

11.2.2.4 **Proposed Adoption of Pretty Pool Revised Development Plan and Associated Town Planning Scheme Amendment (File No.: 18/14/001)**

Officer Andrew Patterson
Planning Officer

Date of Report 17 April 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Koltasz Smith Town Planners on behalf of LandCorp to adopt a Development Plan and associated Town Planning Scheme amendment to develop residential land at Pretty Pool.

Background

Council has previously considered a similar application at its Ordinary Meetings on 28 September 2005 where it resolved:

“That Council resolve to:

- a) *initiate an amendment to Town Planning Scheme No. 5 to rezone an area of land from ‘Rural’ and ‘Urban Development R20’ to ‘Urban Development’ to facilitate the subdivision and development of the land in accordance with the Revised Pretty Pool Development Plan;*
- b) *advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority;*
- c) *receive the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment;*
- d) *invite Landcorp to a meeting with Council to address the issues of*
 - . permeability/road layout;*
 - . open space window;*
 - . alienation of public land;*
 - . commercial and tourism site locations; and*
 - . management planning to reduce impacts on flatback turtle populations; and*

- e) *the final plans be returned to Council for consideration after the public consultation period and prior commencement of the project, in accordance with the Local Government Act 1995 and association regulations."*

Following referral to the Environmental Protection Agency (EPA) for assessment, significant modifications regarding coastal setbacks and other environmental factors required significant additional work on the part of the applicant before the EPA would approve the release of the amendment for advertising.

Modifications to the development plan and scheme amendment resulted in the submission of a new application considered by Council at its Ordinary Meeting on 23 August 2006 where it resolved:

"That Council:

- a) *initiate an amendment to Town Planning Scheme No. 5 to rezone an area of land from "Rural" and "Urban Development R20" to "Urban Development", to the area of land adjacent to 'Balance Project Area' to facilitate the subdivision and development of the land in accordance with the Revised Pretty Pool Development Plan;*
- b) *advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority; and*
- c) *adopt the Revised Pretty Pool Development Plan (excluding the 'Balance Project Area') for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment."*

Unresolved environmental issues again delayed this application when referred to the EPA for assessment.

Following meetings with significant stakeholders, including the Town of Port Hedland, Department for Planning and Infrastructure (DPI), Department of Environment and Conservation (DoEC), EPA, Koltasz Smith and LandCorp, a general consensus is determined that this new development plan and scheme amendment sufficiently meets the requirements of the EPA to enable it to determine a level of assessment and release the amendment for advertising.

The significant modifications included in this Development Plan and proposed amendment include:

- Reduction of the development area footprint – largely in response to the WAPC Development Control Policy 6.1 – Country Coastal Planning Policy and State Planning Policy 2.6 – State Coastal Planning Policy.
- Inclusion of the requirement for the following management plans being prepared and implemented in conjunction with the Development Plan:
 - Foreshore Management Plan;
 - Turtle Management Plan;
 - Shorebird Management Plan;
 - Mosquito and Midge Management Plan;
 - Drainage and Nutrient Management Plan;
 - Mangrove Management Plan; and
 - Site Management and Remediation Action Plan.

Many of those plans have been developed and are included within the amendment recommendation.

Including these management plans in the proposed Scheme Amendment will ensure that Pretty Pool's unique characteristics are adequately protected during the development process and managed in the future to ensure development impacts remain at a sustainable level.

The Proposed Management plans will require ongoing commitments from the Town of Port Hedland in the following areas:

- Maintenance of infrastructure such as:
 - Bollards restricting beach access
 - Educational and other signage
 - Dual use paths along roads and in POS
 - Retaining walls
 - Weed control
 - Conducting education programs
 - Light spill management
 - Monitoring, control and education programs for mosquito and midges.

Should Council adopt this development plan and initiate the associated town planning scheme amendment, all development of the site will be in accordance with the development plan. When the Town of Port Hedland adopts a new town planning scheme, the development plan, including zoning and residential densities will be incorporated into the new Scheme.

Consultation

Environmental Health Services have not objected to the application and advised that the Mosquito Education Program will be the responsibility of the Town of Port Hedland, and not the Care for Hedland Group as indicated in the application.

Engineering Services have not objected to the application and requested more information regarding details of infrastructure such as signage, bollards, footpaths and fencing, and of the proposed weed management. This information is generally supplied at the submission of engineering drawings and need not be addressed at this stage of the amendment process.

Statutory Implications

Should Council initiate the proposed Scheme Amendment, the amendment and supporting documentation will be submitted to the EPA for assessment. When the EPA releases the amendment for advertising, the amendment is advertised in accordance with the *Town Planning Regulations 1967* and the *Planning and Development Act 2005* prior to Council considering any submissions and resolving whether to proceed with the amendment, with or without modification, and submitting it to the WAPC for approval.

Policy Implications

Council has adopted Pretty Pool Design Guidelines, with the intention of adopting the required elements of the Guidelines as a Local Planning Policy (LPP). The proposed amendment text, section 6.4.4 (a) (iv) will give the LPP sufficient authority for Council to formally adopt Local Planning Policy No. 8 – Pretty Pool Residential Design.

Strategic Planning Implications

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 4 - Land Development Projects 'That land is being released and developed to meet the needs of a growing community.'

Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

Budget Implications

A town planning scheme amendment fee of \$1000 has been received and deposited into account 1006326 – Town Planning Fees.

Officer's Comment

Council has previously supported both the Development Plan and the Scheme Amendment with this new application modifying these previous plans by reducing the development footprint and requiring that additional management plans be included as a TPS requirement.

As these modifications reduce the impact of subsequent development and ensure ongoing management particularly with regard to environmental impacts, it is recommended that this application be supported to enable progression to the referral and advertising stages.

The supporting documentation associated with the application includes information that is not accurate and appears to be the result of a “cut and paste” exercise from another report. While the inaccuracies have been recognised they do not in any way affect the determination of the application.

It is noted that Council will have the opportunity to consider this application in the context of any public submission prior to final adoption of the Amendment or Development Plan prior to adoption and submission to the WAPC.

200607/266 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

i) Initiate a Town Planning Scheme Amendment to the *Town of Port Hedland Town Planning Scheme No. 5* by:

- a) Rezoning Lots 5876 and 5877 Counihan Crescent, and adjoining Lot 300 as depicted on the Scheme Amendment Map from “Rural” to “Urban Development” Zone;**
- b) Amend the Scheme Map Accordingly**
- c) Insert a new clause 6.6.4 to read:**

“6.4.4 Lots 5876, 5877 and 300 Counihan Crescent, Pretty Pool, in addition to the requirements of Clause 6.4, and including those of Appendix 6, the following additional provisions apply:

- a) *Land Use – shall be on the basis that:***
 - i. The residential density (R-Code) applicable for the purposes of assessing development shall be that shown on the Development Plan approved by the Town of Port Hedland and WA Planning Commission;***
 - ii. Land use permissibility shall be in accordance with the Zoning Table under Clause 3.2 for either the ‘Residential’ or ‘Town Centre’ zone as shown on the approved Development Plan;***

- iii. Council shall adopt Design Guidelines to address the detailed development of land and outline the building and approval process.*
 - iv. For the purpose of 6.4.4 a)iii. The approval process shall include the requirement to contain Council planning approval for a single residence and demonstrate compliance with the Council adopted Design Guidelines;*
 - v. Land identified as containing a 'Town Centre' designation in the Development Plan shall be developed as part of a cohesive site development for the balance R50/R60 or R60/80 areas and in accordance with approved Design Guidelines adopted under Clause 6.4.4 a)iii;*
- b) Management Plans – The following Management Plans shall be prepared and implemented in conjunction with the implementation of the Development Plan:*
- i. Foreshore Management Plan;*
 - ii. Turtle Management Plan;*
 - iii. Shorebird Management Plan;*
 - iv. Mosquito and Midge Management Plan;*
 - v. Drainage and Nutrient Management Plan;*
 - vi. Mangrove Management Plan; and*
 - vii. Site Management and Remediation Action Plan*
- c) For the purposes of 6.4.4 b)iii and vii the following shall apply:*
- i. Shorebird management Plan – an Avifauna Survey shall be undertaken during the migration period (September) to the satisfaction of the Town of Port Hedland on advice from the Department of Environment and Conservation (DEC). In the event that this survey identifies that protected an/or threatened bird species are utilizing the development site for foraging, a Shorebird Management Plan shall be prepared. The Management Plan shall be prepared to ensure proper management protection and/or relocation of specialty protected and/or threatened birds within the development area to the satisfaction of the Town of Port Hedland on advice from the DEC.*

- ii. Site Management and Remediation Action Plan: Prior - to submission of an application for subdivision to the Western Australian Planning Commission (WAPC) for any area of the Development Plan identified as contaminated, a Site Management Plan and Remediation Action Plan will be prepared and implemented to the satisfaction of the Town of Port Hedland and on advice from the DEC and Department of Health. The Management Plan shall be prepared to ensure that the development site and the risks outside the site will be appropriately managed to meet the requirements of the Contaminated Sites Act 2003 and is compatible with the proposed land use.*
- ii) Adopt the Pretty Pool Revised Development Plan received 19 March 2007 for the purpose of advertising in association with the Town Planning Scheme Amendment referred to in Part I of this resolution; and
- iii) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

CARRIED 6/0

