

## Attachment 3 to Item 12.3.3

### Attachment 3 - Scheme Amendment No.74 to TPS No.5 - Schedule of Submissions

No.	Date Received	Name	Comments Provided	Applicant's Response	Officers Recommendation
	20/11/2014  (Separate to the Advertising Process)	Environmental Protection Authority	<p>The EPA does note, however, that the subject site is in a part of Port Hedland that may experience higher than normal dust levels. This site is considerably further from port operations that generate dust emissions that 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.</p> <p>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.</p> <p>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.</p> <p>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</p>	N/A	<p>Noted. It is recommended that the amendment be modified to not permit any residential development on the subject site, by listing all the permissible residential uses under the 'Mixed Business' zone in Appendix 12 of TPS5 as follows;</p> <ul style="list-style-type: none"> <li>• Caretakers dwellings;</li> <li>• Hotel;</li> <li>• Motel;</li> <li>• Multiple Dwelling;</li> <li>• Serviced Apartment;</li> <li>• Short Stay Accommodation;</li> <li>• Single House</li> </ul>

			<p>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 rigorous science.</p> <p>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 this is a matter that can be adequately addressed the Town of Port Hedland's planning processes and, if necessary, conditions placed on development approvals.</p>		
1.	27/01/15	Water Corporation	<p>No objection. The following comments were provided:</p> <p>The Water Corporation has no objections to the proposed amendments, however it is subject to the following advice;</p> <p>The Wastewater scheme has been reviewed and it is able to serve the proposal.</p> <p>The water scheme has been reviewed and it is able to serve the proposal.</p> <p>The service report advises that there is an existing wastewater pressure main from the Anderson St wastewater pump station and the Acton St vacuum pump station No.7, located in the proposed development area. Please see attached mark-up of the development area plan with approximate location of the main shown in order to ensure the location is well understood. Please find a further two comments in regard to considering the existing pressure main in relation to the proposed development.</p>	<p>Noted. No modifications required.</p> <p>The issues raised by the respondent can be addressed at the development or subdivision stage</p>	<p>Noted. No modifications required.</p> <p>The issues raised by the respondent can be addressed at the development or subdivision stage.</p>

			<p>On creation of the lot an easement to assist identify and protect the main is usually required. The width of the easement will depend on depend on the final ground level.</p> <p>If the lot is required to be filled in order to meet a minimum floor level for flood and servicing requirements, then the pressure main may need to be raised or relocated.</p>		
2.	28/01/15	Planning Solutions; Acting on behalf of BHP	<p>The following comments were provided. For the reasons below Amendment 74 should either be refused or modified to prohibit residential development on the subject site and expand the range of commercial uses permissible in the Mixed Business zone.</p> <p><b>Initial Intentions of Amendment 74</b></p> <p>The Town's acquisition of the subject site was premised on providing land for commercial development. The proposed rezoning to 'Mixed Business' which includes residential land uses departs from the intent of the original proposal presented to Council in November 2012.</p> <p>The focus of the amendment has moved from being an amendment providing additional commercial land to address a market gap in commercial floor space, to an amendment that would provide for residential uses. We do not consider it appropriate for residential development to be included in Amendment 74 as residential uses would limit the ability for commercial to reach its full potential on the subject site, through the consumption of land for car parking, resulting in sub-optimal provision of commercial floor space.</p> <p>If the amendment is to go ahead, Planning Solutions recommend residential uses be restricted on the subject by inclusion of the subject site in Appendix 12 of Town Planning Scheme No.5 or by introducing a special use zone.</p>	<p>Noted. The Rezoning does need the residential component to go forward, it is just a commercial or business zone to allow for a commercial use.</p>	<p>Agree with the respondent in part.</p> <p>The amendment shall be modified to list all the permissible residential uses under the 'Mixed Business' zone in Appendix 12 of TPS5 as follows;</p> <ul style="list-style-type: none"> <li>• Caretakers dwellings;</li> <li>• Hotel;</li> <li>• Motel;</li> <li>• Multiple Dwelling;</li> <li>• Serviced Apartment;</li> <li>• Short Stay Accommodation;</li> <li>• Single House</li> </ul>

			<p><b>.Noise from Transport and Industry</b></p> <p>The subject site is in close proximity to BHP Billiton's railway line and Nelson Point Operations. The site is also adjacent to Wilson Street a major road freight route.</p> <p>State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4) require new sensitive (residential) developments to achieve indoor and outdoor noise targets and limits. The SPP5.4 noise limit for transport and noise is exceeded at the subject site and residential development at the subject site will require extensive amelioration to comply with the noise target.</p> <p>Noise from the cumulative industry operations at the port and surrounding areas (excluding transport noise) is modelled to exceed 48dB(A) at the subject site (based on modelling undertaken for the Port Hedland Dust Management Taskforce, which is available to BHP and the Town), which is well above the assigned noise level applicable to the subject site under the <i>Environmental Protection (Noise) Regulations 1997</i>. It would therefore be inappropriate to develop residential land uses on the subject site.</p> <p>The combined noise level from industry operations and transport routes is predicted to be in excess of 62dB(A) at the subject site, based on BHPB's own modelling. At this noise level, residential development is considered unsuitable due to the need for non-standard building elements to achieve adequate indoor noise levels and specific built form design to achieve outdoor noise target levels.</p>		<p>Agree with respondent. The proximity of the site to Wilson Street (which is a freight route) would require any sensitive land uses such as residential land uses to require extensive noise amelioration, if the sensitive land uses were to meet acceptable noise targets set out in SPP5.4. SPP 5.4 requires new sensitive developments to indoor and outdoor noise targets and limits. The Preliminary noise modelling undertaken for the Port Hedland Dust Management Task Force in 2014 suggests that traffic from the Wilson Street freight route will exceed the acceptable limits in SPP5.4.</p> <p>As per above the amendment shall be modified to list all the residential land uses permissible in the 'Mixed Business' zone to be listed in Appendix 12 of Town Planning Scheme No.5.</p>
			<p><b>Expanding the Range of Commercial Uses</b></p> <p>The permissible land uses in the Mixed Business zone under the zoning table of Town Planning Scheme No.5 should be expanded to facilitate a wider range of</p>		<p>Disagree with the respondent. The uses the respondent proposes to include into the 'Mixed Business' zone of TPS No.5 are listed as either</p>

			<p>commercial uses able to be developed on the subject site. It is recommended that the zoning table of Town Planning Scheme No.5 be amended to expand the uses permissible in the Mixed Business zone, including;</p> <ul style="list-style-type: none"> <li>• Motor Vehicle and/or marine sales or hire</li> <li>• Hire service (industrial)</li> <li>• Warehouse</li> <li>• Distribution centre</li> <li>• Industry – light</li> <li>• Motor vehicle and/or marine repair</li> <li>• Motor vehicle wash</li> <li>• Harbour installation</li> <li>• Storage facility/depot/laydown area; and</li> <li>• Transport depot</li> </ul>		<p>Industry or Commerce' in the zoning table and are not permissible under the 'Mixed Business' zone of TPS No.5 because these uses are not consistent with the main objectives of the 'Mixed Business' zone which is to; <i>"Combine residential and compatible non-residential uses development"</i>;</p> <ul style="list-style-type: none"> <li>• Motor Vehicle and/or marine sales or hire (<i>Commerce</i>)</li> <li>• Hire service (industrial) (<i>Industry</i>)</li> <li>• Warehouse (<i>Commerce</i>)</li> <li>• Distribution centre (<i>Commerce</i>)</li> <li>• Industry – light (<i>Industry</i>)</li> <li>• Motor vehicle and/or marine repair (<i>Commerce</i>)</li> <li>• Motor vehicle wash (<i>Commerce</i>)</li> <li>• Harbour installation (<i>Industry</i>)</li> <li>• Storage facility/depot/laydown area (<i>Industry</i>); and</li> <li>• Transport depot (<i>Industry</i>)</li> </ul> <p>Furthermore, the proposed uses are not consistent with the Pilbara Ports City Growth Plan (Growth Plan) objectives for the subject site and the immediate area surrounding the site. The Growth Plan identifies the subject site as a neighbourhood centre, being located within the East End Urban Village of Port Hedland. The objectives for the East End Urban Village are to be primarily a residential area that at its core, is a retail and mixed used village offering a range of</p>
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					<p>local convenience options as well as dining and entertainment choices.</p> <p>The commerce and industry type uses listed above do not fit into this vision, are not consistent with the Growth Plan or TPS No.5 and for these reasons the proposed modification to include these uses into the amendment is not supported.</p>
3.	02/02/15	Department of Water	<p>No objection. The following comments were provided.</p> <p>The Department of Water has reviewed the above application to rezone the subject lot "Mixed Business", and considers the proposal acceptable from a water resource perspective.</p>	Noted. No modifications required.	Noted. No modifications required.
4.	17/11/15	Main Roads W.A	<p>From a road traffic engineering point of view we would like to raise the following points for your consideration.</p> <ul style="list-style-type: none"> <li>• Access directly to Wilson Street for the proposed lot would not be approved;</li> <li>• As Anderson Street and the current access/egress to The Boulevard shopping centre are in such close proximity, ideally this section of McGregor Street would require significant street scape upgrades to facilitate the safe movement of traffic in/out of both The Boulevard and any new access to the "Mixed Business" Lot being proposed;</li> <li>• We would recommend a video survey be conducted to identify any existing problems encounter by traffic on McGregor Street between Wilson Street and Anderson Street, providing a sound basis to support the rezoning or identify what changes would be required on McGregor Street to provide for the safe movements of all traffic. The video would need to pick up traffic entering/exiting</li> </ul>	Noted. No modifications required.	<p>Noted.</p> <p>The issues concerning road traffic engineering, provided by Main Roads W.A are considered significant enough to warrant Scheme Amendment No.74 not proceed without modifying the Amendment No.74 to require further detailed traffic studies be required prior to developing the site as follows to include the following conditions into Appendix 12 – Town Planning Scheme No.5.;</p> <p>A Development Plan is required which address the following;</p> <ul style="list-style-type: none"> <li>• Preparation of a detailed Road Traffic Engineering Plan to illustrate how the site can be accessed and function</li> </ul>

			<p>The Boulevard (ideally any congestion within the Boulevard also) and also any traffic issues impacting the intersection of McGregor Street &amp; Wilson Street;</p> <ul style="list-style-type: none"> <li>• Consideration must be given for the type of businesses permitted to operate out of the site along with the types of delivery traffic these businesses would rely upon, as any access to/from the site would be required to cater for the turning movements of such vehicles;</li> <li>• The ultimate conceptual design for Wilson Street will also need to be considered and how any proposals will interact with this in years to come. Attached for you reference is a copy of the page covering McGregor Street and Port Hedland Road.</li> </ul>		<p>within the existing road network;</p> <ul style="list-style-type: none"> <li>• Preparation of an Access Management Plan to illustrate how Reserve 8214 Access will be coordinated for Mixed Business uses and for Turf Club Racing Events and Community Events.</li> </ul>
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