

IMPROVEMENT PLAN No. 50

PORT HEDLAND WEST END



WESTERN AUSTRALIAN PLANNING COMMISSION

JUNE 2019

1.0 Introduction

- 1.1 Under section 119 of the *Planning and Development Act 2005* (the “PD Act”), the Western Australian Planning Commission (WAPC) is authorised to certify and recommend to the Minister for Planning that an improvement plan should be prepared for the purpose of advancing the planning, development and use of any land within the State of Western Australia.
- 1.2 The improvement plan provisions of the PD Act provide for the WAPC, with the approval of the Governor, to:
 - a) plan, replan, design, redesign, consolidate, resubdivide, clear, develop, reconstruct or rehabilitate land held by the State under the PD Act or enter into agreement with an owner of land not held by it within the improvement plan area;
 - b) provide for the land to be used for such purposes as may be appropriate or necessary;
 - c) make necessary changes to land acquired or held by it under the PD Act;
 - d) manage the tenure of ownership of the land or any improvements to that land held by it under the PD Act or enter into agreement with other owners of land within the improvement plan area for the same purposes;
 - e) recover costs in implementing the agreement with any owner of land within the improvement plan area; and
 - f) do any act, matter or thing for the purpose of carrying out any agreement entered into with other landowners.
- 1.3 Improvement Plan No. 50: Port Hedland West End (IP50) confers upon the WAPC the authority to undertake the necessary tasks to plan for and facilitate the implementation of an improvement scheme on behalf of the Western Australian State Government.

2.0 Background

- 2.1 The Port of Port Hedland is the largest bulk export port in the world. Total throughput increased from 247 million tonnes in 2011-12 to 519 million tonnes in 2017-18. Trade volume is forecasted by the Port Hedland Industries Council to increase to 700 million tonnes by 2027.
- 2.2 The port and the Port Hedland townsite have developed in close proximity, during a time prior to the introduction of planning controls that seek to separate non-compatible uses, i.e. residential and industrial. The West End precinct (west of McGregor Street) is adjacent to the port, with bulk commodity stockpiling handling and ship loading occurring to the south and west. According to the 2016 Australian Bureau of Statistics Census, there are approximately 900 residents living in the West End, the most dust, noise and hazard affected urban area in Port Hedland.
- 2.3 In February 2016, the Western Australian Department of Health published the *Port Hedland Air Quality Health Risk Assessment for Particulate Matter* report, which concluded that there is sufficient evidence of possible negative effects on human health from dust in the West End of Port Hedland to warrant improved dust management and monitoring controls and land-use planning measures to reduce community exposure to dust.
- 2.4 In 2016 the Port Hedland Dust Management Taskforce considered the findings of the Department of Health’s *Port Hedland Air Quality Health Risk Assessment for*

Particulate Matter (February 2016) and provided recommendations to the Government through the *Port Hedland Dust Management Taskforce Report to Government* (August 2016).

2.5 After considering the Taskforce Report, and the submissions received, on 15 October 2018 the Western Australian State Government adopted a whole of Government approach to dealing with the management of dust in Port Hedland. With respect to land use planning it was decided that:

- *The Government supports the Taskforce recommendation that appropriate planning controls be implemented to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland. To give effect to this, the Western Australian Planning Commission (WAPC) will be requested to consider preparing an Improvement Plan and Scheme designed to achieve the land use outcomes described in Recommendation 5 of the Taskforce Report.*
- *In response to community concerns raised in the consultation process, the Government will act to ensure that any future West End planning controls will not prevent the redevelopment of residential properties - provided that the redevelopment would not result in an intensification or expansion of a non-conforming use - should they be more than 75% damaged by a natural disaster such as fire or a cyclone.*

2.6 The WAPC has consulted with the Town of Port Hedland in accordance with section 119(3B) of the PD Act before making this recommendation under subsection (1)(b) in relation to IP50.

3.0 Purpose

3.1 The purpose of IP50 is to:

- enable the WAPC to undertake all necessary steps to advance the planning and development within the plan area as provided for under Part 8 of the PD Act;
- establish the strategic planning and development intent within the subject area;
- provide for a strategic planning framework endorsed by the WAPC, Minister for Planning and the Governor;
- authorise the preparation of an improvement scheme;
- provide the objectives of an improvement scheme; and
- provide guidance to the preparation of statutory plans, statutory referral documentation and policy instruments.

4.0 Improvement scheme

4.1 Section 122A of the PD Act enables the WAPC to make an improvement scheme in respect of some or all of the land to which IP50 applies.

4.2 IP50 authorises the making of an improvement scheme, by resolution of the WAPC and approval of the Minister for Planning. The following objectives will guide the preparation of the improvement scheme:

- *to provide a strategic planning framework to determine future land uses considering all land use options that takes into consideration physical, economic, social, and environment factors;*

- *to provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the area; and*
- *to implement the Government response to the Port Hedland Dust Management Taskforce Report to Government to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland.*

4.3 Once gazetted, the improvement scheme will replace the applicable Local Planning Scheme. The WAPC will be responsible for determining land use planning matters in the improvement scheme area.

5.0 Improvement plan area

The area that is subject to IP50 is depicted on WAPC Plan Number 3.2736.

6.0 Affected local government

The Town of Port Hedland will be affected by IP50.

WESTERN AUSTRALIAN PLANNING COMMISSION

IMPROVEMENT PLAN NO. 50: PORT HEDLAND WEST END


CERTIFICATE AND RECOMMENDATION

PURSUANT TO PART 8 OF THE PLANNING AND DEVELOPMENT ACT 2005 IT IS HEREBY

1. CERTIFIED THAT THE LAND SHOWN ON WESTERN AUSTRALIAN PLANNING COMMISSION PLAN NUMBER 3.2736 ANNEXURED HERETO SHOULD FOR THE PURPOSE OF ADVANCING THE PLANNING, DEVELOPMENT AND USE, BE MADE THE SUBJECT OF IMPROVEMENT PLAN NO. 50: PORT HEDLAND WEST END.
2. RECOMMENDED TO THE MINISTER FOR PLANNING AND HIS EXCELLENCY THE GOVERNOR THAT THE IDENTIFIED LAND AREA BE SUBJECT OF IMPROVEMENT PLAN NO. 50: PORT HEDLAND WEST END.

THIS CERTIFICATE AND RECOMMENDATION IS GIVEN IN ACCORDANCE WITH A RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION PASSED ON THE 13th JUNE 2019.

THE COMMON SEAL OF THE WESTERN AUSTRALIAN PLANNING COMMISSION WAS HEREUNTO AFFIXED IN THE PRESENCE OF:



CHAIRMAN



SECRETARY

26.06.19

DATE



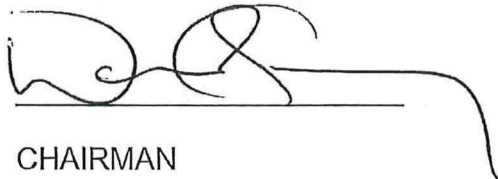
IMPROVEMENT PLAN No. 50

PORT HEDLAND WEST END

CERTIFICATE

This Improvement Plan is accompanied by a Certificate given in accordance with Part 8 of the Planning and Development Act 2005. It has been endorsed by the Western Australian Planning Commission for submission to the Minister for Planning.

The Common Seal of the Western Australian Planning Commission was hereunto affixed
In the presence of:


CHAIRMAN


SECRETARY

26.06.19.
DATE

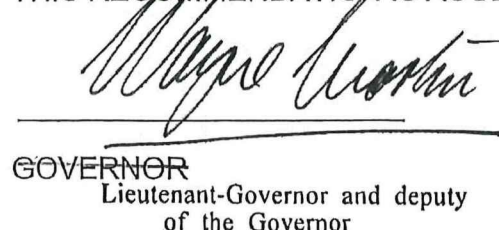


THIS RECOMMENDATION IS ACCEPTED:

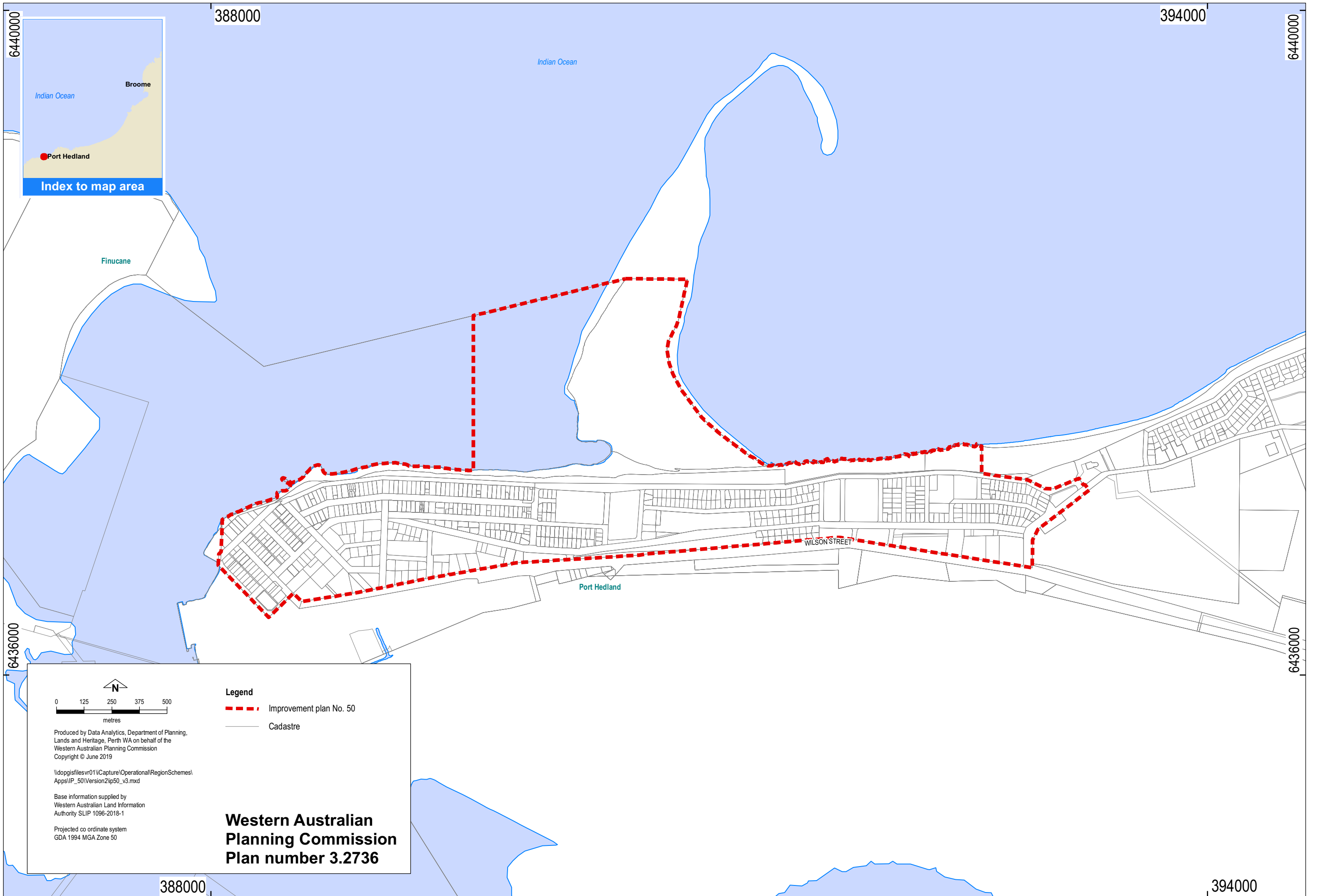

MINISTER FOR PLANNING


04.07.19
DATE

THIS RECOMMENDATION IS ACCEPTED:


GOVERNOR
Lieutenant-Governor and deputy
of the Governor

23 JUL 2019
DATE




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Legend
- - - Improvement plan No. 50
 — Cadastre

Produced by Data Analytics, Department of Planning,
 Lands and Heritage, Perth WA on behalf of the
 Western Australian Planning Commission
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Base information supplied by
 Western Australian Land Information
 Authority SLIP 1096-2018-1

Projected co ordinate system
 GDA 1994 MGA Zone 50

**Western Australian
 Planning Commission
 Plan number 3.2736**

Improvement Plan No. 50 Port Hedland West End