

PROPOSED MODIFICATION TO LAWFUL EXISTING USE - 'STORAGE
FACILITY/DEPOT/LAYDOWN AREA' AND 'TRANSPORT DEPOT':
LOT 3 (3) TRIG STREET, WEDGEFIELD

MARCH 2015

REF: 20371
REV 4



REVISION HISTORY

Version	Date	Author	Reviewed	Change Description
1.0	28/08/14	MP	GC	
2.0	15/10/14	MP	VB	
3.0	27/03/15	GC	MM	Update to clarify lawful use rights
4.0	02/04/15	GC	VB	Review following client discussion

DISCLAIMER

This document is and shall remain the property of Whelans Town Planning. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised copying or use of this document in any form whatsoever is prohibited.

CONTENTS

1.0	INTRODUCTION	1
1.1	Proposed Development	1
2.0	SITE DETAILS	2
2.1	Legal Description	2
2.2	Regional and Local Context	2
2.3	Existing Improvements and Topography	2
3.0	BACKGROUND INFORMATION	4
3.2	Decisions on Planning Applications	4
3.3	State Administrative Tribunal Matter Number: DR106/2012	8
4.0	STRATEGIC PLANNING FRAMEWORK	9
5.0	STATUTORY PLANNING FRAMEWORK	9
6.0	CONCLUSION	14

1.0 INTRODUCTION

Whelans – Town Planning act on behalf of John Yujnovich, the registered owner of Lot 3 (3) Trig Street, Wedgefield ('subject site'). Whelans has prepared the following report in support of an Extension of a Non-Conforming Use – 'Transport Depot' on the subject site.

This report shall discuss various issues pertinent to the proposal, including:

- Site details and locational information;
- Detailed explanation and justification of the proposed development; and
- Consideration of relevant State and Local planning framework.

We consider the enclosed information adequately demonstrates the appropriateness in allowing for the extension of the non-confOrming use.

1.1 *Proposed Development*

The proposal plan is contained in Appendix B. The proposal includes the following development:

- to reconfigure and upgrade the overall operations by removal of a number of existing buildings;
- identify a designated 'Storage/Laydown Area' for storage and laydown; and
- construction of a workshop along the inner eastern boundary of the subject site. The workshop will comprise two 40 foot sea containers and a purpose built 12m x 12m dome shelter spanning between them. The workshop area will also be used as a vehicle wash down bay. It will have a trafficable concrete floor with 1% fall to the rear to enable the capture of potentially contaminated water.

2.0 SITE DETAILS

2.1 Legal Description

The subject site comprises a single land parcel, detailed in Table 1 below.

Lot	Plan/Diagram	Volume	Folio	Area(m ²)
3	70315	1764	74	7544

Appendix 1 contains a copy of the Certificate of Title and Diagram for the subject site.

2.2 Regional and Local Context

The subject site is situated in the Municipality of the Town of Port Hedland, within the Pilbara region of Western Australia. The subject site is located approximately 3.5 kilometres north of the South Hedland town centre, and 7.5 kilometres south east of Port Hedland in the Wedgefield locality.

In relation to accessibility, the subject site is located approximately 750 metres south of Great Northern Highway. The subject site is well located with respect to the regional road network due to the recent realignment of Great Northern Highway, providing easy and convenient vehicular access to the subject site and to the wider region.

The subject site is 'L' shaped in formation, covers an area of approximately 7,544m² and has dual frontages (44.78m to Trig Street and 40.4m to Pinga Street).

Refer Figure 1 – Local Context

2.3 Existing Improvements and Topography

Existing structural improvements comprise a steel shed (located towards Trig frontage) and approximately nineteen (19) incomplete buildings scattered along the south western and southern boundaries of the subject site. Access to the subject site is provided via two (2) crossovers, vehicles and/ or trucks ingress the subject site via Trig Street, maintain a one way path in forward gear and currently egress through a shared vehicle pathway (Part Lot 2 Trig Street) onto Pinga Street.

The subject site is relatively flat and is cleared of any significant vegetation.

Refer Figure 2 – Aerial Map



Figure 1: Local Context



Figure 2: Aerial Map

3.0 BACKGROUND INFORMATION

WA Jinker Services ('Jinkers') has operated from the subject site since 1985 and has been based in the Port Hedland region for nearly fifty (50) years. 'Jinker' is a trailer system used to transfer complete and in-complete buildings via multi truck couplings on long wide loads. The general use of the subject site has remained as is since 1985 in accordance with the planning consent granted by the Town in February 1993.

Requests for information through the Freedom of Information Act was lodged in July 2014 and January 2015. In addition, a Planning Information Application search was lodged in July 2014 requesting all relevant delegated/council planning approvals/refusals between 1992 – 2014.

3.1.1 BLD/3-TRI: Application for Council's Planning Consent - 'Storage of Transportable Buildings (Long Wide Loads)'

An application was lodged with Council on 18 December 1992 seeking approval to store 'Long Wide Loads' (Transportable Buildings) on the subject site using the Jinker Transport System to load/unload on to platforms/trucks through associated transport landing equipment.

Council granted planning consent on 16 February 1993 for the Storage of Transportable Buildings (Long Wide Loads) on Lot 3 (3) Trig Street, Wedgefield subject to the following conditions:

1. *"That a pre-cyclone inspection is called for and that all buildings are inspected.*
2. *That each building is securely tied down immediately it is placed on site between 1 November to 30 April. The building must be stored and secured to manufacturer's recommendation. That Structural Engineer's certificates being submitted for each type of building showing footing and tiedown sizes and positions. Engineer's calculations must be submitted.*
3. *That Council be notified for each individual building being placed on site during cyclone season within three days.*
4. *That no building is used for any other purposes than storing on site.*
5. *That only complete and undamaged buildings are stored in the open ground and all openings are to be protected.*

The Planning Consent is valid for a period of 2 years, if development is not completed within this period, a fresh approval must be obtained before commencing or continuing with development".

3.2 Decisions on Planning Applications

Based on information available the following approvals/refusals have been issued on the subject site:

- BLD/3-TRI: Application for Council's Planning Consent - 'Storage of Transportable Buildings (Long Wide Loads)' – Planning Consent granted on 16 February 1993.

- LM:BLD/3TRI: Application for Council’s Planning Consent – ‘Caretakers Dwelling’ – Planning Consent granted on 23 February 2000 (expired 23 February 2001)
- 2009/478: Application for Planning Approval – ‘Showroom, Warehouse and Incidental Offices’ – Approved under Delegated Authority on 2 December 2009
- 2010/237: Application for Planning Approval – Change of Use ‘Storage Facility/Depot/Laydown Area – Storage of Incomplete Buildings’ – Refused under Delegated Authority on 28 April 2011
- 2011/238: Application for Planning Approval – Warehouse and Incidental Office - Approved under Delegated Authority on 5 September 2011
- 2011/615: Application for Planning Approval – Change of Use from ‘Warehouse’ to ‘Storage Facility/Depot/Laydown Area – Storage of Complete, Incomplete and Damaged Buildings’ –
 - o Refused under Delegated Authority on 8 March 2012;
 - o SAT Order invited the Town to reconsider the refusal;
 - o Approval is granted by Council at the 12 December 2012 OCM;
- 2013/627: Application for Planning Approval – ‘Retrospective Warehouse, Shed and Incidental Office’ - Approved under Delegated Authority on 6 November 2013.

The above planning applications are discussed below.

3.2.1 Application 2009/478: Showroom, Warehouse and Incidental Offices

An Application for Planning Approval was lodged with Council on 20 August 2009 seeking approval for a Warehouse / Showroom on the subject site. Subsequently, planning approval was granted under delegated authority on 2 December 2009 for a Showroom, Warehouse and Incidental.

The following conditions were included as part of the approval:

- “1. This approval relates to the proposed WAREHOUSE, SHOWROOM and incidental OFFICES, as indicated in red on the approved plans, The use of the remainder of the property remains as approved by Council on 16 February 1993 (copy attached); and
2. Prior to the commencement of works for the Warehouse / Showroom the applicant is to comply with all conditions as imposed in Planning Consent dated 16 February 1993, to the satisfaction of the Manager of Planning.”

On review of the documentation/correspondence relating to Application 2009/478, the following is noted:

- The application lodged with Council sought planning approval for a ‘Warehouse’ and a ‘Showroom’ only, with no reference to any ‘Office’. The approved plans do not refer to any Office, yet the approval indicates otherwise;

- The 'Delegated Planning Approvals for December 2009' as contained within the confirmed minutes of the OCM held on 27 January 2010 describe the application being approved as 'Industry Light – Commercial Showrooms, Factory and Office';
- Building License/Approval never issued, development therefore could not commence resulting in the approval expiring on 2 December 2010;
- As acknowledged in condition 1, the existing use remained over the subject site. This approval was granted in the context of extension to the existing activities on the site including Storage Facility/ Depot/ Laydown Area.

3.2.2 Application 2010/237: Storage Facility/Depot/Laydown Area – Storage of Incomplete Buildings

An Application for Planning Approval was lodged with Council on 15 October 2010 seeking approval for a 'Storage Facility/Depot/Laydown Area' - storage of Complete, Incomplete and Damaged Buildings, Jinkers Transport System and associated Transport Landing Equipment. The application was refused under Delegated Authority on 28 April 2011 due to insufficient information being submitted.

Upon review of the documentation/correspondence relating to Application 2010/237, the following is noted:

- A preliminary assessment was undertaken by the Town and a request for additional information was sent to the applicant on the 20 October 2010, asking the applicant to provide justification and site plans to the Town "or advise as to whether you intend on proceeding with the proposal by 29th November 2010, which is 30 days from the date of this letter." Justification and a site plan was provided in accordance with the Consent Orders of Appeal No.47 which was signed by the Town and Yujnovich.

The Town sent a follow up letter on the 24 November 2010 (5 days before the 29 November 2010 deadline) asking the applicant to again provide a set of detailed site/floor plans and elevations by 7 December 2010. After nearly 4 months, the Town sent a final seven day letter on 15 April 2011 advising that no response had been received. Yujnovich responded via fax on 20 April 2011 confirming with the Town that R.S.A (the tenant at the time) had submitted the required detailed plans.

Application 2010/237 was refused under Delegated Authority on 28 April 2011, with the reasons relating to "insufficient information being submitted in due course."

3.2.3 Application 2011/238: Warehouse and Incidental Office

An Application for Planning Approval was lodged with Council on 30 May 2011 seeking approval for a 'Warehouse' on the subject site. The application was assessed and Approval was granted under Delegated Authority for a 'Warehouse' and Incidental 'Office' on 5 September 2011. It is however noted that this approval was granted in the context of extension to the existing activities on the site including Storage Facility/ Depot/ Laydown Area.

Upon review of the documentation/correspondence relating to Application 2011/238, the following is noted

- The Applicant's Letter refers to the development as being "Proposed Warehouse and Incidental Office" yet the Planning Permit refers to the development as being "Proposed Warehouse" only.

3.2.4 Application 2011/615: Change of Use '- Proposed Shed

An Application for Planning Approval was lodged with Council on 13 December 2011 seeking approval for a 'Storage Facility/Depot/Laydown Area' - Storage of Complete, Incomplete and Damaged Buildings, Jinkers Transport System and associated Transport Landing Equipment.

The application was refused on 8 March 2012 under Delegated Authority from Council, the reason provided by the Town states that:

'The application has failed to adequately demonstrate how incomplete and damaged buildings were to be stored onsite and how they could be adequately secured particularly during a cyclonic event.'

Subsequently an appeal was lodged with the State Administrative Tribunal and Deputy President Judge Parry on 9 November 2012, ordered *inter alia* that:

- '1. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decisions on or before 12 December 2012.'

The decision was reconsidered at the ordinary Council Meeting (OCM) held on 12 December 2012, the Council granted approval as per the officer's recommendation.

Upon review of the documentation/correspondence relating to Application 2011/615, the following is noted:

- Correspondence sent by the Town on 19 and 22 December 2011 referred to the description of the proposal as "2011/615 CHANGE OF USE – PROPOSED SHED, LOT 3, 3 TRIG STREET WEDGEFIELD". Yet item 11.1.1.3 of the OCM held on 12 December 2012 was for a "Proposed Development Application for Storage of Complete, In-complete and Damaged Buildings and the Storage of Associated Materials and Equipment";
- The proposal descriptions above make no specific reference to a specific development category as contained in the Zoning Table or a land use as per Appendix 1 – 'Definitions' of TPS5;
- The officer's report for Item 11.1.1.3 states the following:

'In 1993 Council approved the "Storage of Buildings" for approximately 12 months temporary.'

While consideration is given to the extent of time (2 years) the applicant had to complete the development to ensure validity of the planning consent, the conditions imposed on the 1993 Planning Consent do not relate to any time period on the approved land use. Furthermore,

Conditions 1 – 2 of Application 2009/478 identify that “the use of the remainder of the property remains as approved by Council on 16 February 1993 (copy attached)”.

- The date of the OCM was 12 December 2012, however the applicant received signed Planning Permits on:
 - o 8 January 2013;
 - o 6 March 2013; and
 - o 5 July 2013;

The description of the proposed development in the Planning Permit is ‘CHANGE OF USE FROM WAREHOUSE TO STORAGE FACILITY/DEPOT/LAYDOWN AREA – STORAGE OF COMPLETE, INCOMPLETE AND DAMAGED BUILDINGS’ as opposed to what was originally prescribed ‘CHANGE OF USE – PROPOSED SHED’.

- Furthermore, conditions within the confirmed OCM minutes are not accurately reflected within the 5 July 2013 Planning Permit e.g. ‘Transportable Buildings’ is changed to just ‘Buildings’.

3.2.5 Application 2013/627: Retrospective Warehouse – Shed and Incidental Office

It is considered that an Application for Retrospective Planning Approval was lodged on 1 November 2013 seeking retrospective approval for a ‘Warehouse - Shed and Incidental ‘Office’ on the subject site. The application was approved under Delegated Authority on 6 November 2013

Upon review of the documentation, the following concerns are noted:

- The client does not recall authorising any application forms in relation to this application; and
- The application was assessed/ approval issued in only three (3) business days.

3.3 State Administrative Tribunal Matter Number: DR106/2012

An appeal was lodged with the State Administrative Tribunal (‘SAT’) in relation to Application 2011/615 which was refused under Delegated Authority. As mentioned previously, the Town was invited to reconsider their decision at the OCM held on 12 December 2012, whereby it was subsequently approved.

After reviewing the conditions of the 1993 approval, it was considered that these were less onerous than the conditions which were being proposed by the Town in the SAT proceeding. Therefore the appeal was withdrawn. Given the underlying application was for an approval for a change of use, it meant that there was and remained in place that refusal. That is the refusal of March 2012.

The site therefor remained subject to the development approval granted in 1993 and those conditions which were imposed.

4.0 STRATEGIC PLANNING FRAMEWORK

4.1.1 Pilbara's Port City Growth Plan

The Pilbara's Port City Growth Plan (Growth Plan) was adopted by the Town of Port Hedland on the 23 May 2012 and endorsed by the Western Australian Planning Commission on the 27 December 2012. The Growth Plan is therefore operational as the Town's Local Planning Strategy.

The subject site is located in Precinct 6 'Wedgefield Industry and Logistics' and is identified on the relevant precinct plan as 'Light Industry'. The objectives for the precinct identify the need to relocate heavier uses to other growth precincts more appropriately designated.

4.1.2 Councils Strategic Community Plan 2012 - 2022

Council's Strategic Community Plan 2012 – 2022 (Community Plan) is a benchmark document detailing a vision towards of building an integrated planning and reporting framework. The Community Plan ensures the policies and services of the Town of Port Hedland are aligned to the aspirations of the community.

Section 6.2.1 'Diverse Economy' addresses principles relating to commercial, industry and overall town growth. The Community Plan identifies that in order to facilitate the provision of increased numbers of industrial and retail businesses operating. Therefore, the Town shall work closely with businesses like Jinkers in order to achieve sustainable economic growth.

The SCP identifies that the Town's economic growth will be heavily reliant on transport related industries and shall continue to recognise existing facilities and the contributions to the overall community.

5.0 STATUTORY PLANNING FRAMEWORK

5.1.1 Town of Port Hedland Town Planning Scheme No. 5

The subject site is zoned 'Industry' under the provisions of the Town of Port Hedland Town Planning Scheme No. 5 ('TPS5') and is contained within the 'Wedgefield Special Control Area'. The purpose of the 'Industry' Zone, as stated in TPS5:

"...is to accommodate the broad range of developments required to support industry and commerce within the Town of Port Hedland."

As per Clause 7.5.1 of TPS5, the subject site is contained within the 'Wedgefield Special Control Area' as designated in TPS5. The purpose of the 'Wedgefield Special Control Area', as stated in TPS5:

"...is to recognise the special relationship that has emerged in Wedgefield between caretaker's dwellings and industry and to outline the considerations for these developments which do not apply elsewhere in the Scheme Area"

With regards to Clause 7.5.3 of TPS5, when considering applications for planning approval in the Wedgefield Special Control Area, Council shall have regard for:

- a) *the potential impacts of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products from existing or proposed developments on any existing or proposed caretaker's dwelling.*
- b) *the potential for exposure to risks and hazards associated with the location of a caretaker's dwelling in proximity to any other development, and in this regard may refer an application for planning approval to the Environmental Protection Authority for advice or assessment of risks and hazards.*

The landowner is aware of the surrounding potential risks, to this end it is considered that the proposed use shall not cause any detrimental impacts to the surrounding locality.

5.1.2 Scheme Amendment No. 24

On 8 February 2011, TPS5 was amended (Amendment No. 24) to introduce a "Transport Development" Zone and rezone land (to the north of Great Northern Highway and east of Pinga Street) from "Other Purposes – Infrastructure" Local Scheme Reserve to "Transport Development" Zone.

Prior to the gazettal of Amendment No.24 in February 2011, any land zoned "Industry" could, with the approval of Council be used for the purposes of a "Storage Facility/Depot/Laydown Area, permitting the use of the lot for heavy trucking and transport purposes as it was defined by TPS5 as:

"Any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling or prefabricated components of products and includes milk, transport, and fuel depots, and salvage yards."

The creation of the "Transport Development" zone and subsequent scheme amendments removed the ability to develop an "Industry" zoned lot for the purposes of heavy trucking / transport, through the introduction of the "Transport Depot" land use which is defined as:

"land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair and garaging, parking or storage of such vehicles."

Accordingly, the "Storage Facility/Depot/Laydown Area" definition was amended to remove reference to transport and fuel depots and redefined as follows:

"Any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling or prefabricated components of products and includes milk depots, earthworks contracting yards and salvage yards."

Any existing trucking / transport related uses which had obtained Council planning approval in relation to the Storage Facility/Depot/Laydown Area land use and operating prior to the gazettal of amendment 24, have been able to continue to operate under the non-conforming use right provisions of the Port Hedland Town Planning Scheme No. 5.

5.1.3 Lawful Use Rights

The subject site has continually operated as a 'storage facility/depot/laydown area' and a 'transport depot' in accordance with the 1993 approval which allowed for 'Long Wide Loads' to deliver, transport and storage of goods on the subject site.

Clause 8.1 of TPS5 "Non-Conforming Use Rights" states the following:

"Except as otherwise provided in this Part, no provision of the Scheme shall prevent the:

continued use of any land or building for the purpose for which it was lawfully used at the time of coming into force of the Scheme, or

carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current."

As such any further development on the site can be considered for approval through Non-Conforming Use Rights.

It is recognised by Clause 8.2 of TPS5, that any extension to a non- conforming uses cannot take place unless approved by Council.

Clause 8.2 of TPS 5 "Extension of Non-Conforming Use" states the following:

"A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme."

5.1.4 Matters to be Considered by Council

Clause 4.5 of TPS5 details the matters to be considered by Council in determining an application for planning approval. Relevant matters are addressed below.

- (a) *the provisions of this Scheme and any relevant town planning Scheme operating in the district including any regional planning scheme.*
- (e) *any Policy Statement, strategy or plan adopted by the Council in accordance with the requirements of Part V and subclause 4.3.3 and 4.3.4.*
- (i) *any comments, submissions or objections received on the application from individuals, public authorities, private organisations, community or Aboriginal groups.*

As detailed throughout this report, the proposed development for the purpose of is consistent with TPS5 and any pertinent policies, strategies and plans.

- (c) any approved *Statement of Planning Policy of the Commission*.
- (d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia.

The proposed development is entirely consistent with relevant policies of the Western Australian Planning Commission and Government of the State of Western Australia.

- (i) the requirements of orderly and proper planning and the preservation of amenity of the locality.

The proposed development is entirely consistent with the requirements of orderly and proper planning, and the preservation of the amenities of the locality. The proposed development will contribute to significant improvements to the amenity of the locality through providing a high standard of development.

5.1.5 Technical Assessment And Justification

When considering applications for planning approval in the Industry, Industrial Development, Transport Development and Light Industry zones:

“Council shall require any buildings to:

- a) *be set back a minimum of six metres from the front boundary,*
- b) *cover no more than fifty percent of the lot,*
- c) *include building facades comprised of materials to Council’s satisfaction*
- d) *include on-site car parking, wholly or partly within the setback area, with a minimum of one car parking bay for each person employed or normally engaged on the site plus three visitor bays, unless otherwise stipulated in Appendix 7 or clause 6.13*
- e) *provide for the storage of materials not within the front setback unless for a temporary period as determined by Council, and*
- f) *have regard for any other development standard contained in the Policy Manual.”*

The area of the subject site is 7,544 m² of which the Warehouse is 482.1m², the workshop is 360m² (24m x 15m) and the storage area is 2,122m², resulting in a total site coverage of 39%.

The Warehouse - Shed is 10.0 metres from the primary setback. Six (6) car parking bays are provided to the west the subject site and sixteen (16) are provided partly within the front setback to the west. There shall be no materials stored within the front setback.

Carparking – Traffic Statement

A Transport Assessment was undertaken which looks at the existing transport, traffic and access context of the subject site and the impact the proposed development will have on the surrounding road network in accordance with Info Sheet 7.

There is no parking calculation requirement for a 'Transport Depot' use, however the approval 2013/627 relating to stage 1 'Warehouse – Shed' required only five (5) car parking bays. Given, the approved plan indicated a total of twenty car parking bays, it is considered this amount shall be adequate.

Trig Street and Pinga Street are included with the Table of Permitted Roads - Restricted Access Vehicles for vehicles up to 53.5m which is prepared by MRWA.

Light Vehicle Parking

Upon entry to the property a light vehicle parking area exists immediately to the left and to the right (otherside of warehouse) and complies with the TPS5 as summarised below:

- The light vehicle parking area is partly within the required set back of minimum 6 metres from the front boundary and 3 metres from the side boundary of the property.
- The light vehicle parking area contains a total of 20 parking bays at a 90 degree parking angle.
- The parking bays are 2.7 metres wide by 5.5 metres long;
- The aisle is two way and the distance between parking bay and the warehouse is 5.8 metres;
- The light vehicle parking area will be unroofed, concreted, marked and free draining.

Heavy Vehicle Access

The proposal includes a designated heavy vehicle access way and laydown area. The segregation of heavy vehicle laydown area from the light vehicle parking is proposed for safety and operational reasons.

The client has two 33m AV twenty-wheeler flat back trucks which are used to transfer large over-sized wide loads. An internal 8m single lane one way is proposed for the subject site to allow for safe and suitable manoeuvrability. The road pavement will be constructed of a suitably compacted wearing course of 200mm thickness. The existing crossovers shall be utilised by all motor vehicles which ingress/egress the subject site.

Rubbish Collection

The movement and collection of the rubbish bins will be the responsibility of the personnel within the office. The bins shall be stored at the rear of the warehouse which shall adequately screen and avoid any interference with vehicular/pedestrian movement.

Landscaping

In accordance with Clause 6.1.4 'Landscaping, Screening and Fencing' and the Towns Landscaping Policy the proposed development has provided for a 3m landscaping strip along the secondary street setback (Pinga) and within the internal boundaries. The landscaping incorporates the following

recommended low maintenance trees and shrubs as per the Towns *Information Sheet 4 Landscape Policy*:



Large Vitex trifolia – Vitex

6.0 CONCLUSION

The proposal is justified for the following reasons:

- The proposal constitutes a minor modification to a lawfully existing use originally approved in 1993;
- Under the Town Planning Scheme the proposal constitutes a 'storage facility/depot/laydown area' and a 'transport depot';
- The proposed development is consistent with the Scheme provisions of the Town of Port Hedland Town Planning Scheme No. 5;
- The proposed development does not prejudice the intent or objectives of the Industry zone;
- The proposed development will not adversely affect the amenity of the surrounding locality and is consistent with the existing industrial setting;vernoin
- The subject site is situated in a location with high quality access to the heavy vehicle transport network.

In conclusion, the use on the site is currently defined under the Town of Port Hedland Town Planning Scheme No.5 as a 'storage facility/depot/laydown area' and 'transport depot' and retains its existing non-conforming use rights as originally granted in 1993. The proposed modification to the lawful existing use is a minor modification allowing for maintenance under shelter of vehicles used as part of the approved use.

Approval of the proposal under Section 8.2 of the Scheme is therefore warranted.

APPENDIX A – CERTIFICATE OF TITLE

APPENDIX B – DEVELOPMENT PLANS

APPENDIX C – LOT 3 TRIG STREET APPLICATIONS