



Government of Western Australia
Office of the Appeals Convenor
Environmental Protection Act 1986

Our ref: Report 1326

Your ref:

Enquiries: J-P Clement

Telephone: (08) 6467 5190

Date: 18 December 2015

Mr Ken Diehm
Chief Executive Officer
City of Greater Geraldton
PO Box 101
GERALDTON WA 6531

Dear Mr Diehm

**EPA REPORT 1326 – CITY OF GREATER GERALDTON TOWN PLANNING SCHEME
NO. 1A AMENDMENT 4 – BRAND HIGHWAY, CAPE BURNEY (SECTION 48F OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

Consistent with section 48F(1) of the *Environmental Protection Act 1986* (the Act), the Minister for Environment has consulted with the Minister for Planning and reached agreement on the conditions to which the above scheme should be subject if it is to be implemented, as set out in Statement 1024 (enclosed).

The Minister has requested that I, on his behalf, provide you with a copy of this Statement pursuant to section 48F(2)(a) of the Act, and advise you that there is no environmental reason why the scheme should not be implemented subject to the conditions in the attached Statement. The Statement will be published under section 48F(2)(b) as soon as practicable.

Please note that, as the responsible authority in respect of the above scheme, under section 48G(1) of the Act you may request the Minister for Planning to initiate a review of the conditions set out in the enclosed Statement. Any such request is required to be made before the Minister for Planning or the Governor gives final approval of the above scheme.

Please note that this letter is for advice only and no response is required.

Yours sincerely

Emma Gaunt
APPEALS CONVENOR

encl.



Hon Albert Jacob MLA
Minister for Environment; Heritage

Statement No: 1024

**STATEMENT OF CONDITIONS TO WHICH SCHEME SHOULD BE SUBJECT IF IT
IS TO BE IMPLEMENTED**
(Section 48F of the *Environmental Protection Act 1986*)

CITY OF GREATER Geraldton TOWN PLANNING SCHEME NO. 1A
AMENDMENT 4 – BRAND HIGHWAY, CAPE BURNEY

Scheme Purpose:

The City of Greater Geraldton Town Planning Scheme No. 1A Amendment 4 – to rezone Lots 1945, 5843, 1268, 1358, 1, 1925, 2453, 4201, 6852, 708, 3, 4200, 4201, Victoria Location 11939, and the portion of Lot 2466 contained within TPS 1A from numerous local scheme reserves ('Dune Preservation', 'Parks and Recreation' and 'Public Use') and zones ('Residential', 'Residential Development', 'Resort Development', 'Commercial' and 'General Farming') to 'Development' zone.

Responsible Authority:

City of Greater Geraldton

Responsible Authority Address: 63 Cathedral Avenue Geraldton WA 6530

Assessment Number:

1561

Report of the Environmental Protection Authority: 1326

Report 1326 was the subject of an appeal. The appeal was allowed in part and subject to the following conditions, there is no known environmental reason why the Town Planning Scheme to which the above report of the Environmental Protection Authority relates should not be implemented.

Conditions to be incorporated into the scheme by insertion of provisions in scheme text:

- 1 Insert the following after clause 5.7 of the City of Greater Geraldton Town Planning Scheme 1A:

Published on:

5.8 Environmental conditions

5.8.1 The conditions set out in 'Schedule VI - Environmental Conditions' are environmental conditions that apply to the Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.

5.8.2 The environmental conditions are indicated on the Scheme Map by the symbol 'EC' to indicate that environmental conditions apply to the land.

5.8.3 The Responsible Authority—

- (a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
- (b) may publish those statements on the website of the local government.


2 Insert a new 'Schedule VI - Environmental Conditions' after Schedule V of the City of Greater Geraldton Town Planning Scheme 1A.

3 Insert the following conditions into 'Schedule VI - Environmental Conditions' of the City of Greater Geraldton Town Planning Scheme 1A:

- (1) A structure plan shall be prepared prior to any development in the amendment area as delineated in Schedule 1 of this Statement.
- (2) Any structure plan, plan of subdivision or development shall identify the Foreshore Area and the Conservation Areas as delineated in Schedule 1 of this Statement.
- (3) At subdivision the Foreshore Area shall be shown on the deposited plan as a reserve for foreshore management, public access, recreation and conservation and vested in the Crown under section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
- (4) Foreshore Area and Conservation Area Management Plans shall be required for the areas as delineated in Schedule 1 of this Statement.
- (5) Completion of Foreshore Area and Conservation Area Management Plans shall be subdivision condition requirements when any subdivision approval is granted.
- (6) Prior to any ground disturbing activities the developer shall submit Foreshore Area and Conservation Area management plans to the Responsible Authority for approval on advice from the Department of Parks and Wildlife.

- (7) The Foreshore Area Management Plan is to contain such detail as a minimum, the matters set out in the *Coastal Planning Policy Guidelines* of State Planning Policy No. 2.6 *State Coastal Planning Policy*.
- (8) The Conservation Area Management Plan is to contain such detail as is required to satisfy the requirements of the area, on advice from the Department of Parks and Wildlife. The Conservation Area Management Plan should include the following details but not limited to:
 - (a) fencing, access and signage;
 - (b) rehabilitation and revegetation;
 - (c) weed control;
 - (d) fire management;
 - (e) dieback management and monitoring; and
 - (f) completion criteria for handover to a management authority.
- (9) The developer shall implement the approved Foreshore Area and Conservation Area Management Plans for 5 years from the date of completion of onsite works or until such time as the land is ceded to a management authority.
- (10) Upon request of the Responsible Authority the developer shall review the approved Foreshore Area and Conservation Area Management Plans to the satisfaction of the Responsible Authority on advice from the Department of Parks and Wildlife.

4 In 'Schedule VI - Environmental Conditions' reference this Statement number and gazettal date with respect to condition 3(1), (2) and (4) to make clear where figures could be sighted.



Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

17 DEC 2015

Figures

Figure 1: Amendment 4, Conservation Area and Foreshore Area boundary.

Co-ordinates

Table 1: Conservation Area

Table 2: Foreshore Area

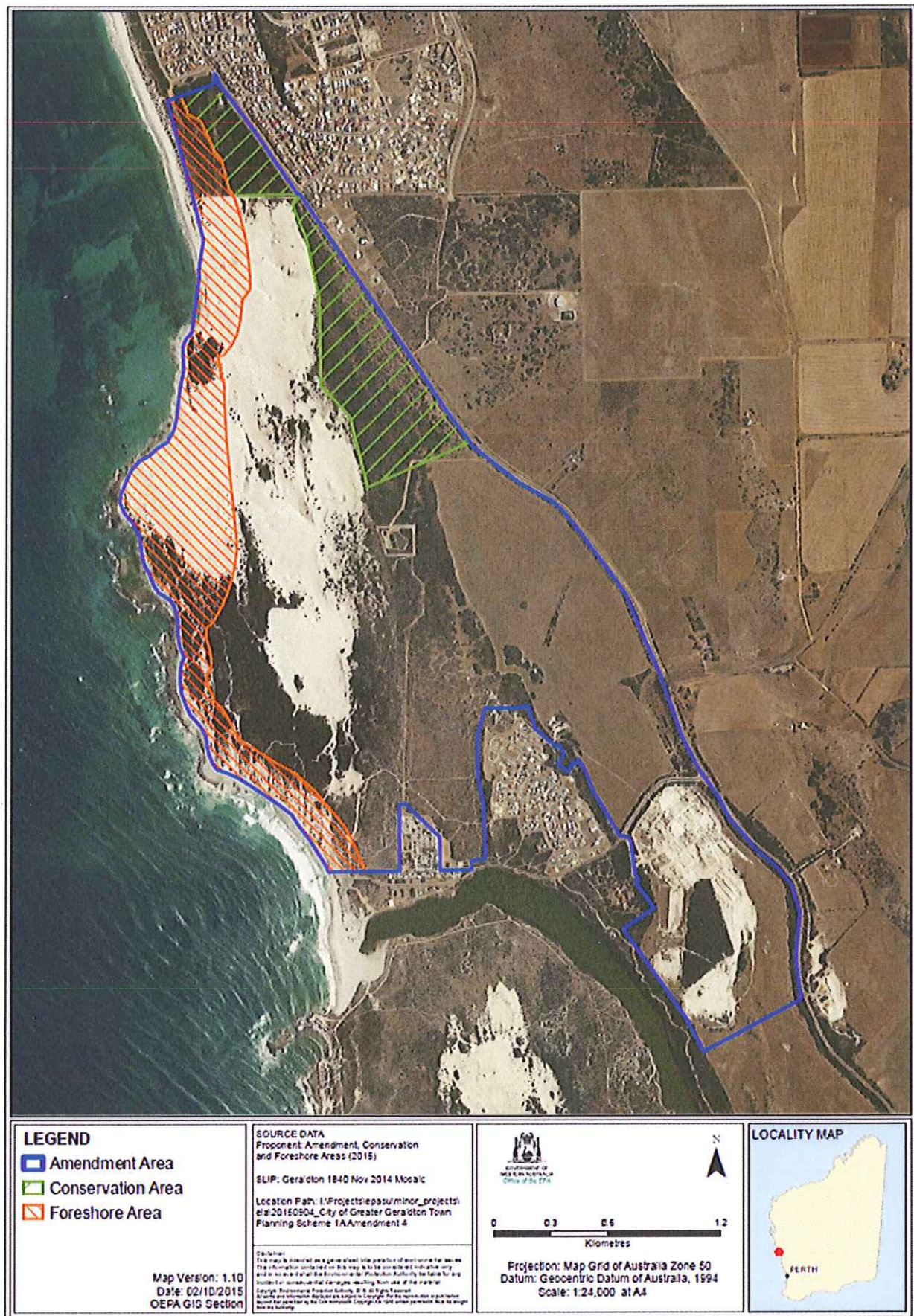


Figure 1: Amendment 4, Conservation Area and Foreshore Area boundary