



LOCAL PLANNING SCHEME No. 7

Amendment No. 4

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

TOWN OF PORT HEDLAND

LOCAL PLANNING SCHEME NO. 7 - AMENDMENT NO. 4

RESOLVED that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above local planning scheme by removing the Additional Use A1 – Caretaker’s Dwelling applicable to Lot 5781 (18) Schillaman Street, Wedgefield.

The Amendment is a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):

- a) Amendment No. 4 is consistent with the objectives of the Town of Port Hedland Local Planning Strategy; and
- b) Amendment No. 4 will have minimal impact on land in the scheme area, and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Date of Council Resolution – 30 August 2023

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(Chief Executive Officer)

Dated this day of 20.....

TOWN OF PORT HEDLAND
LOCAL PLANNING SCHEME NO 7 - AMENDMENT NO. 4
SCHEME AMENDMENT REPORT

SITE DETAILS

Legal description

The land subject to Amendment No. 4 is legally described as “Lot 5781 on Deposited Plan 188923”, being the whole of the land contained within Certificate of Title Volume 1902 and Folio 12. The subject site has a total area of 8,532m².

There are no easements, encumbrances or notifications listed on the Certificate of Title that affect the use or development of the subject site.

Site context

The subject site is located in the suburb of Wedgefield and within the existing industrial area. The subject site fronts Schillaman Street and is located opposite the Wedgefield Industrial Estate Structure Plan area. The subject site is within the municipality of the Town of Port Hedland.

The subject site is presently occupied by an industrial land use and contains a warehouse / factory building fronting Schillaman Street, hardstand areas internally and a workshop to the rear. The subject site also contains a caretaker’s dwelling along the eastern boundary, which is separated from the industrial activities by a fence and separate driveways.

PROPOSED AMENDMENT

Pursuant to section 75 of the *Planning and Development Act 2005*, it is proposed to amend the Town of Port Hedland Local Planning Scheme No. 7 (**LPS7**) by removing Additional Use A1 – Caretaker’s Dwelling applicable to the subject site.

The scheme amendment request incorporates:

- Removing reference to Lot 5781 (18) Schillaman Street, Wedgefield from Additional Use A1 in Table 5 – Specified additional uses for zoned land in Scheme area; and
- Modifying LPS7 Map No. 8 by removing the Additional Use overlay applicable to the subject site.

PLANNING FRAMEWORK

Local Planning Scheme Regulations

Pursuant to regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)*, the proposed amendment is classified as a ‘standard amendment’ for the following reasons:

- The proposed amendment is consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission, in accordance with item (b) of the standard amendment definition under the LPS Regulations; and

- The proposed amendment would have a minimal impact on land in the scheme area that is not the subject of the amendment, in accordance with item (e) of the standard amendment definition under the LPS Regulations.

Town of Port Hedland Local Planning Scheme No. 7

The subject site is zoned Light Industry under the Town of Port Hedland Local Planning Scheme No. 7, with Additional Use A1 applicable to the subject site.

The objectives of the Light Industry zone under LPS7 are:

- *To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.*
- *To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.*

Table 5 of LPS7 specifies additional uses for zoned land in Scheme area. Addition Use A1 applies to the subject site and a number of properties within the Wedgefield industrial area, and incorporates an additional use of caretaker's dwelling. There are a number of conditions and considerations that apply to development applications for caretaker's dwellings.

The proposed amendment seeks to remove the subject site from Additional Use A1 in Table 5 of LPS7. The proposed amendment is considered appropriate as it will facilitate a land use and development outcome that better aligns with the objectives and intent of the Light Industry zone.

Town of Port Hedland Local Planning Strategy

The Town of Port Hedland Local Planning Strategy provides a strategic plan to guide development of the Town. The Local Planning Strategy considers the context of the Wedgefield industrial area and describes the two sub-precincts of Wedgefield, being the older part and the new Hedland Junction estate. The Local Planning Strategy acknowledges a large number of caretaker's dwellings located in Wedgefield which are considered incompatible with the heavy industry uses.

The strategy response in section 4.5.7 of the Local Planning Strategy states:

In response to the issues identified in the older part of Wedgefield, it is proposed to zone this part 'Light Industry', while recognising the existing legitimate caretakers' dwellings as having 'additional use' rights. The existing general industrial and transport depot uses would retain 'non-conforming use' rights; however, the light industrial zoning would prevent further proliferation of both caretakers' dwellings and general industrial uses in this part of Wedgefield.

The Local Planning Strategy recognises that existing caretaker's dwellings within Wedgefield are incompatible with the surrounding industrial activities and intent of the zones under LPS7, and seeks to prevent the further proliferation of caretaker's dwellings in the locality.

The proposed amendment seeks to remove the additional use of caretaker's dwelling applicable to the subject site under LPS7 and aligns with the objectives of the Local Planning Strategy, which seeks to ultimately limit caretaker's dwellings in the Wedgefield locality and reduce land use conflicts. Accordingly, the proposed amendment is entirely consistent with the Local Planning Strategy.

TEXT MODIFICATION PAGE

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF PORT HEDLAND

LOCAL PLANNING SCHEME NO. 7 - AMENDMENT NO. 4

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 local planning scheme by:

- Removing reference to Lot 5781 (18) Schillaman Street, Wedgefield from Additional Use A1 in Table 5 – Specified additional uses for zoned land in Scheme area as follows:

No.	Description of Land	Additional Use	Conditions
A1	<p>Lot 5543 (10), Lot 1003 (9), Lot 1004 (7), Lot 1005 (5), Lot 3 (3), Lot 2 (1) Trig Street, Wedgefield</p> <p>Lot 4 (11), Lot 3 (13), Lot 2 (15), Lot 1 (17), Lot 100 (19), Lot 2600 (21), Lot 2501 (23), Lot 2502 (25), Lot 2503 (27), Lot 5407 (12), Lot 972 (14) Leehey Street, Wedgefield</p> <p>Lot 5539 (27), Lot 5540 (25), Lot 5208 (21), Lot 3011 (19), Lot 3013 (15), Lot 5834 (40), Lot 2113 (38), Lot 2114 (36), Lot 1642 (34), Lot 2445 (32), Lot 2446 (30), Lot 2447 (28), Lots 1807 and 2450 (20-22), Lot 1808 (18), Lot 2508 (12), Lot 2509 (10), Lot 2510 (8), Lot 2505 (21), Lot 2506 (5) Moorambine Street, Wedgefield</p> <p>Lot 50 (9), Lot 4 (1), Lot 981 (6) Sandhill Street, Wedgefield</p> <p>Lot 2051 (4) Miller Street, Wedgefield</p>	Caretaker's dwelling	<p>(1) In considering applications for development approval, the local government shall have regard for:</p> <p>(a) The potential impacts of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products from existing or proposed developments on any existing or proposed caretaker's dwelling; and</p> <p>(b) the potential for exposure to risks and hazards associated with the location of a caretaker's dwelling in proximity to any other development, and in this regard may refer an application for planning approval to the Environmental Protection Authority for advice or assessment of risks and hazards.</p> <p>(2) When assessing applications for development approval the local government may require applicants to provide information and technical</p>

<p>Lot 5516 (3), Lot 2476 (5), Lot 119 (9), Lot 116 (17), Lot 2485 (23-23a), Lot 5778 (10-12), Lot 5779 (10-12), Lot 5279 (8), Lot 3820 (6), Lot 1029 (4) Ridley Street, Wedgefield</p> <p>Lot 1401 (36), Lot 1402 (24), Lot 6 (24), Lot 1024 (20), Lot 1023 (18), Lot 3264 (16), Lot 3265 (14), Lot 1021 (12), Lot 1020 (10), Lot 1011 (6), Lot 2 (4) Pinnacles Street, Wedgefield</p> <p>Lot 1028 (4), Lot 1 (2), Lot 1002 (3) Taaffee Street, Wedgefield</p> <p>Lot 3001 (20), Lot 50 (18), Lot 1032 (16), Lot 1033 (14), Lot 1012 (15), Lot 1013 (13), Lot 1014 (11), Lot 2 (9), Lot 1016 (7), 1017 (5), Lot 1019 (1), Lot 10 (4) Murrena Street, Wedgefield</p> <p>Lot 11 (5) Pinga Street Wedgefield, Wedgefield</p> <p>Lot 5896 (22), Lot 5895 (20), Lot 5893 (16) Manganese Street, Wedgefield</p> <p>Lot 5840 (36), Lot 5841 (34), Lot 5842 (32), Lot 5843 (30), Lot 5844 (28), Lot 5848 (20), Lot 5849 (18), Lot 5850 (16), Lot 5852 (12), Lot 5853 (10), Lot 5854 (8), Lot 5546 (33), Lot 5547 (31), Lot 3771 (27), Lot 3797 (25), Lot 3798 (23), Lot 3800 (19), Lot 3783 (15), Lot 3784 (13), Lot 3786 (9), Lot 5274 (5), Lot 5544 (35), Lot 3766 (37), Lot 3765 (39), Lot 3764 (41) Harwell Way, Wedgefield</p>		<p>assessments of the potential emissions, risks and hazards of existing and proposed non-residential development on existing and proposed caretaker's dwellings.</p> <p>(3) The local government may require a notification pursuant to section 70A of the Transfer of Land Act 1983 to be placed on the Certificate(s) of Title of the subject land, at the cost of the landowner and to the satisfaction of the local government stating that:</p> <p>(a) they are aware of the potential impacts of emissions and risks and hazards associated with such caretaker's dwellings being located in proximity to all, or particular developments, within the Wedgefield Industrial Area; and</p> <p>(b) the local government is not liable for any damage caused by exposure to emissions, risks or hazards and no legal action shall be taken against the local government in this regard.</p> <p>(4) Caretaker's dwellings are restricted to the maximum floorspace as approved at the time of gazettal of Local Planning Scheme No. 7.</p>
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<p>Lot 3772 (22), Lot 3773 (20), Lot 3775 (16), Lot 3776 (14), Lot 3779 (8), Lot 3782 (2), Lot 3806 (9), Lot 3805 (7), Lot 3804 (5), Lot 3803 (3), Lot 3802 (1) Carlindie Way, Wedgefield</p> <p>Lot 1 (1), Lot 5782 (20), Lot 3794 (14-16), Lot 3793 (14-16), Lot 3791 (10), Lot 3790 (8), Lot 3789 (6), Lot 3788 (4), Lot 3787 (2), Lot 2 (3), Lot 375 (19), Lot 1670 (15), Lot 5277 (9) Munda Way, Wedgefield</p> <p>Lot 3767 (2), Lot 5529 (4), Lot 3758 (1), Lot 3757 (3) Kangan Way, Wedgefield</p> <p>Lot 1679, Lot 3756 (20), Lot 5276 (8) Cajarina Road, Wedgefield</p> <p>Lot 3813 (1), Lot 3812 (3) Lot 3811 (5) Lot 3810 (7) Lot 3808 (9-11) Lot 3807 (13) Pardoo Street, Wedgefield</p> <p>Lot 2 (4) Draper Street, Wedgefield</p> <p>Lot 984 (15), Lot 985 (11-13), Lot 3837 (9), Lot 989 (3), Lot 990 (1), Lot 11 (4-6), Lot 12 (4-6), Lot 5179 (4-6) Peawah Street, Wedgefield</p> <p>Lot 2504 (9), Lot 11 (7), Lot 2955 (5), Lot 102 (1A), Lot 101 (1), Lot 2948 (4), Lot 3754 (6), Lot 2060 (10), Lot 555 (14), Lot 1638 (18) Yanana Street, Wedgefield</p> <p>Lot 2059 (1), Lot 101 (4), Lot 102 (4A), Lot 103 (6-7), Lot 1 Abydos Place, Wedgefield</p> <p>Lot 1633 (10), Lot 1632 (12), Lot 1631 (14), Lot 5781 (18), Lot 5857 (20) Schillaman Street, Wedgefield</p>		
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A2	Lot 1 (2) Hamilton Road, South Hedland Lot 1003 (9) Throssel Road, South Hedland	Motor vehicle, boat or caravan sales Motor Vehicle Repair	
A3	Part Lot 370 Wedgefield Part reserve 29082 As depicted on the Scheme Map.	Concrete batching - 'D' Asphalt batching - 'D' Concrete and asphalt storage - 'D'	

- Modifying Local Planning Scheme No. 7 Map No. 8 by removing the Additional Use A1 overlay applicable to Lot 5781 (18) Schillaman Street, Wedgefield.

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Town of Port Hedland at the Ordinary Meeting of the Council held on the 30th day of August, 2023.

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MAYOR

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CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Town of Port Hedland at the Ordinary Meeting of the Council held on the 30th day of August, 2023, proceed to advertise this amendment.

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MAYOR

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CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Town of Port Hedland at the Ordinary Meeting of the Council held on the 30th day of August, 2023, 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:

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MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

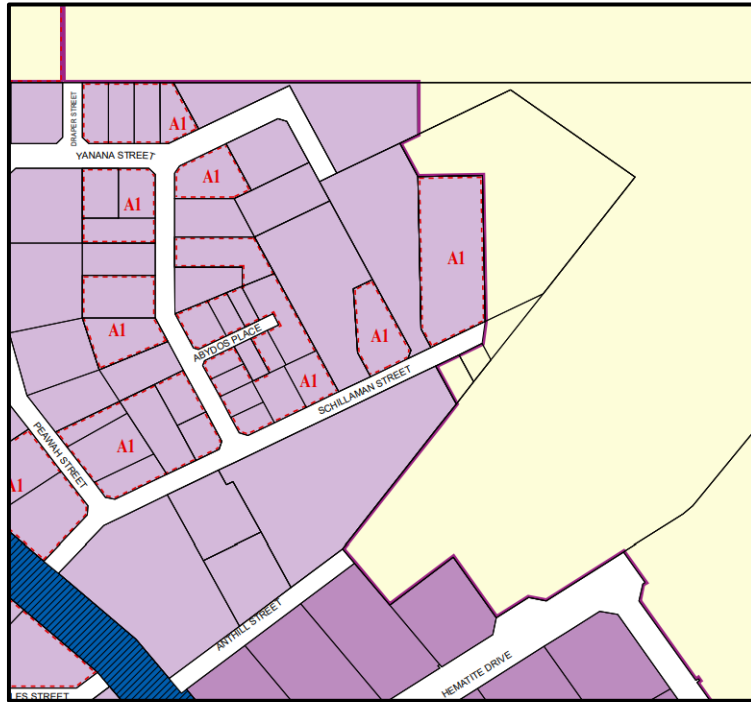
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DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

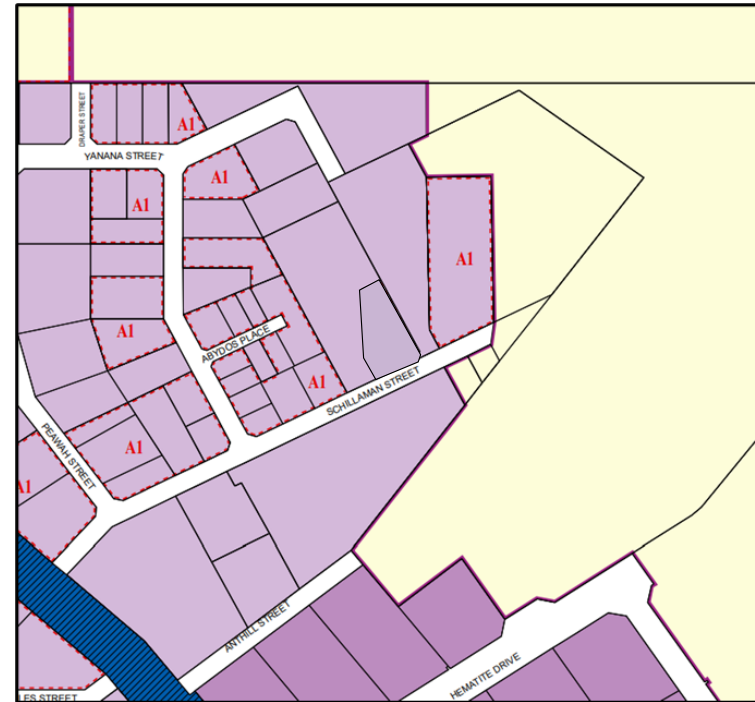
Approval Granted

.....
MINISTER FOR PLANNING

DATE






Existing Zoning




Proposed Zoning

Local Scheme Zones

-  General Industry
-  Industrial Development
-  Light Industry

Other Categories (see scheme text for additional information)

-  **A1** Additional Uses

Town of Port Hedland

Local Planning Scheme No. 7
(District Scheme)

