

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

Our Ref: APP-0000114
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Dear Mr Askew

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

SCHEME	Local Planning Scheme 7 Amendment 1
LOCATION	Whole Scheme Area
RESPONSIBLE AUTHORITY	Town of Port Hedland
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

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. I have also attached a copy of the Chair's determination of the scheme.

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 the Chair's determination will be made available to the public via the EPA website.

Yours sincerely



Prof. Matthew Tonts
Chair of the Environmental Protection Authority

20 December 2022

Encl. Chair's Determination

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

Town of Port Hedland Local Planning Scheme 7 Amendment 1

Location: Whole Scheme Area

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

Determination Published: 20 December 2022

Summary

The Town of Port Hedland (the Town) has initiated Local Planning Scheme (LPS) 7 Amendment 1 to correct minor text errors and omissions that were not identified when LPS 7 was first gazetted; updated the zoning table to review permissibility of certain land uses; and address several mapping errors that have been identified through the process of adopting LPS 7 and other minor modifications to the LPS 7 maps.

The referral documentation states that changes to the maps are administrative to ensure that the zoning/reserve on the Scheme maps reflect the current adopted structure plan proposals and infrastructure requirements. It is noted there are four areas proposed for rezoning from 'Environmental Conservation' (EC) Reserve areas to District Distributor Road or Primary Distributor Road or Infrastructure Services (Modification No. 5.4, 5.6, 5.18 and 5.19).

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 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 EPA has based its decision on the referral documentation and additional information provided by the Town. Having considered this matter, the following advice is provided for the modifications:

- Amend Lot 505 from EC Reserve to District Distributor Road (Modification No. 5.4)
- Amend portion of Lot 2520 from EC Reserve to Infrastructure Services (Modification No. 5.6).

Environmental Factors

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

- a) Flora and Vegetation
- b) Terrestrial Fauna

Advice and Recommendations regarding Environmental Factors

Modification No.5.4 Lot 505 Junction of North Circular Road and Hamilton Road, South Hedland

The EPA notes that this portion of Lot 505 was previously reserved for the purposes of District Distributor Road in the (revoked) LPS No. 5. This scheme amendment initiation is to support the implementation of the South Hedland Integrated Sport Hub (Concept Master Plan) (i.e. road access).

Based on regional Flora and vegetation and Terrestrial fauna assessments, the area consists of vegetation type typically consisting of open low *Acacia* shrublands over *Triodia* hummock grasslands recorded to be in 'Very Good' condition and Sandplain terrestrial fauna habitat considered to be of moderate value (Env Australia, 2011). While these habitat types commonly

occur outside the amendment area (and within other EC Reserves), they may have local environmental (biodiversity) value. Implementation of the scheme amendment and future (design) planning should consider vegetation (fauna habitat) retention on site.

Modification No. 5.6 Portion of Lot 2520 North Circular Road, South Hedland

The amendment (Modification No. 5.6) proposes to amend a portion of Lot 2520 from EC Reserve to Infrastructure Services Reserve.

Under the LPS 7 the objective for Infrastructure Services Reserve is Public Purposes which specifically provides for a range of essential infrastructure services.

The EPA's assessment of the amendment is regarding the change in reservation and not an infrastructure service proposal(s). Proposals likely to have a significant effect on the environment may require referral under s38 of the EP Act and potential evaluation through the Environmental Impact Assessment (EIA) process. The requirements of Part V of the EP Act for native vegetation clearing permits, work approvals and licences should also be considered for future proposal/s.

As per the above, this amendment area also supports the vegetation type typically consisting of open *Acacia* shrublands over *Triodia* hummock grasslands ('Very Good' condition) and sandplain terrestrial fauna habitat (moderate value) (Env Australia, 2011). While these habitat types commonly occur outside the amendment area (and within other EC Reserves), they may have local environmental (biodiversity) value. Implementation of the scheme amendment and future (design) planning should consider vegetation (fauna habitat) retention on site.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through future planning requirements, and other statutory processes to manage potential impacts. The EPA also expects that future proposals that appear likely, if implemented, to have a significant effect on the environment are referred to the EPA under Part IV of the EP Act.