



Environmental Protection Authority

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

Our Ref: CMS14372
Enquiries: Anthony Sheehan, 6145 0800
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Dear Sir/Madam

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

SCHEME: Town of Port Hedland Town Planning Scheme 5
Amendment 70
RESPONSIBLE AUTHORITY: Town of Port Hedland
DECISION: Not Assessed: Public Advice Given

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 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 be 'DF', written in a cursive style.

Darren Foster
Director
Strategic Policy and Planning Division

For the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 dated 6 December 2013

8 December 2014

Encl. Scheme Advice and Recommendations

ENVIRONMENTAL PROTECTION ACT 1986

Scheme Amendment 70

Town of Port Hedland Town Planning Scheme 5

Determination: Not Assessed – Advice Given

Determination Published: 8 December 2014

Summary

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. The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment.

Environmental Factors

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

a) Marine Fauna

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act.

1. Advice and Recommendations regarding Environmental Issues

a. Marine Fauna

Flatback sea turtles (*Natator depressus*) nest on Pretty Pool beach. Nesting turtles and hatchlings can be impacted by light.

Pretty Pool beach is located approximately one kilometre from the subject site. There is no direct line of site from Pretty Pool beach to the existing development on the site. The EPA is advised that development consistent with the proposed rezoning would also not be visible from the beach. Therefore, the rezoning is unlikely to affect turtles nesting on Pretty Pool beach.

Nevertheless, the scheme amendment report recommends that in the event that any part of the proposed development does have a direct line of site to Pretty Pool beach, then it should be designed to restrict artificial light emission visible from the beach. The EPA considers this to be a sensible and cautious approach.

The scheme amendment report also recommends, however, that these designs be done to the satisfaction of the Office of the EPA. This is not supported by the EPA as these are matters that are correctly considered through the responsible authority's development assessment and approval process. Therefore, the EPA recommends that the designs be done to the satisfaction of the Town of Port Hedland and that the Town seek advice from the Department of Parks and Wildlife and other relevant experts when considering a development application for the site.

The EPA has also issued Environmental Assessment Guideline 5 – Protecting Marine Turtles from Light Impacts. This advice will be of assistance to a future developer when designing development on the site and the Town of Port Hedland when considering a development application for the site.