

ATTACHMENTS

11.3 REGULATORY SERVICES

Under Separate Cover

Ordinary Council Meeting
Wednesday, 22 April 2020

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LPP/04 PERCENT FOR PUBLIC ART

1. Purpose

The development of public spaces contributes to a sense of identity and place, whilst contributing to the quality of the built environment. Public Art has the ability to deliver a range of social, economic, and cultural benefits that can influence the built form and the way people interact within a public space. Public Art can enhance the appearance of buildings and provide opportunities for social interaction enhancing visitor experience.

This purpose of Local Planning Policy 04 – Percent for Public Art (Policy) is to develop a range of diverse Public Art that engages artists and creative ideas to celebrate the values of Port Hedland through its unique character, Indigenous history, and future aspirations. This Policy provides a framework for the development, funding, and management of Public Art.

2. Objectives

The objectives of this Policy are to:

1. Increase the social, cultural, and economic value of the Town in conjunction with the Town's Arts & Culture Strategy 2019-2022;
2. Acknowledge and celebrate Indigenous culture and heritage;
3. Develop and promote community identity within the Town to bridge communities;
4. Establish new design partnerships between artists, architects and other professionals;
5. Celebrate environment, industry, and lifestyle; and
6. Increase public awareness of the value of art, design and culture.

This Policy is not an emerging artist initiative; however, in some instances emerging artists may be considered for particular projects.

3. Application

Final determination for all Public Art projects developed under this Policy is at the discretion of the Town.

- 3.1 All new developments and subdivisions on zoned or reserved land over the threshold value of \$2 million (two million dollars) shall set aside a minimum of one percent (1%) of the total project cost of the development to be put towards the provision of Public Art, except those developments prescribed in Clause 3.1.2. The contribution for Public Art is capped at \$150,000 (one hundred and fifty thousand dollars) for developments not delivered by the Town of Port Hedland (Town).

For developments delivered by the Town, a minimum of two percent (2%) of the total project cost of the development is to be set aside for the provision of public art. The contribution for Public Art is capped at \$500,000 (five hundred thousand dollars) for Town delivered developments.

All Public Art is to reflect the objectives of the Policy and be developed in accordance with clause 3.2.

- 3.1.1 The budget allocated towards Public Art shall only include the following:

- Management fee for the Art Consultant/Coordinator;
- Design concept fees for short-listed artists;
- Design fee for the successful artist;
- Cost of materials;
- Insurance;
- Transport costs to site;
- Footings and foundations;
- Remedial work to surroundings; and
- Installation.

3.1.2 Developments excluded from the requirement to contribute are:

- Demolitions;
- Single house developments;
- Grouped dwelling developments;
- Multiple dwellings of less than 12;
- Roads and footpaths;
- State and Federal projects where an equivalent public contribution policy is applied;
- Heritage works; and
- Developments exempt from planning approval.

3.2 Where the Policy applies, the landowner/applicant is to coordinate the project independently with consultation from an art coordinator/consultant.

Procedure

3.2.1 Development applications subject to the Policy are to include general detail / location of the Public Art to be provided. The Town will apply a condition on the development approval requiring Public Art to be provided in line with the value of the development.

3.2.2 Prior to the issuing of a Building Permit, the applicant is to engage an Art coordinator/consultant for the Public Art project (where required by this policy). The Public Art coordinator/consultant shall not charge more than 5% of the Public Art contribution fee and is responsible for managing the following aspects of the Public Art project:

- Liaising with the client, the architect, the artist and the building contractor;
- Managing Expression of Interests (EOI) (where required) and the artist shortlisting process, and the final selection of the successful candidate;
- Ensuring the artists contract is signed; and
- Ensuring timely progress payments to the artists and the artwork is completed and installed in a timely manner to the satisfaction of the Town.

3.2.3 The art coordinator/consultant submits a draft, detailed artwork plan to the Town with an invoice containing the breakdown of works for the proposed Public Art project as outlined in 3.1.1.

- 3.2.4 The Town reviews the proposed artwork against the objectives of the Policy to determine whether the artwork is appropriate. Town Officers may refer the artwork plan to Council for approval for Public Art over the value of \$75,000 (seventy five thousand dollars)
- 3.2.5 Should the artwork not meet Town requirements, the artwork must be modified to the satisfaction of the Town.
- 3.2.6 The approved artwork shall be completed prior to use or occupation of the development.
- 3.2.7 The Town will review the completed artwork to ensure compliance with the approved artwork concept.
- 3.2.8 The proponent must ensure the artwork complies with all relevant building, health, and engineering requirements.
- 3.2.9 The ongoing maintenance of the artwork is the responsibility of the landowner to the satisfaction of the Town for the duration of the development.
- 3.2.10 Artwork shall only be removed if it's been damaged to a point beyond repair and is no longer deemed structurally safe as determined by the Town.
- 3.3 **Public Art projects may include the following subject to approval at the discretion of the Town**
 - 3.3.1 Building features and enhancements such as bicycle racks, fountains, or playground structures.
 - 3.3.2 Murals, feature walls, tiles, mosaics, floors or walkways. Murals may be painted or constructed with a variety of materials.
 - 3.3.3 3D works or statues which can be freestanding or wall-supported.
 - 3.3.4 Glass artworks, prints and any combination of media including sound, video projection, lighting ephemeral.
 - 3.3.5 Community art projects resulting in tangible artwork.

It is recommended that all Public Art is low maintenance, robust, durable, and resistant to vandalism.
- 3.4 **Non Permitted Public Art**
 - 3.4.1 Business logos, wording or names related to the development of the owner/applicant or commercial promotions in any form.
 - 3.4.2 Commercial signage or advertisements.

3.4.3 Landscaping or architectural elements which are associated with planning approval conditions.

3.4.4 Services or utilities necessary to operate or maintain artworks.

3.5 Indigenous Art

3.5.1 Should Indigenous artwork be incorporated into the design of the Public Art, evidence of consultation with the Kariyarra, Ngarla and/or Nyamal people shall be provided upon submission for approval.

3.6 Location

3.6.1 Artworks are to be situated where they are clearly visible to the general public. This means that artworks are to be clearly visible from the adjacent public street(s), public pathway(s), public open space, and/or other publically accessible spaces.

3.6.2 Private developers shall have Public Art located wholly on Private Property

5. Definitions

Art Consultant/Coordinator

An individual or consultancy experienced that brings all the parties involved in a public art project together including local government officers, property developers, architects, interior designers, artists and stakeholders.

For value of public art works:

- a. below \$50,000 an Art Consultant/Coordinator is not required
- b. between \$50,001 and \$100,000 an Art Consultant/Coordinator is recommended
- c. over \$100,000 an Art Consultant/Coordinator is required.

Professional Artist

An individual who can demonstrate:

- A proven track record of exhibiting their artwork at public and/or private events;
- Has had work purchased by public and private collections; and
- Not have a familial relationship with the developer or have a financial interest in the development.

Public Art

Public art is defined as being site-related and place-responsive, and located for public accessibility, either within or readily available from public space. The artwork can be considered stand-alone structure, applied to surfaces, or integrated into the fabric of buildings, road infrastructure elements or landscaped outdoor spaces.

Total Project Cost

The approximate total cost of the proposed development or subdivision as indicated on the development or subdivision application form (as applicable).

Relevant legislation	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Town of Port Hedland Local Planning Scheme No. 5</i>
Delegated authority	Town of Port Hedland
Business unit	Planning & Development
Directorate	Regulatory Services

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
Review frequency	2 Yearly		

Local Planning Policy/04 Percent for Public Art

Schedule of Modifications

No	Summary of Modifications Made	Justification
1	<p><u>Section 1 - Purpose</u></p> <p><i>Under Section 1 of the Policy, an increased level of detail was included to further justify the reasoning for the development of the Public Art Policy.</i></p> <p><u>Modification</u></p> <p><i>“The development of public spaces contributes to a sense of identity and place, whilst contributing to the quality of the built environment. Public Art has the ability to deliver a range of social, economic, and cultural benefits that can influence the built form and the way people interact within a public space. Public Art can enhance the appearance of buildings and provide opportunities for social interaction enhancing visitor experience.”</i></p>	<p><u>Justification</u></p> <p><i>The reasoning for this modification prior to final adoption of the Policy was to provide further justification for the implementation of the Public Art Policy and the benefits it can have for the Town of Port Hedland.</i></p>
2	<p><u>Section 3 – Application</u></p> <p><i>Under Section 3 of the Policy, this provision was included to cap the sum of money contributed to a Public Art project.</i></p> <p><u>Modification</u></p> <p><i>“The contribution for Public Art is capped at \$150,000 (one hundred and fifty thousand dollars) for private developments.”</i></p> <p><i>“The contribution for Public Art for Town delivered projects is capped at \$500,000 (five hundred thousand dollars).”</i></p>	<p><u>Justification</u></p> <p><i>The rationale for this modification was to ensure the budget for projects is not disproportionately blown out due to the Public Art monetary contribution.</i></p> <p><i>Justification for the maximum contribution was based on previous applications, and realistic development applications likely to be received, or delivered by the Town of Port Hedland.</i></p>

No	Summary of Modifications Made	Justification
3	<p><u>Section 3 – Application</u></p> <p><i>Under Section 3 of the Policy, this provision was included to provide clarity to applicants regarding the allocation of funds associated with the development of Public Art.</i></p> <p><u>Modification</u></p> <p><i>“The budget allocated towards the Public Art project shall only include the following:</i></p> <ul style="list-style-type: none"> ▪ <i>Management fee for the Art Consultant/Coordinator;</i> ▪ <i>Design concept fees for short-listed artists;</i> ▪ <i>Design fee for the successful artist;</i> ▪ <i>Cost of materials;</i> ▪ <i>Insurance;</i> ▪ <i>Transport costs to site;</i> ▪ <i>Footings and foundations;</i> ▪ <i>Remedial work to surroundings; and</i> ▪ <i>Installation.</i> 	<p><u>Justification</u></p> <p><i>The reasoning for this modification prior to final adoption of the Policy was to provide clarity regarding the allocation of funds during the construction of Public Art.</i></p> <p><i>Due to Port Hedland’s climate, remote location, and higher construction costs, this was deemed a necessary provision to be included into the Policy.</i></p>
4	<p><u>Section 3 – Application</u></p> <p><i>Under Section 3 of the Policy, a provision was included to require the applicant to engage an Art Coordinator/Consultant.</i></p> <p><u>Modification</u></p> <p><i>“Prior to the issue of a Building Permit, the applicant is to engage an Art Coordinator/Consultant for the Public Art project. The art Coordinator/Consultant is responsible for managing the following aspects of the Public Art project:</i></p> <ul style="list-style-type: none"> ▪ <i>Liaising with the client, the architect, the artist and the building contractor;</i> ▪ <i>Managing Expression of Interests (where required), the artist shortlisting process and the final selection of the successful candidate;</i> 	<p><u>Justification</u></p> <p><i>The reasoning for this modification prior to final adoption of the Policy is an art Coordinator/Consultant is likely to lead to a higher quality of Public Art and can also act as a liaison between the artist and the Town.</i></p> <p><i>The coordinator/consultant can also write the design brief, manage work-in-progress and ensure the timely delivery of the project.</i></p> <p><i>Due to the subjective nature of Public Art, this was deemed an important modification to the Policy prior to final adoption.</i></p>

No	Summary of Modifications Made	Justification
	<ul style="list-style-type: none"> ▪ <i>Ensuring the artist contract is signed; and</i> ▪ <i>Ensuring timely progress payments to the artists and the artwork is completed and installed in a timely manner to the satisfaction of the Town of Port Hedland."</i> 	
5	<p><u>Section 3 – Application</u></p> <p><i>Under Section 3 of the Policy, a provision was included to clarify the ongoing maintenance of the Public Artwork.</i></p> <p><u>Modification</u></p> <p><i>"The ongoing maintenance of the public artwork is to be maintained by the landowner to the satisfaction of the Town for the duration of the development".</i></p>	<p><u>Justification</u></p> <p><i>The reasoning for this modification prior to final adoption of the Policy was to provide clarity to the applicant and the Town of Port Hedland about the requirements regarding the ongoing maintenance for the Public Art.</i></p>
6	<p><u>Section 3 – Application</u></p> <p><i>Under Section 3 of the Policy, a provision was included to clarify when the artwork is to be removed.</i></p> <p><u>Modification</u></p> <p><i>"Artwork shall only be removed if it's been damaged to a point beyond repair and is no longer deemed structurally safe."</i></p>	<p><u>Justification</u></p> <p><i>The reasoning for this modification prior to final adoption of the Policy was to provide clarity to the applicant and the Town of Port Hedland about the requirements regarding the removal of Public Art. As Port Hedland is located within a cyclone region, this was considered to be necessary due to the likelihood of developments experiencing cyclonic damage.</i></p>

LPP/04 PERCENT FOR PUBLIC ART**1. Purpose**

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Public Art

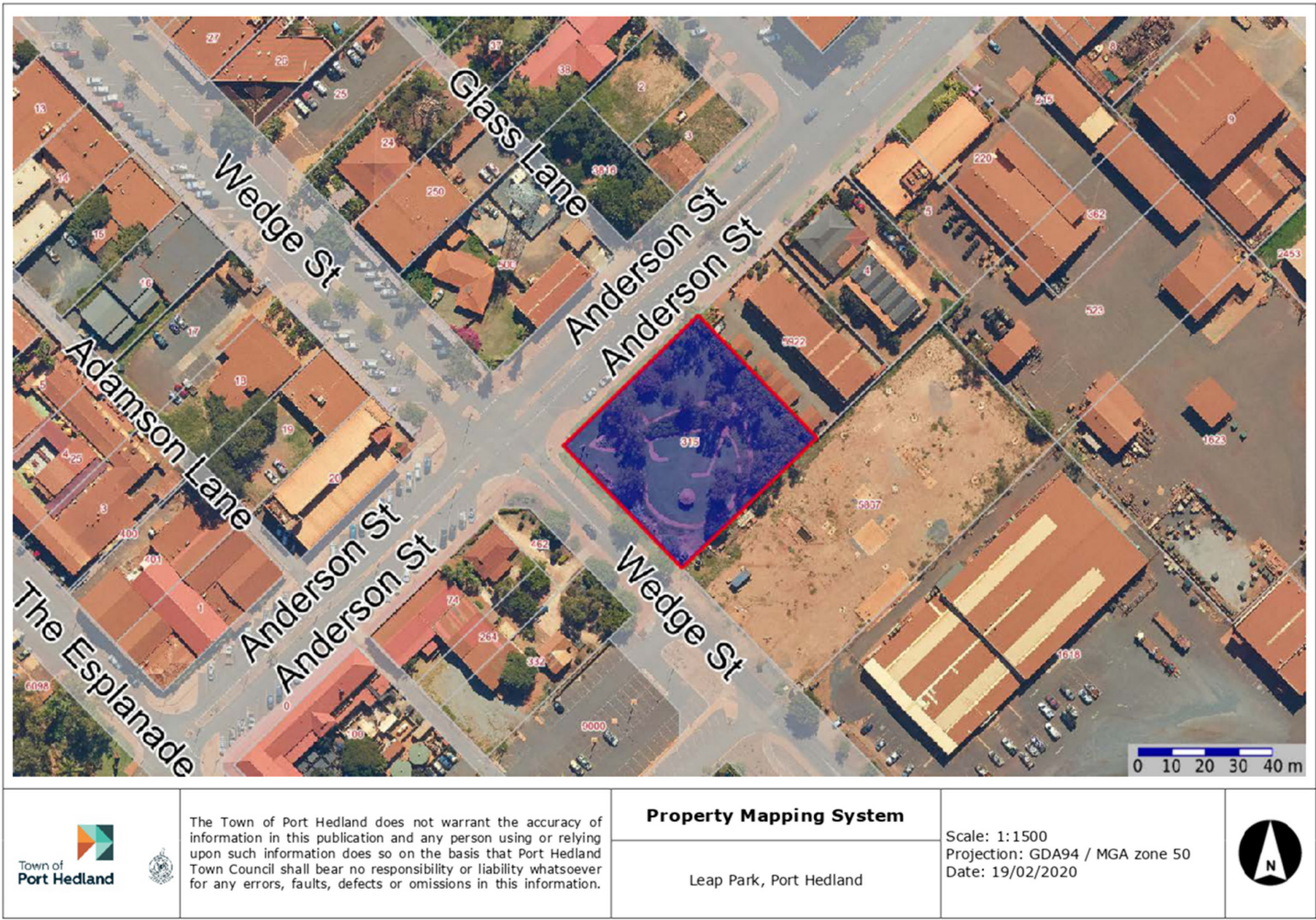
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Delegated authority	Town of Port Hedland
Business unit	Planning & Development
Directorate	Regulatory Services

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
Review frequency	2 Yearly		



Organisation
Bloodwood Tree Association
Care For Hedland
Hedland Collective
Regional Development Australia Pilbara
Gumala Aboriginal Corporation
Ashburton Aboriginal Corporation
IBN Corporation
Karlka Nyiyaparli Aboriginal Corporation
Mugarinya Yandeyarra Community
Pilbara Meta Maya Regional Aboriginal Corporation
Wangka Maya Pilbara Aboriginal Language Centre
Wirraka Maya Health Service Aboriginal Corporation
Yamatji Marlpa Aboriginal Corporation
Port Hedland Visitor Centre
Spinifex Hill Studios
BHP Billiton
FMG
Rio Tinto
Roy Hill Iron Ore
Port Hedland Chamber of Commerce
Port Hedland Industry Council
Pilbara Port Authority
Port Hedland Historical Society
Kariyarra Aboriginal Corporation
Julyardi
Hedland Aboriginal Strong Leaders
Njamal People's Trust
Seafarers Centre
Wanparta Aboriginal Corporation
Pilbara Development Commission



Proposed Renaming of Leap Park, Port Hedland

Schedule of Submissions

No/ Ref	Date Received	Summary of Comments Made	Officer Response
1	10/03/2020	<p><i>Issue/Comment No. 1.1</i></p> <p>The Park should be named 'Strike Park'. 2006 Geoff Gallop officially called off the strike with recognition of the Elders and gave them medals commending them of the courageous fight for equality and recognition. My family has been instrumental on the 1946 Strike.</p>	<p><i>Officer Response No. 1.1</i></p> <p>Noted</p>
2	10/03/2020	<p><i>Issue/Comment No. 2.1</i></p> <p>Make it happen. Name change agree</p>	<p><i>Officer Response No. 2.1</i></p> <p>Noted.</p>
3	10/03/2020	<p><i>Issue/Comment No. 3.1</i></p> <p>I think it's a good idea and it should happen. Brilliant.</p>	<p><i>Officer Response No. 3.1</i></p> <p>Noted</p>
4	17/03/2020	<p><i>Issue/Comment No. 4.1</i></p> <p>In regard to the renaming of Leap Park in Port Hedland, I would encourage any recognition of Aboriginality in the West End of Port Hedland.</p>	<p><i>Officer Response No. 4.1</i></p> <p>Noted.</p>
5	20/03/2020	<p><i>Issue/Comment No. 5.1</i></p> <p>The majority of the Aboriginals who we have spoken to have quoted that this event was purely part of an enormous strike which as stated by you involved over 800 families</p>	<p><i>Officer Response No. 5.1</i></p> <p>Noted. Clarification provided to submitter that the renaming is after the strike as a whole, not a specific event.</p> <p><i>Officer Response No. 5.2</i></p>

No/ Ref	Date Received	Summary of Comments Made	Officer Response
		<p><i>Issue/Comment No. 5.2</i></p> <p>At the time of naming Leap Park, when it was proposed to be considered, did not become an actuality.</p> <p><i>Issue/Comment No. 5.3</i></p> <p>Will you hold further discussion in defining the renaming, as it would be interesting to see the attitude and appreciation of the present day Aboriginal communities?</p> <p><i>Issue/Comment No 5.4</i></p> <p>It is quite apparent that you do not intend to have available the opportunity to discuss the change of name for Leap Park, as I have requested this information on three occasions, all to no avail.</p> <p><i>Issue/Comment No 5.5</i></p> <p>I personally object to the proposed change.</p>	<p>Noted. Leap Park has not been formally named. Renaming of the park to 'Strike Park' was considered in 2001 at the time the sculptures were installed, and it is unknown why it did not proceed at this time.</p> <p><i>Officer Response No. 5.3</i></p> <p>This is not considered appropriate, as any submissions should be the submitters personal opinion. Consultation was undertaken with the Aboriginal community by the Town.</p> <p><i>Officer Response No. 5.4</i></p> <p>Noted. The proposed renaming was advertised for a period of 35 days to provide an opportunity for discussion. The opportunity for discussion referred to by the submitter was a request for a forum with the applicants, which was not appropriate. The submitter did not take any opportunity to meet with the Town to discuss the matter.</p> <p><i>Officer Response No. 5.5</i></p> <p>Noted.</p>
6	27/03/2020	<p><i>Issue/Comment No. 6.1</i></p> <p>The initial naming of the park did not include the involvement of the Aboriginal Community. There was no involvement with the community by the Julliard Corporation who supports the Strong Women's Group regarding the proposal.</p> <p><i>Issue/Comment No. 6.2</i></p> <p>I am the only inaugural member of the ATSIC Regional Council and over the many years I met and knew many of the Elders who were leaders and leaders in the strike.</p>	<p><i>Officer Response No. 6.1</i></p> <p>Noted. The request was submitted by the Hedland Aboriginal Strong Leaders, a group made up of Elders from numerous language groups. This includes Elders from Kariyarra and Njamal, as 2 of the recognised language groups within the Port Hedland Local Government Area. It was not the responsibility of the applicant to conduct consultation.</p> <p><i>Officer Response No. 6.2</i></p> <p>Noted.</p> <p><i>Officer Response No. 6.3</i></p>


No/ Ref	Date Received	Summary of Comments Made	Officer Response
		<p><i>Issue/Comment No. 6.3</i></p> <p>The strikers were never involved in the development of Port Hedland.</p> <p><i>Issue/Comment No. 6.4</i></p> <p>ATSIC completed a review of the Strelley Nomads which identified companies formed by Don McLeod.</p> <p><i>Issue/Comment No. 6.5</i></p> <p>The land holdings at the time included five stations, and later two additional Reserves</p> <p><i>Issue/Comment No. 6.6</i></p> <p>Following the strike there were three major break away from the Strelley Community</p> <p><i>Issue/Comment No. 6.7</i></p> <p>This should not exclude other members of the Aboriginal Community who are being excluded.</p>	<p>Noted. Port Hedland was a significant location during the strike, including negotiations, trials, and a march on the Port Hedland Police Station. This shaped the development of the town, and does not diminish the importance of the strike to those whose families were involved.</p> <p><i>Officer Response No. 6.4</i></p> <p>Noted.</p> <p><i>Officer Response No. 6.5</i></p> <p>Noted.</p> <p><i>Officer Response No. 6.6</i></p> <p>Noted.</p> <p><i>Officer Response No. 6.7</i></p> <p>Noted. There is no intention to exclude any members of the Aboriginal community, either from an opportunity to provide comment on a proposed renaming or from future naming proposals.</p>
7	26/03/2020	<p><i>Issue/Comment No. 7.1</i></p> <p>I understand that the proposed name was submitted by an un-constituted community group named 'Strong Womens Group', and contains a potential conflict of interest.</p> <p><i>Issue/Comment No. 7.2</i></p> <p>Trina Stoddart is the co-ordinator of the Strong Women's Group and was working for the Town Council.</p>	<p><i>Officer Response No. 7.1</i></p> <p>Noted. The application was submitted by the Hedland Aboriginal Strong Leaders, and no potential conflict of interest has been identified.</p> <p><i>Officer Response No. 7.2</i></p> <p>Noted.</p>

No/ Ref	Date Received	Summary of Comments Made	Officer Response
		<p><i>Issue/Comment No. 7.3</i></p> <p>A meeting was held in South Hedland to endorse the proposed changes, to which we were not consulted.</p>	<p><i>Officer Response No. 7.3</i></p> <p>Noted. The meeting referred to was the Aboriginal and Torres Strait Islanders Forum held primarily to discuss statistical information unrelated to this matter, and was open to all people of Aboriginal or Torres Strait Island descent. The proposed renaming was raised at the meeting to ensure as many people were consulted as possible, and received favourable responses.</p>
		<p><i>Issue/Comment No. 7.4</i></p> <p>I do not object to the promotion of the strikers.</p>	<p><i>Officer Response No. 7.4</i></p> <p>Noted.</p>
		<p><i>Issue/Comment No. 7.5</i></p> <p>The Strikers were not the only Aboriginal people in the Pilbara working to improve their quality of life</p>	<p><i>Officer Response No. 7.5</i></p> <p>Noted.</p>
		<p><i>Issue/Comment No. 7.6</i></p> <p>The Strikers were not allowed into the Town limits, and acknowledgement should be in a more appropriate place.</p>	<p><i>Officer Response No. 7.6</i></p> <p>Noted. Although not allowed, the strikers did enter the town limits on a number of occasions during the strike action. This includes a significant march on the Port Hedland Police Station, located at the time directly opposite Leap Park. The location is therefore considered appropriate.</p>
		<p><i>Issue/Comment No. 7.7</i></p> <p>The strikers were not Kariyarra people.</p>	<p><i>Officer Response No. 7.7</i></p> <p>Noted. Support for the renaming has been received from a number of Kariyarra Elders.</p>
		<p><i>Issue/Comment No. 7.8</i></p>	<p><i>Officer Response No. 7.8</i></p> <p>Noted.</p>

No/ Ref	Date Received	Summary of Comments Made	Officer Response
		<p>None of the strikers were buried in Port Hedland</p> <p><i>Issue/Comment No. 7.9</i></p> <p>There were many other Aboriginal people living and working in Port Hedland who should not be excluded from recognition (includes specified people).</p> <p><i>Issue/Comment No. 7.10</i></p> <p>There were many other Aboriginal people who played major roles in Port Hedland that should be included in any proposed name.</p> <p><i>Issue/Comment No. 7.11</i></p> <p>The strikers did not live in Port Hedland. It is not appropriate that this park be named after them, especially without giving us the opportunity to participate.</p> <p><i>Issue/Comment No. 7.12</i></p> <p>We, the descendants of Tommy Anderson, registered apical of the Karriyarra Native Title Determination, do not authorize the name change.</p>	<p><i>Officer Response No. 7.9</i></p> <p>Noted. A number of the people noted have previously been recognised through the naming of places. This item does not exclude them from further or future recognition.</p> <p><i>Officer Response No. 7.10</i></p> <p>Noted. This item is to consider the renaming request as proposed, specifically, to Strike Park. No alternate names were formally proposed.</p> <p><i>Officer Response No. 7.11</i></p> <p>Noted. The opportunity to participate was provided through the advertising of the proposal. A number of significant events during the strike took place within the town boundaries and specifically within the locality of Leap Park.</p> <p><i>Officer Response No. 7.12</i></p> <p>Noted. Support for the renaming has been received from a number of Karriyarra Elders as recognized Native Title holders.</p>

Please write your comments about the name change:

The Park should be named "Strike Park"
2006 Geoff Gallop (Premier during that time)
Officially called off the strike with recognition
of the Elders and gave them medals commending
them of the courageous fight for equality
and recognition. My family has been
instrumental in the 1946 strike.



**Please write your comments
about the name change:**

Make it happen

None change AGREE

Please write your comments about the name change:

I think its a good Idea
and it should happen
brilant

[REDACTED]

Subject: Proposed Renaming of Leap Park, Port Hedland
Date: Tuesday, 17 March 2020 10:03:48 AM
Importance: High

In regard to the renaming of Leap Park in Port Hedland, I would encourage any recognition of [Aboriginality](#) in the West End of Port Hedland.

Thank you for your consideration of this matter

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Subject: RE: proposed Leap Park renaming
Date: Friday, 20 March 2020 3:01:49 PM

Hi [REDACTED],

Your letter of the 17th March is acknowledged and contents noted. It is quite apparent that you do not intend to have available the opportunity to discuss the change of name for Leap Park, as I have requested this information on three occasions, all to no avail. I will now pass on same to the Aboriginals who have discussed this change with me for their direct input into your name change, as they will not have the opportunity to discuss same collectively.

I personally object to the proposed change.

Kind Regards,

[REDACTED]

[REDACTED]

----- Original Message -----

From:

[REDACTED]

To:

[REDACTED]

Cc:

Sent:

Tue, 17 Mar 2020 09:02:54 +0000

Subject:

RE: proposed Leap Park renaming

Hi [REDACTED]

Thank you for getting back to me.

The proposed name change was referred to the [REDACTED] should the [REDACTED] wish to provide comment. This may include comment on the history of the site, proposed and current names, and whether they, as the [REDACTED], support the change. The Town has undertaken consultation with the local Aboriginal elders and language groups directly through established channels, as it is our responsibility as the local government.

Should any communities or community members wish to obtain further information I recommend they contact me directly, I am happy to discuss the proposal with them.

Kind Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Town of Port Hedland would like to acknowledge the Kariyarra, Ngarla, and Nyamal people as the Traditional Custodians of the Town of Port Hedland lands.

We recognise their strength and resilience and pay our respects to their Elders past and present

From: [REDACTED]
Sent: Tuesday, 17 March 2020 1:38 PM
To: [REDACTED]
Subject: RE: proposed Leap Park renaming

Hi [REDACTED],

Thank you for your email of the 16th March advising of the submission period closing Wednesday the 18th March. I am still awaiting a reply to my submission to you on the 10th March requesting information of any further discussion that you may have planned for us to have an input and submission on behalf of the Aboriginal people.

I am quite amazed of your comment in regarding the meeting which was recently held, we did receive a copy of this forum, however we were under the impression that this purely only related to the Aboriginal and TSI statistical information as outlined in your media release dated 3rd March. I am surprised that the items of the proposed change of name was discussed and apparently voted on as you state that you had 52 people in attendance and all attendees supported the proposed renaming. This is the type of discussion that we would have liked to be

present at to hear their views as requested in our previous correspondence.

I again repeat will there be an occasion for us to have any discussion with the Aboriginals concerned, as there are several communities that have indicated they would like more information on this proposed change.

Kind Regards,

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

----- Original Message -----

From:

[REDACTED]

To:

[REDACTED] >

Cc:

Sent:

Mon, 16 Mar 2020 07:22:41 +0000

Subject:

RE: proposed Leap Park renaming

Good Afternoon [REDACTED]

Just touching base regarding the below. The submission period for this

item closes this Wednesday 18 March, if you would like to provide any formal comment.

Please let me know if you have any queires,

[REDACTED]

The Town of Port Hedland would like to acknowledge the Kariyarra, Ngarla, and Nyamal people as the Traditional Custodians of the Town of Port Hedland lands.

We recognise their strength and resilience and pay our respects to their Elders past and present

From: eplanning
Sent: Wednesday, 11 March 2020 3:36 PM
To: [REDACTED]
Subject: RE: proposed Leap Park renaming

Hi [REDACTED]

Thank you for getting back to me.

The request to rename the park was received in response to the Town's development of Policy 12/010 – Naming of Roads and Places (I have attached a copy of the policy for your reference). Consultation was undertaken with the Hedland Aboriginal Strong Leaders (HASL) during the drafting of the policy, and as a result the possibility of renaming the park was identified. A formal request was received following Council approval of the policy.

The request was supported by a number of Elders that are part of HASL, which as I'm sure you are aware includes Elders from a number of local language groups. The request was to rename the park to '1946 Strike Park', with '1946 Strike' being the recognised name of the strike in its entirety. However, advice from Landgate as the State naming authority confirmed that a number cannot be used in a formal name. Accordingly, following agreement by HASL, the '1946' was removed and the proposed name amended to 'Strike Park'.

In addition to social media and newspaper advertising, the proposed renaming was also discussed in depth at the Aboriginal and Torres Strait Island (ATSI) Forum held yesterday. The Forum was attended by 52 people of Aboriginal or TSI descent, including some with immediate family that participated in the strike. All attendees supported the proposed renaming.

Please do not hesitate to give me a call if you would like to discuss this further,

[REDACTED]

The Town of Port Hedland would like to acknowledge the Kariyarra, Ngarla, and Nyamal people as the Traditional Custodians of the Town of Port Hedland lands.

We recognise their strength and resilience and pay our respects to their Elders past and present

From: [REDACTED]

Sent: Tuesday, 10 March 2020 4:16 PM
To: eplanning <eplanning@porthedland.wa.gov.au>
Subject: RE: proposed Leap Park renaming

Hi [REDACTED]

Thank you for your acknowledgement of our request for information regarding the proposed change of names for Leap Park. We have certainly a large knowledge at the association of the conditions and requirements of this proposed event. I am a little confused regarding the amount of time taken for a request of change from the Aboriginal families, as the majority of the Aboriginals who we have spoken to have quoted that this event was purely part of an enormous strike which as stated by you, involved over 800 families and consider that at the time of naming Leap Park, when it was proposed to be considered, it did not become an actuality.

Would you please advise whether you propose to consider a further discussion in defining the futuristic naming of this significant park, as it would be interesting to see the attitude and appreciation of the present day Aboriginal communities.

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Original Message -----

From:

"eplanning" <eplanning@porthedland.wa.gov.au>

To:

[REDACTED]

Cc:

Sent:

Fri, 6 Mar 2020 00:27:18 +0000

Subject:

RE: proposed Leap Park renaming

Good Morning [REDACTED]

Thank you for your email.

Unfortunately the technical assessment cannot be released as it is an internal document. However, the following information can be provided.

In the history of the park, LEAP stands for Landcare and Environmental Action Plan. Leap Park was the site of a LEAP project sponsored by Hedland Job Link in conjunction with Pundulmurra Tafe in 1995, during which approximately 18 participants undertook on-the-job botanical training in the establishment of the gardens at the park. Whilst the name of the park was established colloquially as a response to this project, the Town was unable to locate any record either locally or at a State level of the name being formally registered.

In 2001, in conjunction with and at the request of the (at the time) Pilbara Commission of Elders, the Town commissioned the installation of a sculpture at the park to recognise the 1946 Strike and the importance of the park during the strike. During this project the renaming of the park to 'Strike Park' was also requested, and supported by a number of Aboriginal Corporations and local organisations. It is unknown why the requested name change did not proceed at this time.

The 1946 Strike affected over 800 families, and holds local, regional and national significance. The site of Leap Park itself was an important location in the strike and remains important to a number of Aboriginal families who participated in the strike. The Town accordingly considers it vital to consider the requested name change, not only in recognition of the historic importance of the site but as a way of acknowledging the local indigenous people and communities and their contributions to Port Hedland, and further build

relationships into the future.

Please do not hesitate to contact me if you would like any further information or if there is a specific aspect you would like clarification on, I am happy to discuss it with you further if desired.

Kind Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Town of Port Hedland would like to acknowledge the Kariyarra, Ngarla, and Nyamal people as the Traditional Custodians of the Town of Port Hedland lands.

We recognise their strength and resilience and pay our respects to their Elders past and present

From: [REDACTED]
Sent: Thursday, 5 March 2020 1:12 PM
To: eplanning <eplanning@porthedland.wa.gov.au>
Subject: proposed Leap Park renaming

In reply to your memo of Tuesday 25 February please be advised that our association would like to make a submission in regard to the proposed change of name of Leap Park. We wish to request a copy of the technical assessment of the proposal as outlined in your memo. This information would enable our committee to assess the basis of the proposed change, as we consider that the strike element was not the most significant event that took place during the period of time under discussion.

Your acknowledgement would be appreciated.

Kind Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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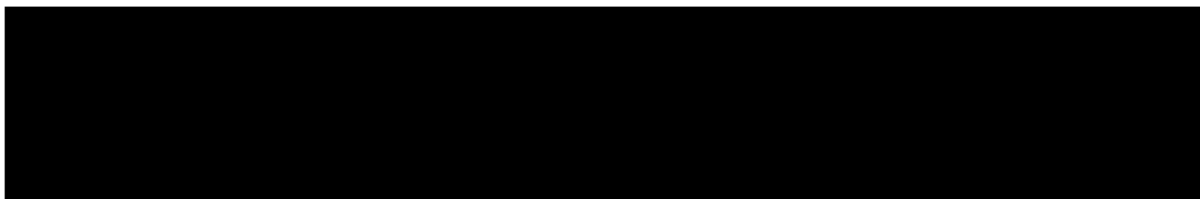
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27th March 2020Dear **RE: OBJECTION TO THE RENAMING OF LEAP PARK PORT HEDLAND.**

I was born and raised in Port Hedland in the early 1940's and have lived here all my life with my immediate family. I object to the renaming of Leap Park for the following reasons.

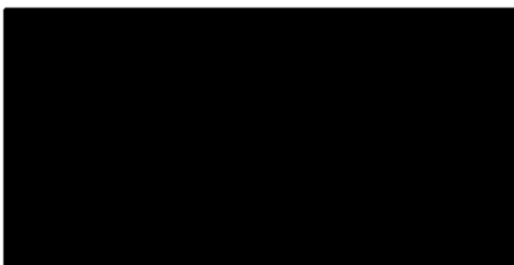
1. The initial naming of the park did not include the involvement of the Aboriginal Community. There was no involvement with the community by the Julliard Corporation who supports the Strong Women's Group regarding the proposal.
2. I am the only inaugural member of the ATSIC Regional Council and over the many years I met and knew many of the elders who were leaders and leaders in the strike.
3. The strikers were never involved in the development of Pt. Hedland, they were totally involve in the Pastoral Strike and generated money through the Mining Operations and pastoral industry. Other Aboriginal people who lived and worked in the town developed this town prior, during and after the strike they never lived here, they visited but never lived in the town, all are buried at Strelley, Warralong, Nullagine,
4. In 1993 ATSIC completed a review of Strelley Nomads which revealed the following Facts
 - i) Since 1946 McCleod formed three companies
 - Strelley Housing Society
 - Strelley Pastoral Company
 - Nomads Charitable and E

POSTAL: PO Box 528 Port Hedland WA 6721
Telephone: (08) 9173 2398 Facsimile: (08) 9173 2849



- Strelley Pastoral Company
 - Nomads Charitable and E
5. The land holdings at the time included five stations totalling 493, 246 hectares and these included: Strelley, Callawa, Carlindie, Lalla Rookh and Coongan. They later secured the management right as the Abydos and Woodstock Reserves (NO. 22626 and 22627).
6. Following the strike there were three major break away from the Strelley Community.
- In 1960 Peter Coppin and Ernie Mitchell both [now deceased] lead His group to settle at Yande Yarra Station and registered their group as the Mugarinya Community.
 - In 1981 brothers Billy and Ned Gibbs [now deceased] broke away and settled a group at Punmu in the Western Desert.
 - In 1988 Lindsay Bandy walked of the Warralong settlement. It was reported in the review that the Bandy group was unique because the majority was young married couplew3s, mostly under 30 years of age. This group called themselves Nyungaumartu initially lived in South Hedland until the moved to Drovers Rest located 12 kms from Port Hedland.
7. I know for a fact as a long-term resident of Port Hedland since the early 1940 that the Strikers were not involved with the development of the Port Hedland township and should not exclude other members of the Aboriginal Community who are being excluded.

Yours sincerely,



12


26TH March 2020
Dear ,RE: PROPOSED NAME CHANGE FOR LEAP PARK PORT HEDLAND TOWN SITE.

I am submitting an **objection** to the proposed name change for Leap Park which is located in Port Hedland West End.

1. I understand that the proposed name was submitted by a un-constituted Community Group named "Strong Women's Group" which is being supported by both the Pt.Hedland Town Council and the group incorporated registered under the ORIC Act and identified as **Yulyardi Aboriginal Corporation ICN No 8808**. The last report in 30th June 2019 identified that David Pentze and John Van Der Ends were directors since 1918 [raises issues regarding conflict interest by Pentze!]
2. Trina Stoddart is registered in the General Report as the contact person, she is also the Co-ordinator of the Strong Women's Group and was working for the Pt.Hedland Town Council but is now working for the Yulyardi Aboriginal Corporation (confirmed with her by telephone today). The financial report that this corporation has 12 employees for the 2019 year. They also had an income of 193828.00 income with no grants.
3. I understand that a meeting was held in South Hedland to endorse the proposed Changes to the name of the park. We, the descendants to Tommy Anderson who were determined in the Federal Court as traditional owners for the Kariyarra Claim we're not consulted about the meeting which could have provided us with the opportunity to have input into the process.
- 4.. I do not object to the promotion of the strikers which started following a meeting of senior Law Carriers in 1942. In May 1946 the **Aboriginal pastoral workers in the Pilbara went on strike because of what they saw as States failure to seriously consider their grievances. The first grievance was an industrial issue for (1) better wages (2) better working conditions on the stations.**



- 5 However the Strikers were not the only Aboriginal people in the Pilbara who were working hard to improve their quality of life on the stations and the Pilbara at large.
6. At the time the 1905 legislation was in forced and ALL the strikers were not allowed into the town limits and they were forced onto local reserves in the area namely the 12 mile and the Ridge. So they could not come into town they had to remain on the reserves, any acknowledge should be in a more appropriate place.

REASON FOR OBJECTION.

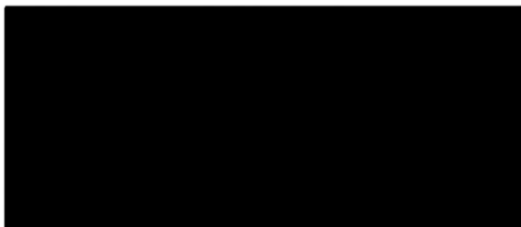
- i) The Strikers were NOT Traditional Owners from the Kariyarra People the majority of them were from the desert who had instructed McLeod to (1) Secure a tract of land in the Pilbara so that the desert people could be settled there.
- ii) None of the Strikers were buried in Port Hedland, the majority including Don McCleod were buried either at Strelley, Warralong, Marble Bar or Nullagine. Because they were not allowed into the town site they were NOT involved in the development of Pt.Hedland and should not be given any recognition, they were totally involved in the Pastoral Strike While they were on strike the people I mention below continued to work to develop and support the Aboriginal people in the Pilbara.
- iii) There were many other Aboriginal people living and working especially in Pt.Hedland who should not be excluded from any recognition of their efforts to not only improve the lives but the wider Aboriginal Community as a whole of eg All of these people are now deceased.
 - Charlie Murphy and his wife Sara both were stolen generation sent from Beagle Bar mission were the first Aboriginal to establish the local laundry and Employed man Aboriginal people.
 - Pop Clarke and wife who built their own house outside the town limits and Raised a large family both from Beagle Bay Mission.
 - Rose Nowers daughter of Pop Clark established the Pt.Hedland Progress Association with Adam Barker was instrumental in establishing Pundulmurra College the 1st Independent Aboriginal College also involved in established Hedland College.
 - Matt and Belinda Dann were instrumental in working with the Beagle Bay people to establish the Convent School and Catholic Church.
 - Teddy Allen established a wood supply business supplying wood to the hotels Etc. and employed many Aboriginal Workers.
 - The Dann family also worked with the Church to establish the Eureka club where the people used to hold dances, weddings and meetings.
 - Nearly all the Aboriginal people living in the town were working in the PWD, Hospital, Powerhouse, Stations, Schools, Shire. Local stores, main roads and the wharf.
 - They made bricks and built the 1st Church and school.



- Tommy Grey from Pardoo and the Lockyer Brothers from Mt. Welcome were the first Aboriginal people to go to war, many did not return.
 - Herbert Parker was the first Aboriginal man to be elected to represent the Aboriginal people in the NNAC in Canberra.
- iii) There were many other Aboriginal people who played major roles in the Port Hedland and the people mentioned above should be included in any name that is proposed for Strike Park as proposed.
- iv) The Strikers did not live in Port Hedland they lived at the 12 Mile, Roebourne, Pardoo, Marble Bar, Carnarvon etc. It is certainly NOT appropriate that this park be named after them, especially without giving us the opportunity to participate.
- v) We, the descendants of Tommy Anderson, registered apical of the Kariyarra Native Title Determination do not authorize the name change to this Park, another name should be identified to recognise and acknowledge all the Aboriginal People.

I submit this objection on behalf of the descendants of Tommy Anderson, recognised by the Federal Court as an apical in the Federal Court as a Traditional owner of the Kariyarra Native Title Claim.

Your sincerely,



3


Town of Port Hedland
February 25 at 2:49 PM · 🌐

A proposal has been submitted to the Town of Port Hedland to rename Port Hedland's Leap Park to 'Strike Park', located on the corner of Anderson and Wedge Street.

The request was submitted by Hedland Aboriginal Strong Leaders, in recognition of the park site's significance to the 1946 strike for fair wages and working conditions for Aboriginal pastoral workers.

The strike is regarded as one of the longest industrial strikes in Australia, and a landmark in Aboriginal Australians advocating for their human rights, cultural rights and Native title.

It has been determined that the current 'Leap' name of the park does not hold noteworthy historical or cultural significance.

If you'd like to have your say on the proposed name change, click here ➡️
<https://www.porthedland.wa.gov.au/.../proposed-renaming-of-po...>



👍❤️ 35
10 Comments 1 Share

👍 Like
💬 Comment
➦ Share

All Comments ▾

Write a comment...

😊 📷 GIF 🗨️

Great idea. Can you also include some sort of info/memorial at the Park for visitors to the area. The significance of the 1946 strike was huge for the Pilbara and Aboriginal people.

👍❤️ 7

Like · Reply · 1w

Top Fan

I learnt this today. Thanks for the story and now I'll read up about this strike to understand more about it. I think it seems a great idea!

Like · Reply · 1w

Absolutely change it back to its original name. They should even include a story walk through it. Changed the Pilbara forever in 1946.

Like · Reply · 1w

3

Absolutely this is a simple way to recognise what these people achieved and fits with the statues that were placed there many years ago. This should not be a difficult or controversial decision.

Like · Reply · 1w

6

A bit more information would be useful. What is the reason behind the name 'Leap Park', and who has determined that it has no historical or cultural significance?

Like · Reply · 1w

Certainly. Time to recognise these people and their struggle

Like · Reply · 1w

Top Fan

Like · Reply · 1w

about time

Like · Reply · 1w

Top Fan

Like · Reply · 1w



Town of
Port Hedland

Policy

12/002 Off Site Car Parking

Objective

The objective of this policy is to provide guidance for the possible development of car parking in adjoining road reserves.

Content

Parking Policies

- i) The land valuation component of the cash-in-lieu provision be undertaken in accordance with the Town Planning Scheme requirements, by a qualified valuer appointed by the Town of Port Hedland. All costs associated with the valuation being met by the developer with an estimated cost being paid before valuation is obtained.
- ii) A minimum of 50% of assessed carparking bays to be provided on-site.
- iii) All development within the road reserve to be at the developer's cost.

Development of Carparking in Road Reserves other than in "Residential" areas.

- i) Council, at its discretion, may permit a portion of the abutting road reserve to be developed for carparking, up to a maximum of 40% of the road reserve. The number of bays to be constructed in the road reserve shall be expressed as a cash-in-lieu of carparking contribution and paid to Council. Council shall then arrange to design and carry out the necessary works. Such parking in the road reserve shall thereafter be designated public carparking and available for use by all motorists.
- ii) Any carparking within the road reserve shall be screened with suitable landscaping. Plans of the proposed landscaping shall be prepared by a suitable qualified designer and submitted to Council for assessment. All costs associated with the establishment of the landscaping, including reticulation and maintenance, shall be borne by the developer.

Definitions

Nil.



Town of
Port Hedland

Policy

Relevant legislation	-
Delegated authority	-
Business unit	Town Planning and Development
Directorate	Development, Sustainability and Lifestyle

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
	V01	-	24 November 2004
Review frequency	-		

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**9/007 Roadside, Verge and Reserve Parking****Content**

No vehicle shall be parked on a verge in such a way that any part of the vehicle is within 300mm of a path. Parking within 5m of the Tangent Point of any intersection is not permitted within the road reserve. Parking on verges or shoulders within Industrial or Commercial zones is not permitted.

Parking on verges or shoulders of Distributor Roads, where the speed limit is greater than 60 kilometres per hour, is not permitted, except in the case of breakdown, emergency, or event for which a permit is required. Vehicles assessed by any authorised Council Officer to be:

- Broken down, must be removed within 3 hours or they will be removed by Council at the owners expense.
- Creating any hazard or obstruction will be removed immediately.

Parking on the verges of parks, recreation reserves, drainage reserves, foreshore reserves, or private property without express permission of the vested owner/occupier of the land is not permitted. Parking within any of the above reserves is only permitted within car park areas if provided.

With respect to Recreation Reserves vehicles approved by the Manager of Recreation Services may be exempted from this policy for the specific purpose of delivering equipment or materials for Council endorsed activities to a pre-approved location. Where a trailer or towed implement is approved, the towing vehicle does not require independent approval.

Council, Emergency and Service Authorities are exempted from this Policy while acting in any official capacity.

Definitions

Nil.



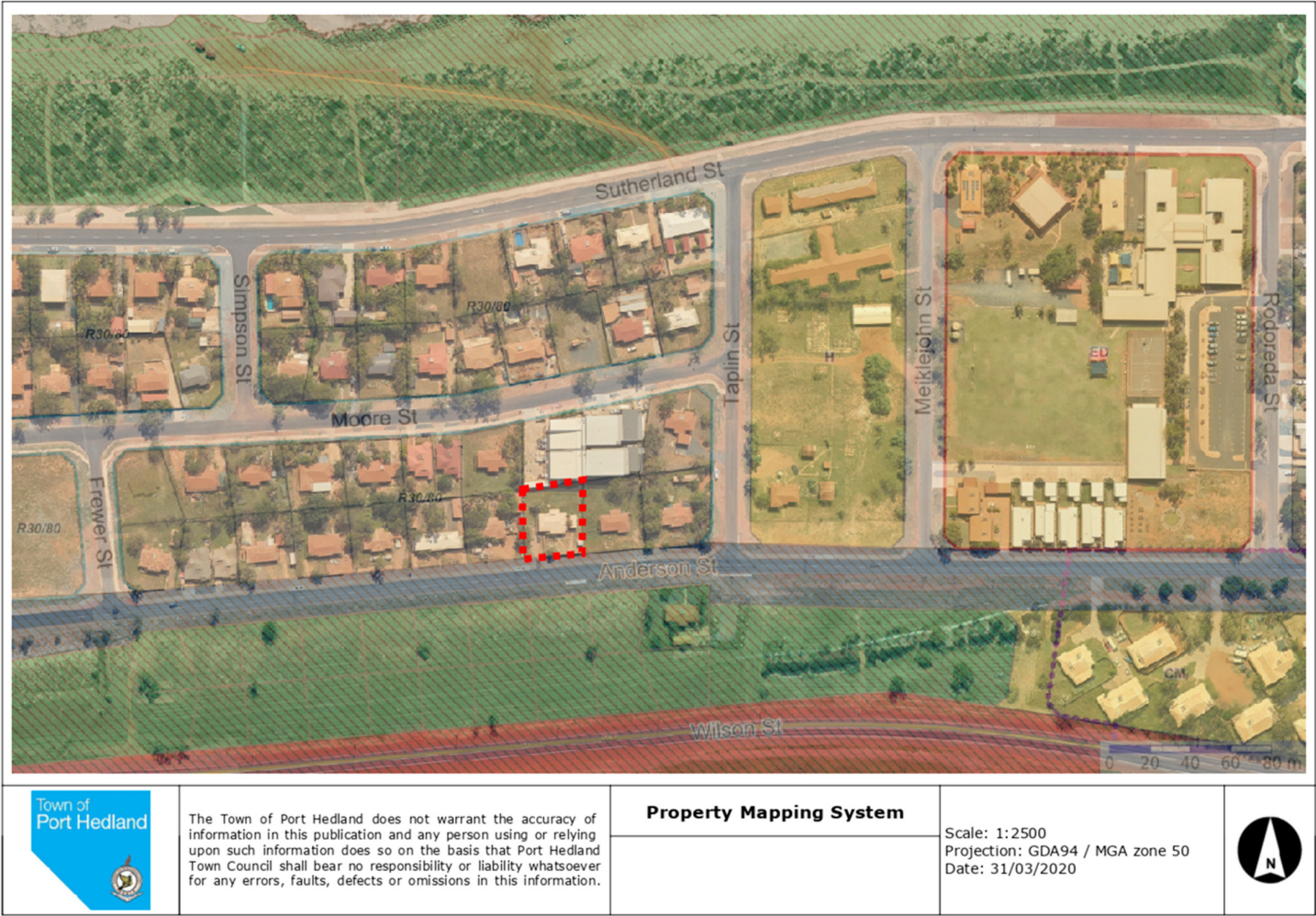
Town of
Port Hedland

Policy

Relevant legislation	-
Delegated authority	-
Business unit	Community Safety
Directorate	Development, Sustainability & Lifestyle

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
	V01	-	24 November 2004
Review frequency	-		

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Government of Western Australia
Department of Health



Your Ref: 2013/183.03
Our Ref: F-AA-19904/05 D-AA-20/11909
Enquiries: Vic Andrich (08) 9222 2000

Mr David Pentz
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Via email to: eplanning@porthedland.wa.gov.au

Attention: Mr Chaz Roberts, Manager Town Planning and Development

Dear Mr Pentz

**DEVELOPMENT APPLICATION – EXTENSION TO TIME – 2013/183.03 TWELVE
MULTIPLE DWELLINGS – LOT 737 (#113) ANDERSON STREET, PORT
HEDLAND**

Thank you for your letter of 24 January 2020 requesting comments from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the proposed extension of time for substantial commencement by an additional two years.

Should you require further information please contact Vic Andrich on (08) 9222 2000 or at ehinfo@health.wa.gov.au

Yours sincerely

Dr Michael Lindsay
**A/EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

12 February 2020

Environmental Health Directorate | Public and Aboriginal Health Division
All correspondence to: PO Box 8172, PERTH BUSINESS CENTRE WA 6849
Level 3, A Block, 189 Royal Street, EAST PERTH WA 6004
Telephone (08) 9222 2000 Email: ehinfo@health.wa.gov.au
ABN 28 684 750 332
www.health.wa.gov.au



Government of Western Australia
Department of Water and Environmental Regulation

Your ref: 2013/183.03
Our ref: DWERDT249322/RF741-19/PA32278
Enquiries: Justine Shailes Ph: (08) 9144 0217

Chaz Roberts
Manager Town Planning and Development
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Chaz,

**DEVELOPMENT APPLICATION REFERRAL - 2013/183.03 FOR
AMENDMENT TO APPLICATION 2013/183.01 - TWELVE (12) MULTIPLE
DWELLINGS - EXTENSION OF TIME ON LOT 737 (113) ANDERSON
STREET PORT HEDLAND 6721**

Thank you for providing the Development Application amendment for extension of time on the above Lot for the Department of Water and Environmental Regulation (Department) to consider.

The Department does not object to the Development Application and has no comments.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact Justine Shailes on (08) 9144 0217.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Shailes'.

Justine Shailes
A/Program Manager
North West Planning Advice
Department of Water and Environmental Regulation

21 / 02 / 2020

Prime House, 8 Davidson Terrace Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919
Telephone: 08 6364 7000 Facsimile: 08 6364 7001
www.dwer.wa.gov.au

Hi Chaz

Thank you for your letter dated 24 January 2020 seeking comment from the Department of Planning, Lands and Heritage (DPLH) on a proposed amendment (extension of time) to development application 2013/183.01 for 12 multiple dwellings on Lot 737 Anderson Street, Port Hedland (your ref. 2013/183.03).

The Regional North Land Use Planning team has reviewed your referral and I now provide the following general comments:

- Lot 737 is zoned 'West End Residential' with a split Residential Density Coding (R-Code) of R30/80, pursuant to the Town of Port Hedland Local Planning Scheme No.5 (LPS5). Under Table 1 – Zoning Table in LPS5, 'Multiple Dwellings' is listed as a 'D' use within the 'West End Residential' zone. Accordingly any development approval for this site is at the discretion of the local government and approval should be in accordance with the provisions of Section 5 of LPS 5, which guides the additional development requirements of the zone as specified below:
 - Clause 5.2.6 - The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to discourage occupation by families with children or by elderly persons;
 - Clause 5.2.7 and 5.2.8 - Set out the additional development requirements which are to be considered when approving applications within the 'West End Residential' zone;
 - Clause 5.2.9 - When considering an application for development approval within the West End Residential Zone, the local government shall consider the purpose of the zone and the recommendations of any formal risk study undertaken by or endorse by the Department of Health.
- It is recommended in determining this application and in accordance with Clause 5.2.9 that the application be referred to the Department of Health for comments, specifically on their position in regards to additional residential development within the West End and the potential exposure to dust.
- Schedule 2 Part 9 cl. 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* stipulates matters to be considered by local governments when assessing development applications including the suitability of the land for the development taking into account the possible risk to human health or safety.

Given the findings from the Government's endorsed Port Hedland Dust Management Taskforce Report (2016) and the primary objective of minimising public exposure to dust, it is recommended that in determining the application comments be obtained from the Department of Health in line with Clause 5.2.9 of LPS 5 to determine their position given the proximity of the development to port operations and the potential impact of dust exposure to inhabitants of permanent residential dwellings. It should be also noted that in July 2019, Improvement Plan No.50 – Port Hedland West End (IP50) was gazetted.

The objectives of IP50 are to:

- 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.

IP50 establishes a head of power for the WAPC to prepare an improvement scheme in order to implement the above objectives. The WAPC is currently preparing the Port Hedland West End Improvement Scheme and until such time, the improvement scheme is gazetted, the Town of Port Hedland remains responsible for determining development applications in accordance with the provisions of LPS5.

I hope this information is of assistance.

Kind regards

Patrick McClure | Planning Manager | Land Use Planning
140 William Street, Perth WA 6000
6551 9585 |
www.dplh.wa.gov.au



**Department of Planning,
Lands and Heritage**



The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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PO Box 415
Port Hedland
WA 6721
ABN 92 624 657 674

ToPH Ref: 2013/183.03

24 February 2020

Development Services
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Sir/Madam,

**SUBMISSION ON APPLICATION TO EXTEND THE APPROVAL PERIOD
LOT 737 (113) ANDERSON STREET, PORT HEDLAND**

Thank you for the opportunity to review and comment on the proposed extension of time for the development approval of twelve multiple dwellings on Lot 737 (113) Anderson Street, Port Hedland (**subject site**).

We **strongly oppose** the application based on a review of the relevant planning considerations as set out below.

The five considerations for assessing an application for the extension of an approval period were described by the State Administrative Tribunal in *A.M.I Enterprises Pty Ltd and Presiding Member of the Mid-West/Wheatbelt Joint Development Assessment Panel* [2018] WASAT 130 at [73]; those considerations are:

- *whether the planning framework has changed substantially since the development approval was granted;*
- *whether the development would likely receive approval now;*
- *whether the holders of the development approval have actively and relatively conscientiously pursued the implementation of the development approval;*
- *whether the landowner has sought to 'warehouse' the development approval; and*
- *whether the time period for substantial commencement originally imposed was adequate.*

The application to extend the approval timeframe should not be approved, for the following reasons.

1. The planning framework has substantially changed

The original development approval was granted by the Pilbara Joint Development Assessment Panel on 12 March 2014.

On 23 July 2019 the Governor accepted a recommendation to prepare Improvement Plan 50 (**IP50**) over the West End of Port Hedland, which includes the subject site. IP50 authorises the making of an improvement scheme, an objective of which includes:

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.

'Sensitive land uses' in this context includes multiple dwellings.

The certification of IP50 is a significant change to the planning framework which changes the context in which development applications are assessed. The planning framework has therefore substantially changed.

2. The development would likely not receive approval now

Having regard to the objectives of IP50, it would not be appropriate for a planning authority to approve the development today. This is because approval to the development would undermine the direct aims and objectives of Government, and it would be inconsistent with orderly and proper planning to approve the development.

While the development is arguably consistent with the current zoning under the Town of Port Hedland Planning Scheme No.5, this fact does not override consideration of other factors, including IP50 and other objectives of the planning framework. IP50 is a current and important part of the planning framework. Orderly and proper planning requires consideration to be given to not just the Planning Scheme, but the contemplation of the whole of the planning framework which clearly envisages the prohibition of multiple dwellings and other sensitive land uses.

3. The holders of the development approval have not actively and relatively conscientiously pursued the implementation of the development approval

There is no evidence to suggest in the almost six-year period since the approval was originally granted, the proponent has undertaken any actions or works to implement the approval (such as site preparation and demolition of existing structures). As at 15 October 2019, the existing house on the subject site had not been demolished.

4. The landowner has sought to 'warehouse' the development approval

With the lack of evidence to the contrary, the landowner appears to be warehousing the approval. This is not appropriate in circumstances where the planning framework has changed with the objective of prohibiting multiple dwellings.

5. The time period for substantial commencement originally imposed was adequate

A development of this type can be and are readily constructed in 1-2 years. This has been the experience with similar multiple dwelling developments in Port Hedland. The original two-year approval term was adequate.

For all of the above reasons, we strongly object to the proposal to extend the approval timeframe, and the application should be refused.

We respectfully request we are kept updated with progress and are invited to attend any Council meeting at which the application is considered. Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact me on 0413 401 323.

Yours sincerely



Kirsty Danby
Chief Executive Officer



Government of Western Australia
Development Assessment Panels

LG Ref: 2013/183
DoP Ref: DP/13/00283
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919



COPY

Mr Michael Hain
Anderson UT Holdings
c/- 33 Nappier Street
Cottesloe WA 6011

Dear Mr Hain

**Pilbara JDAP – Town of Port Hedland – DAP Application 2013/183
Lot 737 (113) Anderson Street, Port Hedland
Twelve (12) “Multiple Dwellings”**

Thank you for your application and plans submitted to the Town of Port Hedland on 21 March 2013 for the above development at the above mentioned site.

This application was considered by the Pilbara Joint Development Assessment Panel at its meeting held on 30 May 2013, where in accordance with the provisions of the Town of Port Hedland Town Planning Scheme No.5, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with Regulation 17 of the Development Assessment Panel Regulations 2011.

Also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any enquiries in respect to the conditions of approval please contact Mr Ryan Djanegara at the Town of Port Hedland on 9158 9326.

Yours sincerely

DAP Secretariat

4 106/2013

Encl. DAP Determination Notice
Approved plans

Cc: Mr Ryan Djanegara
Town of Port Hedland
PO Box 41
Port Hedland WA 6721



Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 9919 Fax: (08) 6551 9961 TTY: 6551 9007 Infoline: 1800 626 477
daps@planning.wa.gov.au www.planning.wa.gov.au
ABN 35 482 341 493



Government of Western Australia
Development Assessment Panels

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Anderson UT Holdings
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Yours sincerely

DAP Secretariat

4 19/6/2013

Encl. DAP Determination Notice
Approved plans

Cc: Mr Ryan Djanegara
Town of Port Hedland
PO Box 41
Port Hedland WA 6721



wa.gov.au

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daps@planning.wa.gov.au www.planning.wa.gov.au
ABN 35 482 341 493



Planning and Development Act 2005

Town of Port Hedland Town Planning Scheme No.5

Pilbara Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Location: Lot 737 (113) Anderson Street, Port Hedland
Description of proposed Development: Twelve (12) "Multiple Dwellings"

In accordance with Regulation 8 of the *Development Assessment Panels Regulations 2011*, the above application for planning approval was **granted** on 30 May 2013, subject to the following resolution and conditions:

That the Pilbara JDAP resolves to:

Approve DAP Application reference DP 13/00283 and accompanying plans:

- DRG2013/183/1
- DRG2013/183/2,
- DRG2013/183/3,
- DRG2013/183/4, and
- DRG2013/183/5.

submitted by Hodge Collard Preston on behalf of the landowner, Anderson UT Holdings ATF Anderson Unit Trust of Lot 737 Anderson Street, Port Hedland, for Twelve (12) "Multiple Dwellings" in accordance with Clause 4.6.1 of the Town of Port Hedland Port Hedland Town Planning Scheme No. 5, subject to the following conditions:

1. This approval relates only to the proposed Twelve (12) "Multiple Dwellings", as indicated on the approved plans (DRG2013/183/1 - DRG2013/183/5). It does not relate to any other development on this lot.
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect.
3. A minimum of 15 car bays (consisting of 12 bays on site for residents and 3 bays within the Anderson Street road reserve for visitors) and 6 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/183/1).
4. No parking bays shall be obstructed in any way or used for any other purpose than parking.
5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.



6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect.
7. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/183/4 & DRG2013/183/5).
8. The approved "Refuse Collection Strategy / Management Plan" (DRG2013/183/1) shall be implemented to the satisfaction of the Manager Planning Services.
9. Roof mounted or freestanding plant or equipment such as air conditioning, external clothes drying facilities or hot water systems units shall be located and / or screened to the satisfaction of the Manager Planning Services.
10. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services.
11. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services.

The following conditions are to be cleared by Planning Services prior to any works taking place on the lot.

12. Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the three (3) off site car parking bays within the Anderson Street road reserve, to be constructed at the landowners cost to the satisfaction of the Manager Technical Services.
13. Prior to the commencement of works, the landowner shall indemnify the Town for any works in the Anderson Street road reserve, against any damage that may occur as a result of construction or ongoing maintenance. The landowner shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 20 below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services
14. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:
 - a. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary



basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health.

15. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town.
16. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.
17. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
 - a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials; and
 - f. Other matters likely to impact on the surrounding residents / businesses;

Conditions to be cleared by Planning Services prior to the occupation of the development.

18. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A. & M.J. Lommers Pty Ltd.
19. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bays and proposed landscaping in the Anderson Street road reserve for a two (2) year period to the satisfaction of the Manager Planning Services
20. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan (DRG2013/183/3) and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 3)
21. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer
22. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services.
23. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance



with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services.

24. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services.
25. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

1. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:

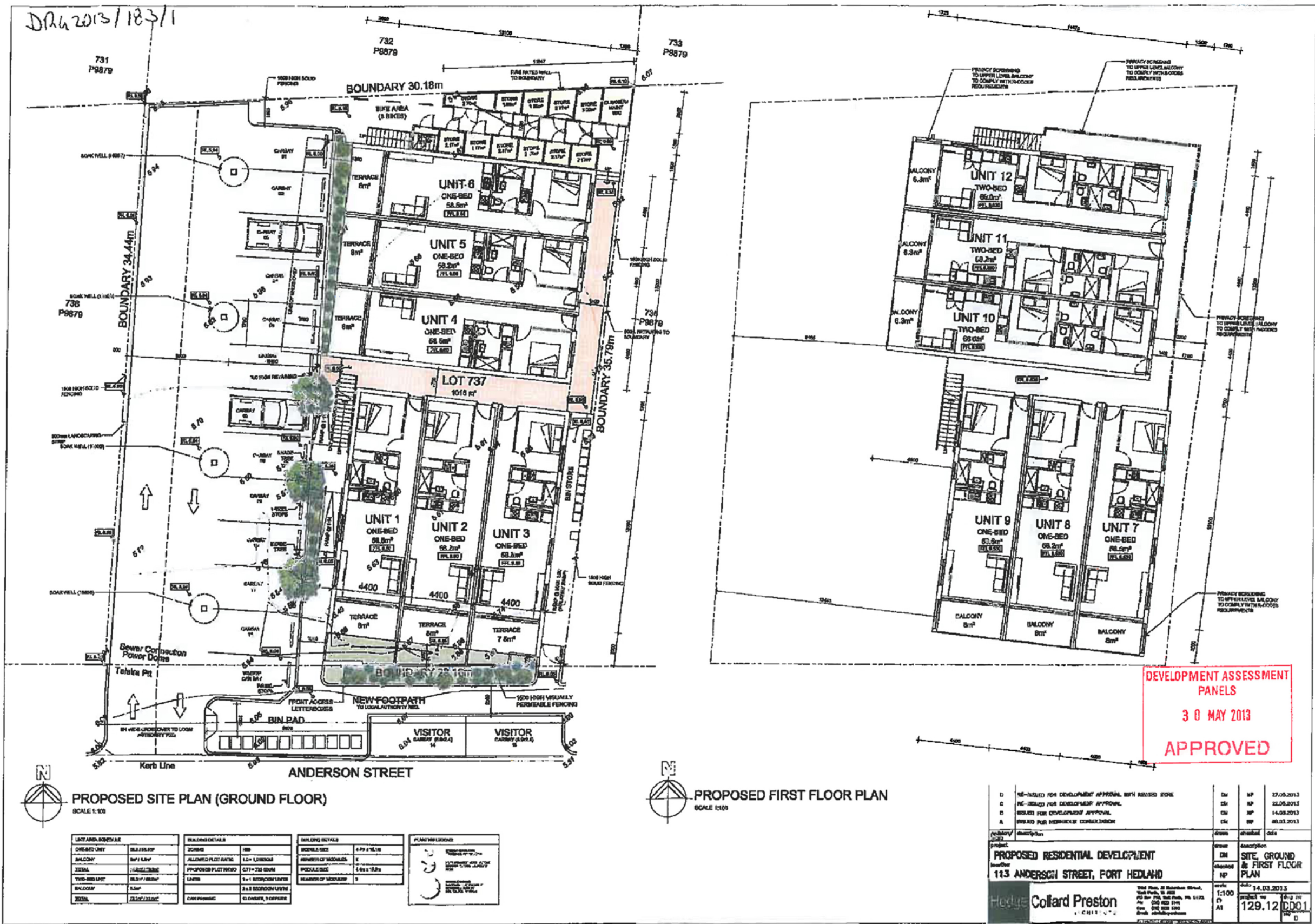
"Multiple Dwelling,

a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."

2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
3. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height.
4. With regards to Condition 9, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
5. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2.
6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.
7. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
8. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
9. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.



Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Development Assessment Panel Regulations 2011*.





Government of Western Australia
Development Assessment Panels

LG Ref: 2013/183
DoP Ref: DP/13/00283
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919



COPY

Mr Michael Hain
Anderson UT Holdings
c/- 33 Nappier Street
Cottesloe WA 6011

Dear Mr Hain

**Pilbara JDAP – Town of Port Hedland – DAP Application 2013/183
Lot 737 (113) Anderson Street, Port Hedland
Twelve (12) “Multiple Dwellings”**

Thank you for your application and plans submitted to the Town of Port Hedland on 21 March 2013 for the above development at the above mentioned site.

This application was considered by the Pilbara Joint Development Assessment Panel at its meeting held on 30 May 2013, where in accordance with the provisions of the Town of Port Hedland Town Planning Scheme No.5, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with Regulation 17 of the Development Assessment Panel Regulations 2011.

Also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any enquiries in respect to the conditions of approval please contact Mr Ryan Djanegara at the Town of Port Hedland on 9158 9326.

Yours sincerely

DAP Secretariat

4 19/6/2013

Encl. DAP Determination Notice
Approved plans

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Town of Port Hedland
PO Box 41
Port Hedland WA 6721



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Planning and Development Act 2005

Town of Port Hedland Town Planning Scheme No.5

Pilbara Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Location: Lot 737 (113) Anderson Street, Port Hedland
Description of proposed Development: Twelve (12) "Multiple Dwellings"

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That the Pilbara JDAP resolves to:

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- DRG2013/183/2,
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submitted by Hodge Colliard Preston on behalf of the landowner, Anderson UT Holdings ATF Anderson Unit Trust of Lot 737 Anderson Street, Port Hedland, for Twelve (12) "Multiple Dwellings" in accordance with Clause 4.6.1 of the Town of Port Hedland Port Hedland Town Planning Scheme No. 5, subject to the following conditions:

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4. No parking bays shall be obstructed in any way or used for any other purpose than parking.
5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.



Government of Western Australia
Development Assessment Panels

LG Ref: 2013/183
DoP Ref: DP/13/00283
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919



COPY

Mr Michael Hain
Anderson UT Holdings
c/- 33 Nappier Street
Cottesloe WA 6011

Dear Mr Hain

**Pilbara JDAP – Town of Port Hedland – DAP Application 2013/183
Lot 737 (113) Anderson Street, Port Hedland
Twelve (12) “Multiple Dwellings”**

Thank you for your application and plans submitted to the Town of Port Hedland on 21 March 2013 for the above development at the above mentioned site.

This application was considered by the Pilbara Joint Development Assessment Panel at its meeting held on 30 May 2013, where in accordance with the provisions of the Town of Port Hedland Town Planning Scheme No.5, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with Regulation 17 of the Development Assessment Panel Regulations 2011.

Also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any enquiries in respect to the conditions of approval please contact Mr Ryan Djanegara at the Town of Port Hedland on 9158 9326.

Yours sincerely

DAP Secretariat

4 10/6/2013

Encl. DAP Determination Notice
Approved plans

Cc: Mr Ryan Djanegara
Town of Port Hedland
PO Box 41
Port Hedland WA 6721



Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 9919 Fax: (08) 6551 9961 TTY: 6551 9007 Infoline: 1800 626 477
daps@planning.wa.gov.au www.planning.wa.gov.au
ABN 35 482 341 493



Planning and Development Act 2005

Town of Port Hedland Town Planning Scheme No.5

Pilbara Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Location: Lot 737 (113) Anderson Street, Port Hedland
Description of proposed Development: Twelve (12) "Multiple Dwellings"

In accordance with Regulation 8 of the *Development Assessment Panels Regulations 2011*, the above application for planning approval was **granted** on 30 May 2013, subject to the following resolution and conditions:

That the Pilbara JDAP resolves to:

Approve DAP Application reference DP 13/00283 and accompanying plans:

- DRG2013/183/1
- DRG2013/183/2,
- DRG2013/183/3,
- DRG2013/183/4, and
- DRG2013/183/5.

submitted by Hodge Collard Preston on behalf of the landowner, Anderson UT Holdings ATF Anderson Unit Trust of Lot 737 Anderson Street, Port Hedland, for Twelve (12) "Multiple Dwellings" in accordance with Clause 4.6.1 of the Town of Port Hedland Port Hedland Town Planning Scheme No. 5, subject to the following conditions:

1. This approval relates only to the proposed Twelve (12) "Multiple Dwellings", as indicated on the approved plans (DRG2013/183/1 - DRG2013/183/5). It does not relate to any other development on this lot.
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect.
3. A minimum of 15 car bays (consisting of 12 bays on site for residents and 3 bays within the Anderson Street road reserve for visitors) and 6 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/183/1).
4. No parking bays shall be obstructed in any way or used for any other purpose than parking.
5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.



6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect.
7. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/183/4 & DRG2013/183/5).
8. The approved "Refuse Collection Strategy / Management Plan" (DRG2013/183/1) shall be implemented to the satisfaction of the Manager Planning Services.
9. Roof mounted or freestanding plant or equipment such as air conditioning, external clothes drying facilities or hot water systems units shall be located and / or screened to the satisfaction of the Manager Planning Services.
10. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services.
11. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services.

The following conditions are to be cleared by Planning Services prior to any works taking place on the lot.

12. Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the three (3) off site car parking bays within the Anderson Street road reserve, to be constructed at the landowners cost to the satisfaction of the Manager Technical Services.
13. Prior to the commencement of works, the landowner shall indemnify the Town for any works in the Anderson Street road reserve, against any damage that may occur as a result of construction or ongoing maintenance. The landowner shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 20 below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services
14. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:
 - a. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary



basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health.

15. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town.
16. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.
17. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
 - a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials; and
 - f. Other matters likely to impact on the surrounding residents / businesses;

Conditions to be cleared by Planning Services prior to the occupation of the development.

18. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A. & M.J. Lommers Pty Ltd.
19. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bays and proposed landscaping in the Anderson Street road reserve for a two (2) year period to the satisfaction of the Manager Planning Services
20. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan (DRG2013/183/3) and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 3)
21. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer
22. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services.
23. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance





Government of Western Australia
Development Assessment Panels

LG Ref: 2013/183.01
DoP Ref: DP/13/00283
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

Mr Michael Hain
Anderson UT Holdings Pty Ltd
C/ 33 Napier Street
COTTESLOE WA 6011

Dear Mr Hain

Pilbara JDAP – Town of Port Hedland – DAP Application 2013/183.01
Lot 737 (113) Anderson Street, Port Hedland
Proposed amendment to “Twelve (12) Multiple Dwellings” Plans to change Units 1 and 9
from one bedroom dwellings to two bedroom dwellings

Thank you for your application and plans submitted to the Town of Port Hedland on 20 January 2014 for the above development at the above mentioned site.

This application was considered by the Pilbara JDAP at its meeting held on 12 March 2014, where in accordance with the provisions of the Town of Port Hedland Town Planning Scheme No 5, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with Regulation 17 of the Development Assessment Panel Regulations 2011.

Also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any enquiries in respect to the conditions of approval please contact Mr Ryan Djanegara at the Town of Port Hedland on 9158 9326.

Yours sincerely

DAP Secretariat

14/3/2014

Encl. DAP Determination Notice
Approved plans

Cc: Mr Ryan Djanegara
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721



Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 9919 Fax: (08) 6551 9961 TTY: 6551 9007 Infoline: 1800 626 477
daps@planning.wa.gov.au www.planning.wa.gov.au
ABN 35 482 341 493



Government of Western Australia
Development Assessment Panels

Planning and Development Act 2005

Town of Port Hedland Town Planning Scheme No 5

Pilbara Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Location: Lot 737 (113) Anderson Street, Port Hedland

Description of proposed Development: Proposed amendment to "Twelve (12) Multiple Dwellings" Plans to change Units 1 and 9 from one bedroom dwellings to two bedroom dwellings

In accordance with Regulation 8 of the *Development Assessment Panels Regulations 2011*, the above application for planning approval was **granted** on 12 March 2014, subject to the following:

That the Pilbara JDAP resolves to:

1. Accept that the DAP Application reference DP/13/00283 as detailed on the DAP Form 2 dated 20 January 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP application reference DP/13/00283 as detailed on the DAP Form 2 dated 20 January 2014 and accompanying plans, in accordance with the provisions of the Town of Port Hedland Town Planning Scheme No. 5, for Twelve (12) "Multiple Dwellings" on Lot 737 (113) Anderson Street, Port Hedland, subject to the preamble, 25 conditions and 10 advice notes attached to the decision of the Pilbara JDAP on 30 May 2013, except for the following amendments;

Preamble:

Replace Plan number "DRG2013/183/1" with "DRG2013/183.01/1"
Replace Plan number "DRG2013/183/2" with "DRG2013/183.01/2"
Replace Plan number "DRG2013/183/3" with "DRG2013/183.01/3"
Replace Plan number "DRG2013/183/4" with "DRG2013/183.01/4"
Replace Plan number "DRG2013/183/5" with "DRG2013/183.01/5"

Condition 1

Replace "DRG2013/183/1 – DRG2013/183/5" with "DRG2013/183.01/1 – DRG2013/183.01/5"

Condition 3

Replace "DRG2013/183/1" with "DRG2013/183.01/1"

Condition 7

Replace "DRG2013/183/4 & DRG2013/183/5" with "DRG2013/183.01/4 & DRG2013/183.01/5"



Government of **Western Australia**
Development Assessment Panels

Condition 8

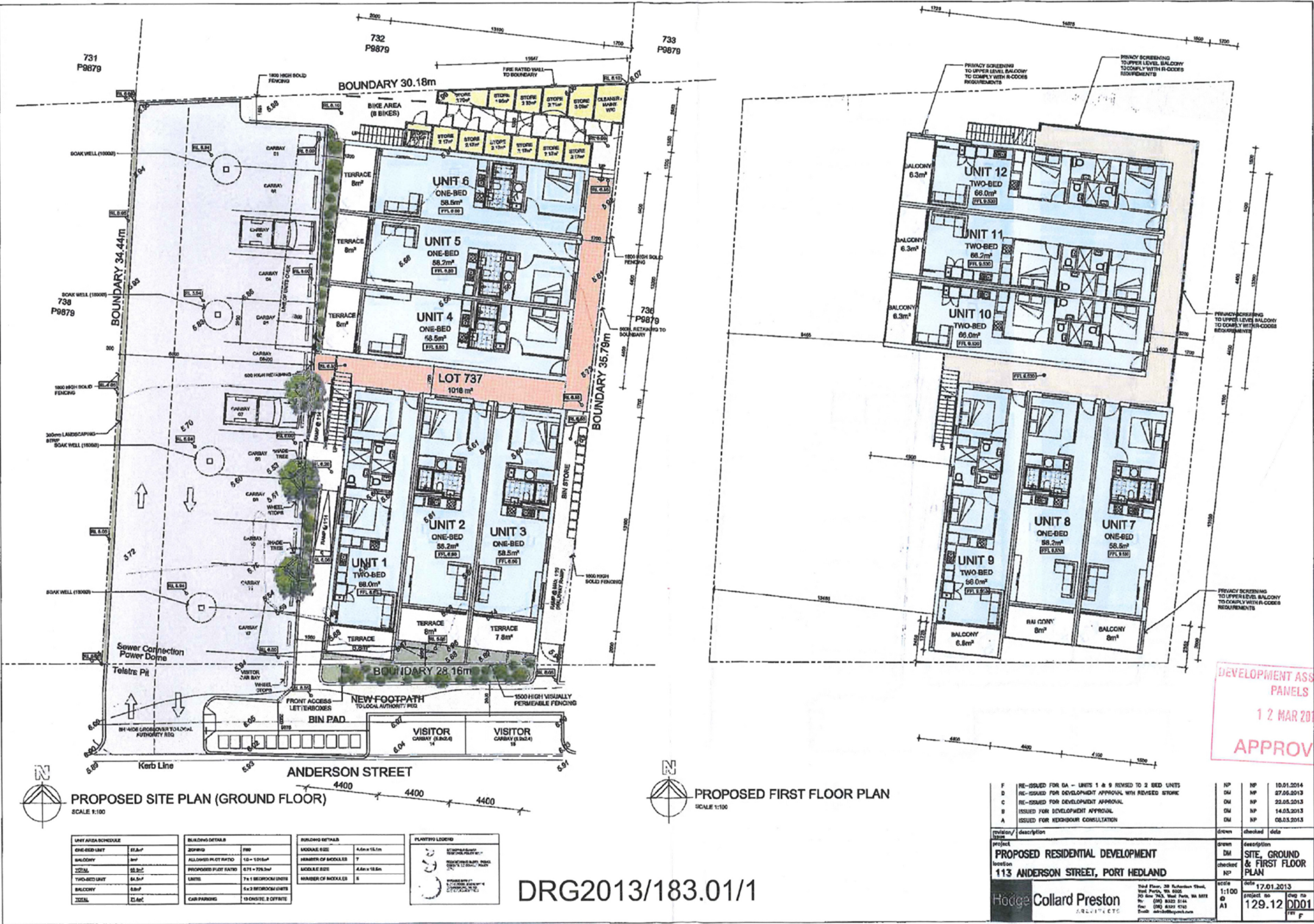
Replace "DRG2013/183/1" with "DRG2013/183.01/1"

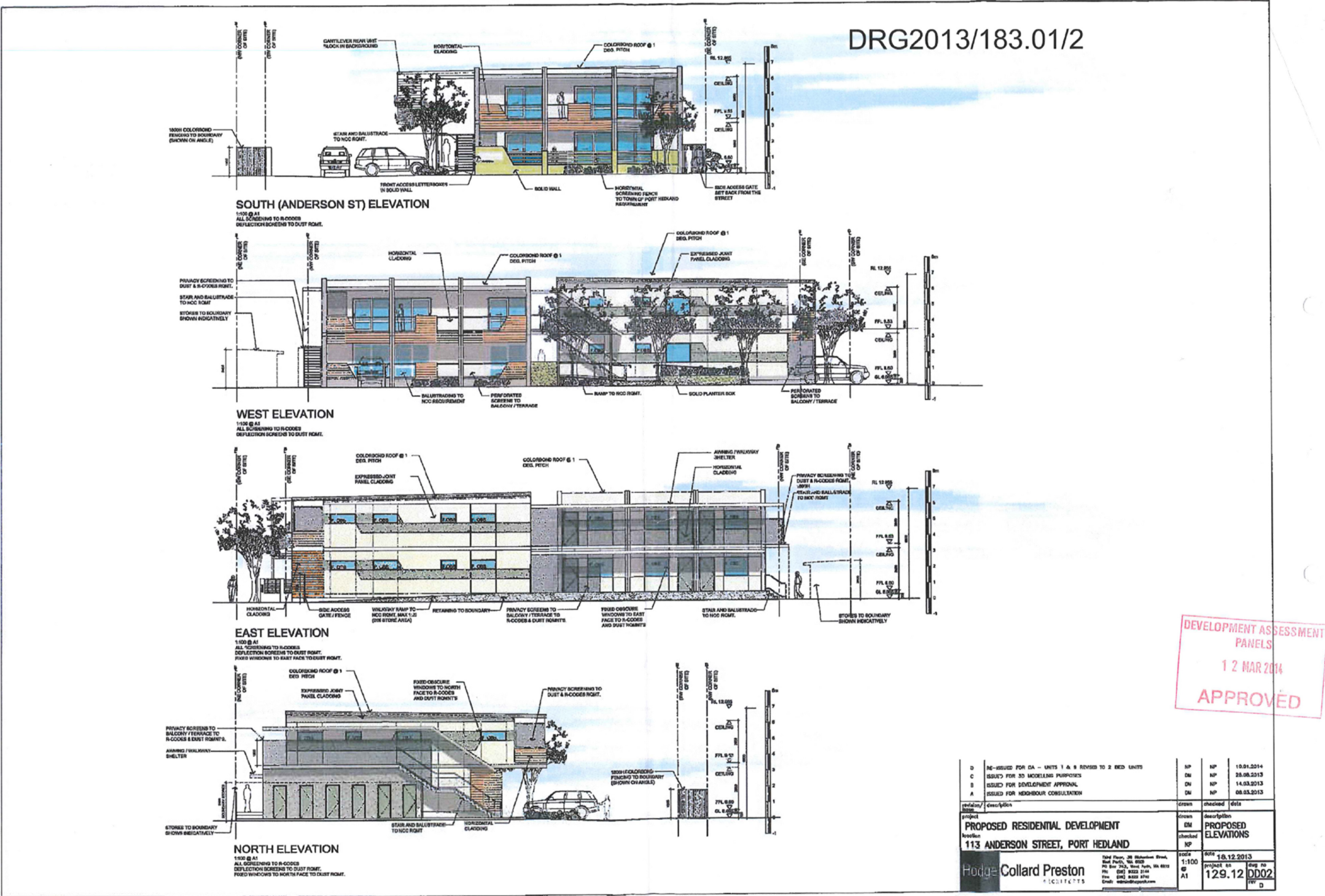
Condition 20

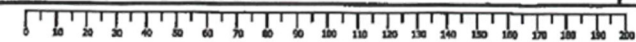
Replace "DRG2013/183/3" with "DRG2013/183.01/3"

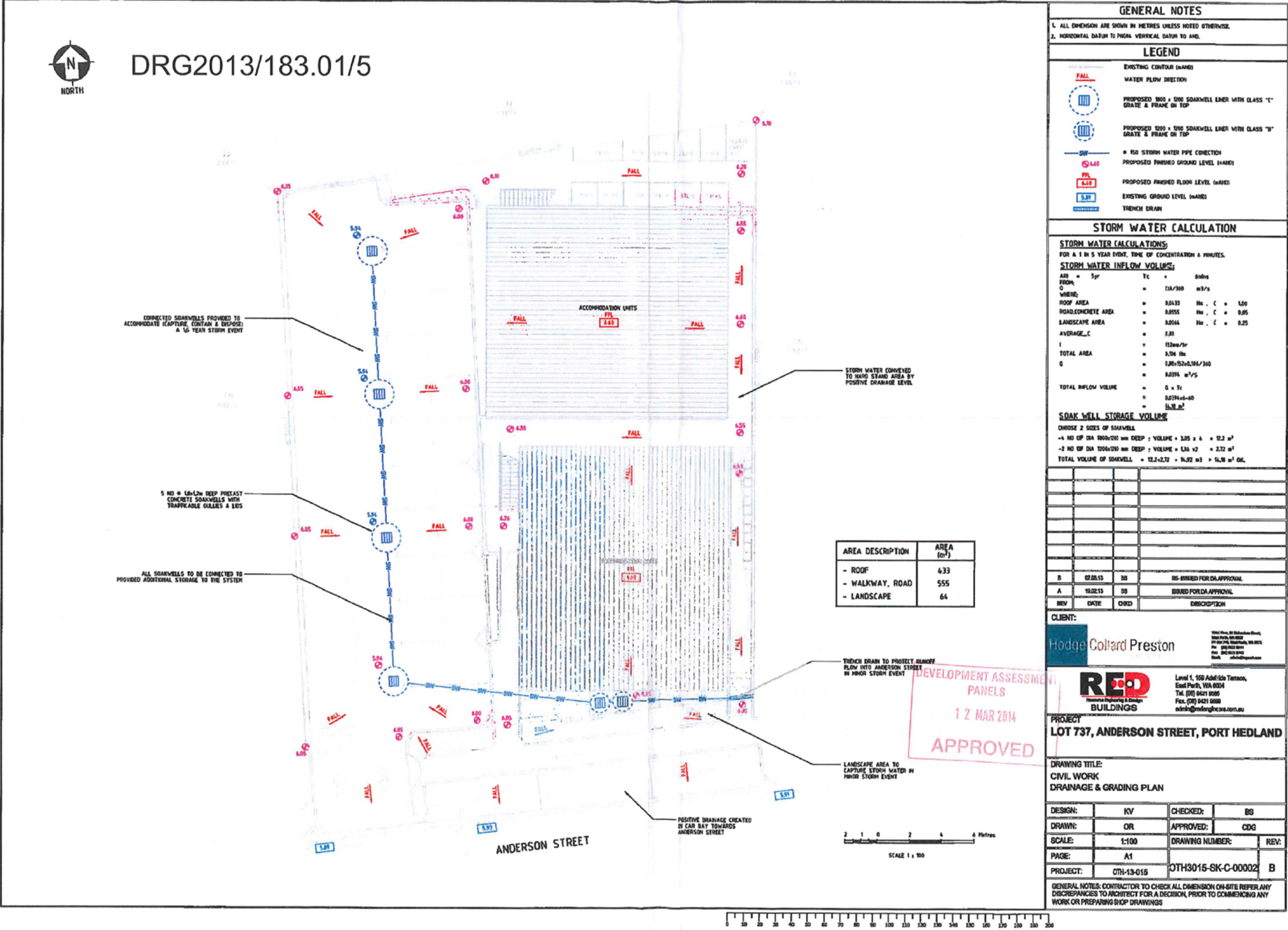
All other conditions, footnotes and advice notes remain as per the DAPs' original decision dated 30 May 2013.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Development Assessment Panel Regulations 2011*.











Our Ref:
Enquiries:
Direct Line:
Email

2013/183.02
Josh Allibeury
08 9158 9341
j.allibeury@porthedland.wa.gov.au

Michael Hain
Anderson U T Holdings Pty Ltd
33 NAPIER STREET
COTTESLOE WA 6011

Dear Sir / Madam

APPLICATION 2013/183.02 FOR AMENDMENT TO APPLICATION 2013/183 –
TWELVE (12) MULTIPLE DWELLINGS – EXTENSION OF TIME ON LOT 737 (113)
ANDERSON STREET PORT HEDLAND

The Town of Port Hedland has received your request to approve amended plans with regard to Development Approval (2013/183) on Lot 737 (113) Anderson Street, Port Hedland.

In accordance with Schedule 2, Part 9, Procedure for dealing with applications for development approval, Regulation 77 of the Planning and Development (Local Planning Schemes) Regulations 2015, your request for amending plans has been approved.

Conditions 1 and 2 of Development Approval 2013/183.01 have been amended and shall now read:

1. *This approval relates only to the proposed Twelve (12) "Multiple Dwellings", as indicated on the approved plans (DRG2013/183.02/1 – DRG2013/183.02/5). It does not relate to any other development on this lot.*
2. *If the development referred to in (1) above is not substantially commenced within a period of six (6) years from the date of approval, the approval shall lapse and be of no further effect.*

The following additional Advice Notes have been provided by the Department of Jobs, Tourism, Science and Innovation in respect to the proposed development and are relayed to you to consider as a risk of developing the property for residential use:

Town of Port Hedland Office

Civic Centre, McGregor Street, Port Hedland, WA 6721
PO Box 41, Port Hedland
T: (08) 9158 9300 | F: (08) 9158 9399
E: council@porthedland.wa.gov.au
www.porthedland.wa.gov.au



Our Ref:
Enquiries:
Direct Line:
Email

2013/183.02
Josh Allibeury
08 9158 9341
jallibeury@porthedland.wa.gov.au

1. The property is located in the "West End Residential" zone and must comply with the requirements outlined in the Town of Port Hedland's Local Planning Scheme (No. 5). The purpose of the zone is to discourage occupation by families with children or elderly persons.
2. The Department of Health's 2016 *Port Hedland Air Quality Health Risk Assessment for Particulate Matter* observed sufficient evidence of dust on human health to recommend reduced exposure in the West End through land-use planning.
3. The *Port Hedland Dust Management Taskforce Report to Government* – August 2016 recommends the prohibition of new permanent residential development, and other dust sensitive land-uses (including aged care and childcare) west of Taplin Street, where Lot 737 is located. The Government is currently considering its response to the Taskforce Report.

Please be advised this letter does not exempt the landowner to satisfy all the Conditions as stated on the original Development Approval (Attached). Should you have any queries or require additional information please do not hesitate to contact Development Services on 08 9158 9321.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chaz Roberts', written over a horizontal line.

Chaz Roberts
PRINCIPAL TOWN PLANNER

10 October 2018

Town of Port Hedland Office

Civic Centre, McGregor Street Port Hedland, WA 6721
PO Box 41, Port Hedland
T: (08) 9158 9300 | F: (08) 9158 9399
E: council@porthedland.wa.gov.au
www.porthedland.wa.gov.au

20 December 2019

Attn: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attention: Planning Department
Town of Port Hedland
McGregor Street
Port Hedland W.A. 6721

RE: Development Approval 113 Anderson Street, Port Hedland WA 6721

I refer to the above development approval (copy **attached**).

Application is made for an extension.

Please consider this application favourably based on the following information.

- The current zoning supports residential high density accommodation.
- The zoning has not changed since the development approval was originally granted and subsequently has been amended.
- Substantial drawings, renderings and other preparatory documentations have been completed by the owner and the architects towards the ultimate progress of the development.
- The market conditions now support construction in line with the approval of new mines and major projects.

Thank you for this opportunity to develop Port Hedland.

Yours sincerely

[REDACTED]

[REDACTED]
Director – Anderson UT Holdings Pty Ltd ATF Anderson Unit Trust
[REDACTED]
[REDACTED]

Dear [REDACTED]

Re: Development application 2013/183.03 - proposing an extension of time to development approval 2013/183

Thank you for your email dated 24 March 2020.

Please can you confirm receipt of this email by reply email thank you.

I request that the Development extension application be brought to the 22 April 2020 OCM with the plans as submitted.

Please see following the Applicant's submissions in response to your email dated 24 March 2020.

Question (1): Has the planning framework substantially changed since the development approval was granted?

Response: The planning framework has not substantially changed since the development approval was granted.

The Department of Planning, Lands and Heritage has itself advised the Council in writing (in response to the Council's request for comment):

"...until such time the improvement scheme is gazetted [ie. IP50], the Town of Port Hedland remains responsible for determining development applications in accordance with the provisions of LPS5."

That relevantly describes the Council's decision making duty and circumscribes the full ambit of the relevant considerations that Council can properly take into account in making the decision.

To the extent that the Department of Planning, Lands and Heritage referenced any health related matters or related considerations, it:

- noted the lot is zoned 'West End Residential' empowering the Council to grant the development application;
- noted the zone is established for dwellings to be designed and constructed in a way that discourages occupation by families with Children and elderly persons [*which the design very clearly does do*];
- noted that the application should be referred to the Department of Health (noting also health studies undertaken by that Department) [*which referral was undertaken with the result the Department of Health has stated that it has no objections – see below*];

The Department of Health has itself expressly advised the Council in writing and without any equivocation whatsoever (in response to the Council's request for comment):

"The Department of Health has no objection to the proposed extension of time for substantial commencement by an additional 2 years."

Question (2): Have the holders of the development actively pursued the implementation of the development approval

Answer: yes


The Applicant has actively pursued the implementation of the development approval, including but not limited to examination and review of the suitability of site and soil conditions and design preparation and review towards preparation for building licence.

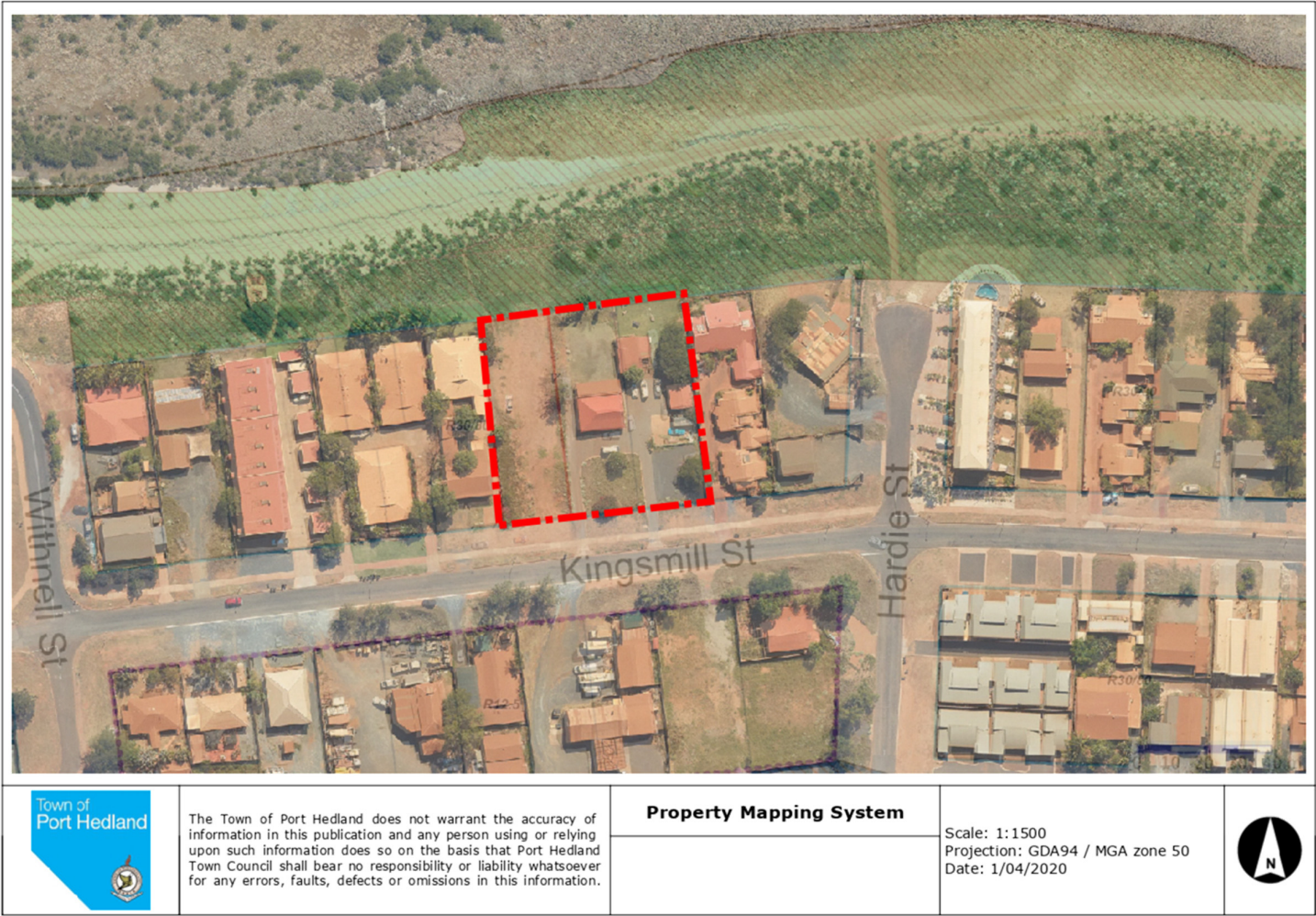
(3) Would the development receive approval were it submitted now?

Answer: yes

It is submitted the development would receive approval were it submitted now.

Yours sincerely

 for the Applicant





Government of **Western Australia**
Department of **Health**

Your Ref: 2011/1.02
Our Ref: F-AA-27821/2 D-AA-20/11201
Enquiries: Vic Andrich (08) 9222 2000

Mr David Pentz
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Via email to: eplanning@porthedland.wa.gov.au

Attention: Mr Chaz Roberts, Manager Town Planning and Development

Dear Mr Pentz

DEVELOPMENT APPLICATION – EXTENSION TO TIME – 2011/1.02 THIRTY SIX (36) MULTIPLE DWELLINGS AND SWEVEN (7) OFFICES – LOTS 90, 91 AND 92 (#17-21) KINGSMILL STREET, PORT HEDLAND

Thank you for your letter of 24 January 2020 requesting comments from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the proposed extension of time for substantial commencement by an additional two years.

Should you have any queries please contact Vic Andrich on (08) 9222 2000 or at ehinfo@health.wa.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Lindsay'.

Dr Michael Lindsay
**A/EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

12 February 2020

Environmental Health Directorate | Public and Aboriginal Health Division
All correspondence to: PO Box 8172, PERTH BUSINESS CENTRE WA 6849
Level 3, A Block, 189 Royal Street, EAST PERTH WA 6004
Telephone (08) 9222 2000 Email: ehinfo@health.wa.gov.au
ABN 28 684 750 332
www.health.wa.gov.au



Government of Western Australia
Department of Water and Environmental Regulation

Your ref: 2011/1.02
Our ref: DWERDT249328/RF741-19/PA32280
Enquiries: Justine Shailes Ph: (08) 9144 0217

Chaz Roberts
Manager Town Planning and Development
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Chaz,

**DEVELOPMENT APPLICATION REFERRAL - 2011/1.02 FOR AMENDMENT
TO APPLICATION 2011/1 - USE NOT LISTED - THIRTY SIX (36) MULTIPLE
DWELLINGS AND SEVEN (7) OFFICES - EXTENSION OF TIME ON LOTS
90, 91 AND 92 (17-21) KINGSMILL STREET PORT HEDLAND 6721**

Thank you for providing the Development Application amendment for extension of time on the above Lot for the Department of Water and Environmental Regulation (Department) to consider.

The Department does not object to the Development Application and has no comments.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact Justine Shailes on (08) 9144 0217.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Shailes'.

Justine Shailes
A/Program Manager
North West Planning Advice
Department of Water and Environmental Regulation

21 / 02 / 2020

Prime House, 8 Davidson Terrace Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919
Telephone: 08 6364 7000 Facsimile: 08 6364 7001
www.dwer.wa.gov.au

Hi Chaz

Thank you for your letter dated 24 January 2020 seeking comment from the Department of Planning, Lands and Heritage (DPLH) on a proposed amendment (extension of time) to development application 2011/1 for 36 multiple dwellings and 7 offices on Lots 90, 91 and 92 Kingsmill Street, Port Hedland (your ref. 2011/1.02).

The Regional North Land Use Planning team has reviewed your referral and I now provide the following general comments:

- It is noted that development approval 2011/1 was granted prior to the gazettal of amendment 22 to LPSS which established the 'West End Residential' zone.
- The subject lots are currently zoned 'West End Residential' with a split Residential Density Coding (R-Code) of R30/80, pursuant to the Town of Port Hedland Local Planning Scheme No.5 (LPSS). Under Table 1 – Zoning Table in LPSS, 'Multiple Dwellings' is listed as a 'D' use within the 'West End Residential' zone. Accordingly any development approval for this site is at the discretion of the local government and approval should be in accordance with the provisions of Section 5 of LPS 5, which guides the additional development requirements of the zone as specified below:
 - Clause 5.2.6 - The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to discourage occupation by families with children or by elderly persons;
 - Clause 5.2.7 and 5.2.8 - Set out the additional development requirements which are to be considered when approving applications within the 'West End Residential' zone;
 - Clause 5.2.9 - When considering an application for development approval within the West End Residential Zone, the local government shall consider the purpose of the zone and the recommendations of any formal risk study undertaken by or endorse by the Department of Health.
- It is recommended in determining this application and in accordance with Clause 5.2.9 that the application be referred to the Department of Health for comments, specifically on their position in regards to additional residential development within the West End and the potential exposure to dust.
- Schedule 2 Part 9 cl. 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* stipulates matters to be considered by local governments when assessing development applications including the suitability of the land for the development taking into account the possible risk to human health or safety.

Given the findings from the Government's endorsed Port Hedland Dust Management Taskforce Report (2016) and the primary objective of minimising public exposure to dust, it is recommended that in determining the application comments be obtained from the Department of Health in line with Clause 5.2.9 of LPS 5 to determine their position given the proximity of the development to port operations and the potential impact of dust exposure to inhabitants of permanent residential dwellings. It should be also noted that in July 2019, Improvement Plan No.50 – Port Hedland West End (IP50) was gazetted.

The objectives of IP50 are to:

- 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.

IP50 establishes a head of power for the WAPC to prepare an improvement scheme in order to implement the above objectives. The WAPC is currently preparing the Port Hedland West End Improvement Scheme and until such time, the improvement scheme is gazetted, the Town of Port Hedland remains responsible for determining development applications in accordance with the provisions of LP55.

It is also noted that the Port Hedland Coastal Vulnerability Study 2011 demonstrates that the land is subject to coastal erosion. The Port Hedland Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) has been developed in accordance with **State Planning Policy 2.6 – State Coastal Planning (SPP2.6)** to identify coastal hazards and risks. The CHRMAP recommends adaptation pathways with actions to assist in adapting to immediate coastal inundation and erosion risks, as well as undertaking appropriate planning to address increasing risk over time.

I hope this information is of assistance.

Kind regards

Patrick McClure | Planning Manager | Land Use Planning
140 William Street, Perth WA 6000
6551 9585 |
www.dplh.wa.gov.au



**Department of Planning,
Lands and Heritage**



The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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PO Box 415
Port Hedland
WA 6721
ABN 92 624 657 674

ToPH Ref: 2011/1.02

24 February 2020

Development Services
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Sir / Madam,

**SUBMISSION ON APPLICATION TO EXTEND THE APPROVAL PERIOD
LOTS 90, 91 AND 92 (17-21) KINGSMILL STREET, PORT HEDLAND**

Thank you for the opportunity to review and comment on the proposed extension of time for the development approval of 36 multiple dwellings and seven offices on Lots 90, 91 and 92 (17-21) Kingsmill Street, Port Hedland (**subject site**).

We **strongly oppose** the application based on a review of the relevant planning considerations as set out below.

The five considerations for assessing an application for the extension of an approval period were described by the State Administrative Tribunal in **A.M.I Enterprises Pty Ltd and Presiding Member of the Mid-West/Wheatbelt Joint Development Assessment Panel** [2018] WASAT 130 at [73]; those considerations are:

- *whether the planning framework has changed substantially since the development approval was granted;*
- *whether the development would likely receive approval now;*
- *whether the holders of the development approval have actively and relatively conscientiously pursued the implementation of the development approval;*
- *whether the landowner has sought to 'warehouse' the development approval; and*
- *whether the time period for substantial commencement originally imposed was adequate.*

The application to extend the approval timeframe should not be approved for the following reasons.

1. The planning framework has substantially changed

The original development approval was granted by Council on 9 March 2011.

On 23 July 2019 the Governor accepted a recommendation to prepare Improvement Plan 50 (**IP50**) over the West End of Port Hedland, which includes the subject site. IP50 authorises the making of an improvement scheme, an objective of which includes:

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.

'Sensitive land uses' in this context includes multiple dwellings.

The certification of IP50 is a significant change to the planning framework which changes the context in which development applications are assessed. The planning framework has therefore substantially changed.

2. The development would likely not receive approval now

Having regard to the objectives of IP50, it would not be appropriate for a planning authority to approve the development today. This is because approval to the development would undermine the direct aims and objectives of Government, and it would be inconsistent with orderly and proper planning to approve the development.

3. The holders of the development approval have not actively and relatively conscientiously pursued the implementation of the development approval

There is no evidence to suggest in the almost seven-year period since the approval was originally granted, the proponent has undertaken any actions or works to implement the approval (such as site preparation and demolition of existing structures). As at 15 October, there had been no works on the subject site and existing buildings present on the site in March 2011 have not been demolished.

4. The landowner has sought to 'warehouse' the development approval

With the lack of evidence to the contrary, the landowner appears to be warehousing the approval. This is not appropriate in circumstances where the planning framework has changed with the objective of prohibiting multiple dwellings.

5. The time period for substantial commencement originally imposed was adequate

A development of this type can be and are readily constructed in 1-2 years. This has been the experience with similar mixed use developments in Port Hedland. The original two-year approval term was adequate.

For all of the above reasons, we strongly object to the proposal to extend the approval timeframe, and the application should be refused.

We respectfully request we are kept updated with progress and are invited to attend any Council meeting at which the application is considered. Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact me on 0413 401 323.

Yours sincerely



Kirsty Danby
Chief Executive Officer

TOWN OF PORT HEDLAND

T & Z
18 MAR 2011



ANGELO CHRISTOU
PO BOX 830
WEST PERTH WA 6872

Our Ref: 2011/1
120600G

Your Ref:

Enquiries: RYAN DJANEGARA
Planning Department

Direct Line: 08 9158 9331
po@porthedland.wa.gov.au

Dear Angelo,

APPLICATION: 2011/1 FOR USE NOT LISTED - 36 MULTIPLE DWELLINGS AND 7 OFFICES AT LOT 90 17 KINGSMILL STREET PORT HEDLAND 6721

Thank you for your application lodged on behalf of the landowner, Janette Elizabeth Ford, regarding the above proposal. I wish to advise that Council at its Ordinary Meeting held on Wednesday 9th March 2011 resolved to approve your application at the above property.

Please note that the decision is part of unconfirmed Council Meeting minutes and are provided "Without Prejudice". Minutes are provided on the strict understanding that all terms whether deemed, expressed or implied do not purport to record the proceedings of Council until confirmed by resolution of Council, normally at the following Ordinary Meeting.

That Council:

APPROVES the application submitted by T&Z Architects on behalf of Janette Elizabeth Ford, for a "Use Not Listed" being a "Mixed Use Development", on Lots 90, 91 and 92 Kingsmill Street Port Hedland, subject to the following conditions:

1. This approval relates only to a MIXED USE DEVELOPMENT - 36 multiple dwellings and 5 offices and other incidental development, as shown on the approved plans. It does not relate to any other development on this lot.
2. Under the Town of Port Hedland Town Planning Scheme No. 5, the above approved uses are defined as follows:

"Office:

A building or part of building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking."

CIVIC CENTRE, MCGREGOR STREET, PORT HEDLAND
TELEPHONE: (08) 9158 9300 FACSIMILE: (08) 9158 9399

PO Box 41, PORT HEDLAND 6721
EMAIL: council@porthedland.wa.gov.au

"Multiple dwelling:

A dwelling in a group of more than one where any part of a dwelling is vertically above part of another."

3. Prior to commencing works, the land owner is to prepare a notification pursuant to section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:
 - a. The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts,
 - b. Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts.

Should additional information be required in regard part 'a' or 'b', the prospective landowners should contact the Western Australian Department of Health

4. Any change to the approved office uses will be subject to further planning approval.
5. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
6. Within 60 days of the date of this approval the applicant / landowner is required to amalgamate Lots 90, 91 and 92 Kingsmill Street, Port Hedland.
7. A minimum of 42 car parking bays are to be provided on-site to the satisfaction of the Manager Planning.
8. The 8 tandem car parking bays shown on the attached plans are to be dedicated for the exclusive use of the 3 bedroom units and for two 2 bedroom units to the satisfaction of the Manager Planning.
9. Prior to the submission of a Building Licence the applicant is to have a formalised a lease agreement with the Town of Port Hedland for the exclusive use of 10 car parking bays including the access ways, landscaping and footpaths on the Kingsmill Street Road Reserve to the specifications of Councils Manager Investment & Business Development and to the satisfaction of the Manager Planning
10. Prior to the submission of a Building Licence the applicant is to formalise a cash in lieu contribution for the construction of the 4 car parking spaces that cannot be provided on-site to the satisfaction of Councils Manager Planning.

11. The driveways and crossovers shall be designed and constructed to specifications of the Manager Infrastructure Development, and to the satisfaction of the Manager Planning, prior to the occupation of the building. Existing Crossovers not required for the proposed development to be removed, the verge made good and kerbing reinstated immediately upon completion.
12. Accessways, parking areas, turning areas to be designed and constructed in accordance with TPS No. 5 (including kerbed, formed, drained & finished with a sealed or paved surface).
13. Lighting shall be installed along all driveways, car parking and pedestrian ways to the specifications of Councils Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.
14. Ensure that signs/painted arrows on driveway access is provided for one way only maneuvering to the specifications of the Manager Infrastructure Development and to the satisfaction of the Manager Planning.
15. The parking areas and / or associated accessways shall not be used for storage (temporary or permanent) without the prior approval of the Town of Port Hedland.
16. Provision must be made for 12 residents and 4 visitor bicycle parking bays and designed in accordance with Clause 7.3.3 of the Residential Design Codes (2010), to the satisfaction of Councils Manager Planning.
17. Within 30 days of this approval, a detailed landscaping and reticulation plan including the Kingsmill street verges, must be submitted to Council for approval by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
18. Within 60 days, or such further period as may be agreed by Councils Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of Councils Manager Planning.
19. All storage / service areas shall be suitably screened and access doors / gates closed other than when in use, to the satisfaction of Councils Manager Planning.
20. A storeroom with a minimum area of 4m² and minimum dimension of 1.5m² is to be provided for each of dwelling in accordance with the Residential Design Codes (2010) to the satisfaction of Councils Manager Planning.
21. Provision must be made for clothes drying within the dwellings or in a secure, visually screened area, to the satisfaction of Councils Manager Planning.
22. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and / or screened so as not to be visible

from beyond the boundaries of the development site, to the satisfaction of Councils Manager Planning.

23. Stormwater disposal is to be contained onsite and designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Councils Manager Planning.
24. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
25. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the specification of the Manager Environmental Health Services and to the satisfaction of the Manager Planning.
26. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Town of Port Hedland's Engineering Services Department at the developer's expense.

FOOTNOTES:

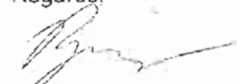
27. You are reminded that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
28. With regards to Condition 10, negotiations in regard to the cash in lieu contribution and/or in kind works are at the discretion of the Director Planning and Development having regard to Section 6.13 Vehicle and vehicle areas, of Town Planning Scheme No.5. The cash in lieu payment is based on the cost of construction and the acquisition of land required for the construction of each bay (at \$/m²). In order to satisfy this condition, the value of land required will need to be assessed by a qualified Land valuer.
29. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) meter level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and / or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
30. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

Pursuant to Clause 9.6 of the Town of Port Hedland Town Planning Scheme No.5, if the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a **right of review** through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within **28 days** of receiving this decision. Further information and review application forms can be obtained by

contacting the State Administrative Tribunal on 08 9219 3111 or via Internet at www.sat.justice.wa.gov.au or by contacting Council's Planning Department.

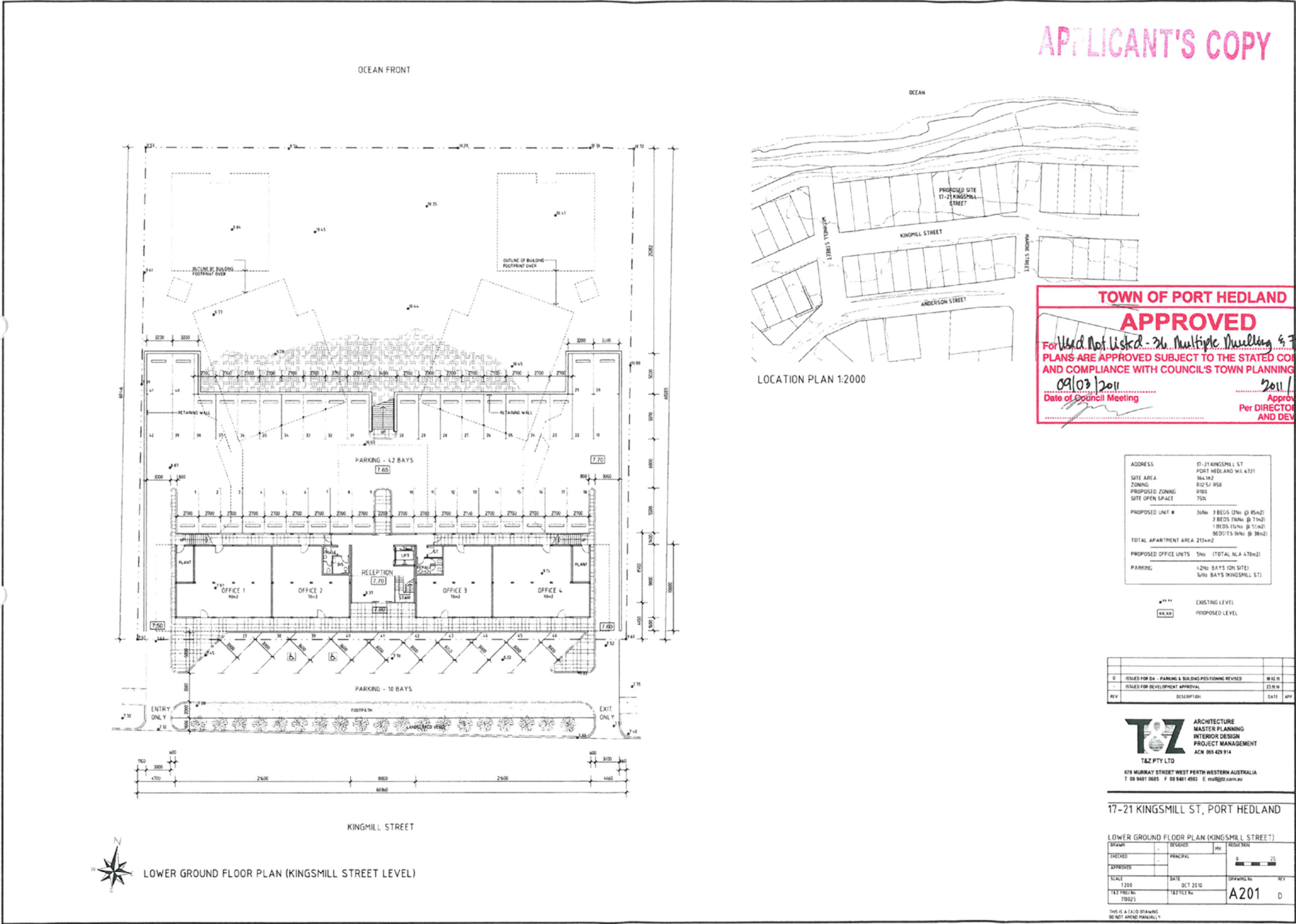
For Building and Environmental Health enquiries, please contact 08 9158 9325 and ask for the relevant section. Engineering queries can be forwarded to 08 9158 9700.

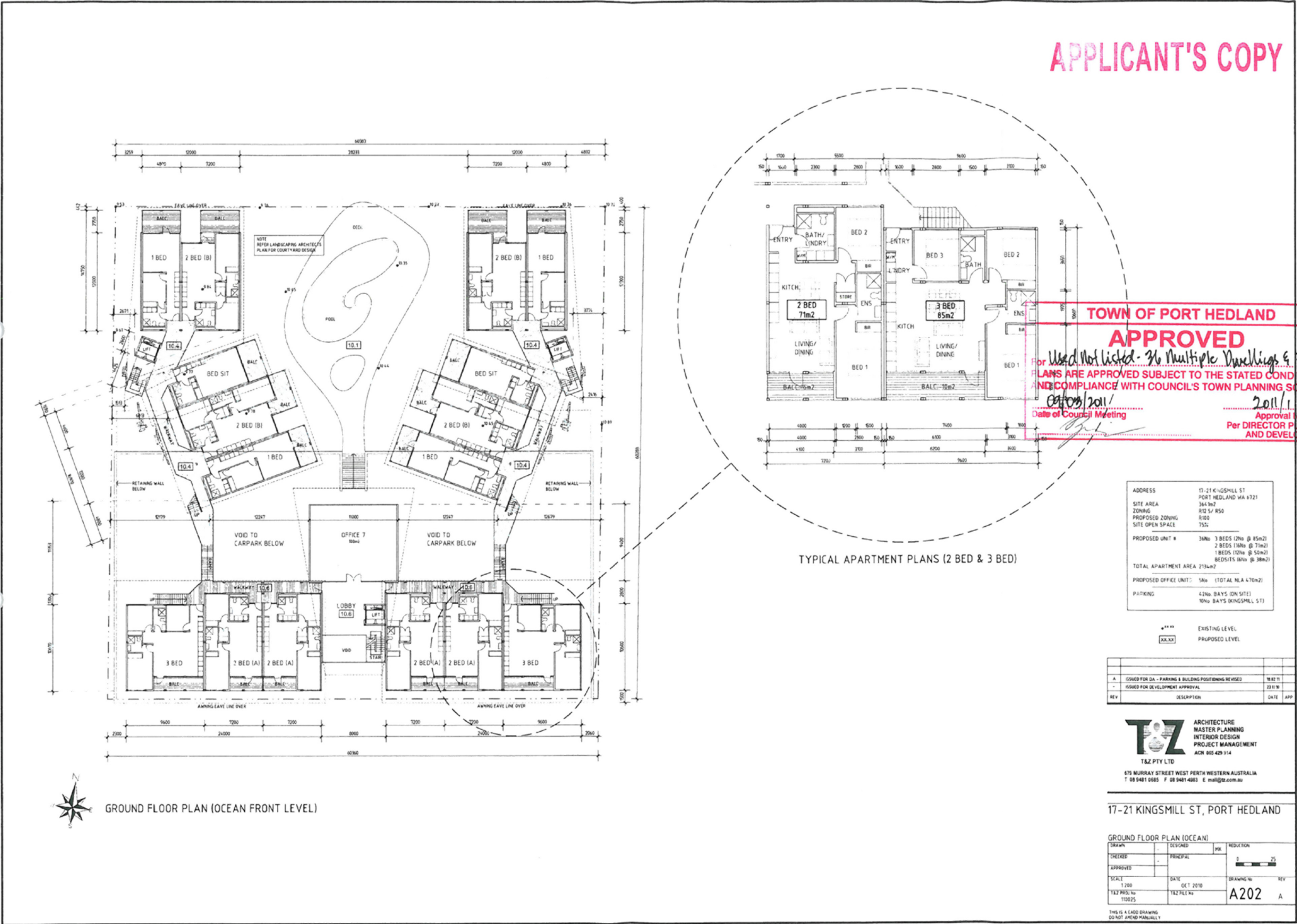
Regards,

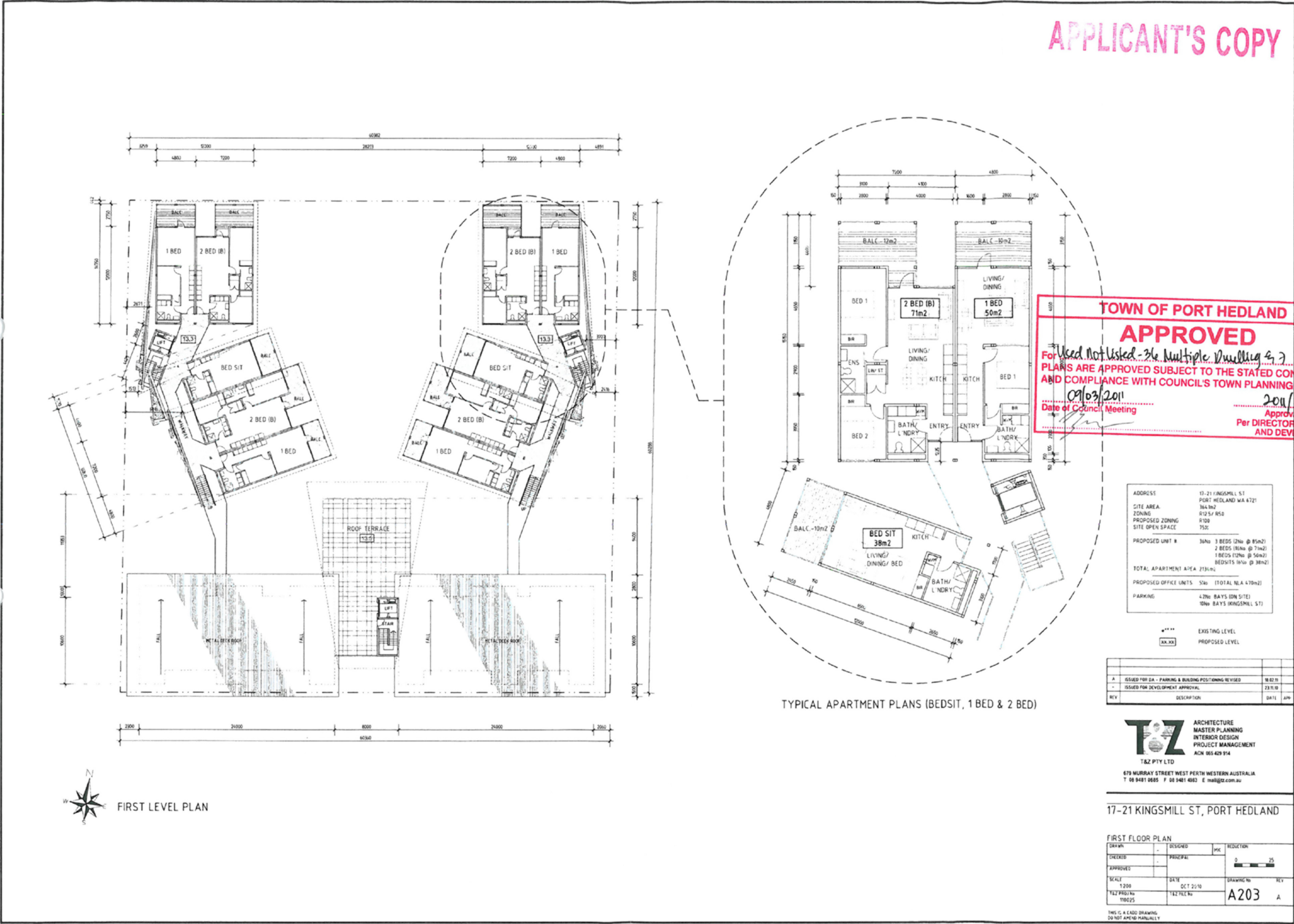


Ryan Djanegara
PLANNING OFFICER

17th March 2011

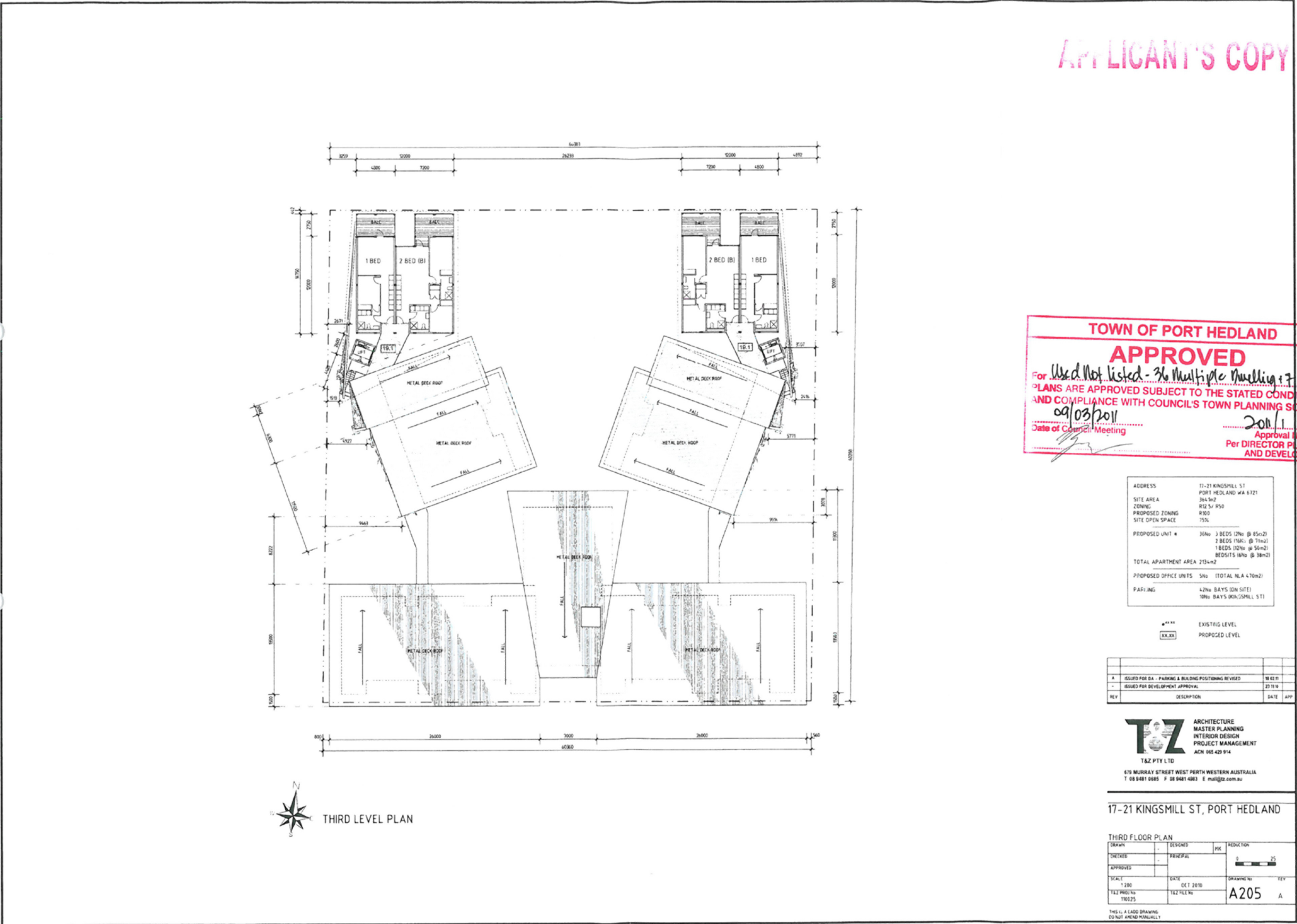


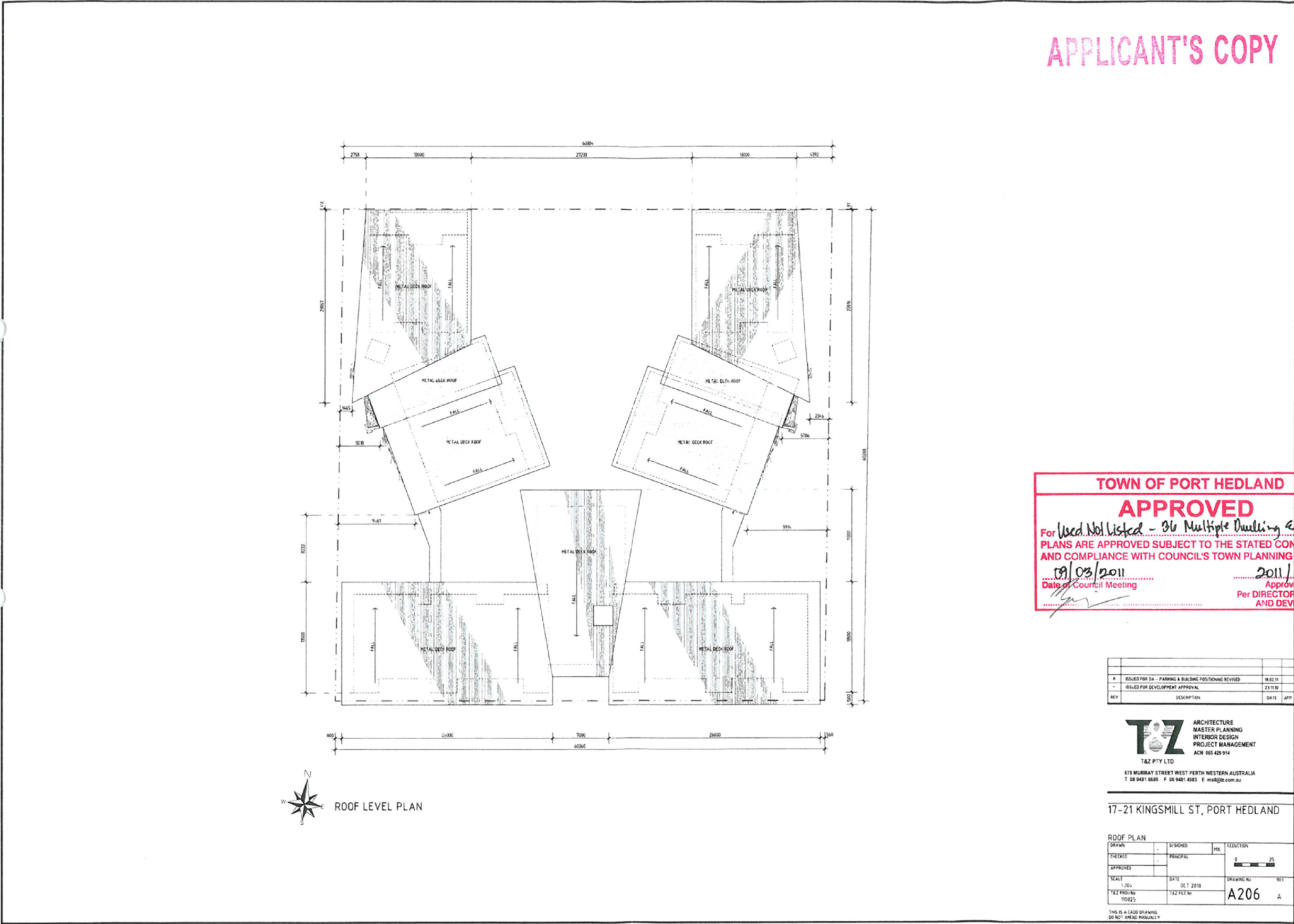


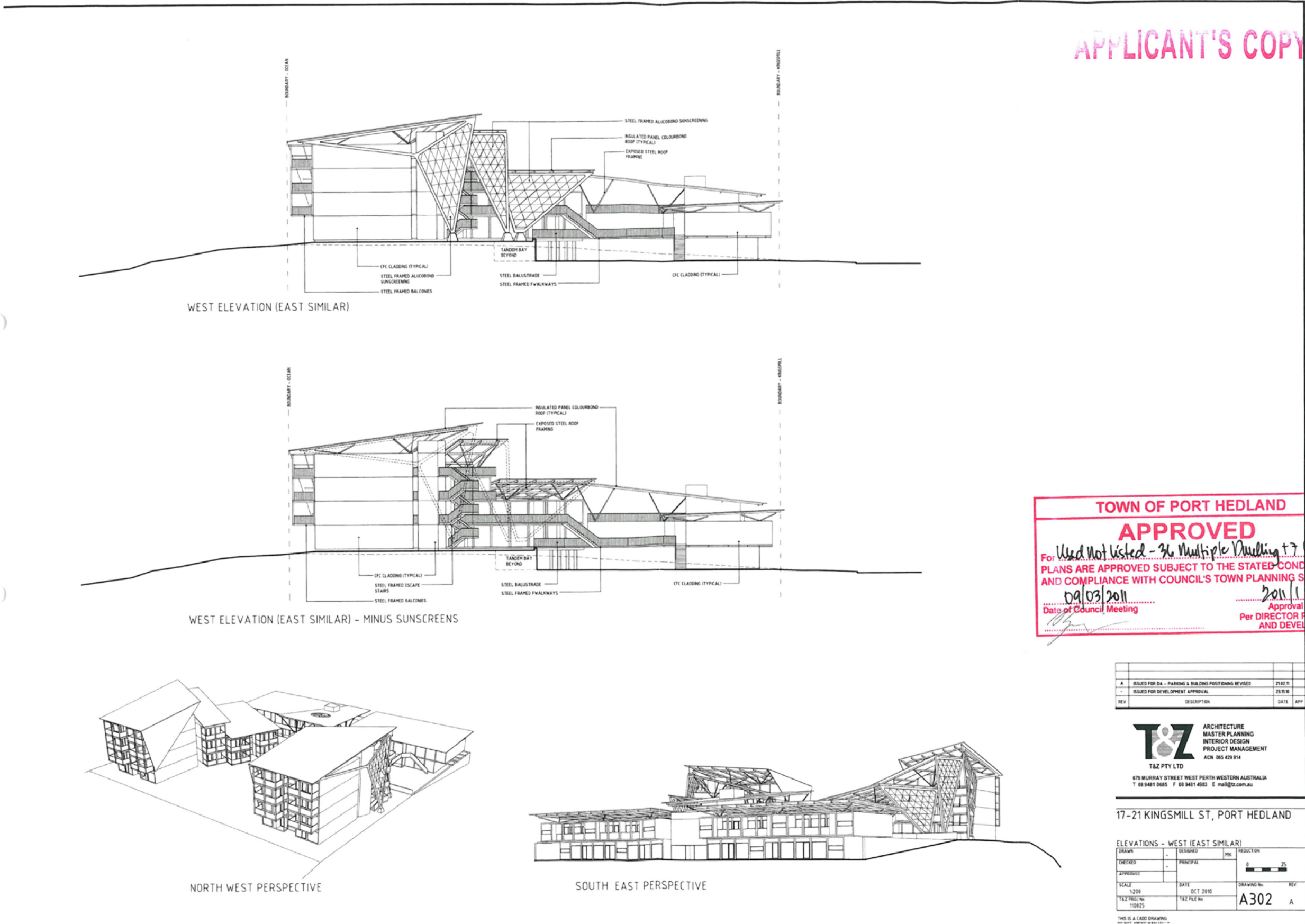




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Civic Centre
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Port Hedland, WA 6721

P (08)9158 9300
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council@porthedland.wa.gov.au
www.porthedland.wa.gov.au

Town of
Port Hedland

Our Ref: 2011/1 / 120800G
Enquiries: ADAM MAJID
Direct Line: 08 9158 9342
Email: amajid@porthedland.wa.gov.au

POSTED
WK

JANETTE ELIZABETH FORD
P O BOX 360
PORT HEDLAND WA 6721

Dear Jan

APPLICATION 2011/1 FOR USE NOT LISTED - 36 MULTIPLE DWELLINGS AND 7 OFFICES ON LOT 90 (17) KINGSMILL STREET PORT HEDLAND 6721

I am writing in regard to your recent enquiries for the above application and to provide clarification as to the validity of the approval.

Planning approval for application No. 2011/1 was granted at the Ordinary Council Meeting held on Wednesday 9th March 2011. Condition 5 of the permit stated:

"5. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only."

On 20th March 2013 an extension of time was granted for the permit and stated;

_ In light of your request, Condition 5 of the Permit issued 9th March 2011 has been amended and extended by a further 12 months and shall read:

"5. This approval to remain valid for a period of thirty-six (36) months if development is commenced within twenty-four (24) months, otherwise this approval to remain valid for twenty-four (24) months only. "

The extension of time request extended the permit for an additional 12 months, therefore making the permit valid until 20th March 2014.

The Town is resolute in working together with developers and land owners to see developments progress. Being a regional Town there are often constraints associated with large scale development that sometimes see timeframes needing to be extended. The town has the ability to grant an extension of time where that request is received prior to the expiration of the permit.

Unfortunately the Town is unable to grant a further extension of time on the above application as the permit expired over 18 months ago, being 20th march 2014.

A new planning application will be required to be submitted for any development on the subject site.

Should you have any queries or require any further information please do not hesitate to contact me on 9158 9342.

Yours sincerely



ADAM MAJID
MANAGER DEVELOPMENT SERVICES

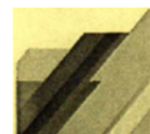
5 October 2015

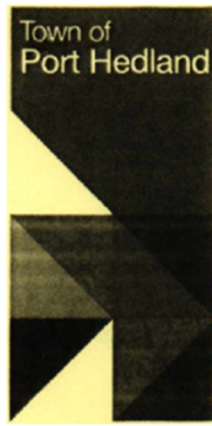
Cc. ANGELO CHRISTOU
PO BOX 830
WEST PERTH WA 6872

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McGregor Street
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F (08)9158 9399
council@porthedland.wa.gov.au

PORT
HEDLAND
PILBARA'S
PORT CITY





ANGELO CHRISTOU
PO BOX 830
WEST PERTH WA 6872

Our Ref: 2011/1 / 120800G
Enquiries: BEN MCKAY
Direct Line: 9158 9341
Email: co@porthedland.wa.gov.au



Dear Sir/Madam

**APPLICATION No: 2011/1 FOR USE NOT LISTED - 36 MULTIPLE DWELLINGS
AND 7 OFFICES ON LOT 90, 17 KINGSMILL STREET PORT HEDLAND 6721**

The Town of Port Hedland has received your request for extending the expiry date of the Permit issued 9th March 2011 for the above address. In accordance with Clause 4.7.2 of the Town of Port Hedland Town Planning Scheme No. 5, your request for extension of time has been approved. Previously Condition 3 of your permit stated that:

"3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only."

In light of your request, Condition 3 of the Permit issued 9th March 2011 has been amended and extended by a further 12 months and shall read:

"3. This approval to remain valid for a period of thirty-six (36) months if development is commenced within twenty-four (24) months, otherwise this approval to remain valid for twenty-four (24) months only."

Should you have any queries or require further information please do not hesitate to contact the Planning Department at 08 9158 9341

Yours sincerely

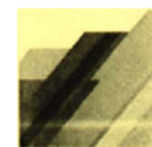
LEONNARD LONG
MANAGER PLANNING SERVICES

20 March 2013

Cc. FORD
P O BOX 360
PORT HEDLAND WA 6721

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Port Hedland, WA 6721
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PH: (08) 9158 9300 Fax: (08) 9158 9399
E: council@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

COMPASS GROUP (AUSTRALIA) PTY LTD
Attention: Mr Harish Patel
GPO Box W2100
PERTH WA 6846

Our Ref: 2011/261

Your Ref:

Enquiries: LUKE CERVI

Direct Line: 08 9158 9386

Email Address: po2@porthedland.wa.gov.au

**PLANNING APPLICATION 2011/261, GATEWAY VILLAGE LOT 503 FORREST CIRCLE
SOUTH HEDLAND 6722**

Thank you for your application lodged on behalf of Department of Regional Development And Lands, regarding the above proposal.

I wish to advise you that Council at its Ordinary Meeting held on **Wednesday 19th October 2011** resolved to approve your application at the above property. This approval is subject to the conditions contained on the attached permit.

Please note that the decision is part of unconfirmed Council Meeting minutes and are provided "Without Prejudice". Minutes are provided on the strict understanding that all terms whether deemed, expressed or implied do not purport to record the proceedings of Council until confirmed by resolution of Council, normally at the following Ordinary Meeting.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

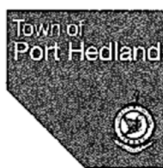
Should you have any further queries or require additional information please do not hesitate to contact the Planning Unit on 08 9158 9331 / 9321.

Regards


Leonard Long
Manager Planning Services
21 October 2011

Page | 1

Cc. Department Of Regional Development And Lands
PO BOX 1575
MIDLAND WA 6936



Civic Centre, McGregor Street
PO Box 41, Port Hedland WA 6721
PH: (08) 9158 9300 Fax: (08) 9158 939
E: council@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

COMPASS GROUP (AUSTRALIA) PTY LTD
Attention: Mr Harish Patel
GPO Box W2100
PERTH WA 6846

Our Ref: 2011/261

Your Ref:

Enquiries: LUKE CERVI

Direct Line: 08 9158 9386

Email Address: po2@porthedland.wa.gov.au

DECISION ON PLANNING APPLICATION

That Council: Approves the planning application submitted by Compass Group (Australia) Pty Ltd on behalf of the Crown, for Transient Workforce Accommodation – 1301 person facility at Lot 503, Forrest Circle, South Hedland subject to the following conditions:

1. This approval relates only to the proposed Transient Workforce Accommodation Facility (1301 bed facility) and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot
2. The development area must only be used for purposes, which are related to the operation of a "Transient Workforce Accommodation" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 "Transient Workforce Accommodation" is defined as:

"Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas"

3. A community contribution of \$1.45 million is to be provided for the following purposes:
 - a) Faye Gladstone Netball Courts - \$325,000 for sub surface stabilisation, court remediation, resurfacing and upgraded court lighting
 - b) Multi Purpose Recreation Centre - \$420,000 for car parking
 - c) Marie Marland Oval - \$700,000 for reserve lighting
4. A contribution equivalent to 50% of the construction cost (inclusive of verge works including pedestrian paths) to extend Forrest Circle to the western boundary of lot 503 must be provided to the satisfaction of the Manager.

5. A contribution proportional to the benefit obtained by lot 503, must be provided on for the extension of North Circular Drive to the satisfaction of the manager Planning.
6. Upon completion of construction works approved by this permit, 20 rooms are to be made available for public use to the satisfaction of Council's Manager Planning.
7. Commencing 1 January 2015, the dining facility is to be made available to the general public to the satisfaction of Council's Manager Planning.
8. Prior to commencement of works, a written agreement must be entered into with the Town of Port Hedland regarding the access to the site by heavy vehicles including maintenance and times of use.
9. This approval is only valid for a period of 10years calculated from the date of this approval.
10. On expiry of the time stipulated in condition 9 above, the applicant is to enter negotiations with Council on the extent of returning the land back to its original state.
11. Within 60 days of the date of this approval the applicant/operator of the camp is to submit an emergency evacuation plan approved by the relevant authority to the Town
12. All vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the development area (i.e. no parking is permitted on the adjacent recreation reserve, road verge or any other land) and within designated vehicle parking locations/areas all to the satisfaction of the Manager Planning.
13. The development is to be connected to reticulated sewer. Alternatively, an effluent disposal system to the specification of the Department of Health and Council's Environmental Health Services is to be installed to the satisfaction of Council's Manager Planning.
14. A minimum of 291 car bays are to be provided on site to the satisfaction of Council's Manager Planning.
15. No oversize vehicles are permitted to park on the site.
16. Loading/unloading areas for oversize vehicles must be constructed, line marked, time limited and signposted to the satisfaction of Council's Manager Planning

17. Any roof mounted or freestanding plant or equipment such as air-conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
18. All dust and sand to be contained on site with the use of suitable dust suppression techniques where any works/operations on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction of Council's Manager Planning
19. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of Council's Manager Planning.
20. Further to condition 19, Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Council's Manager Planning Services.
21. The development is to comply with the *Health (Public Buildings) Regulations 1992*.
22. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.
23. Prior to the submission of a building licence application, a detailed landscaping plan is to be submitted and approved by Council's Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
24. Prior to occupation of any part of the development, landscaping and reticulation to be established in accordance with the approved plans with the use of mature trees and shrubs, and thereafter maintained to the satisfaction of Council's Manager Planning.
25. The premises to be kept in a neat and tidy condition at all times by the occupier to the satisfaction of Council's Manager Planning.

26. Prior to the submission of a building licence application a construction management plan is to be submitted detailing how it is proposed to manage:
- a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) Impact on traffic movement with particular regard given to the use of Marie Marland Reserve
 - d) Operation times including delivery of materials; and
 - e) Other matters likely to impact on the surrounding residents and land; to the satisfaction of Council's Manager Planning.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. A Building Licence to be issued prior to the commencement of any on site works.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
4. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325
 - a. It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations;
 - b. The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards.
 - c. Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and
 - d. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
5. Be advised that all lodging houses are required be registered under the *Health Act 1911* and operate in accordance with that Act and the *Town of Port Hedland Health Local Laws 1999*.
6. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the *Town of Port Hedland Health Local Laws 1999*.
7. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Council's Health Local Laws 1999.

8. In relation to condition 21, all stormwater drainage (and associated infrastructure maintenance) is to be managed on site except where otherwise agreed by Council's Manager Infrastructure Development.
9. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.



Leonard Long

Manager Planning Services

21 October 2011

Cc. DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS
PO BOX 1575
MIDLAND WA 6936

STATE ADMINISTRATIVE TRIBUNAL

Planning and Development Act 2005

IN THE MATTER OF:

Compass Group (Australia) Pty Ltd

Applicant

-and-

Town of Port Hedland

Respondent

Matter number: DR 393 of 20111
Application Lodged: 21 November 2011

MINUTE OF CONSENT ORDERS

Date of Document:	March 2012
Filed on behalf of:	Applicant
Date of filing:	March 2012
Prepared by:	
DLA Piper Australia	Telephone No: (08) 6467 6000
152-158 St Georges Terrace	Facsimile No: (08) 6467 6001
PERTH WA 6000	DX: 130 Perth
	Reference: AGJ:BKC:0514333
	Barbara Callanan

The parties consent to the following orders:

- 1 The application for review is allowed.
- 2 The decision of the Respondent dated 2 February 2012 made under s31 of the *State Administrative Tribunal Act 2004* (WA) is varied by replacing conditions 9 and 10 with the following:

"9. Subject to the extension of the period of this approval under condition 10, this approval shall only be valid for a period of 10 years calculated from the date of this approval.

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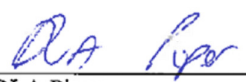
- 2 -

10. The applicant may through a written request(s) by letter, request Council to extend the period of this approval and the Council shall grant that extension subject to:


10.1 confirmation by the State that the applicant has been or will be granted tenure for the period of the extension; and

10.2 the indication of continued demand for the facility.”

3 Each party is to pay its own costs of the proceeding.



DLA Piper
Solicitors for the Applicant



Town of Port Hedland
Respondent

1111044496 \ 0518502 \ BKC02

TOWN OF PORT HEDLAND



Leonard Long
Manager Planning
Town of Port Hedland
PO BOX 41
PORT HEDLAND, WA, 6721

Our Ref:

Your Ref: **Josephine Bianchi**
9158 9317

Enquiries:

Direct Line:

Dear Leonard,

In accordance with Section 9.29(2)(b) of the Local Government Act 1995, I confirm that you are authorised to represent the Town in Magistrates Court or in State Administrative Tribunal when dealing with proceedings and prosecutions within your portfolio area for the duration of your employment as Manager Planning.

If you have any further queries regarding this matter, please do not hesitate to discuss this with me directly

Yours faithfully

PAUL MARTIN

Chief Executive Officer

15 February 2011

CIVIC CENTRE, MCGREGOR STREET, PORT HEDLAND
TELEPHONE: (08) 9158 9300 FACSIMILE: (08) 9158 9399

PO Box 41, PORT HEDLAND 6721
EMAIL: council@porthedland.wa.gov.au

IN THE MATTER OF AN APPLICATION BY
COMPASS GROUP FOR AN EXTENSION OF
DEVELOPMENT APPROVAL UNDER
CONDITION 10 OF THE ORDERS DATED 21
OCTOBER 2011 AND AMENDED IN MARCH
2012 MADE BY THE STATE ADMINISTRATIVE
TRIBUNAL

Revised Minute of Conditional Development Approval of Town of Port Hedland

Date of document: 7 April 2020

Filed on behalf of: Compass Group

Filed by:

Jackson McDonald
Level 25
140 St Georges Terrace
PERTH WA 6000

Telephone: (08) 9426 6611
Reference: RES: 7168030
Richard Sandover

IN THAT Compass Group was granted development approval (2011/261) for the Gateway Village Transient Workers Accommodation Facility at Lot 503 Forrest Circle, South Hedland by orders dated 21 October 2011 as varied by orders dated March 2012 made by the State Administrative Tribunal (**Approval**):

In accordance with condition 10 of the Approval, the Town of Port Hedland hereby grants development approval for Gateway Village, provided always that the Compass Group (or its successor) holds tenure from the State and subject to the Compass Group:

- (a) Paying the sum of \$950,000 to the Town of Port Hedland on or before the expiration on 30 September 2022 of the current term under the lease between Compass and the State of Western Australia made 1

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October 2012 by way of a contribution to the proposed Hamilton Drive Landscape upgrades, which monies will be applied by the Town of Port Hedland for that purpose.

(b) Lodging with the Town of Port Hedland:

(i) A Social Impact Assessment; and

(ii) A Social Impact Management Plan,

involving, amongst other things, liaison with the Town of Port Hedland and addressing management measures associated with the offsetting of any relevant net loss in community services and benefit.

Jackson McDonald
Solicitors for Compass Group

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