control of the contemporary planning requirements contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Please note that the EPA would have regard for EPA Report 1326 and MS 1024 should any future scheme amendment or significant proposal for the Cape Burney area be referred to the EPA under Part IV of the EP Act.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives for the above factors through the existing local planning scheme provisions and/or proposals to further identify, manage and protect the above environmental values and factors. The City must refer future scheme amendments or significant proposals to the EPA pursuant to Part IV of the EP Act.