

Public record pursuant to s39(1) of the *Environmental Protection Act 1986*

Proposal Title: Port Hedland Spoilbank Marina

Proposal Location: Port Hedland

Case Number: CMS 17779

Date referral received: 5 March 2020 **Date more information received:** n/a

Referrer: Department of Transport **Proponent:** Department of Transport

Potential significant effects:

There are potential impacts on: **Marine Fauna** in particular the population of flatback turtle nesting on Cemetery Beach from operational lighting, **Marine Environmental Quality and Benthic Communities and Habitats** from dredging and operational activities in the marina; and **Social Surroundings** where dust emissions during construction in combination with other dust generating activities in Port Hedland may generate cumulative dust above current levels.

Public comment on referral information:

Do not assess:	0
Assess: a) Referral information	0
b) Environmental review - no public review	0
c) Public environmental review	3
<i>Total submissions:</i>	3

Decision: s. 39A – Not Assess

Referral Examined, preliminary investigations and inquiries conducted. Proposal not to be assessed under Part IV of the EP Act – Advice given.

Explanation of decision:

The EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment because the existing environment is highly modified and the geographic extent and consequence of predicted impacts are predicted to be small. The proponent's avoidance of dredging during the peak turtle inter-nesting period and the implementation of the types of measures set out in the proponent's referral documentation for operational lighting will avoid and minimise impacts to the nearby population of flatback turtles. Potential impacts to marine environmental quality and benthic communities from dredging and reclamation will be localised and there is a high level of confidence that any minor impacts to water quality and any nearby benthic communities will recover within a reasonable time frame.

Dust from construction will be temporary and localised, and further minimised by the implementation of the types of best-practice measures in the proponent's referral. In addition, it is noted that the statutory processes under *Planning and Development Act 2005* will require the finalisation and implementation of the proponent's dust management plan for construction.

The EPA is 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, the proponent's management and mitigation measures and implementation of EPA's advice given to other relevant decision making authorities.

Appeals: This decision is appealable. Appeals close 4 May 2020. Appeals are administered by the Office of the Appeals Convenor



Dr Tom Hatton

CHAIRMAN

Delegate of the Environmental Protection Authority

Date: 14 April 2020