

Amendment No. 71 Boodarie Strategic Industrial Area

Town of Port Hedland Town Planning Scheme No. 5
October 2014

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PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND TOWN PLANNING SCHEME

TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO. 5

AMENDMENT NO. 71

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

1. Inserting a new sub-clause (i) into clause 5.2.1 as follows:

“(i) Strategic Industry Zone”.

2. Inserting a new clause as clause 5.3.10 as follows:

“Boodarie Strategic Industrial Area

- (a) Establish synergies and clustering of co-located industries, transport and infrastructure, including port related and upstream industrial activities;*
- (b) Give priority to strategic resource processing industrial development comprising downstream processing such as iron ore processing, petro and gas processing, non-ferrous processing, noxious and port dependent processing, and other strategic industries;*
- (c) Promote proponent initiated industrial subdivision and development to facilitate strategic downstream resource processing;*
- (d) Enable support industries provided they are complementary to and offer goods and services that directly support and are compatible to downstream resource processing and other strategic industries;*
- (e) Facilitate local employment and economic growth opportunities through downstream resource processing and strategic industrial development.”*

3. In relation to section 7.2 Boodarie Industrial Buffer Special Control Area:

- a. Amending clause 7.2.1 to read as follows:

“Sensitive land uses shall not be permitted in the Boodarie Industrial Buffer Special Control Area. Sensitive land uses include, but are not limited to:

- All uses listed under the ‘Residential’ category of the zoning table;*
- Juvenile detention;*
- Restaurant;*
- Consulting Rooms;*
- Take-away Food Outlet;*
- Entertainment Venue;*
- Arts and Crafts Centre;*
- Child Care Service;*
- Place of Public Meeting;*
- Assembly or Worship;*
- Private Recreation;*
- Public Recreation;*
- Place of Animal Care;*
- Equestrian Centre;*

- *Industry-Cottage*

And any other use not listed above that may be considered a sensitive use as determined by the Council.”

- b. Amending clause 7.2.2 to read as follows:

“When considering applications for planning approval within the Boodarie Industrial Buffer Special Control Area, Council shall have regard to:

- (a) The Boodarie Strategic Industrial Area Development Plan;*
- (b) Whether the proposal is compatible with any existing or proposed future use or development within the Strategic Industry Zone;*
- (c) The existing, proposed or likely risks, hazards and nuisance (including but not limited to noise, odour and light) associated with the Strategic Industry Zone;*
- (d) The potential impacts of the proposal on the efficient development of the Boodarie Strategic Industrial Area; and*
- (e) Any other issue Council deems relevant”*

- c. Insert a new clause as clause 7.2.3 as follows:

“When considering an application for planning approval with respect to land wholly or partly within the Boodarie Industrial Buffer Special Control Area, the Council shall refer the proposal to the relevant State Government Agencies for comment.”

- d. Insert a new clause as clause 7.2.4 as follows:

“Prior to granting planning approval for development, including extraction, on land to which this clause applies the Council must consider:

- (a) The likelihood of the proposed development adversely affecting the efficiency and capacity of the Turner River and surrounding landscape to safely carry and discharge floodwaters, including any backwater flows; and*
- (b) The likelihood of the proposed development adversely affecting the safety of land zoned ‘Strategic Industry’ during flood events*

4. Rezoning portion of Lot 203 (Vol & Folio LR3128 641) on Deposited Plan 220594 from ‘Rural’ to reserve for ‘Other Public Purpose: Infrastructure’

5. Amend Appendix 2 by inserting the following additional use provisions:

No.	Description Of Land	Additional Use	Conditions
195	Lot 5164 Shoata Road, South Hedland	Public Recreation; Private Recreation; Equestrian Care	<ol style="list-style-type: none"> 1. The additional uses specified shall be deemed ‘SA’ use for the purposes of the Scheme. 2. Notwithstanding any other provision of the Scheme, the development of the additional uses specified shall not be approved unless it is demonstrated these uses are incidental to an existing use. 3. The Council in determining applications for planning consent for the additional uses specified shall have regard to clauses 7.2.2, 7.2.3 and 7.2.4. 4. Applications for planning consent for the additional uses specified shall demonstrate the proposed development does not prevent, inhibit or adversely affect, or itself be affected by, the development of any potential use within the Boodarie Strategic Industrial Area.

6. Amend Appendix 5 to identify the Boodarie Strategic Industrial Area as a Development Plan Area.
7. Amending Appendix 10 to change the title to 'Additional Requirements for Development Plan Areas' and inserting a new precinct for Boodarie Strategic Industrial Area with the following conditions:

"Boodarie Strategic Industrial Area:

- i. On-site and off-site buffers required to separate uses within industrial precincts and the Special Control Area from adjacent incompatible industrial or sensitive uses;*
 - ii. Implementation of the Boodarie Strategic Industrial Area District Water Management Strategy and in accordance with the water management guidance issued by the Department of Water;*
 - iii. Coordination of proponent provided infrastructure including road access, means of effluent disposal, water supply, power supply and other key infrastructure services;*
 - iv. Identification of Shared Infrastructure Corridors."*
8. Amend the Zoning Table by changing the permissibility of the following land uses within the 'Strategic Industry' zone:
 - (a) Fuel Depot from '~' to 'AA'; and*
 - (b) Transient Workforce Accommodation - from 'P' to '~'.*
 9. Amend the Scheme Map accordingly.

Dated this day of..... 2014

CHIEF EXECUTIVE OFFICER

1 Introduction

The Town of Port Hedland seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to the proposed Scheme Amendment.

1.1 OVERVIEW OF PROPOSAL

The proposed Scheme Amendment No. 71 seeks to:

1. Identify the Boodarie Strategic Industrial Area as a Development Plan Area under Appendix 5;
2. Insert Precinct Objectives for the Boodarie Strategic Industrial Area to indicate the preferred land uses and development and provide additional guidance for Council in determining development applications;
3. Modify Section 7.2 relating to the 'Boodarie Industrial Buffer Special Control Area' to provide more detailed guidance on land uses appropriate within the buffer and matters Council shall have regard to when determining and planning application;
4. Rezoning a portion of Lot 203 from 'Rural' to reserve for 'Other Purposes: Infrastructure, as indicated on the Scheme Amendment Map to allow for the construction of infrastructure linking the port to the Boodarie Strategic Industrial Area;
5. Inserting additional use provisions relating to Lot 5164 Shoata Road, South Hedland, which is located within the buffer, to allow the conditional continuation of the Golf Course and Horse Training Facility land uses;
6. Insert additional matters to be addressed by Development Plans for the 'Strategic Industry' zone in Appendix 10; and
7. Amending the zoning table to allow for the development of a 'Fuel Depot' within the Strategic Industry zone, subject to Council's discretion and the advertising of any proposal for that use; and changing 'Transient Workforce Accommodation' to a not permitted use.

Proposed Scheme Amendment No. 71 seeks to facilitate detailed planning for the Boodarie Strategic Industrial Area. The proposed change will provide a framework for the consideration and adoption of a Development Plan for the area to guide subdivision and development. Further, the future Development Plan will provide for the coordination of major, proponent driven infrastructure required to service the area.

1.2 CONTEXT

The Boodarie Strategic Industrial Area (BSIA) is situated in the Pilbara region, in the north-west of Western Australia. LandCorp in conjunction with the Department of State Development has been overseeing the progression of planning for what will become a major strategic industrial area. The most detailed planning undertaken for the area to date is the draft BSIA Development Plan.

The draft BSIA Development Plan will coordinate the detailed land use and development, including the provision of proponent funded services and infrastructure. This Development Plan was commissioned under the Heavy Use Industrial Lands Strategy (HUILS) to guide heavy industrial development in Boodarie, Port Hedland.

The Development Plan ensures that the State and National drive for diversified industry will be maintained, while balancing the needs of industrial users and sustainability of the local community.

To facilitate the incorporation of the BSIA Development Plan into the local planning framework, LandCorp has requested the Town of Port Hedland to initiate an Amendment to Town Planning Scheme No. 5 (TPS 5) to make several structural changes to the scheme text and rezone a portion of land from 'Rural' to reserve for 'Other Purposes: Infrastructure'.

These changes will provide for the adoption of the BSIA Development Plan by the Town of Port Hedland and provide for increased protection of industrial land from sensitive land uses. Further, the reservation of land as 'Other Purposes: Infrastructure' will provide for the future establishment of important infrastructure corridors central to the development of the BSIA.

2 Site Description

2.1 LOCATION

Located within the Town of Port Hedland, the BSIA is situated four kilometres west of the South Hedland town site and approximately 10 kilometres south west of the Port Hedland town site, as detailed in *Figure 1*.

The land subject to this proposed Amendment includes the land zoned 'Strategic Industry' and all land included within the 'Boodarie Industrial Buffer Special Control Area'. The subject site has direct access to the Great Northern Highway, identified as a Regional Freight Route, which straddles the eastern boundary of the 'Strategic Industry' zone. Further, the BSIA is located immediately south of the Port of Port Hedland and approximately 8km from the Port Hedland International Airport.

2.2 AREA AND LAND USE

The subject land consists of approximately 19,938 hectares of largely undeveloped land with small scale land uses in operation. The area zoned 'Strategic Industry' comprises 4,197 hectares while the land within the Boodarie Industrial Buffer SCA comprises 15,741 hectares. The uses currently in operation include sand extraction, mineral storage leases and power generation facilities. The site is bisected by a number of regional service mains, comprising the main infrastructure servicing the gas fired power station.

Further, the land within the buffer is bisected by several proposed and existing rail loops providing port access for various mining activities within the Pilbara region.

2.3 LEGAL DESCRIPTION AND OWNERSHIP

The subject site is currently subject to several leasehold land tenure arrangements and includes a number of lots and portions of lots. An extensive land tenure ordinance report undertaken by Whelans - *Current Land Use and Interests Report* is attached as Appendix A.

The majority of the land is currently held by the Crown and is the subject of the "Boodarie" Pastoral lease held by BHP Billiton (BHPB), the De Grey- Mullewa stock yard route, a Stock holding Reserve vested in the Town of Port Hedland and a number of General Purpose and Mining Leases for infrastructure and sand extraction purposes.

Further the land is subject to numerous power, gas and water easements, all of which are detailed in Appendix A.

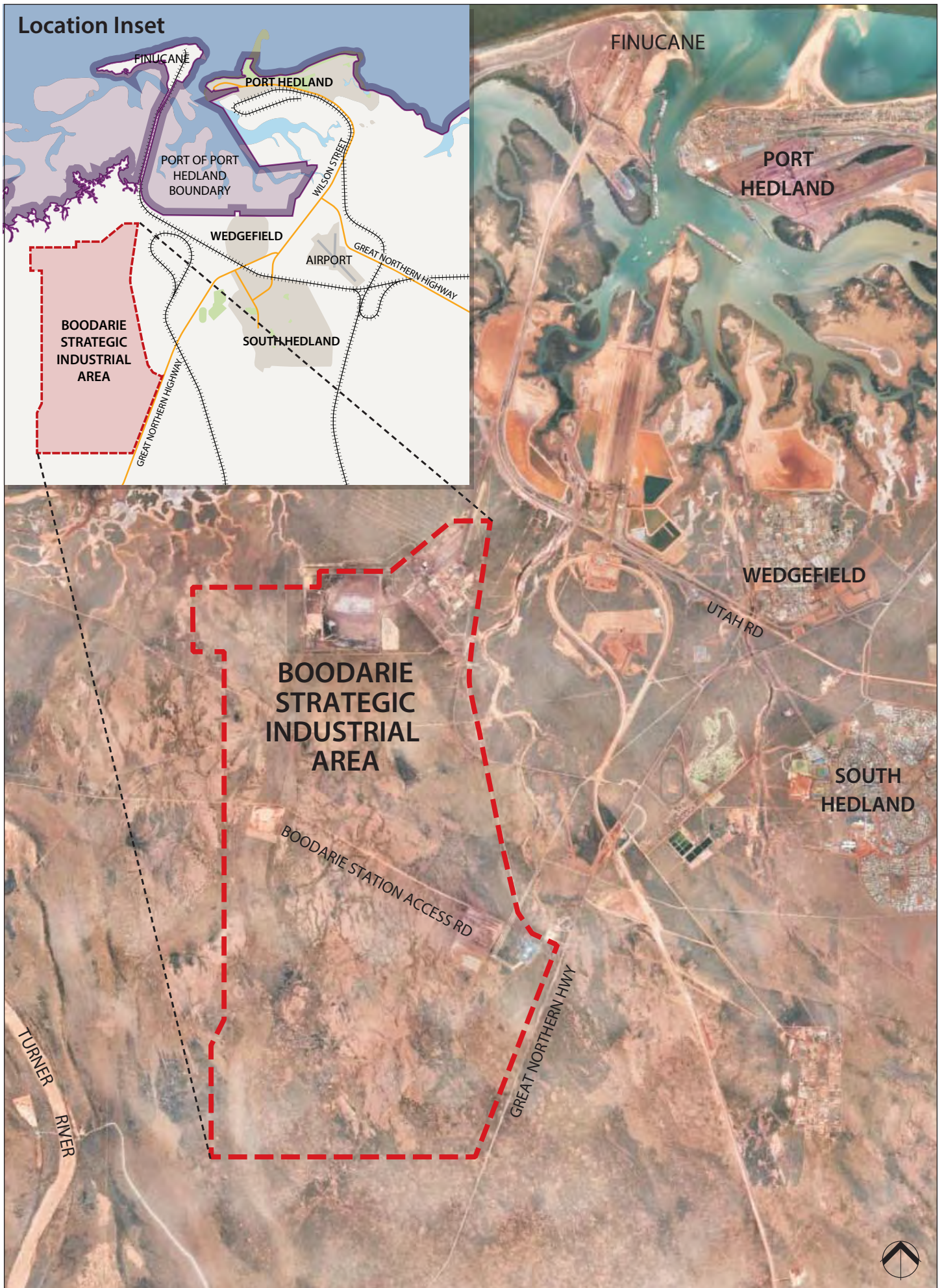


Figure 1 - Location Plan

BOODARIE STRATEGIC INDUSTRIAL AREA

DATE 20.03.2014

Level 1, 55 St Georges Tce,
Perth, WA 6000 Australia

DWG NO 001

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www.urbis.com.au

urban|design
plan|development



3 Proposal

3.1 STRATEGIC INDUSTRY ZONE

To enable the orderly and proper planning of the BSIA a Development Plan has been formulated to guide the future subdivision and development of the area. To enable the formal formulation and approval of the Development Plan, a range of modifications to the scheme are required, including:

1. Identify the Boodarie Strategic Industrial Area as a Development Plan Area under Appendix 5;
2. Insert additional matters to be addressed by Development Plans for the 'Strategic Industry' zone in Appendix 10;
3. Insert Precinct Objectives for the Boodarie Strategic Industrial Area to indicate the preferred land uses and development and provide additional guidance for Council in determining development applications; and
4. Amending the zoning table to allow for the development of a 'Fuel Depot' within the Strategic Industry zone, subject to councils discretion and the advertising of any proposal for that use; and changing 'Transient Workforce Accommodation' to a not permitted use.

The proposals outlined above will provide the framework for the adoption of a Development Plan for the BSIA. Further, the proposed changes will provide a greater level of certainty for Council and the proponents on the requirements for subdivision and development of the area.

3.1.1 DEVELOPMENT PLAN PROVISIONS

The requirement for a Development Plan and the process in which a Development Plan may be adopted is set out under section 5.2 of TPS 5. Specifically, clause 5.2.1 identifies the instances in which Council may require the preparation and adoption of a Development Plan prior to considering subdivision or development.

The existing provisions do not list the 'Strategic Industry' zone as requiring a Development Plan. Due to the scale and complexity of the BSIA project, a Development Plan is required to provide a coordinated approach to subdivision and development. The purpose of a Development Plan for the BSIA is to ensure the following objectives are met:

- To provide a framework to guide coordinated development of the subject site and future planning approvals in order to increase the potential for strategic industrial uses;
- To provide future applicants and industry with the necessary information to develop within the subject site;
- To establish specific infrastructure corridors that provide an essential link between the subject site and the Port Hedland Port (the Port); and
- To facilitate orderly and proper planning and development of the subject site through TPS 5 coupled with an identified estate management and approvals structure.

To enable the integration of the future Development Plan for the BSIA into TPS 5, the proposal seeks to amend clause 5.2.1 to insert the 'Strategic Industry' zone. The inclusion of the 'Strategic Industry' zone under this clause is required to ensure that no development may be permitted prior to the adoption of a Development Plan. This will ensure a coordinated approach is taken for the comprehensive planning of the BSIA.

In addition to clause 5.2.1 above, Appendix 5 of TPS 5 spatially identifies the Development Plan areas. To ensure consistency with the changes proposed for clause 5.2.1 outlined above, the Boodarie Strategic Industrial Area is required to be identified as a Development Plan Area in Appendix 5. The proposed amendment to Appendix 5 is depicted in Figure 2 below.

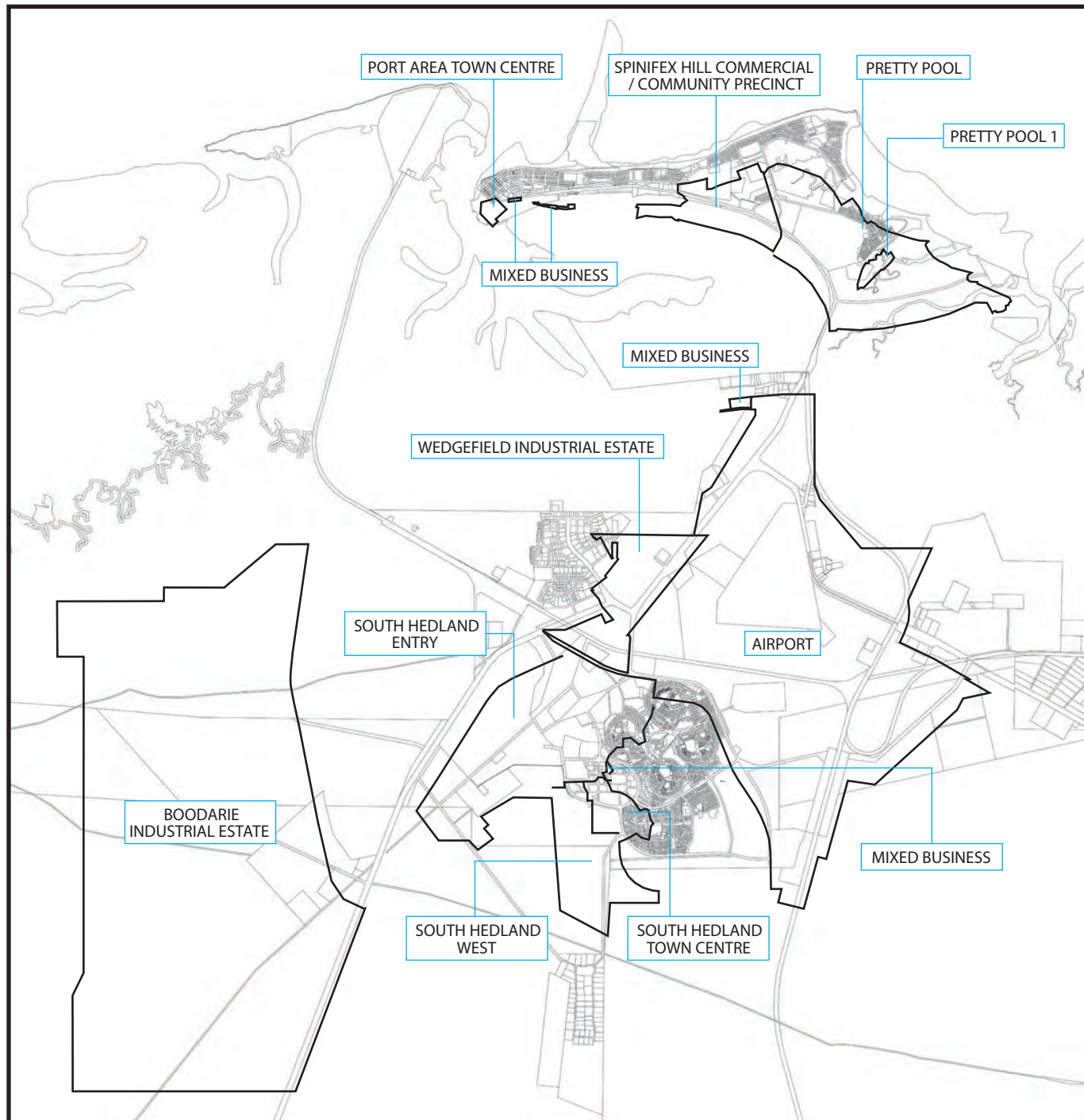


Figure 2 - Proposed Appendix 5

BOODARIE STRATEGIC INDUSTRIAL AREA

DATE 26.11.2013

DWG NO001

Level 1, 55 St Georges Tce,
Perth, WA 6000 Australia

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urban design
plan development



The BSIA is subject to unique site characteristics and allows for a broad range of industrial land uses. Therefore any Development Plan must address these aspects to ensure the area is developed in an orderly and proper manner. To this effect, the amendment proposes to expand the function of Appendix 10 to site specific requirements for all precinct development and insert specific provisions for the BSIA.

Currently, Appendix 10 is limited to providing for additional requirements relating to specific areas zoned 'Urban Development'. This amendment proposed the renaming of Appendix 10 to 'Additional Requirements for Precincts' so that specific requirements for all precincts identified under Appendix 5 may be inserted. Additionally, specific requirements to be addressed a Development Plan for the BSIA are proposed to be inserted under Appendix 10. These requirements include:

- On-site and off-site buffers required to separate uses within industrial precincts and the Special Control Area from adjacent incompatible industrial or sensitive uses;
- Implementation of the Boodarie Strategic Industrial Area District Water Management Strategy and in accordance with the water management guidance issued by the Department of Water;
- Coordination of proponent provided infrastructure including road access, means of effluent disposal, water supply, power supply and other key infrastructure services; and
- Identification of Shared Infrastructure Corridors.

The proposed requirements seek to ensure the unique, site specific considerations of the BSIA may be appropriately addressed at the detailed planning stage.

3.1.2 PRECINCT PROVISIONS

Section 5.3 of TPS 5 sets out precinct objectives for each of the Development Plan areas identified in Appendix 5. Generally, the key purpose of the precinct objectives is to indicate the preferred land use and development within the Development Plan areas. Further, the objectives provide additional guidance of Council when determining applications for planning approval.

To reflect the proposed amendments to clause 5.2.1 and Appendix 5, a new clause 5.3.10 is required to be inserted to identify objectives for the BSIA. The proposed objectives are:

- a. Establish synergies and clustering of co-located industries, transport and infrastructure, including port related and upstream industrial activities;
- b. Give priority to strategic resource processing industrial development comprising downstream processing such as iron ore processing, petro and gas processing, non-ferrous processing, noxious and port dependent processing, and other strategic industries;
- c. Promote proponent initiated industrial subdivision and development to facilitate strategic downstream resource processing;
- d. Enable support industries provided they are complementary to and offer goods and services that directly support and are compatible to downstream resource processing and other strategic industries;
- e. Facilitate local employment and economic growth opportunities through downstream resource processing and strategic industrial development.

The inclusion of the above objectives for the BSIA will ensure future development within the area is consistent with the overall purpose to provide for specialised industrial development.

3.2 BOODARIE INDUSTRIAL BUFFER SPECIAL CONTROL AREA

TPS 5 includes existing land use controls under the zoning table and section 7.2, which relate to the Boodarie Industrial Buffer SCA. Notwithstanding these controls, the development of sensitive uses in

proximity to the 'Strategic Industry' zone, which may compromise operations in the future, remains a significant risk.

Further, investigations undertaken as part of the BSIA Development Plan have indicated potential for increased flood risk as a result of future activities. The investigations found that the modification of the levels of the Turner River East Bank and a significant sand ridge straddling the western boundary of the 'Strategic Industry' zone may result in significantly increased flood risk for the BSIA.

The amendment seeks to provide clear land use controls for the Boodarie Industrial Buffer SCA through the proposed changes outlined below:

- Amending clause 7.2.1 to prohibit sensitive land uses from being developed within the Boodarie Industrial Buffer SCA;
- Amending clause 7.2.2 to introduce additional considerations when determining a planning application within the Boodarie Industrial Buffer SCA;
- Inserting a new clause 7.2.3 to require the referral of planning applications within the Boodarie Industrial Buffer SCA to the relevant State Government Agencies (Department of State Development and WA Land Authority) for comment;
- Inserting a new clause 7.2.4 to require further investigation of flood risk for any development, including extraction, within the Boodarie Industrial Buffer SCA; and
- Amending Appendix 2 by inserting additional use provisions for Lot 5164 Shoata Road, South Hedland to enable the conditional, ongoing operation of the existing Golf Course and Horse Training facility.

3.2.1 LAND USE CONTROL

The BSIA comprises a significant investment precinct for future proponents and the integrity of industrial land must be maintained to ensure the areas success. The zoning table under TPS 5 ensures the 'Strategic Industrial' zone is adequately protected from uses that may compromise the development of the land for industrial purposes. However, the land included in the Boodarie Industrial Buffer SCA is zoned 'Rural' and currently lacks specific land use controls under section 7.2.

There are a number of sensitive land uses that may be developed in proximity to the 'Strategic Industry' zone. Therefore it is necessary to provide a higher level of control in regard to land use permissibility within the Boodarie Industrial Buffer SCA. The control of sensitive land uses involves amending clause 7.2.1 and clause 7.2.2, and inserting a new clause 7.2.3.

Amending clause 7.2.1 will set out a range of uses considered to be sensitive to industrial development that shall not be permitted within the Boodarie Industrial Buffer SCA. The prohibition of sensitive uses within the area will ensure that the integrity of industrial land is not compromised.

To supplement the change above, clause 7.2.2 will be amended to set out revised matters to be given regard when considering an application for planning approval. This amendment will ensure that the determination of a planning application involves the careful consideration of the effect it may have on the 'Strategic Industry' zone.

The insertion of new clause 7.2.3 will require that all applications for planning approval for land within the Boodarie Industrial Buffer SCA be referred to the Department of State Development and LandCorp for comment. This will ensure that all of the potential impacts of any proposed development will be identified and appropriately considered.

3.2.2 TURNER RIVER

GHD undertook a study on Hydrologic and Hydraulic Analysis of the Turner River Catchment, west of the 'Strategic Industry' zone, to assess implications for the Development Plan. The results of this are summarised below, with the full report attached at Appendix B. This study conducted hydraulic modelling of the Turner River to estimate the peak 100 year water levels and to subsequently highlight

constraints on the 'Strategic Industry' zone.

The study highlighted:

- Flood levels associated with the Turner River and potential effects and risks.
- Options for future sand mining around the Turner River.

The 'Strategic Industry' zone is currently afforded flood protection by the sand ridge adjacent to the Turner River. The 100 year ARI flood levels are contained within the low lying valley between Turner River flood plain east bank and the sand ridge.

In order to ensure this level of protection remains and the operations of the future BSIA are not compromised by further sand mining operations, the recommendations include:

- Provide for mining of the sand ridge subject to BSIA drainage levels. This is on the proviso that levels remain above the 100 year peak flood level (plus 500mm freeboard).
- Construct a levee between the two ridges to eliminate flood water within the low lying valley. This would provide for mining in line with the BSIA drainage levels.
- Provide for mining of the sand ridge to an extent which maintains a bund at a height consistent with the peak flood level and 500mm freeboard.

The Turner River East Bank contains flooding from the Turner River for a 1:100 event. Similarly, the sand ridge described above provides the 'Strategic Industry' zone with protection from the flood levels resulting from a backwater from the Turner River during such events.

The investigations undertaken indicate that the future development, including sand extraction, may result in the decrease of the levels of these natural barriers. The alteration of levels has been found to potentially compromise the ability for these barriers to provide adequate protection to the 'Strategic Industry' zone from significant flood events. To this effect the amendment proposes the insertion of a new clause 7.2.4 to ensure that potential flooding from the Turner River is appropriately considered when determining applications for planning approval.

3.2.3 ADDITIONAL USES

The Boodaire Industrial Buffer SCA includes the majority portion of Lot 5164 Shoata Road, South Hedland, which currently accommodates a golf course and horse training facility. These uses fall under the land use definitions of Private Recreation/Public Recreation and Equestrian Centre, respectively. These existing uses have been in operation for some time and are well established.

The proposed change to clause 7.2.1 identifies these land uses as sensitive uses and therefore not permitted within the Boodarie Industrial Buffer SCA. Therefore the existing development on Lot 5164 for the golf course and horse training facility would become non-conforming uses under TPS 5. It is considered this scenario would result in unnecessary restrictions on the continuation and potential expansion of these lands uses. To avoid this scenario the amendment proposes the insertion of additional use provisions for Lot 5164 Shoata Road, South Hedland as follows:

No.	Description Of Land	Additional Use	Conditions
195	Lot 5164 Shoata Road, South Hedland	Public Recreation; Private Recreation; Equestrian Care	<ol style="list-style-type: none">1. The additional uses specified shall be deemed 'SA' use for the purposes of the Scheme.2. Notwithstanding any other provision of the Scheme, the development of the additional uses specified shall not be approved unless it is demonstrated these uses are incidental to an existing use.3. The Council in determining applications for planning consent for the additional uses specified shall have regard to clauses 7.2.2, 7.2.3 and 7.2.4.

			4. Applications for planning consent for the additional uses specified shall demonstrate the proposed development does not prevent, inhibit or adversely affect, or itself be affected by, the development of any potential use within the Boodarie Strategic Industrial Area.
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The proposed provisions above would allow for these land uses to consider extensions to their premises but also ensure that any such proposal would not impact on the development of BSIA.

3.3 PROPOSED RESERVATION OF LAND

The BSIA is completely contained within the 'Strategic Industrial' zone; however, infrastructure corridors required for the integration of the BSIA with the Port will be located partly on land currently zoned 'Rural' on Lot 203. The infrastructure corridors are crucial to the successful development and operation of the BSIA and require protection from the potential development of other land uses.

The development of this land in accordance with its current zoning could compromise the construction of the corridors and therefore it is considered appropriate to reserve the land under TPS 5 to protect it in perpetuity.

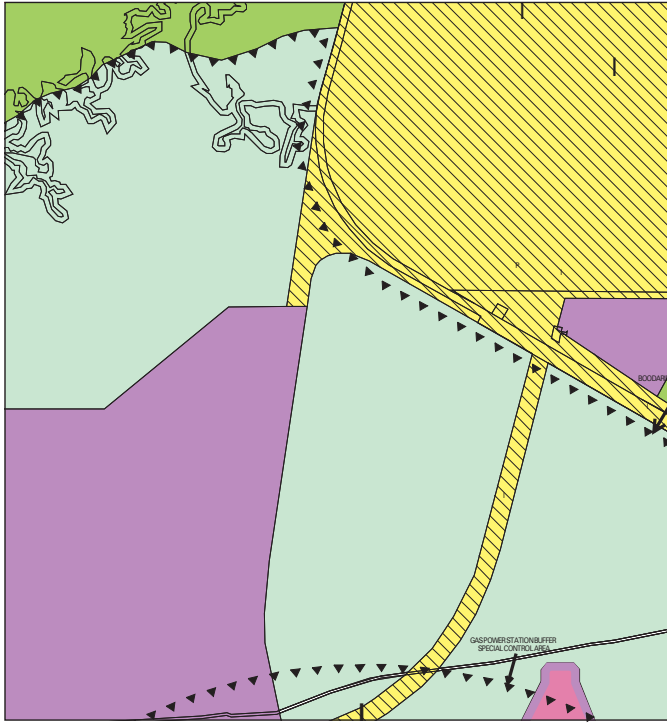
Part II of TPS 5 sets out the specific provisions relating to reserves. Clause 2.1 outlines the various categories of reserves that may be made under TPS 5. The category applied to a reserve must reflect the intended use or development of the reserved land. In this case the most appropriate reserve to protect in perpetuity, land required for the future development of infrastructure corridors associated with the BSIA is 'Other Purposes: Infrastructure'.

The reservation of the subject land as 'Other Purposes: Infrastructure' will provide controls under clause 2.2 and 2.3 of TPS 5. Clause 2.2 outlines the requirement for Council approval prior to any development within a reserve; and clause 2.3 outlines the matters to be considered by Council in determining an application for planning approval for land reserved under TPS 5. Importantly, these considerations include:

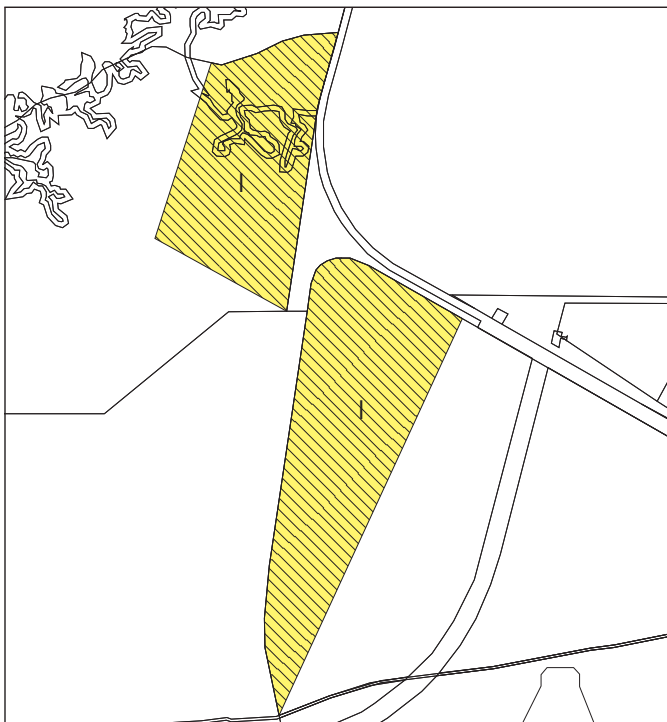
- (a) having regard to the ultimate purpose intended for the reservation,
- (b) having regard for the intentions of agencies with responsibility for managing and developing the reservation, and
- (c) conferring with the organisations it considers relevant to the reservation and the proposed use or development.

It is considered that the reservation of the subject land as 'Other Purposes: Infrastructure' is appropriate and necessary for the ongoing protection of land required for infrastructure corridors associated with the BSIA. The amendment proposes rezoning portion of Lot 203 from 'Rural' to 'Other Purposes: Infrastructure' as depicted in the Scheme Amendment Map in Figure 3.

TOWN OF PORT HEDLAND LOCAL PLANNING SCHEME NO.5 AMENDMENT NO. 71





EXISTING ZONING






PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES

-  CONSERVATION RECREATION AND NATURAL LANDSCAPES
-  OTHER PUBLIC PURPOSES DENOTED AS FOLLOWS:
 - P PORT FACILITIES
 - I INFRASTRUCTURE

ZONES

-  INDUSTRIAL DEVELOPMENT
-  STRATEGIC INDUSTRY
-  RURAL

OTHER

- ▲▲▲▲ SPECIAL CONTROL AREAS



0  2.5 Km

4 Planning Framework

4.1 STRATEGIC PLANNING FRAMEWORK

4.1.1 DRAFT STATE PLANNING STRATEGY

The Western Australian Planning Commission (WAPC) released the Draft State Planning Strategy for public comment in December 2012. The strategy provides a collaborative approach to planning within Western Australia, reflecting the need to inform the planning framework in light of the growth and change occurring within the various sectors.

Key strategic directions are set out to influence the development of Western Australia. The strategic directions and objectives relevant to the development of the BSIA can be summarised as:

- Facilitating coordinated and sustainable economic development through innovation and diversity in development and investment in infrastructure.
- Facilitating a sustainable supply of affordable land for future development, particularly in regional hotspots.

The Draft State Planning Strategy identifies the North West Sector as a key contributor to Australia's GDP. This is primarily driven by the expansion in the resources sector and ever increasing demands. The Strategy outlines the opportunities for growth within both the economic and social sector, identifying the key interdependencies between economic and population growth.

Diversification of economic developments and business operations is encouraged in order to secure a sustainable economic future for the North West Sector.

The approaches set out within the Strategy to achieve the relevant objectives include:

- Ensure an appropriate and unconstrained land supply is available.
- Ensure the required infrastructure is in place to support growth and development.
- Provide opportunities for diversification in the economy.
- Promote Industrial Ecology and clustering of ancillary industries.
- Ensure appropriate accessibility is provided through movement networks and connections within Western Australia, nationally and internationally.
- Encourage development to occur in defined precincts to avoid incompatible uses restricting development.

The development of the BSIA is in line with the objectives of the Draft State Planning Strategy. Amendment No. 71 facilitates the development of strategic industrial land which provides additional support industries to the existing economic drivers within Port Hedland.

4.1.2 PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK

Prepared by the WAPC, the Pilbara Planning and Infrastructure Framework (2012) sets the strategic framework for the Pilbara region to 2035.

The Framework acknowledges that an increase in population within the region will need to be supported by a robust, diverse and sustainable economy. The initial diversification is to stem from the industry supply chain and downstream resource processing. Future diversity is seen to come from an increase in knowledge based industries and increased export capacity.

A well connected transport network is highlighted as a key component in the expansion of economic activity within the Pilbara. Providing for accessibility and connectivity through individual transport networks and between various modes of transportation is required. Facilitating locally, regionally, nationally and internationally connected networks which can be utilised in all weather conditions is paramount in the ongoing viability of development within the region.

The need to supply significant amounts of industrial land to support the expansion of existing projects and facilitate future development is acknowledged. The unique drivers for land are recognised, as are the requirements for large areas of land to meet operational requirements. Strategic Industrial Areas, including the BSIA will provide for much of the demand as outlined within the HUILS.

4.1.3 HEAVY USE INDUSTRIAL LAND STRATEGY

HUILS identified key new industrial estates for the development of heavy industry within Western Australia. It aimed to facilitate the initial stages of these estates to reach project ready status and allow significant industrial developments to be established. DSD is responsible for implementing the strategy and funding has been allocated to enable this.

The BSIA was identified as a priority estate by DSD on the basis of its significant potential to support downstream processing in Port Hedland. DSD has progressed the initial planning phase, leading to the preparation of this scheme amendment in facilitating the integration of a future Development Plan into TPS 5.

4.1.4 PORT HEDLAND AREA PLANNING STRATEGY

The Port Hedland Area Planning Study (2003) (PHAPS) provides a framework to guide State decision-making and detailed planning at the local level for a planning horizon of 20 to 25 years.

The PHAPS identified the potential for downstream resource processing associated with the resource extraction project which were at the time, being established in the locality.

The need to provide land and infrastructure to provide for the diversifying economy was acknowledged. The Strategy aims to provide for the indicative planning needs, land uses, expansion areas, and future infrastructure within Port Hedland in order to avoid land use conflicts and promote development.

The establishment of the BSIA is a pro-active approach in order to provide land and infrastructure in a suitable location for strategic industry. The Strategy envisages the BSIA as having a heavy industry core surrounded by support industry, with linkages to the port of Port Hedland.

4.1.5 PILBARA'S PORT CITY GROWTH PLAN

This Town of Port Hedland document provides high level, strategic guidance for the future development of South Hedland, Port Hedland and surrounding areas. The Town of Port Hedland and WAPC endorsed the Pilbara's Port City Growth Plan in December 2012 as the Town's Local Planning Strategy, replacing the Land Use Master Plan 2008.

The growth plan seeks to deliver sustained and diversified economic growth, population growth and to enhance community and environmental opportunities through the revitalisation of the Town of Port Hedland locality.

Industrial growth within Port Hedland is to allow for the orderly release of industrial land to allow for economic growth across a range of industries. Land within planned industrial areas such as BSIA is to be released in order to facilitate the movement of heavier/noxious industry from the existing industrial areas, and allow for the expansion of additional heavy/strategic industry.

The growth plan allows for flexibility in planning areas through the use of precincts. This allows local level planning to occur in a manner which responds to the opportunities and challenges that occur as the Port Hedland locality grows.

4.2 STATUTORY PLANNING FRAMEWORK

4.2.1 TOWN OF PORT HEDLAND TOWN PLANNING SCHEME NO. 5

The BSIA is zoned Strategic Industry under the Town of Port Hedland TPS 5 (Refer *Figure 4*). In addition, TPS 5 identifies the BSIA as being contained within the boundary of the Boodarie Industrial Buffer Special Control Area.

Parts V to VII of TPS 5 require comprehensive planning to be undertaken prior to strategic industrial development occurring on land within the Strategic Industry zone.

Under TPS 5 the intent of the Strategic Industry Zone is to accommodate strategic industrial development, and restrict development which may obstruct the operation of such activities.

When considering development within the Strategic Industry Zone the Council is required to ensure:

- The optimal effectiveness of the zone as a strategic industrial area, which utilises major infrastructure, synergies between other industries and enables downstream resource processing;
- Development is economically significant at either a regional or national level;
- Development will directly provide goods and services to support or complement existing industry; or
- It will not generate significant effects on the infrastructure, economy or community of the local area.

In order to assist in protecting the development and operation of the BSIA, additional controls are applied under TPS 5 for the Boodarie Industrial Buffer Special Control Area, within which the BSIA is located.

All applications for development under TPS 5 will be assessed and determined by Council including consultation with relevant State departments and other relevant authorities to ensure the proposal does not conflict with intentions for industry and infrastructure development in the zone.

Land Use Permissibility is outlined within the Zoning Table of TPS 5. Table 1 of the Scheme outlines the uses which can be established within the Strategic Industry Zone:

5 Conclusion

The proposed Scheme Amendment will facilitate the priority development industrial land within Port Hedland, responding to current and future demand within the town. On this basis, LandCorp has prioritised planning for the Boodarie Strategic industrial Area, which is supported by the State strategic planning framework and the Town's planning instruments.

It is therefore respectfully requested that the Town of Port Hedland initiate Scheme Amendment No. 71 to enable referral to the Environmental Protection Authority and public advertising.

Planning and Development Act 2005

TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO. 5

AMENDMENT NO. 71

AS ADVERTISED

The Town of Port Hedland under and by virtue of the powers confirmed upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above Town Planning Scheme by:

1. Inserting a new sub-clause (i) into clause 5.2.1 as follows:

“(i) Strategic Industry Zone”.

2. Inserting a new clause as clause 5.3.10 as follows:

“Boodarie Strategic Industrial Area

- (a) Establish synergies and clustering of co-located industries, transport and infrastructure, including port related and upstream industrial activities;*
- (b) Give priority to strategic resource processing industrial development comprising downstream processing such as iron ore processing, petro and gas processing, non-ferrous processing, noxious and port dependent processing, and other strategic industries;*
- (c) Promote proponent initiated industrial subdivision and development to facilitate strategic downstream resource processing;*
- (d) Enable support industries provided they are complementary to and offer goods and services that directly support and are compatible to downstream resource processing and other strategic industries;*
- (e) Facilitate local employment and economic growth opportunities through downstream resource processing and strategic industrial development.”*

3. In relation to section 7.2 Boodarie Industrial Buffer Special Control Area:

- a. Amending clause 7.2.1 to read as follows:

“Sensitive land uses shall not be permitted in the Boodarie Industrial Buffer Special Control Area. Sensitive land uses include, but are not limited to:

- All uses listed under the ‘Residential’ category of the zoning table;*
- Juvenile detention;*
- Restaurant;*
- Consulting Rooms;*
- Take-away Food Outlet;*
- Entertainment Venue;*
- Arts and Crafts Centre;*
- Child Care Service;*
- Place of Public Meeting;*
- Assembly or Worship;*
- Private Recreation;*
- Public Recreation;*
- Place of Animal Care;*

- Equestrian Centre;
- Industry-Cottage

And any other use not listed above that may be considered a sensitive use as determined by the Council.”

b. Amending clause 7.2.2 to read as follows:

“When considering applications for planning approval within the Boodarie Industrial Buffer Special Control Area, Council shall have regard to:

- (a) The Boodarie Strategic Industrial Area Development Plan;*
- (b) Whether the proposal is compatible with any existing or proposed future use or development within the Strategic Industry Zone;*
- (c) The existing, proposed or likely risks, hazards and nuisance (including but not limited to noise, odour and light) associated with the Strategic Industry Zone;*
- (d) The potential impacts of the proposal on the efficient development of the Boodarie Strategic Industrial Area; and*
- (e) Any other issue Council deems relevant”*

c. Insert a new clause as clause 7.2.3 as follows:

“When considering an application for planning approval with respect to land wholly or partly within the Boodarie Industrial Buffer Special Control Area, the Council shall refer the proposal to the relevant State Government Agencies for comment.”

d. Insert a new clause as clause 7.2.4 as follows:

“Prior to granting planning approval for development, including extraction, on land to which this clause applies the Council must consider:

- (a) The likelihood of the proposed development adversely affecting the efficiency and capacity of the Turner River and surrounding landscape to safely carry and discharge floodwaters, including any backwater flows; and*
- (b) The likelihood of the proposed development adversely affecting the safety of land zoned ‘Strategic Industry’ during flood events*

4. Rezoning portion of Lot 203 (Vol & Folio LR3128 641) on Deposited Plan 220594 from ‘Rural’ to reserve for ‘Other Public Purpose: Infrastructure’

5. Amend Appendix 2 by inserting the following additional use provisions:

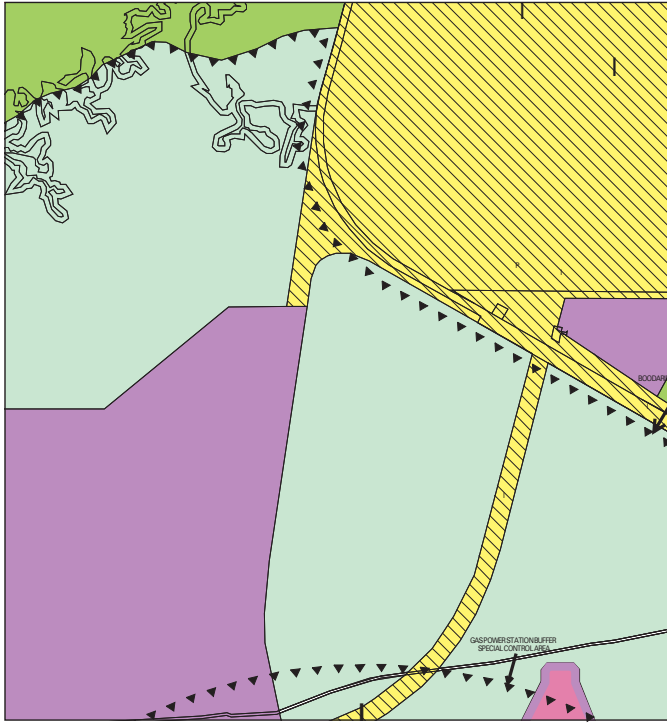
No.	Description Of Land	Additional Use	Conditions
195	Lot 5164 Shoata Road, South Hedland	Public Recreation; Private Recreation; Equestrian Care	<ol style="list-style-type: none"> 1. The additional uses specified shall be deemed ‘SA’ use for the purposes of the Scheme. 2. Notwithstanding any other provision of the Scheme, the development of the additional uses specified shall not be approved unless it is demonstrated these uses are incidental to an existing use. 3. The Council in determining applications for planning consent for the additional uses specified shall have regard to clauses 7.2.2, 7.2.3 and 7.2.4. 4. Applications for planning consent for the additional uses specified shall demonstrate the proposed development does not prevent, inhibit or adversely affect, or itself be affected by, the development of any potential use within the

6. Amend Appendix 5 to identify the Boodarie Strategic Industrial Area as a Development Plan Area.
7. Amending Appendix 10 to change the title to 'Additional Requirements for Development Plan Areas' and inserting a new precinct for Boodarie Strategic Industrial Area with the following conditions:

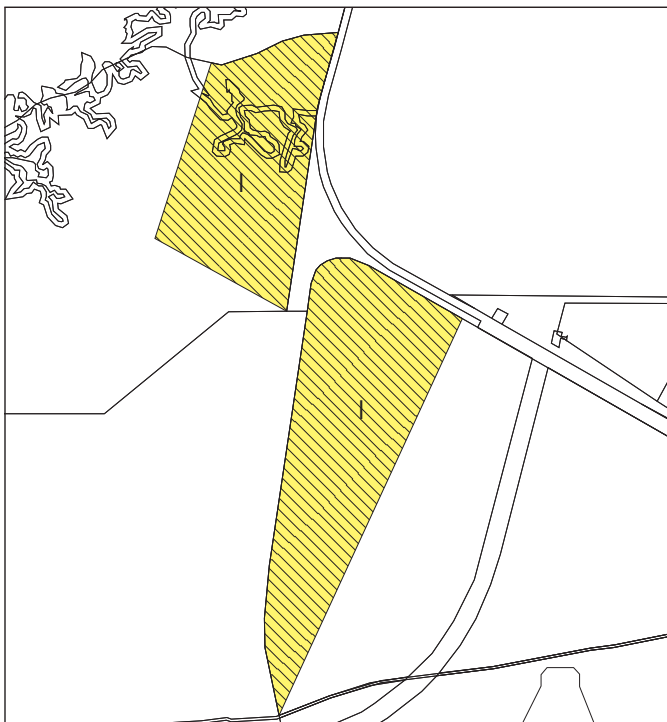
"Boodarie Strategic Industrial Area:

- i. On-site and off-site buffers required to separate uses within industrial precincts and the Special Control Area from adjacent incompatible industrial or sensitive uses;*
 - ii. Implementation of the Boodarie Strategic Industrial Area District Water Management Strategy and in accordance with the water management guidance issued by the Department of Water;*
 - iii. Coordination of proponent provided infrastructure including road access, means of effluent disposal, water supply, power supply and other key infrastructure services;*
 - iv. Identification of Shared Infrastructure Corridors."*
8. Amend the Zoning Table by changing the permissibility of the following land uses within the 'Strategic Industry' zone:
 - (a) Fuel Depot from '~' to 'AA'; and*
 - (b) Transient Workforce Accommodation - from 'P' to '~'.*
 9. Amend the Scheme Map accordingly.

TOWN OF PORT HEDLAND LOCAL PLANNING SCHEME NO.5 AMENDMENT NO. 71





EXISTING ZONING






PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES

-  CONSERVATION RECREATION AND NATURAL LANDSCAPES
-  OTHER PUBLIC PURPOSES DENOTED AS FOLLOWS:
 - P PORT FACILITIES
 - I INFRASTRUCTURE

ZONES

-  INDUSTRIAL DEVELOPMENT
-  STRATEGIC INDUSTRY
-  RURAL

OTHER

- ▲▲▲▲ SPECIAL CONTROL AREAS



0  2.5 Km

Initiate Scheme Amendment

Adopted by resolution of the Council of the Town of Port Hedland at the Ordinary Meeting of the Council held on _____ 20_____.

PRESIDENT

CHIEF EXECUTIVE OFFICER

Final Approval

Adopted for final approval by resolution of the Town of Port Hedland at the Ordinary Meeting of the Council held on _____ 20_____.

The Common Seal of the Town of Port Hedland was hereunto affixed by authority of a resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED
FOR FINAL APPROVAL

DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT
2005

DATE

FINAL APPROVAL GRANTED

MINISTER FOR PLANNING

Appendices

Appendix A	BSIA Land Tenure and Interests
Appendix B	GHD Turner River Flood Study
Appendix C	GDH BSIA Traffic Report
Appendix D	GHD BSIA Flora and Fauna Assessment
Appendix E	Department of Environment Regulation Approval

Appendix A

BSIA Land Tenure and Interests

Appendix B

GHD Turner River Flood Study

Appendix C

GDH BSIA Traffic Report

Appendix D

GHD BSIA Flora and Fauna Assessment

Appendix E

Department of Environment Regulation Approval

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