

Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 52

December 2012

Prepared for
Quartz Estate PTY Ltd.

***TOWN OF PORT HEDLAND
LOCAL PLANNING SCHEME No. 5
AMENDMENT No. 52***

File No:

Part of Agenda:

MINISTER FOR PLANNING

Proposal to amend a Local Planning Scheme

1. Local Authority: **Town of Port Hedland**
2. Description of Local Planning Scheme: **Town Planning Scheme No. 5**
3. Type of Scheme: **Town Planning Scheme**
4. Serial No. of Amendment: **52**
5. Proposal: Rezoning portion of Lot 226 Forrest Location from 'Rural Residential' to 'Residential'.

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

Town of Port Hedland
Local Planning Scheme No. 5
Amendment No. 52

RESOLVED that the Council, by order of Hon John Day, Minister for Planning pursuant to section 76(1) of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

Rezoning a portion of Lot 226 Forrest Location from “Rural Residential” to “Residential R2.5”.

Dated this day of 20.....

.....
Chief Executive Officer

AMENDMENT REPORT

The land subject to this amendment is currently zoned 'Rural Residential'. The land is generally referred to as 'Quartz Estate', and is proposed for subdivision and development for house and land packages.

A Development Plan was prepared in August 2011 to accommodate the development of the land for a composite Special Residential and Rural Residential subdivision and development. This plan was never considered by Council as it was deemed to be more appropriate by the Council's Technical Officers to rezone the land first. This plan provides the basis for the proposed scheme amendment.

The aim of Quartz Estate is to provide a more efficient use of scarce land resources to that already approved for the site, whilst providing affordable house and land packages to the expensive Pilbara housing market.

1 SITE OVERVIEW

1.1 LOT DETAILS

Quartz Estate is located at Lot 226 Greenfield Street, Boodarie. The site is legally described as Lot 226 on Deposited Plan No. 191411; volume 2178, Folio 597.

1.2 LOCATION AND DESCRIPTION

The subject site is located 18 km south of Port Hedland, and 3.5 km south-east of South Hedland.

The land is vacant and was formerly part of the South Hedland Rural Estate (Bosna Estate) to the north, which was developed approximately 10 years ago.

2 STATUTORY PLANNING FRAMEWORK

2.1 EXISTING LOCAL TOWN PLANNING SCHEME ZONING

The subject site, and abutting Bosna Estate, is zoned 'Rural Residential' under TPS 5. Surrounding lands are zoned 'Rural'.

Land zoned 'Rural Residential' may be subdivided to a minimum lot size of 2 ha without connection of the lots to a reticulated water system, and 1 ha when the lots are connected to a reticulated water system.

2.2 PROPOSED ZONING

Based on the preceding information, the Town of Port Hedland has initiated this amendment to TPS 5 to:

 rezone portion of the site from 'Rural Residential' to 'Residential' with a density code of R2.5.




The majority of the eastern portion of the site will retain its approved subdivision layout with lots ranging in size from 10,000m² to 2.5ha, in accordance with the existing 'Rural Residential' zone. It was deemed that this area is better suited to larger lot subdivision as a result of drainage constraints.

2.3 DEVELOPMENT CONTROL POLICY NO. 2.5 – SPECIAL RESIDENTIAL ZONES

The proposal would typically fall within a ‘Special Residential’ zone; however this zone is not currently available within TPS 5. It is recognised that the proposal is consistent with Special Residential development, as described in the WAPC Development Control Policy No. 2.5 (DC 2.5); therefore the provisions in DC 2.5 relating to Special Residential Zones is discussed to demonstrate that the proposal is consistent with the WAPC’s criteria for Special Residential development.

DC 2.5 was prepared to reflect the Commission’s overall commitment to provide a wide range of lot sizes. Special Residential zones allow for larger residential lots which offer spacious living in lower density locations. The zone’s intent is to provide a transition between traditional residential sized lots and Special Rural or Rural Residential zoned lots.

The objectives of DC 2.5 are:

-  *“To provide for the creation of lots of between 2,000m² and one hectare in suitable locations.*
-  *To ensure that the use and development of such lots are subject to appropriate standards and controls.*
-  *To protect the character and amenity of adjacent rural areas.”*

The subdivision and development of Quartz Estate is also consistent with these objectives, and more specifically, with the following Policy Measures within DC 2.5:

- 3.1.1 There are limited opportunities for this form of subdivision within the Town of Port Hedland and the subdivision of Quartz Estate for this purpose will not provide an oversupply of these sized lots.
- 3.1.2 This amendment and future subdivision will take into consideration site topography, the existing environment and natural features on the site.
- 3.1.3 The site is located in close proximity to the South Hedland town centre with convenient access to schools, community facilities, shopping etc. The subject site does not contain any specific assets which would make it conducive to successful agricultural pursuits. There is no identifiable landscape feature which the subdivision of the site will have a detrimental impact on.
- 3.2.1 This amendment allows for, and future subdivision will depict, a range of lot sizes.
- 3.2.2 Refer to comment under 3.1.2 and 3.1.3.
- 3.2.3 The site will be connected to reticulated underground water, power and telecommunications services. The site can be appropriately serviced by onsite effluent disposal systems for the treatment of effluent. A watercourse in the north west portion of the site will be identified as open space or precluded from development to protect this natural feature on the site. In addition, the site has been designed to locate large lots in areas where offsite flood implications are evident and small lots on less constrained land. The subdivision of the site will be designed to maximise amenity. The traffic impact assessment indicates the design of the subdivision and resultant traffic generated are appropriate in the context of the existing land use and road network.

Based on the above; the well documented shortage of housing and accommodation within the Town of Port Hedland; and the location of the site, a more efficient density at Quartz Estate is appropriate, achieving proper planning outcomes.

3 BACKGROUND

Several proposals have been prepared over the site and presented to the Town of Port Hedland for consideration. Subdivision Approval (WAPC Ref. No. 140935) has been granted by the Western Australian Planning Commission for 72 rural lifestyle allotments (to a minimum lot size of 10,000m²) in accordance with the site's existing 'Rural Residential' zoning. The landowner has undertaken detailed engineering design and other relevant preparations (including hydrological studies) for the implementation of this approval.

A Development Plan has more recently been submitted, based on a similar density to that permitted under this amendment. At the advice from the Town's technical officers indicated a preference to facilitate the new proposal through a rezoning amendment; consequently, a request to amend TPS 5 to rezone the majority of the site 'Residential' with an applicable density code of R2.5 (permitting lot sizes to a minimum of 4,000m²), was also submitted to support the Development Plan. The Development Plan depicted subdivision for Special Residential sized lots between 3,000m² and 10,000m². Under the Town Planning Scheme a Development Plan is not required within the 'Residential' zone.

3.1 REQUEST TO MINISTER FOR PLANNING UNDER SECTION 76

The Town, in considering the rezoning request, decided not to initiate the amendment as requested.

A request was subsequently made to the Minister for Planning in May 2012, under Section 76 of the Planning and Development Act 2005 (as amended). It was requested that the Minister intervene and direct the Town of Port Hedland to amend its Scheme under section 76(1) (b) of the Act.

The Minister upheld this request and on 25 October 2012 directed the Town of Port Hedland to initiate an amendment to its Town Planning Scheme as outlined in this amendment documentation.

3.2 GENERAL PURPOSE OF AMENDMENT

As described above, this amendment proposes to accommodate Residential subdivision to a minimum lot size of 4,000m² over the majority of the site. Having considered the land capability analysis, and interrogated the site's potential through design options and, ultimately the Development Plan, it was deemed that the site is physically capable of being subdivided to lot sizes smaller than that permitted under the 'Rural Residential' zone. Lots to a minimum size of 4,000m² were considered appropriate, having regard for the physical and locational attributes of the site.

Increasing the efficiency of the land will allow the development of more affordable housing options through house and land packages built by the developer. This will assist in alleviating affordability pressures associated with the expensive Pilbara housing market.

The landowner, in making its decision to proceed with a more efficient development proposal, was cognisant of the views of local residents, landowners and the Town of Port Hedland, and the potential impacts of proceeding with the proposal as opposed to the subdivision previously approved by the WAPC. The Development Plan and subdivision layout was adapted and carefully designed to be responsive to site conditions and the existing rural amenity as expressed by the local residents.

The siting of the lots in the proposed redesign of Quartz Estate has been careful to recognise landform and topography. Further, the location and siting of existing houses in Bosna Estate to the north has been examined, to ensure new housing in Quartz Estate follows a similar pattern. In these ways, the new Quartz Estate will fit well into the established character and amenity of the existing area.

4 STRATEGIC PLANNING FRAMEWORK

4.1 PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK

The Pilbara Regional Planning Committee has directed the Department of Planning, with assistance from the WAPC's Infrastructure Coordinating Committee, to prepare the Pilbara Planning and Infrastructure Framework (PPIF). The intention is that the PPIF will provide the strategic planning framework for growth in the Pilbara towns in order to inform private and government investment.

'Port Hedland City', which comprises Port Hedland and South Hedland, is identified to service the East Pilbara. The current population of the area is 19,000, with Port Hedland City identified under the PPIF to expand to 50,000 people by 2035. To accommodate the increase in population, the PPIF suggests that residential densities are likely to increase. This amendment is consistent with the PPIF population growth and densification goals for Port Hedland City.

4.2 PILBARA PORT CITY GROWTH PLAN

The Town of Port Hedland Pilbara Port City Growth Plan recognises the need for additional housing in South Hedland.

The key theme of the Growth Plan relevant to Quartz Estate is:

"Housing Diversity & Land Supply Capacity – providing an orderly and adequate supply of land along with an increased choice in housing products and tenure options to cater for a diverse and permanent population."

In addition to this, the Growth Plan states that a 'pipeline of land supply' is required for growth beyond 50,000 people within the Town of Port Hedland.




Quartz Estate is contained within Precinct 14 under the Growth Plan, which is identified as 'South Hedland rural residential estate expansion'. This amendment is consistent with the land use and growth recommendations of the Growth Plan.

4.3 PILBARA CITIES VISION








The Department of Regional Development Lands' Pilbara Cities Vision promotes Port and South Hedland as an intergenerational, modern and vibrant city. This is to be achieved via a number of programs including facilitating land availability and development, and promoting developer housing projects and economic diversification. This amendment will assist in achieving this vision.

5 PLANNING AND OTHER GROUNDS FOR INCREASED EFFICIENCY

Detailed studies have been undertaken in support of demonstrating the land is physically capable of development. These studies include:

-  Drainage and hydrology
-  Engineering and traffic
-  Environmental

These studies are critical in the Scheme Amendment process, and their application will carry over to the subdivision stage, to demonstrate:






-  the land is physically capable of development;
-  the subdivision takes into consideration surrounding existing development and land use;
-  potential impacts on existing residents are mitigated through appropriate planning controls;
-  the subdivision is sensitive to the existing environment;
-  the subdivision is an efficient use of land;
-  the subdivision offers the potential to increase housing diversity; and
-  dwelling construction is sustainable.

In addition to the above, particular aspects relating to flooding, traffic and infrastructure implications have been appropriately addressed as part of the supporting technical documentation. These demonstrate that the development of Quartz Estate as proposed offers a more efficient density in comparison to what is currently approved for the site.

Furthermore, it is important to appreciate that the more efficient density proposed has been designed in a site-responsive manner. A large portion of the site is proposed to retain its current 'large lot' Rural Residential approved use and subdivision; which consists of 30 lots in the eastern portion of the site. It is appropriate to maintain this subdivision layout and form based on the offsite flooding implications, to maintain predevelopment flows through the site with no detrimental impact on the new dwellings. The higher density component is generally located in the central and western parts of the site, on less constrained land, and away from existing residences.

To accommodate lots of 10,000m² on 'Rural Residential' zoned land, the land must be connected to a reticulated water supply. The lots created from this proposal will be connected via an extension and upgrade of the existing reticulated water system. The physical servicing and construction of the land is not compromised based on a more efficient density. Consequently, the questions arising from an increased density either relate to amenity or physical land use implications.

In this regard, the more efficient density:

-  is based on site-responsive design;
-  will only produce approximately 58 additional lots, compared with the approved subdivision (less than double);
-  will have only a negligible impact, if any, on the amenity of existing residents within Bosna Estate for the following reasons:
 - Quartz Estate is located to the south of Bosna Estate and away from the South Hedland town centre and major access routes. Therefore, existing residents will not have to pass through Quartz Estate.
 - New dwellings will be located away from existing dwellings within Bosna Estate. Many existing dwellings may not even have views to the new dwellings.
-  there will be no discernible traffic impact on the existing road network when compared to the approved subdivision;
-  a decrease in the average lot size will not unduly restrict the use of the land for lifestyle purposes; and

- the proposed lot sizes are large enough to accommodate lifestyle lot opportunities, including a large dwelling, increased space between residences, a larger outbuilding, more expansive gardens and outdoor living areas etc.

5.1 ENVIRONMENTAL

Belleng VDM Pty Ltd has undertaken environmental due diligence for the subject site in January 2007. The environmental due diligence covered the following:

- Assessment of potential contaminants and Acid Sulphate Soils.
- Review potential environmental impacts, including hydrogeological and topographic information relevant to the site setting, waste management, air quality/pollution/dust control during construction, stormwater quality and effluent management.
- Assessment of Aboriginal and European heritage.
- Identification of water quality issues, drainage and nutrient management.
- Description of vegetation condition and integrity, and development impacts on ecological values (significant flora and fauna).
- Assessment of visual impacts.
- Determination of implications for development of state and federal conservation legislation including relevant certificates, licences and permits.
- Checklist for environmental approvals.
- Recommendations for environmental management to minimise impacts.

A summary of the main findings of the due diligence is provided below.

5.1.1 VEGETATION AND FLORA

An onsite vegetation survey has been undertaken. All vascular plants were identified and their condition and cover recorded. Natural Area Initial Assessment forms were completed for each quadrant. Particular attention was focused on areas containing native vegetation along the waterways and habitats associated with Declared Rare and Threatened Flora and Fauna.

Fauna was identified through onsite identification and observations of scats, scratching, burrows and vocalisations. Habitat quality was also assessed throughout the survey areas.

The vegetation onsite is characterised as Low Open Woodland of *Eucalyptus victrix* along the waterways and Hummock grassland with *Acacia* shrub steppe on the sand plains.

The vegetation surveyed onsite ranges from pristine to excellent condition and is comprised of 30% low open woodland and 70% hummock grassland and shrub steppe. The site has had little disturbance except for the track network throughout the site.

A search of the Department of Environment and Conservation's Threatened Ecological Communities Database was undertaken, revealing no known occurrences of threatened ecological communities recorded within the subject site. The survey confirmed that there are no threatened ecological communities present on the site.

The site consists of low species diversity. A total of 17 taxa from 13 genera and 8 vascular plant families were recorded from the site survey. The most common families were Mimosaceae, Protoceae and Poaceae.

A search of the Department of Environment and Conservation and the Western Australian Herbarium's databases for declared rare fauna was undertaken, revealing no results.

5.1.2 FAUNA

A search of the Department of Environment and Conservation's database for threatened fauna was undertaken. From the results, only two of the fauna, *Aspidities ramsayi* (Woma) and *Ardeotis australis* (Australian Bustard), are expected to occur within the habitat on the site.

From the survey no Threatened Fauna pursuant to the Wildlife Conservation Act (1999) were recorded at the site.

5.1.3 HERITAGE

The Department of Indigenous Affairs and the Heritage Council of Western Australia have confirmed that there are no registered heritage sites within the subject site.

5.1.4 GEOLOGY

The subject site is located within the Pilbara Craton with granite-greenstone terrain and the physiographic range De Grey Lowlands which typically flood and deltaic plains with granitic and limestone lowlands, scattered with metamorphic rocks. The land system is colluviums and alluvial sandy plains. Surface geology is predominantly alluvium red shallow sands on granite. The risk of erosion is low for this soil sub-group.

5.1.5 CONTAMINATION

There have been no potentially contaminating activities or land uses on the site as it is currently undeveloped native vegetation.

5.1.6 ACID SULFATE SOILS








A review of the available literature from the WAPC and the Department of Environment and Conservation has revealed a low to nil likelihood of acid sulphate soils being present at the site.

5.1.7 DRAINAGE AND NUTRIENTS

Drainage and nutrient management is required for the development to ensure that the surrounding environment is not impacted. Stormwater management plans will be prepared as part of the subdivision of the site.

5.1.8 RECOMMENDATIONS AND DESIGN RESPONSE

The Scheme Amendment has been formulated to respect the findings of the environmental assessment. These aspects will be addressed in greater detail as part of detailed design at the subdivision stage. Key findings to be addressed as part of design and implementation include:

-  Isolated mature trees are retained where possible in individual lots, landscaping and open space areas.
-  Any clearing should be undertaken in the same direction to allow fauna movement off site.
-  Any landscaping is undertaken with local and/or endemic species.
-  Hollow logs, habitat for native fauna, are relocated to Open Space prior to and during construction.
-  During development of the site disturbance of native vegetation is to be minimised and restricted to areas required for the installation of roads, house pads, effluent disposal etc.
-  To avoid physical damage to vegetation being retained, including individual trees, temporary fencing is to be provided.
-  To prevent damage to roots and soil caused by heavy machinery, fencing is to be positioned along the drip-line (edge of crown cover) of the vegetation.

5.2 DRAINAGE AND FLOODING

Throughout the preparatory phases of the Quartz Estate Development Plan and the Scheme Amendment, careful consideration has been given to the flood and drainage implications of developing the site. The current subdivision approval (WAPC Ref No. 140935) for 72 Rural Residential lots and Development Approval (ToPH Ref No. 2009/229.02) granted by the Town of Port Hedland to construct the associated earthworks and drainage channels, were approved on the basis of the VDM Consulting Hydraulic Report (Issue 7, March 2010). The Hydraulic Report was independently reviewed by SKM Pty Ltd at the request of the Town, prior to final lodgement with the WAPC and the Town. This report has since been refined following public consultation and input from other authorities, and was re-issued to the Town on 11 January 2011. A summary document has been prepared by VDM Consulting outlining the main considerations of the Hydraulic Impact Assessment.

The hydraulic report dated January 2011 still remains valid with respect to the Development Plan, which depicts the subdivision of the site for 133 lots, and this amendment. Based on the advice from VDM Consulting, the increased lot yield resulting from this amendment, will not contribute to any additional flooding to the area than that approved by the WAPC and the Town for the subdivision of the site into 72 lots. VDM Consulting's flood advice is on the basis of flood risk relating to the 'off-site' catchment and not the number of lots and associated internal impervious areas. Whilst the overall design has changed since the letter of February 2011, and has resulted in a further decrease in the number of lots, the same principle still applies, as the increase in density will not have an effect on flood risk for the Estate.








All dwellings will be required to be constructed a minimum of 500mm above the 1:100 year flood level. All roads will be constructed to not flood by more than 300mm, as advised by VDM Consulting. It is considered that development facilitated by this basis this amendment, and through the implementation of an appropriate subdivision design, will comply with the Town's hydrological requirements.

5.3 SERVICING




Overall servicing requirements for the subject site will be provided through necessary power and water infrastructure upgrades. The subject site will be serviced by onsite effluent disposal systems, which will be provided as part of the construction of the dwellings.

5.4 TRAFFIC

VDM Consulting has assessed traffic implications for the subdivision depicted on the Development Plan. The traffic and transport assessment was to specifically determine any potential impacts, both internally and externally to the site, as a result of an increase in the number of lots (compared to that approved for the site). VDM Consulting's Traffic Assessment covers the following scope (it should be noted VDM's report was based on a slightly higher yield, and it is therefore expected that the proposed density will have a lesser impact)


-  Identifying existing traffic demands on the surrounding road network.
-  Identifying net traffic generation and distribution of the approved use.
-  Identifying net traffic generation and distribution of the proposed use.
-  Quantifying the net change in traffic generation.
-  Assessing the capacity of the Greenfield Street / Quartz Quarry Road and Greenfield Street / Yarrie Road intersections.
-  Assessing the capacity of the Greenfield Street and Yarrie Road links.
-  Determining the relative impacts of the subdivision depicted on the Development Plan, on the surrounding road network.

5.4.1 RECOMMENDATIONS AND CONCLUSIONS

-  A net increase of 60 trips per hour (peak) under the increased density (as per the earlier concept which yielded approximately 10 additional lots) compared to the approved subdivision. Of these trips, 90% are expected to travel to / from Yarrie Road and the remaining 10% are expected to travel to / from Quartz Quarry Road.
-  A 'Sensitivity Test' has been undertaken which assigned all residential traffic from the catchment to Yarrie Road, with the conclusions remaining unchanged.
-  The expected traffic volumes at the Greenfield Street / Quartz Quarry Road and Greenfield Street / Yarrie Road intersections do not require a capacity analysis in accordance with Austroads' standards. Both intersections are expected to operate with ample capacity under the increased density.

Based on the above, VDM Consulting concludes that there are no material traffic impacts associated with the subdivision of the site, as depicted on the Development Plan.

The proposed amendment is intended to facilitate a more efficient development outcome, offering the Port Hedland community improved and affordable housing choice. The intended development is consistent with the various strategic planning initiatives affecting Port Hedland and South Hedland, and is strategically well positioned to warrant a more efficient housing density than that possible under the existing zoning framework. Based on the information presented above, and in accordance with the direction of the Minister for Planning, the Town of Port Hedland has resolved to initiate an amendment to TPS 5 to:

-  rezone portion of the site from 'Rural Residential' to 'Residential' with an applicable density code of R2.5.

PLANNING AND DEVELOPMENT ACT 2005

**Town of Port Hedland
Local Planning Scheme No. 5
Amendment No. 52**

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:

- Rezoning a portion of Lot 226 Forrest Location from "Rural Residential" to "Residential R2.5".

Dated this day of 20.....

.....
Chief Executive Officer

ADOPTION

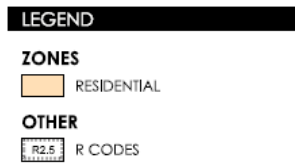
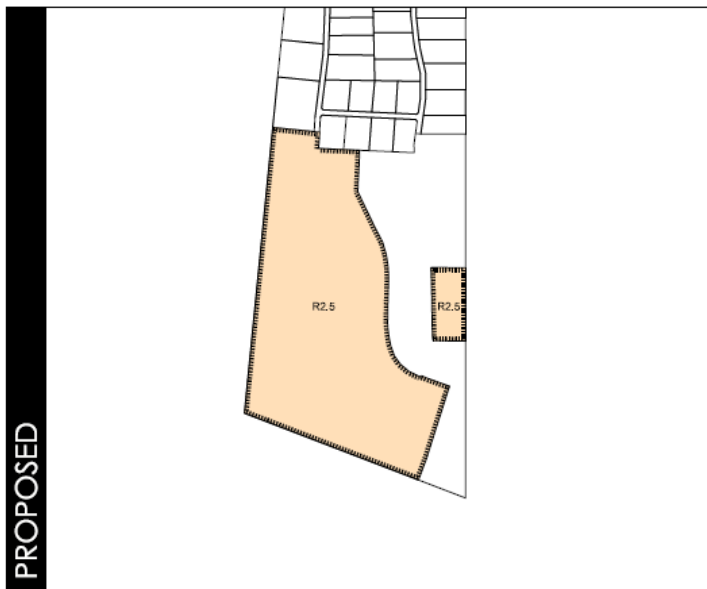
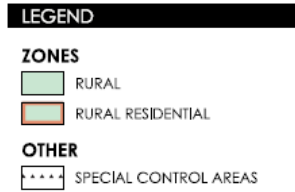
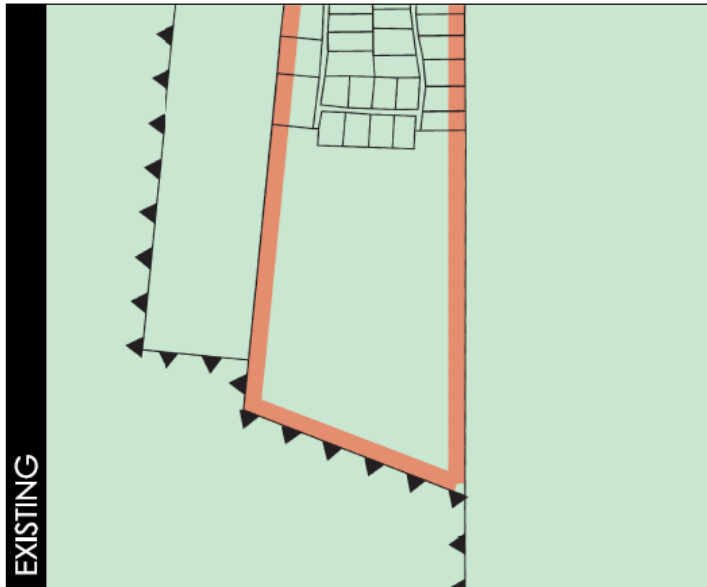
Adopted by resolution of the Council of the Town of Port Hedland at the Meeting of the Council held on the day of 20....

.....
Mayor

.....
Chief Executive Officer

SCHEME MAP

SCHEME AMENDMENT MAP TOWN OF PORT HEDLAND Town Planning Scheme No.5 Amendment No. 52



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 29/11/2012

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 ALL AREAS AND DIMENSIONS DISPLAYED ARE SUBJECT TO DETAIL SURVEY.

FINAL APPROVAL

Adopted for final approval by resolution of the Council of the Town of Port Hedland at the Meeting of the Council held on the day of 20.... and the Common Seal of the Town was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
Mayor/Shire President

.....
Chief Executive Officer

Recommended/Submitted for Final Approval

.....
Delegated under S.16 of PD Act 2005

.....
Date

Final Approval Granted

.....
Minister for Planning

.....
Date