

- 12.4** *Proposed Scheme Amendment No. 64 to the Town of Port Hedland Town Planning Scheme No. 5: Rezone Lots 1 – 2 on Strata Plan 43798, Lots 1 – 2 on Strata Plan 46090, Lots 1 – 2 on Strata Plan 31284, 1513 – 1521, 1535, 1537 – 1540, 1542 Sutherland Street, Lots 1543 – 1544 Lacy Street, Lots 1510 – 1512 Thompson Street, Lots 1529 – 1532, 1523 -1525, 1546 – 1551, 1143 and 100 Robinson Street and Lots 1522 and 1533 Bell Street from “Residential R25” to “Residential R40”. (File No.: 18/09/0078)*

Officer Ryan Djanegara
Senior Statutory Planner

Date of Report 18 March 2014

Disclosure of Interest by Officer Nil

Summary

The Town has received a request to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* (TPS5) to rezone Lots 1 – 2 on Strata Plan 43798, Lots 1 – 2 on Strata Plan 46090, Lots 1 – 2 on Strata Plan 31284, 1513 – 1521, 1535, 1537 – 1540, 1542 Sutherland Street, Lots 1543 – 1544 Lacy Street, Lots 1510 – 1512 Thompson Street, Lots 1529 – 1532, 1523 -1525, 1546 – 1551, 1143 and 100 Robinson Street and Lots 1522 and 1533 Bell Street (subject site) from “Residential R25” to “Residential R40”.

Council is requested to support the Town's officer's recommendation to refuse initiating the proposed scheme amendment as the Town is preparing a Local Housing Strategy.

Background

Site description

The subject site is located within the Cooke Point suburb and is bound by Sutherland Street to the north, Lacy Street to the west, Thompson Street to the east and Robinson Street to the south. Situated south east of the subject site is the Cooke Point Recreation Club.

Infrastructure Implications

The proposed Scheme Amendment will allow this area to be redeveloped at a medium density and supporting Multiple Dwelling developments. It is therefore prudent to ensure that the current infrastructure is sufficient or to recognise what and when upgrades of the infrastructure will be required. As part of the initiation request the applicant has provided the following traffic impact and infrastructure assessment reports:

- Traffic Impact Assessment Report
- The proposed rezoning of the area can be expected to generate an additional 760 vehicle movements per day to the local road network.
- Assessment of the forecast traffic increases shows that the development will have no significant traffic impact to the regional road network.
- Subsequently this will not result in any street operating in a manner contrary to its classification under the Liveable Neighbourhoods hierarchy.
- Similarly no issues have been identified concerning access, rubbish collection or parking and the increase in density should improve the viability of bus services in the vicinity of the subject site.
- The TIA found that the proposed increase in density will have no significant adverse impact on the capacity or safety of the surrounding road network and therefore no changes to the existing road network are proposed or warranted.

In light of the report, the Town's Infrastructure and Development Services team have advised the existing road network is currently "chipped sealed". This type of road surface generates more traffic noise in comparison to asphalt surfaces. The Town's civil engineers have therefore recommended the roads be upgraded to be sealed with asphalt, which will significantly reduce the noise generated by vehicles.

- Infrastructure Capacity Desktop Report

Wastewater

- The area is currently serviced by a 150mm gravity system running in between the existing lots and gravitating flows to the Athol Street Pump Station No. 1. The Water Corporation has advised the existing infrastructure is able to cater for the proposed increased density.

Water Supply

- The area is currently serviced by a 100mm and 150mm water pipe system. The Water Corporation has advised the existing infrastructure is able to cater for the proposed increased density.

Site works and Drainage

- The Port Hedland Coastal Vulnerability Study completed by Cardno, has advised the minimum floor and natural ground levels are above 7.8m AHD for a 1 in 500 year ARI event. The existing land form on the site has levels ranging from 11.0m RL to 9.0m RL. The current levels are sufficient for development and no backfill is required.
- With regards to existing drainage systems, the proposed increased density should not restrict and current stormwater drainage systems. It is currently assumed all developments, where practical, shall look to detain flows at the source and all drainage flows are directed to the road reserve.
- In summary, the analysis identified there to be no significant adverse impact on the capacity of the existing infrastructure and therefore no upgrades are required.

The Town's Infrastructure and Development Services team have advised the proposed increased density could impact on the existing stormwater system. Contour and Mapping details were not provided as part of this report and henceforth further information would be required to satisfy the Town's stormwater requirements. The Town's civil engineers have thus advised an Urban Water Management Plan would be needed for the area to address stormwater drainage holistically rather than be site specific.

Consultation

Should Council resolve to support the Town's officers recommendation for initiation subject to the adoption of the Housing Strategy and approval of a Stormwater Urban Water management plan, the scheme amendment documentation including all attachments will be submitted to the Environmental Protection Authority (EPA) for assessment pursuant to Section 81 of the *Planning and Development Act, 2005*.

Dependant on the assessment outcome by the EPA the proposed scheme amendment will be advertised as *Town Planning Regulations 1967*, as follows:

- Locally distributed newspaper
- Registered letters to all adjoining properties within 100m radius
- Site notice will be placed on the site
- Notice will be placed on the information board at the Civic Centre office.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, provides Council the authority to amend its Local Planning Scheme and establishes the procedure required to make this amendment.

Policy Implications

Nil

Strategic Planning Implications

Strategic Community Plan 2012 – 2022

The following section of the Strategic Community Plan 2012 – 2022, is considered by the Town's Officers to be compliant with the intent of this document.

6.3 Environment

6.3.1 Housing

Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

6.3.4 Environment

The Town's pro-development position will have facilitated industry and town growth, while preserving and celebrating the unique environmental assets.

Pilbara's Port City Growth Plan

Precinct Plan 2 identifies the intended land use and development for the East End, signifying a wide range of proposed densities aimed at providing more affordable housing and greater housing choice. Precinct Plan 2 identifies the area as an "opportunity for density increases". This will inevitably assist in meeting demand which currently outweighs supply through providing choice, quantity, quality and affordability in housing provision.

Part 6.1 of the Growth Plan extends on the notion of the opportunity for density increases associated with the subject land, with the recommendation of a number of actions/opportunities. Of which, if progressed immediately (0-2 years) would assist in realising the intended development outcomes featured in the Precinct 2 overview. Importantly, it identifies that "*planning Scheme Amendments to increase density in existing areas to facilitate infill*" which is considered to be a reflection of the purpose and intent of the proposed Scheme Amendment.

5.6.2 Precinct 2 – East End Urban Village

Precinct Statement

The East End Urban Village is Port Hedland's primary residential area. The area, encompassing Cooke Point and Pretty Pool, offers significant housing density and diversity together with sport and recreation opportunities, and school and community facilities. At its core is a retail and mixed use village offering a range of local convenience as well as dining and entertainment choices. Strong links to the coast and mangrove environs have been established offering residential and visitors alike a closer connection with the landscape.

The Town of Port Hedland Local Housing Strategy (Draft 2014)

At Council's previous meeting dated 22 May 2013, the Town resolved to initiate a Local Housing Strategy. The objectives of the Local Housing Strategy are to:

1. *Promote affordability and choice in housing by encouraging a mix of housing types and styles;*
2. *Promote energy efficient and climatically responsive housing design;*
3. *Retain buildings which are listed on the Town's Municipal Inventory of Heritage Places and, where possible, those buildings that contribute to the heritage character of the area;*
4. *Encourage innovative housing options such as adaptable housing that will more appropriately meet the long-term needs of particular groups within the community;*
5. *Maximise the residential amenity of all areas;*
6. *Promote home offices, home occupations and home businesses and other uses that are compatible with residential development;*
7. *Ensure that new residential development in the older established areas of the Town has regard to the historic character of the Town;*
8. *Provide a framework to guide residential development in the Town; and*
9. *Promote coordinated infill development.*

As part of this strategy, the Planning Services team is currently preparing an infill densification model. The objective of the model is to provide the Town with various densification models depicting the impacts of densification on respective areas, but is not expected to contradict the vision of the Growth Plan.

The Local Housing Strategy is expected to be finalised by Council in October 2014.

Budget Implications

A prescribed fee of \$9,758.60 has been paid for the initiation of the scheme amendment.

Officer's Comment

Applicant's Justification for the proposed "R40" density

The applicant has provided the following justification to support the proposed Scheme Amendment.

The intent of the Scheme Amendment is to provide a density coding to promote residential development in a manner that is cognisant of contemporary planning principles that responds to and takes maximum advantage of the unique characteristics of the surrounding amenity and streetscape.

Through providing housing diversity the Town of Port Hedland can meet the different needs of residents based on income, cultural background, family type or stages of life.

The amendment is considered appropriate for the following key reasons:

- The proposal accords with the objectives of 'Precinct – East End Urban Village' as contained in Pilbara's Port City Growth Plan;
- A density of 'R40' on the subject land is appropriate given the strategic location that warrants higher density development and is consistent with 'Pilbara Cities' vision for Port Hedland – i.e. building the population of Port Hedland to 50,000 people by 2035 and growing Port Hedland into a more attractive, sustainable local community;
- It facilitates the maximum potential utilisation of the land for residential purposes, consistent with the strategic planning framework and objectives for the area;
- It will allow for the immediate development, and future redevelopment, of more varied residential development types, contributing to the areas vibrancy and improvement of housing choice and affordability in Port Hedland; and
- Maximise the development potential of the land in a manner that presents a consistent and continuous streetscape along the Sutherland Street water frontage. This will ensure that built form, building setbacks and density are consistent along the streetscape.

Planning's Services Response

The existing density of "R25" is considered a low density code which requires grouped dwellings and multiple dwellings developments to meet a minimum lot size requirement of 350sqm. Therefore, should a proponent seek to redevelop a 1000sqm lot, regardless of the housing type, the maximum number of grouped dwellings or multiple dwellings is limited to three dwellings.

The proposed rezoning from “R25” to “R40” however will change the character, housing typology and amenity of the area. This is because multiple dwellings developments in areas coded R30 and above are not restricted by minimum lot sizes but are determined by minimum plot ratios. This is shown in the table below:

R-Code Density	Minimum Lot size	Average Lot size	Plot Ratio	Example of housing type encouraged	Approximate Lot/Unit Yield from a 1000sqm lot
R25	300m ²	350m ²		Grouped Dwellings	3
			N/A	Multiple Dwellings	
R40	180m ²	220m ²		Grouped Dwellings	4
			0.6	Multiple Dwellings	8 Units

As highlighted in the table above, by the nature of these provisions, multiple dwellings can have a higher dwelling yield and, subsequently bulk and scale, in comparison to grouped dwellings.

Although the Growth Plan has identified the area be recommended for increased densification, the Growth Plan does not indicate what type of housing development and built form would be considered appropriate for this area. The Town’s Planning Services team is currently preparing a Local Housing Strategy. The objectives of the preliminary draft document includes:

7. *Ensure that new residential development in the older established areas of the Town has regard to the historic character of the Town;*
8. *Provide a framework to guide residential development in the Town; and*
9. *Promote coordinated infill development.*

Initiating the Scheme Amendment without finalising the Local Housing Strategy will impact on the existing character and amenity of the area. An example of this is the West End area, whereby the character of this precinct has changed significantly since the increased densification.

Furthermore, in context of the Port Hedland area, the West End Residential zone is an area the Council has considered appropriate to promote the development of Multiple Dwellings with a minimum density of R30 and maximum density of R80.

In light of the above, it is recommended the Council refuse initiating the Scheme Amendment until the adoption of the Local Housing Strategy. This would not undermine the intent of the growth plan but will enable the Council to consider the housing typology and built form appropriate with the strategic vision of this area, and ensuring proper and orderly planning.

Options

Council has the following options when considering the matter:

1. Refuse to initiate the Scheme Amendment

The refusal to initiate the Scheme Amendment would result in no change to the existing subdivision and development options under the R25 density code.

It is considered however premature to support the initiating of the Scheme Amendment without endorsing the Local Housing Strategy as it may prejudice the findings. The purpose of the Local Housing Strategy is to inform the Town's Officers and allow Council to properly consider future scheme amendment proposals to increase densities, in line with the visions of the Pilbara's Port City Growth Plan.

2. Initiate the Scheme Amendment as submitted.

The initiation of the Scheme Amendment is in line with the vision of the Pilbara Port City Growth Plan, and will allow the site to be considered for future development for housing opportunities.

3. Initiate the Scheme Amendment subject to modifications, requiring a Detailed Area Plan to be submitted over the area based on the findings of the Local Housing Strategy.

Alternatively Council could require the applicant to modify the proposed Scheme Amendment with additional clauses within the Scheme Text to require a Detailed Area Plan or Local Specific Plan over the subject area. This document would thereby guide the redevelopment, housing typology and built form of the precinct. This however assumes the Local Housing Strategy would support the increased density to R40.

Option 1 is recommended, as initiating the proposed Scheme Amendment is considered premature and may prejudice the final outcomes and recommendations of the Local Housing Strategy.

Attachments

1. Scheme Amendment Documentation (Under Separate Cover)

Officer's Recommendation

Moved: Cr Taylor

Seconded: Cr Butson

That Council:

1. Refuse the initiation of Scheme Amendment No. 64 on the basis that the Town is preparing a Local Housing Strategy. Initiating the proposed Scheme Amendment is considered premature and may prejudice the final outcomes and recommendations of the Local Housing Strategy; and

2. Advise the applicant to consider resubmitting an application for a Scheme Amendment upon the endorsement of the Local Housing Strategy.

LOST ON THE CASTING VOTE OF THE MAYOR 4/5

Record

For	Against
Councillor Gillingham	Mayor Howlett
Councillor Taylor	Councillor Hooper
Councillor Butson	Councillor Hunt
Councillor Melville	Councillor Van Vugt

201314/294 Alternative Officer's Recommendation/ Council Decision

Moved: Mayor Howlett

Seconded: Cr Hooper

That Council:

1. **Require the following modification to the Scheme Amendment No.64 to the Town of Port Hedland Planning Scheme No.5 to include the following provision:**

9.7.5 Where it is proposed to amend the scheme in relation to an R-Code density in a Residential zone, Council may require the proponent to prepare a Detail Area Plan and the provisions of Appendix 6 shall apply.

2. **Subject to (A), a copy of the proposed amendment to be sent to all the landowners affected by the amendment, providing a minimum of 28 days to provide comment to the Town.**
3. **Should no objections be received during this submission period, pursuant to Part 5 of the Planning and Development Act 2005, initiate Scheme Amendment No.64 to the Town of Port Hedland Town Planning Scheme No.5 to:**
 - a. **Rezone Lots 1 – 2 on Strata Plan 43798, Lots 1 – 2 on Strata Plan 46090, Lots 1 – 2 on Strata Plan 31284, 1513 – 1521, 1535, 1537 – 1540, 1542 Sutherland Street, Lots 1543 – 1544 Lacy Street, Lots 1510 – 1512 Thompson Street, Lots 1529 – 1532, 1523 -1525, 1546 – 1551, 1143 and 100 Robinson Street and Lots 1522 and 1533 Bell Street (subject site) from “Residential R25” to “Residential R40”;**
 - b. **Amend the Scheme text to include the following additional text:**

9.7.5 Where it is proposed to amend the scheme in relation to an R-Code density in a Residential zone, Council may require the proponent to prepare a Detail Area Plan and the provisions of Appendix 6.

- c. Amend the Scheme map accordingly.
4. Forward Amendment No. 64 to the Town of Port Hedland Town Planning Scheme No.5 to the Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act, 2005;
5. Should confirmation from the EPA indicate the amendment is not subject to formal environmental assessment, advertise the amendment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended) for a period of 42 days; and
6. Require the applicant to prepare a Detailed Area Plan over the Scheme Amendment area. The Detailed Area Plan shall be submitted and approved in accordance with the Detailed Area Plan provisions as outlined in Appendix 6 of the Town of Port Hedland Town Planning Scheme No. 5. In addition to the matter to be addressed as per Clause 5 of Appendix 6, the Detailed Area Plan shall also address the findings of the endorsed Local Housing Strategy, including the following additional elements:
 - i. Housing typology (including land uses);
 - ii. Building Height; and
 - iii. Character and Amenity

CARRIED 5/3