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Town of Port Hedland Town Planning Scheme No. 5

Amendment No. xxx
Crown Reserve 29085
(Lots 952 & 2046) Tindale Street
Port Hedland

Date: February 2017

Veris Ref: 21259

DEVELOP
WITH _____
CONFIDENCE™

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PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5

AMENDMENT NO. xxx

RESOLVED that the Council, in pursuance of Section 75 of the Planning & Development Act 2005, amend the above local planning scheme by:

1. Reclassifying Crown Reserve 29085 (Lots 952 & 2046) Tindale Street, Port Hedland from Local Scheme Reserve 'Other public purposes – waste disposal and treatment' to 'Urban Development' and amending the Scheme Map accordingly.
2. Remove the 'Special Control Area' on the Scheme Map associated with the Crown Reserve 29085 (Lots 952 & 2046) Tindale Street, Port Hedland local reservation.

This amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* of the following reason(s):

1. It is an amendment that is generally consistent with the objectives of the relevant zone;
2. It is generally consistent with the sub-regional and local planning framework;
3. It will have minimal impact on land in the Scheme not subject to this amendment; and
4. It does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

Dated this _____ day of _____ 2017

CHIEF EXECUTIVE OFFICER



1. Introduction

This report presents a proposal to initiate a Local Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5). The proposal seeks to reclassify Crown Reserve 29085 (Lots 952 & 2046) Tindale Street, Port Hedland from Local Scheme Reserve 'Other public purposes – waste disposal and treatment' to 'Urban Development' and to remove the respective 'Special Control Area' buffer.

The report provides a description of the subject site, details of the proposal and town planning rationale for the amendment.

1.1. Location

Crown Reserve 29085 (Lots 952 & 2046) Tindale Street, Port Hedland ("the subject site") is situated towards the eastern end of Port Hedland township between Cooke Point and the racecourse/sportsground. The subject site is bound by Tindale Street to the north, Cooke Point Road to the east and vacant Unallocated Crown Land (Lot 803) to the west and south. **Figure 1** provides a location plan and **Figure 2** provides an aerial view of the subject site post demolition and remediation of the subject site.

1.2. Existing Use

The subject site was used as the Port Hedland Waste Water Treatment Plant for approximately 40 years, from 1975 to 2015. The site has recently been decommissioned and all buildings and infrastructure associated with the waste water treatment plant have been demolished and removed from site.

Water Corporation has now consolidated its waste water treatment operations in Port Hedland by combining the Port Hedland WWTP with the South Hedland WWTP, which has undergone substantial upgrading.

The site has been successfully remediated and is suitable for sequential urban development. Site contamination and remediation will be further discussed in this report.

The site has been deemed by the WA State Government to be a redundant land asset, with Water Corporation having relocated its waste water treatment plant operations to another site. The WA State Government has no intentions to re-use the site for any other government purpose and has determined that the subject site in its entirety (as a single development site) should be disposed on the market for an appropriate sequential land use.



1.3. Description & Land Ownership

The combined area of the subject site is approximately 14.53 hectares. Details of the land ownership are as follows:

Lot No.	Certificate of Title/Land Record	Ownership/Primary Interest Holder
952	LR3142 – 974	Class 'C' Reserve 29085 under Management Order- Water Corporation purpose of 'Sewerage & Green Belt'
2046	LR3142 - 975	Class 'C' Reserve 29085 under Management Order- Water Corporation purpose of 'Sewerage & Green Belt'

1.4. Surrounding Land Uses

The land north of the site is generally zoned 'Urban Development' with a relatively new residential subdivision having been constructed in Aitchison Way. The site is within 500 metres of Cemetery Beach to the north. Between the subject site and Cemetery Beach is established residential low density single dwelling housing.

The land immediately to the east opposite Cooke Point Road is also zoned 'Urban Development' but is currently undeveloped. To the south-east of Cooke Point Road is vacant 'Rural' zoned land containing partially cleared sparse low scrubland and predominantly comprises of Pretty Pool Creek tidal mud flats.

Neighbouring to the west is mainly TPS 5 'Parks & Recreation' local reservation, comprising vacant Unallocated Crown Land, which separates the subject site from developed Crown Reserve 8214, being the Port Hedland racecourse and main sportsground. The racecourse and sportsground is within 400 metres walking distance to the west of the subject site.

To the south is predominantly TPS 5 'Parks & Recreation' local reservation, comprising mostly vacant Unallocated Crown Land. Further south approximately 400 metres is the Tjalka Boorda Aboriginal Reserve which contains a residential accommodation.



2. Site Description

2.1. Topography & Landform

TOPOGRAPHY

The topography of the subject site is generally flat with minor variations in gradient and a gentle slope from north down to the southern portion of the site. Contours in the northern portion of the site are generally 4.5m AHD – 5.0m AHD sloping on a gentle grade south to 3.5m AHD along the southern boundary of the site.

Land on the western side of Cooke Point Road is generally higher than on the eastern side of the road, around the tidal mud flats of Pretty Pool Creek. The topography on the eastern side of Cooke Point Road ranges from sea level (0m AHD) at the base of Pretty Pool Creek to 3.0m AHD – 4.5m AHD at the edge of Cooke Point Road. The topography of the subject site presents no significant constraints to urban redevelopment.

LANDFORM

The subject site generally falls within the *Secondary Dunal* system of Port Hedland townsite general landforms. Cooke Point Road separates the subject site from the *Intertidal Mudflats* of Pretty Pool Creek and the associated *Mangrove* areas. The subject site is therefore not affected by the daily tidal movements, however potential for flooding generated by severe cyclones, sea level rise and storm surge will be further discussed in this report under the section 'Flooding'.

2.2. Vegetation and Flora

The subject site does not have any significant environmental assets or value. The site has previously been completely cleared as part of the former waste water treatment plant operations. No rehabilitation of vegetation has been undertaken as part of remediation of the site to remove contaminants. There are no flora, vegetation or fauna environmental constraints limiting urban redevelopment.

2.3. Hydrology

GROUNDWATER

Groundwater data from the coastal plain aquifers in Cooke Point/Pretty Pool area indicate groundwater to generally be highly saline to brackish, due to proximity to the coast. The groundwater typically flows towards the ocean.

The groundwater in the area is considered unsuitable for drinking or non-potable use, including garden irrigation due to high saline concentration. Any future urban development would be dependent on scheme water for drinking and non-potable uses. However, in recognising the limitations of potable water in Port Hedland, any future urbanisation of the subject site would likely need to incorporate water sensitive urban design principles to reduce irrigation and promote water saving strategies. This would be considered as part of a Local Water Management Strategy for future redevelopment proposals.



Provision of adequate clearance to groundwater from future urban development would be a consideration during later stages of planning. It is noted that filling of the site would likely be required to mitigate storm surge inundation and future sea level rise, as provided in the residential development neighbouring to the north in Aitchison Way. There is capacity for future development on the site to achieve sufficient separation from groundwater.

SURFACE WATER

There are no surface water assets within the subject site. Sheet drainage generally occurs from north to south, with infiltration generally at source due to filtration of the sandy soils. The subject site is not significantly impacted by surface water features.

2.4. Acid Sulfate Soils

A desk top review indicates that generally the northern half of the site is subject to 'Moderate to Low Risk' acid sulfate soils, with the southern half potentially affected by 'High to Moderate Risk' of acid sulfate soils within 3m of the natural surface. However it is noted that the site has previously been developed and used as a waste water treatment plant facility, which has since been remediated. It is therefore unlikely that ASS would be a significant constraint to urban redevelopment of the site, particularly as filling of the site would likely be required to mitigate storm surge inundation and future sea level rise. Notwithstanding, consideration of ASS would be given at the structure planning and subdivision later stages of planning.

2.5. Site Contamination

The subject site was formerly classified in 2012 by Department of Environment Regulation (DER) as 'Possibly contaminated – investigation required', as a result of the historical use of the site as waste water treatment plant and preliminary monitoring surrounding the site indicated that the groundwater may be impacted with nutrients.

With the decommissioning of the Port Hedland WWTP in 2015, contamination assessments were carried out to assess the site's suitability for future urban redevelopment. The investigations found elevated aluminium concentrations in some soil locations, however these were considered representative of background conditions.

Asbestos-containing materials (ACM) were also present in soils across the site. Remedial works comprising excavation and off-site disposal of ACM-impacted soils were carried out and all identified impacted soils have been successfully remediated.

Nutrients and metals were present in groundwater at concentrations exceeding assessment levels for marine waters. However, given the distance to the marine environment and the potential for dilution and degradation processes, DER considered that these concentrations would unlikely represent a risk to the marine environment. Furthermore, due to the groundwater not being suitable for domestic use, including garden irrigation, as a result of high saline levels, elevated concentrations of nutrients and metals in groundwater were not considered by DER to pose any human risks.



As a result of the appropriate site remediation, DER re-classified the subject site in May 2016 as 'Decontaminated' and suitable for all land uses, with no restrictions. DER further advised that no further management of the site in relation to contamination is required. Accordingly the subject site can be sequentially redeveloped for urban use.

2.6. Servicing

A desktop review indicates that the site can readily be connected to the necessary services for urban redevelopment of the site. The setting of urban residential density would be subject to consultation with service providers and the necessary upgrades to existing infrastructure to support development.

WATER AND SEWER SERVICES

Water Corporation has planned for a new 300mm diameter water main to be located in Cooke Point Drive. The site can be connected to reticulated water in Cooke Point Road.

A new pump station has been completed by Water Corporation in Cooke Point Road and this pump station receives the waste water that was formerly treated by the now decommissioned Port Hedland Waste Water Treatment Plant on the site. The pump station pumps the effluent to the South Hedland Waste Water Treatment Plant.

It is anticipated that all future effluent generated from urban development on the subject site will be directed to this pump station via gravity reticulation network. The likely finished levels to meet the gravity feed could be in the order of RL 6.4m AHD, but more accurate investigations would be undertaken during later stages of planning.

POWER & GAS

There is an existing 22kV high voltage underground distribution cable running along the eastern side of Cooke Point Road. This 22kV feeder is one of three HV feeders that supplies Port Hedland from the Anderson Street Zone substation located at the corner of Wilson Street and McKay Street. The subject site can be adequately serviced by reticulated power in consultation with Horizon Power.

There is no reticulated gas within Port Hedland.

TELECOMMUNICATIONS

Telecommunications can be made available to the site via extension of existing infrastructure in consultation with Telstra. There is existing telecommunications infrastructure in Aitchison Way.



2.7. Access

The site is accessible via Cook Point Road and Tindale Street. Cooke Point Road is a constructed Arterial Integrator 'B' road and is adjacent the subject site along its eastern boundary. The road is constructed with a standard 7.2m wide pavement with MRWA traffic data indicating traffic volumes around 4,662 vpd.

The *Athol Street Structure Plan Traffic Report (2015)* indicates that the anticipated increase in traffic volumes generated by the urbanisation of the 'Urban Development' zone east of Cooke Point Road, as well as the urban infill of the waste water treatment plant, would not have any adverse impact on Cooke Point Road.

Assessment of the long-term traffic demands for the area indicates that no widening for Cook Point Road is required to support urbanisation. Ultimately in the future urbanisation of Port Hedland east end, Cook Point Road would be considered an arterial road, with its single carriageway continuing to provide an adequate level of service for up to a daily traffic flow of 13,500 vpd. Direct access from lots onto Cooke Point Road would not be desirable and this would be addressed at structure planning stage.

Tindale Street is currently unconstructed gravel road providing pedestrian access to existing development in Aitchison Way. Any proposed upgrades to existing streets and construction of new roads to service lots would be considered at later stages of planning and is not addressed as part of this proposal. As part of structure planning for the subject site further transport investigations would be undertaken to provide for appropriate connections and linkages in the road and pedestrian/cyclist network.

2.8. Flooding

The subject site is not directly impacted by flooding of any natural surface water features and/or semi-diurnal tidal movements. However, Port Hedland is affected by major flood events typically associated with storm surge and tropical cyclones which may impact the subject site.

The *Port Hedland Coastal Vulnerability Study (Cardno, 2011)* provides a broad-scale shoreline and coastal stability assessment. The outcomes of the Study indicate that the site is potentially vulnerable to major flood events, in association with predicted sea level rise for 100 year and 500 year events (refer to **Figure 3**).

For large scale urban infill development (such as for the subject site), the study recommends that general fill levels be determined based on acceptable risk level design criteria. As a minimum, finished floor levels would need to be 0.5 metres above the required design water level, providing a suitable 'free-board' for development.

COASTAL HAZARD ASSESSMENT

The required fill for the subject site can be determined at the later stages of planning (i.e. structure planning) based on the Port Hedland Coastal Vulnerability Study. Given the historical use of the subject site, this proposed scheme amendment to reclassify the site to 'Urban Development' does not need to address in detail a coastal hazard risk assessment.

As a general gauge for the required additional fill level, the recent residential subdivision neighbouring to the north in Aitchison Way provides an indication of expected finished levels for



urban development on the western side of Cooke Point Road. This was determined as part of the respective development approvals for the subdivision and construction of dwellings in Aitchison Way. It is noted that the Aitchison Way residential development is similar to the subject site, in term of topographical considerations and is impacted by both 100 year and 500 year events as modelled in the Port Hedland Coastal Vulnerability Study. On this basis there is sufficient justification to reclassify the subject site to 'Urban Development', with further consideration of coastal processes at later stages of planning.

2.9. Indigenous and European Heritage

The site does not contain any matters of significant European and/or Indigenous heritage. There are no indigenous registered sites within or immediately adjacent to the subject site. Native Title rights and interests have been extinguished over the subject site.

2.10. Railway Noise

A preliminary noise assessment undertaken in 2011 was referenced in the *Athol Street Structure Plan* report which investigated potential impacts from vehicles on Wilson Street, passing trains and salt harvesters. The noise assessment determined that noise generated from passing trains during the night would be the most likely noise source for compliance with WAPC *State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning'*. However the noise assessment confirmed that the noise generated would not exceed the noise target and as such, there is unlikely to be any significant noise constraints to urban development on the subject site.



3. Key Planning Framework

REGIONAL & SUB-REGIONAL PLANNING

3.1. Pilbara Planning & Infrastructure Framework (2012)

The PPIF provides a basis for settlement planning to guide local planning strategies and schemes over the next 25 years for Pilbara local authorities. It is a broad strategic level document aimed at guiding planning to facilitate population growth in Pilbara towns. The PPIF recognises Port Hedland as a substantial regional city servicing the East Pilbara Region. The proposed Amendment is consistent with the PPIF in that the site is strategically located for urban infill and to consolidate the urban footprint in Port Hedland.

3.2. Pilbara's Port City Growth Plan (2012)

The Growth Plan provides a local level strategic plan to assist with potential future growth of Port Hedland in response to growth pressures and associated infrastructure planning and demand for affordable housing. The subject site is located within growth Precinct No. 2 and the Amendment is consistent with urban infill strategy of the Growth Plan.

3.3. State Planning Policy 2.6 'State Coastal Planning'

SPP 2.6 provides guidance in decision making in relation to development in proximity to the coast and/or which is impacted by coastal processes and the provision of adequate coastal planning infrastructure and mitigation measures to reduce coastal hazards.

As detailed in this report, the subject land is potentially impacted by predicted sea level rise (100 year and 500 year) as shown in Figure 3. However, this does not preclude development from occurring but that development needs to provide appropriate mitigation to address SPP 2.6. For instance, the subject site is located on the western side of Cooke Point Road, has historically been developed and used as a waste water treatment plant facility and can achieve similar finished levels as the recently constructed residential development in Aitchison Way to the north.

For the purpose of this Amendment, there is sufficient technical investigation completed to date which confirms that the subject site is suitable as an urban infill site. The finished levels of development would be considered as part of later stages of planning.

3.4. State Planning Policy 3.4 'Natural Hazards and Disasters'

SPP 3.4 provides guidance in decision making in relation to natural hazards and disasters, including severe storms, flooding, storm surges and coastal processes which have the potential to impact the subject site. As the Town of Port Hedland is subjected to cyclonic activity, storms and storm surge and given its topographical characteristics, planning consideration needs to be given to address SPP 3.4. This generally overlaps with the requirements in SPP 2.6 as it relates to the subject site.



3.5. State Planning Policy 3.7 'Planning for Bushfire Management'

SPP 3.7 is a planning instrument to inform and guide decision makers, referral agencies and landowners on providing acceptable outcomes for fire protection in areas subject to bush fire. Portions of the subject site are affected by the Department of Fire & Emergency bushfire prone mapping. However, the bushfire hazard risks from neighbouring and immediately surrounding land is considered minimal and can be managed through appropriate bushfire planning as set out in the WAPC *Guidelines for Planning in Bushfire Prone Areas (2015)*.

LOCAL PLANNING

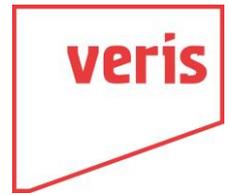
3.6. Town of Port Hedland Town Planning Scheme No. 5

The subject site is currently reserved as 'Other public purposes – waste disposal and treatment' with a waste water treatment plant 'Special Control Area' buffer surrounding the site. This Amendment proposes to lift the SCA and reclassify the site to 'Urban Development'.

The Amendment is compatible with the previous Scheme Amendment No. 58 gazetted in January 2014, which rezoned rural land directly on the eastern side of Cooke Point Road to 'Urban Development'. The 'Urban Development' zone is also compatible with land to the north zoned 'Urban Development'.

At present, under Clause 2.2 of TPS 5, a person shall not carry out any development on a reservation or change the use of a reservation without first applying for and obtaining the written approval of the Town of Port Hedland. Clause 2.3 provides the Town with discretion to consider and approve applications for development other than for the intended purpose of the reservation.

As such, a prospective purchaser of the subject site could potentially apply for development approval and seek the Town's discretionary development approval for a particular use. The Town could grant discretionary development approval after considering any development proposal on its merits and taking into consideration matters outlined in TPS 5. However, to remove uncertainty created by the existing local scheme reservation of the subject site, it is more appropriate to reclassify the subject site to 'Urban Development' zone. This would then allow for the preparation and approval of a Structure Plan (under TPS 5 Clause 6.4) to further provide guidance as to the future development of the subject site. It is not considered appropriate to retain the existing reservation and SCA buffer, given the decommissioning of the waste water treatment plant and its site remediation.



4. Amendment Rational

The above report content outlines and demonstrates the following:

- (i) there are no significant environmental, biophysical or servicing constraints that would preclude the site from being redeveloped for urban use; and
- (ii) urban development of the subject site is consistent with the planning framework for Port Hedland settlement growth.

Furthermore, the proposed Amendment would allow the following to occur:

- Disposal of the redundant land asset which is surplus to the WA State Government under an appropriate new 'Urban Development' zone to facilitate sequential land use/redevelopment of the site.
- The 'Urban Development' zone will necessitate the preparation and approval of a Structure Plan, which will require further detailed planning investigation as to appropriate land uses for the site and interface with existing and future planned development on neighbouring and surrounding land.
- The subject site is strategically located as an urban infill development site and will provide a positive contribution in the context of existing and future planned urban development.
- Removal of the Special Control Area waste water treatment plant buffer, which is no longer required and currently affects surrounding land, will avoid any potential confusion in future.
- Provides certainty as to the future intended use of the site as urban use and consolidates the urban footprint in the eastern end of Port Hedland townsite.



PLANNING & DEVELOPMENT ACT 2005

TOWN OF PORT HEDLAND TOWN PLANNING SCHEME NO. 5

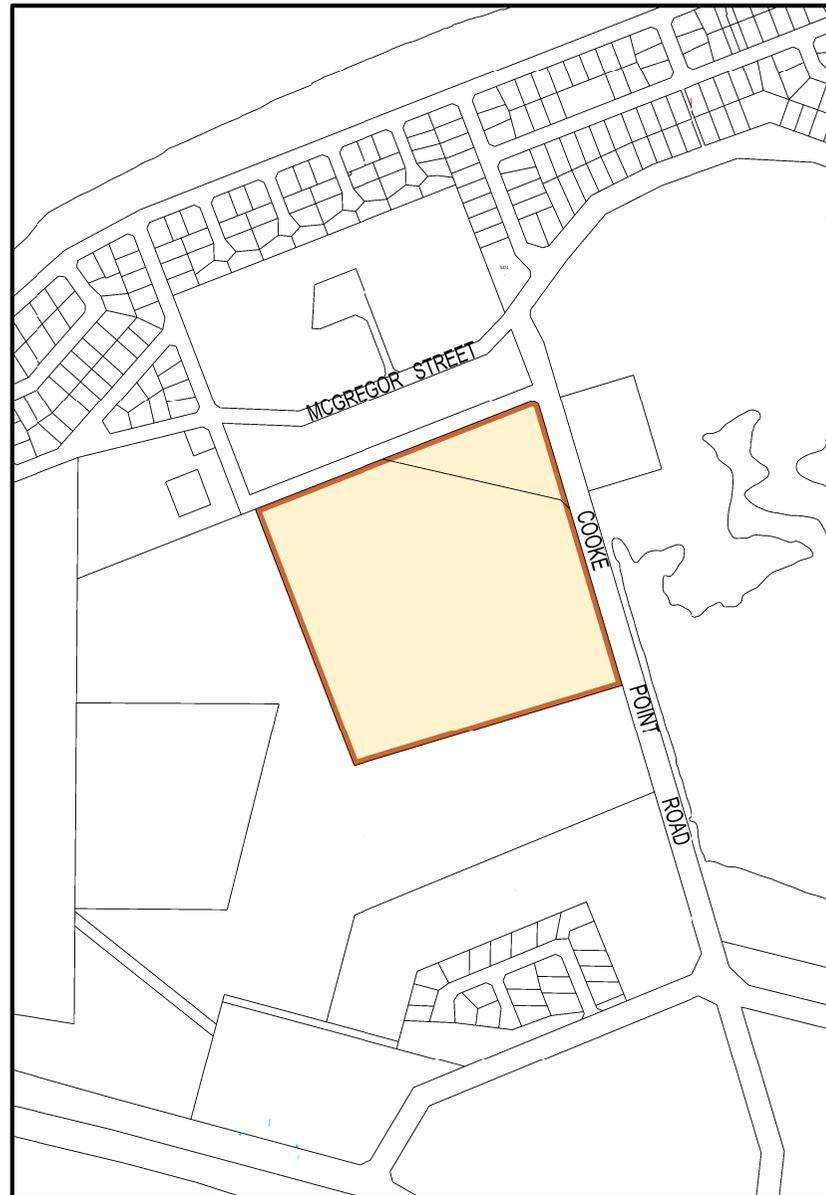
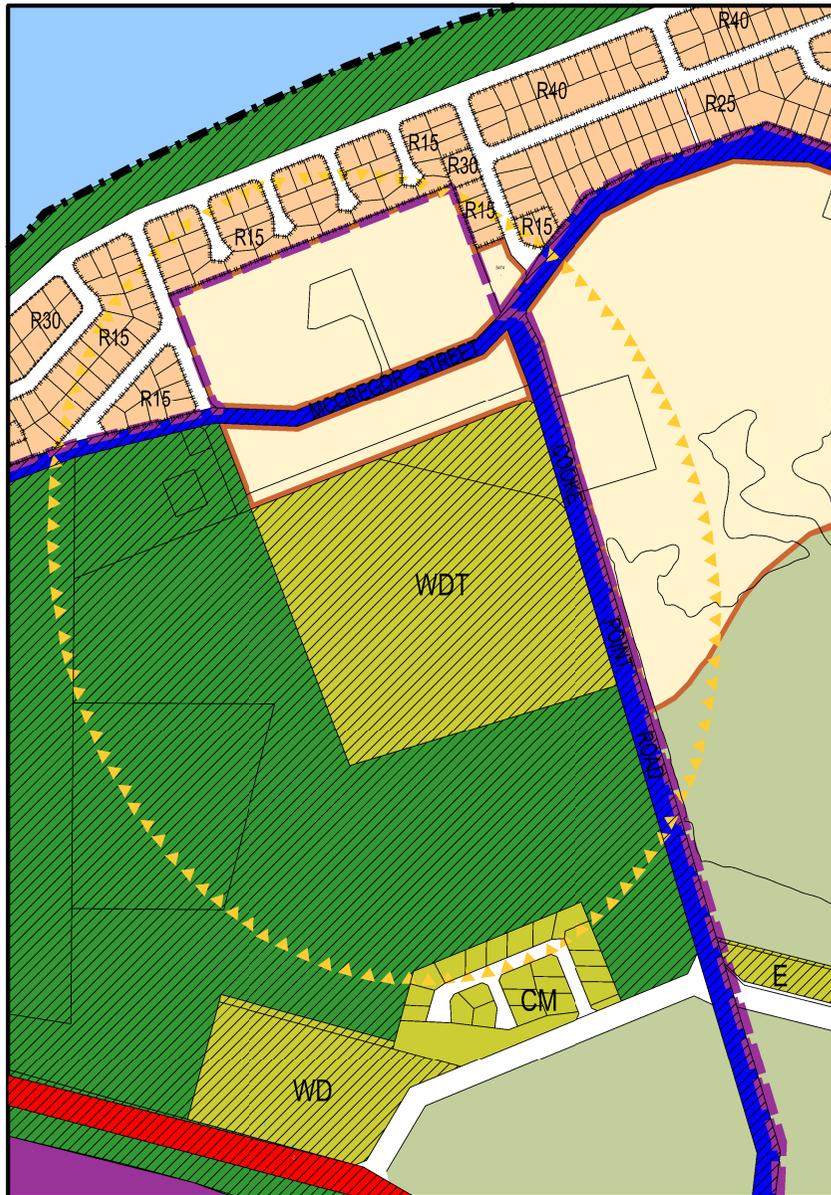
AMENDMENT NO. xxx

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above town planning scheme by:

1. Reclassifying Crown Reserve 29085 (Lots 952 & 2046) Tindale Street, Port Hedland from Local Scheme Reserve 'Other public purposes – waste disposal and treatment' to 'Urban Development' and amending the Scheme Map accordingly.
2. Remove the 'Special Control Area' on the Scheme Map associated with the Crown Reserve 29085 (Lots 952 & 2046) Tindale Street, Port Hedland local reservation.

TOWN OF PORT HEDLAND TOWN PLANNING SCHEME No. 5

-Amendment No.



LEGEND

LOCAL SCHEME RESERVES

- Other Regional Roads
- Local Road
- E Other public purposes Energy
- WD Other public purposes Water and drainage
- WDT Other public purposes Waste disposal and treatment
- Parks and recreation
- State and regional road

LOCAL SCHEME ZONES

- CM Community
- Residential
- Rural
- Urban Development
- Strategic Industry

OTHER CATEGORIES

- Development Area Plan
- R25 R Code
- Special Control Area

EXISTING ZONING

SCHEME (AMENDMENT) MAP

SCALE 1:10 000



ADOPTION

ADOPTED for advertising resolution of the Town of Port Hedland at the Ordinary Council Meeting held on _____ day of _____ 2017.

Shire President

Chief Executive Officer



Council Recommended/Submitted for Approval

Support for the submission to the Minister for Planning for approval by resolution of the Town of Port Hedland at the Ordinary Council Meeting held on the _____ day of _____ 2017 and the Common Seal of the Town of Port Hedland was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Chief Executive Officer

WAPC Recommended/Submitted for Approval

Delegated under S.16
of the Planning and Development Act 2005

Date

Approval Granted

Minister for Planning
S.87 of the Planning and Development Act 2005

Date

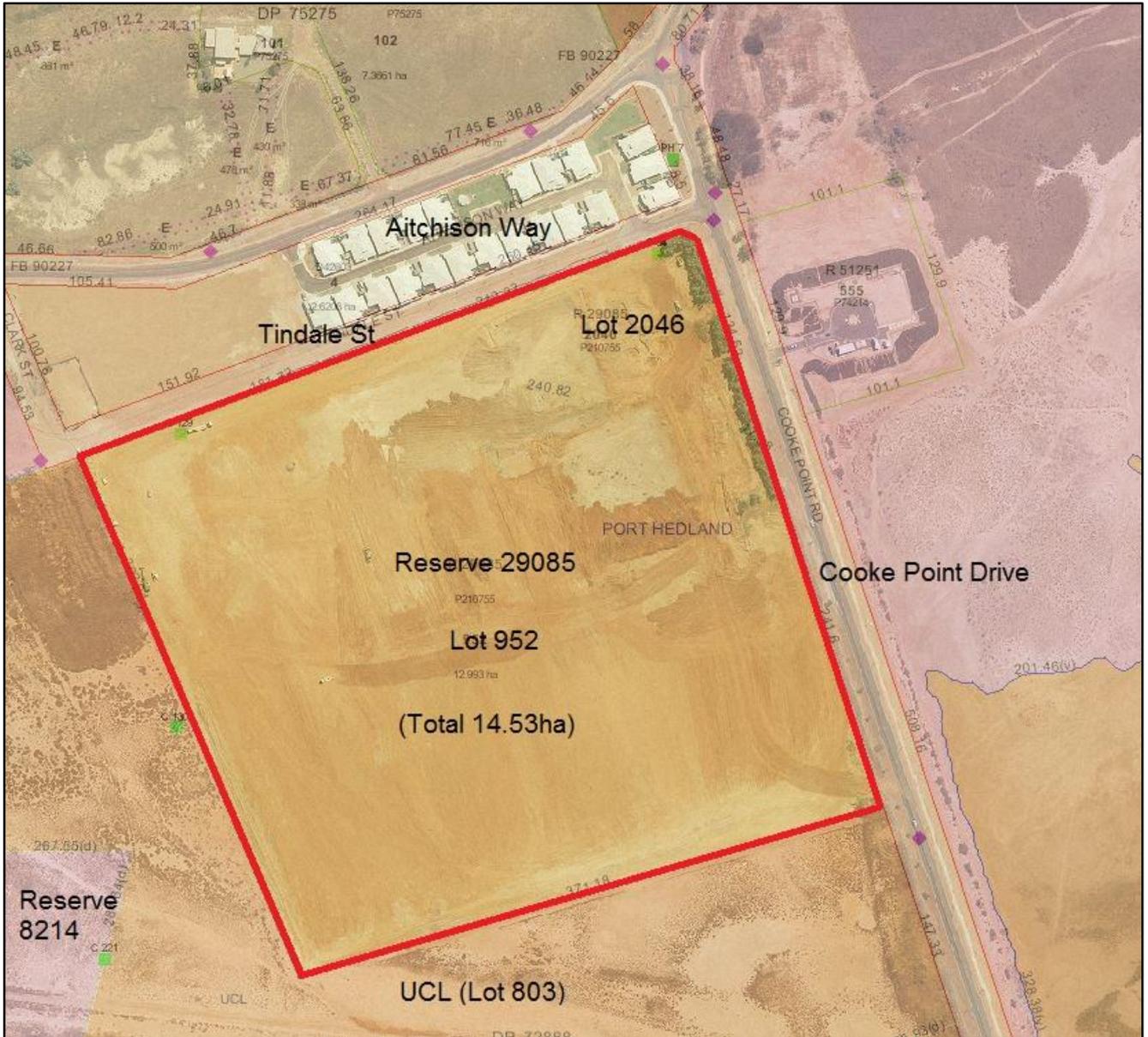


Figures



(Source: Landgate, 2016 – modified)

FIGURE 1
LOCATION PLAN



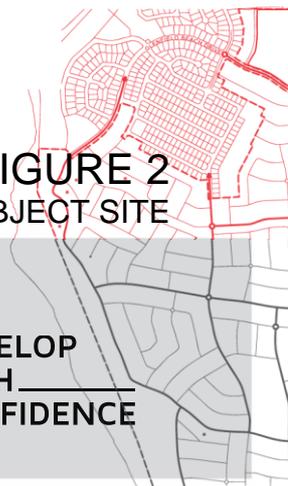
(Source: Landgate, 2016 – modified)

FIGURE 2
SUBJECT SITE

Perth
Level 1, 4/40 Hasler Road
PO BOX 99
Mt Hawthorn WA 6915
Australia

T 08 9317 0600
F 08 9317 0611
mail@veris.com.au
veris.com.au

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(Source: Port Hedland Coastal Vulnerability Assessment, Cardno 2011 – *modified*)

FIGURE 3
COASTAL HAZARD ASSESSMENT



Perth
Level 12, 3 Hasler Road
Locked Bag 9
Osborne Park WA 6017
Australia

T 08 9317 0600
F 08 9317 0611
mail@veris.com.au
veris.com.au

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