

Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Your Ref:
Our Ref: CMS15200
Enquiries: Anthony Sheehan, 6145 0800
Email: Anthony.Sheehan@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Town of Port Hedland - Town Planning Scheme 5
- Amendment 77
LOCATION: Various Lots Styles Road
RESPONSIBLE AUTHORITY: Town of Port Hedland
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 stroke 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

17 August 2015

Encl. Scheme Advice and Recommendations

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

Town of Port Hedland Scheme 5 Amendment 77

Location: Town of Port Hedland

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

Determination Published: 17 August 2015

Summary

The Town of Port Hedland proposes to rezone land generally bound by Styles Road (south), Pretty Pool Creek (north), Cooke Point Drive (west) and existing single residential housing in the Pretty Pool residential area (east) from “Rural”, “Parks and Recreation” and “Other Public Purpose – Energy” to “Urban Development”.

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

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 potential impacts from the scheme amendment can be adequately managed to meet the EPA’s objectives through the implementation of the responsible authority’s scheme provisions, management plans and regulated through other statutory processes.

1. Environmental Factors

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

- a) Heritage;
- b) Terrestrial Environmental Quality;
- c) Benthic Communities and Habitat; and
- d) Marine Fauna

2. Advice and Recommendations regarding Environmental Factors

a. Heritage

The EPA understands from the Environmental Assessment Report supporting the scheme amendment that newly identified Aboriginal Shell Midden and Engraving archaeological sites may be located within the amendment area. The Department of Indigenous Affairs should be consulted with respect to obligations under the *Aboriginal Heritage Act 1972*.

b. Terrestrial Environmental Quality

Desktop investigations based on broad-scale mapping indicate that the northern portion of the scheme amendment area is rated as High to Moderate Acid Sulfate Soils (ASS) Disturbance Risk and the southern portion of the area is rated as Moderate to Low ASS Disturbance Risk. The extent and severity of the risk should be determined in accordance with the Western Australian Planning Commission's *Acid Sulfate Soils Planning Guidelines*. A Detailed Site Investigation and Management Plan should be prepared in accordance with the Department of Environment Regulation (DER) *Acid Sulfate Soils Guidelines Series* and to the satisfaction of the DER Contaminated Sites Branch.

c. Benthic Communities and Habitat

Benthic primary producer habitats (BPPH) are important for the maintenance of healthy marine ecosystems. In recognition of the importance of BPPH, the EPA published *Environmental Assessment Guideline No. 3: Protection of Benthic Primary Producer Habitats in Western Australia's Marine Environment*. Areas called Local Assessment Units (LAUs) are used as the spatial basis for cumulative loss assessments.

Development at Port Hedland has resulted in the incremental loss of BPPH, including mangrove and other intertidal and sub tidal habitats. Consequently, the EPA published *Environmental Protection Bulletin No. 14: Guidance for the Assessment of Benthic Primary Producer Habitat Loss in and around Port Hedland*. The Bulletin established a Port Hedland LAU. The Pretty Pool Creek mangroves are within the Port Hedland LAU.

The EPA notes that the scheme amendment's northern boundary is set back from the Pretty Pool Creek mangroves and development will be separated from the mangroves by a bund and roadway. Therefore, development within the Amendment Area will not directly impact the existing mangroves.

Modelling prepared for the scheme amendment indicates that changes to the hydrodynamics of the creek from development within the scheme amendment area will be minor. Therefore, significant indirect impacts to the Pretty Pool Creek mangroves are not considered to be likely, providing runoff during construction is adequately managed.

The EPA supports the proposed scheme text which requires that a Mangrove Management Plan and Construction Management Plan be prepared to the satisfaction of the Town of Port Hedland on advice from the relevant State Government Agencies.

d. Marine Fauna

Pretty Pool Beach and Cemetery Beach are known Flatback turtle nesting beaches. Flatback turtles are listed as "Threatened" under the *Wildlife Conservation Act 1950* and "Vulnerable" under the *Environmental Protection and Biodiversity Conservation Act 1999*. Flatback turtle nesting and hatchling behaviour can be affected by light spill on to nesting beaches and the adjacent sea and light glow.

Development within the scheme amendment area will be limited to single story buildings. Line of site modelling demonstrates that buildings and associated infrastructure such as street lights within the scheme amendment area will not be visible from Pretty Pool Beach or Cemetery Beach. Therefore, providing there are adequate controls to ensure

building heights do not exceed these limits, there should be no direct line of site light impacts on Pretty Pool Beach and Cemetery Beach.

Turtle nesting and hatchling behaviour can also be affected by light glow. The EPA recommends that *Environmental Assessment Guideline No. 5 Protecting Marine Turtles from Light Impacts* inform urban design and building within the scheme amendment area. Ideally, the application of these guidelines should be a condition of the scheme text. For example, the Guideline recommends the following approach to lighting:

- Keep it OFF (keep lights off when not needed)
- Keep it LOW (mount lights low down with lowest intensity for the job)
- Keep it SHIELDED (stop all light escaping upwards and outwards) and
- Keep it LONG (use long wavelength lights).

In addition to potential light spill impacts, an increased residential population also has the potential to impact marine turtle nesting and hatchling behaviour, through the use of recreation vehicles, pets and interaction with nesting turtles. The EPA supports the proposed scheme text that a management plan to minimise impacts to marine turtles be prepared and implemented to the satisfaction of the Town of Port Hedland on advice from the relevant State Government Agencies.