



## Environmental Protection Authority

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

Our Ref: CMS14363  
Enquiries: Anthony Sheehan, 6145 0800  
Email: Anthony.Sheehan@epa.wa.gov.au

Attn: Ben Mckay

Dear Sir/Madam

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

**SCHEME:** Town of Port Hedland Town Planning Scheme 5  
Amendment 74  
**RESPONSIBLE AUTHORITY:** Town of Port Hedland  
**DECISION:** Not Assessed: Advice Given

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 this letter and the attached advice and recommendations will be sent to relevant authorities and made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Foster', written in a cursive style.

Darren Foster  
Director  
Strategic Policy and Planning Division

17 November 2014

Encl. Public Advice

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

**Town of Port Hedland – Town Planning Scheme 5 – Amendment 74**

**Determination: Not Assessed – Advice Given**

**Determination Published:** 17 November 2014

This scheme amendment will rezone a part of Reserve 8241, being Part Lot 1 McGregor Street Port Hedland, from Reserve “Parks and Recreation” to “Mixed Business”.

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 development consistent with the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal environmental impact assessment under Part IV Division 3 of the EP Act.

The EPA does note, however, that the subject site is in a part of Port Hedland that may experience higher than normal dust levels. The site is considerably further from port operations that generate dust emissions than scheme amendments that the EPA has previously considered and recommended should not be supported (Scheme Amendments 56 and 59). Nevertheless, if higher than normal dust levels are present at the site, consideration will need to be given to appropriate forms of development on the site.

The Port Hedland Dust Taskforce has commissioned, through the Port Hedland Industry Council, up to date air quality modelling that will provide useful information on dust levels experienced in different parts of Port Hedland, including the subject site. The EPA understands that the air quality model will be completed in 2015.

The Port Hedland Dust Taskforce has also commissioned a comprehensive Health Risk Assessment of long term exposure to dust particulates, in particular very small particulates that can enter the lungs and potentially harm cardiovascular systems. This assessment is also due to be completed in 2015.

The “Mixed Business” zone proposed for the subject site does not permit residential development such as “Single House” and “Multiple Dwelling” unless the Town of Port Hedland Council applies its discretion and grants planning approval for these uses. The EPA strongly recommends that Council not approve any application for residential development, or other potentially sensitive land uses, on the site until after the air quality modelling and health risk assessment have been completed and considered by the Taskforce, of which the Town of Port Hedland is a member. This

would provide for decisions about the appropriateness of residential development on the site to be made fully informed by comprehensive and rigorous science.

The subject site is also close to existing railway lines and is likely to be impacted by noise. The scheme amendment report recognises this and advises that noise mitigation such as insulation may be required as part of development on the site. The EPA considers that this is a matter that can be adequately addressed through the Town of Port Hedland's planning processes and, if necessary, conditions placed on development approvals.