

Mr Ross McKim
Chief Executive Officer
City of Greater Geraldton
PO Box 101
GERALDTON WA 6530

Our Ref: APP-0000356
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Dear Mr McKim

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

SCHEME	City of Greater Geraldton Local Planning Scheme 1 Amendment 18
LOCATION	Lots 40 & 41 Geraldton-Mt Magnet Road, Tenindewa
RESPONSIBLE AUTHORITY	City of Greater Geraldton
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given (Not Appealable)

Thank you for referring the above 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 the EPA's Determination is attached and, together with the advice and recommendations, will be made available to the public via the EPA website.

Yours sincerely



Prof. Matthew Tonts
Chair of the Environmental Protection Authority

31 May 2023

Encl. EPA Determination
Scheme Advice and Recommendations

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

City of Greater Geraldton Local Planning Scheme 1 Amendment 18

Location: Lots 40 & 41 Geraldton-Mt Magnet Road Tenindewa

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

Determination Published: 6 June 2023

Summary

Amendment 18 to the City of Greater Geraldton's (the City) Local Planning Scheme 1 (LPS 1) proposes to include Additional Use 19 – Discretionary 'Industry' restricted to the processing of vanadium and associated/ancillary uses on Lots 40 and 41 Geraldton-Mt Magnet Road in Tenindewa. This is to facilitate the implementation of the proposed vanadium processing plant (the proposal) by Australian Vanadium Limited (AVL).

The Environmental Protection Authority (EPA) has considered the scheme amendment 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 original referral documentation and information obtained through its own enquiries. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of Environmental Principles, Factors, Objectives and Aims of EIA*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Environmental Quality
- Inland Waters
- Air Quality
- Social Surroundings.

Advice and Recommendations regarding the Environmental Factors

The EPA notes its previous consideration of the vanadium processing proposal by Australian Vanadium Limited (AVL), located within the Amendment 18 subject area. In August 2022, the EPA (under s.38 of EP Act) determined that the proposal did not require assessment as the likely environmental effects are not so significant as to warrant formal assessment. The EPA was of the view that the potential impacts of the proposal can be adequately managed through the implementation of the proposal in accordance with the referral documentation, and the proponent's management and mitigation measures. The EPA also considered the potential impacts of the proposal can be dealt with under other statutory decision-making processes:

- Department of Water and Environmental Regulation - Part V Division 3 of the *Environmental Protection Act 1986* (Works Approval and licence)
- Department of Water and Environmental Regulation – Part V Division 2 of the *Environmental Protection Act 1986* (Clearing of Native Vegetation).

- Department of Water and Environmental Regulation - *Rights in Water and Irrigation Act 1914* (5C groundwater Licence to take water)

The EPA notes that as initiated, Amendment 18 generally applies the discretionary industry use restricted to vanadium processing (and associated uses) over the amendment area without specifying a proposal or proponent. Given the EPA's previous consideration of the proposal, the EPA recommends that the scheme text is modified to limit this use to Australian Vanadium Limited's proposal (or as updated to allow for proponent/proposal name changes) and its development envelope. Alternative proposals (and associated scheme amendments) would require referral to the EPA for consideration under Part IV of the EP Act.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing scheme mechanisms and proposed text. The EPA notes that further impacts may be mitigated through future planning requirements, and other statutory processes. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.