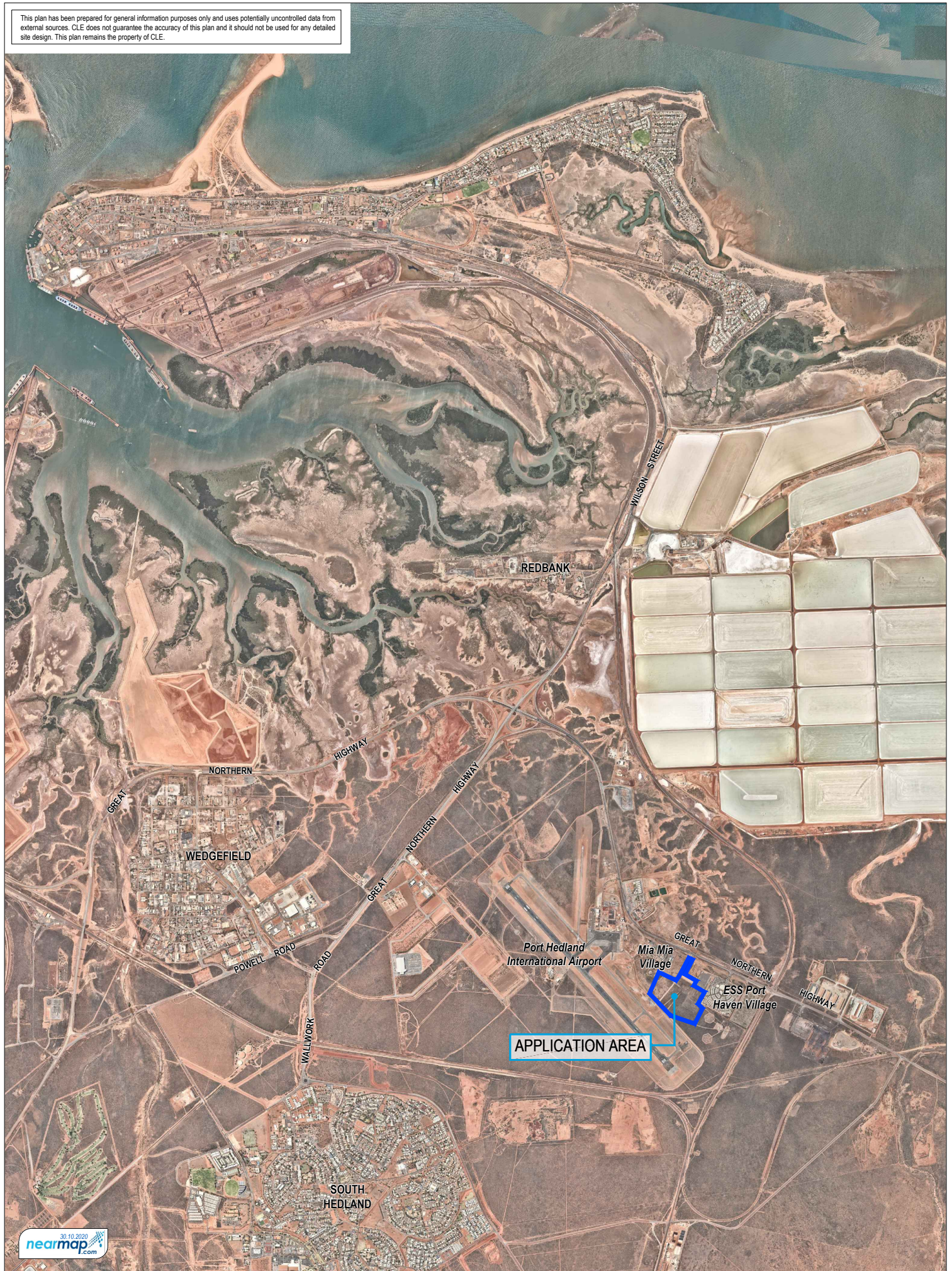


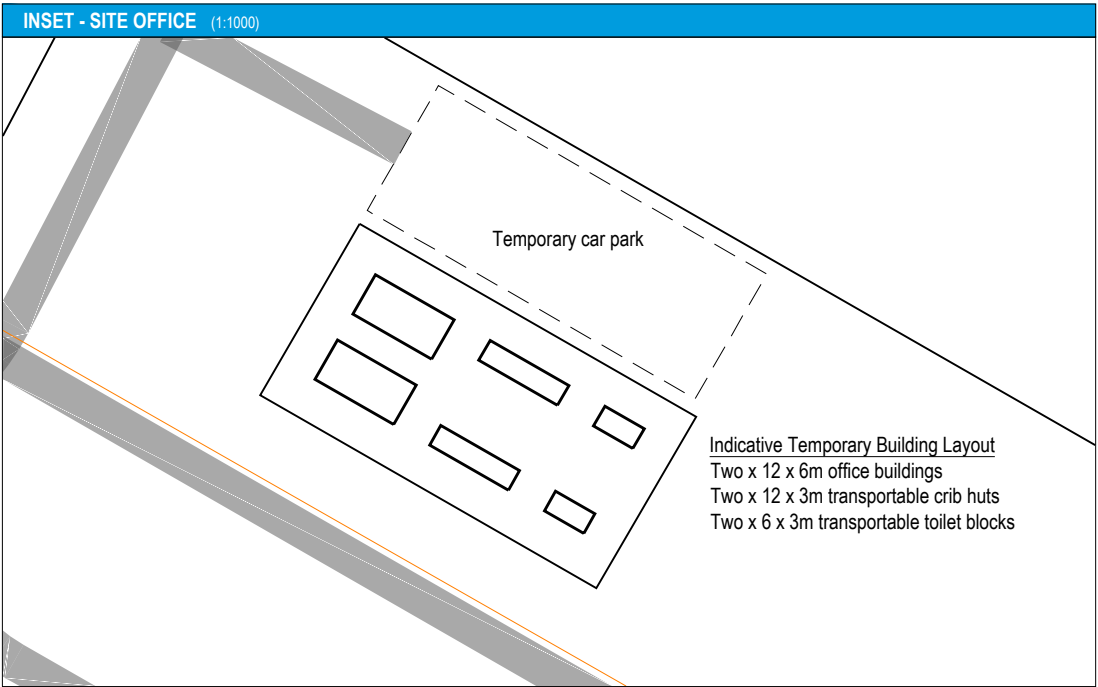
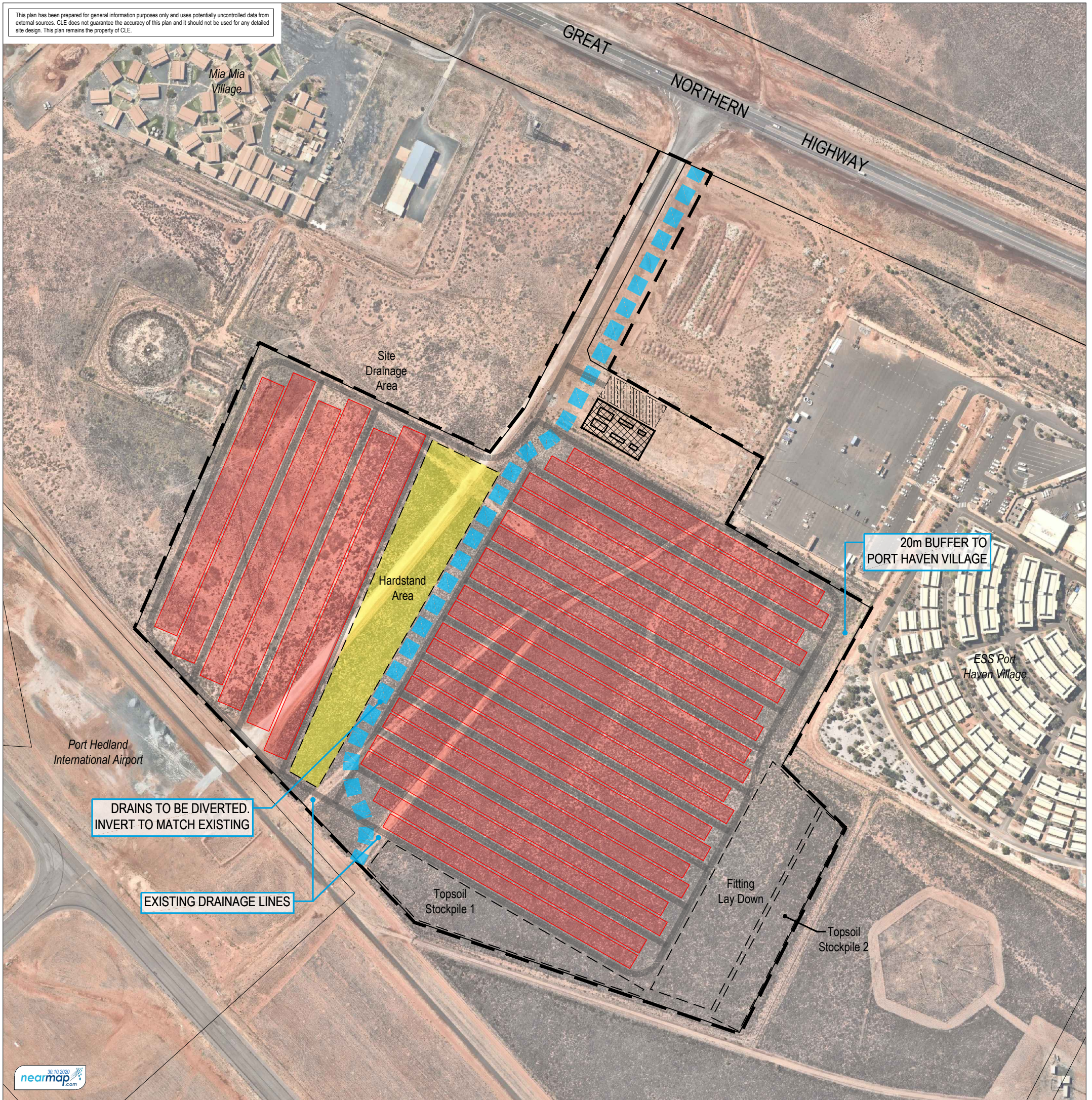
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30.10.2020  
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**LEGEND**

- Application boundary
- Location of temporary buildings
- Temporary car park
- Storage areas (pipes)
- Hardstand area (loading / unloading)
- Access roads / aisles
- Proposed drainage diversion alignment





**Submitter Comment****Applicant response**Executive Summary of Response to Submission

The proponent is aware of their obligations to manage noise and dust impacts and is in the process of preparing the necessary management plans. They have significant experience preparing and implementing management plans and strategies as part of their numerous construction projects and are committed to fulfilling their obligations. Through circumstances beyond their control, our Client is in an unfortunate position where they need to secure a storage site within a condensed timeframe. Given the minimal lead-in time to prepare the development application, there was not the opportunity to prepare the standard management plans prior to lodgement as recommended by the submitter. Notwithstanding, it is standard practice for noise and dust management plans to be required as conditions of development approval as is proposed for this application.

The site itself has long been identified for the use of 'storage/warehouse' as well as a broad range of industrial uses. This is demonstrated most recently by the adoption of the 'Highway Precinct Design Guidelines' by Council in November 2020. The use itself i.e. the laydown and storage of goods, is entirely consistent with the intent for the site and the proposal cannot be viewed as unexpected or inconsistent with the Town's planning for the site. The matter of noise and dust is a management responsibility that will be fully documented and addressed to the satisfaction of the Town of Port Hedland.

Proposed amendments to the proposal

A 20m buffer is now proposed abutting the boundary with Port Haven (in accordance with the 'Highway Precinct Design Guidelines') to assist mitigate the potential impacts of dust and noise.

Truck movements to the site have reduced from the numbers originally anticipated and quoted in the DA submission. The following table provides a comparison of the proposed changes that will reduce vehicle movements and therefore noise.

	<table><tr><th></th><th>Originally Proposed Truck Movements</th><th>Revised truck movements</th></tr><tr><td>During unloading of ships at port</td><td>200 per day (100 in and 100 out) over a 24 hour period (4 in 4 out per hour) lasting 3 – 5 days.</td><td>96 per day (48 in and 48 out) over a 24 hour period (2 in and 2 out per hour) lasting 4 – 8 days depending on shipment size</td></tr><tr><td>During standard operations</td><td>80 per day (40 in and 40 out) over a 12 hour period (4 in and 4 out per hour)</td><td>24 per day (12 in and 12 out) over a 12 hour period (1 in and 1 out per hour)</td></tr></table>		Originally Proposed Truck Movements	Revised truck movements	During unloading of ships at port	200 per day (100 in and 100 out) over a 24 hour period (4 in 4 out per hour) lasting 3 – 5 days.	96 per day (48 in and 48 out) over a 24 hour period (2 in and 2 out per hour) lasting 4 – 8 days depending on shipment size	During standard operations	80 per day (40 in and 40 out) over a 12 hour period (4 in and 4 out per hour)	24 per day (12 in and 12 out) over a 12 hour period (1 in and 1 out per hour)
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Based on the development description, there will be forklift movements and the placement of pipes occurring in close proximity to accommodation units, during day and night.	<p><u>Point of clarification</u></p> <p>Pipes will only be moved and placed in the storage areas in close proximity to Port Haven during standard hours i.e. 7:00 to 19:00. Activities outside of hours i.e. 19:00 to 7:00 will only occur within the central hardstand area and away from Port Haven. The ‘after hours’ unloading activities will occur irregularly and only when a shipment has arrived at port and requires unloading and transporting to the site.</p>									
The proposal is inconsistent with the general objectives of Town of Port Hedland Planning Scheme No.5 ( <b>TPS5</b> ), which at clause 1.5 (a) includes to “encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity.” Specifically, the proposal is contrary to improving the lifestyle and amenity of the adjoining neighbours who reside at Port Haven.	<p>There are a range of general objectives (six in total) stated at clause 1.5 of TPS 5, all of which should be considered where relevant. Simply selecting one general objective and suggesting that an application should be determined on that basis alone is not reasonable and would not wholly and properly consider the proposal within the full context of the planning framework.</p> <p>The general objectives at clause 1.5 do not specifically relate to a particular zone or location and lack the ability to reflect the planning intent for specific zones and locations. As such, they are not used as the sole criteria for assessing a development application.</p>									

With specific regard to clause 1.5(a) as cited, the submitter has neglected to fully interpret and consider the objective. The submitter has elected to apply clause 1.5(a) to mean that all proposals should improve lifestyle and amenity, specifically the amenity of an adjoining neighbour. However, this is not what the objective actually says, rather it encourages an appropriate balance (emphasis added) between a range of factors that include economic and social development as well as improvements in lifestyle and amenity. A decision should not be solely based on a certain criteria and neglect others – it must be balanced and consider all competing objectives.

With regard to clause 1.5(a), the proposal will generate significant economic activity in Port Hedland which will translate to social improvements through the creation of employment opportunities, leading to increased spending and business growth. On site activities will be carefully managed in order to mitigate the potential impacts of noise and dust on the locality so that residents' lifestyle and amenity are not determinately impacted. On this basis, the proposal effectively balances the economic, social and environmental considerations of clause 1.5(a). Further, whilst any potential impacts on amenity will be short term during the 18 month construction phase, the economic benefits will be prolonged through the ongoing operation of the Iron Bridge Magnetite project.

Other 'general objectives' stated at clause 1.5 of TPS5 which must also be considered include:

- *implement strategic planning for the municipality, including the recommendations of the State Planning Strategy and relevant regional planning strategies,*
- *zone the balance of the land within the Scheme Area for purposes described in the Scheme,*
- *define the uses and types of development to be permitted on land within the Scheme Area, and*
- *control and regulate the development of land, erection and demolition of buildings and the carrying out of works.*

	<p>In response to the above objectives, the proposed use of the site for 'storage/warehouse' purposes is entirely consistent with the strategic planning for the site as set out under the:</p> <ul style="list-style-type: none"> <li>• Port Hedland International Airport Masterplan; and</li> <li>• Draft Town of Port Hedland Local Planning Strategy.</li> </ul> <p>It is also consistent with the statutory planning framework in terms of the specific zone objectives and land use permissibility under the:</p> <ul style="list-style-type: none"> <li>• Current Town Planning Scheme. No 5; and</li> <li>• Draft Local Planning Scheme No.7.</li> </ul> <p>Further, the recently adopted 'Highway Precinct Design Guidelines' clearly communicate the land use intent for the site to be developed for a broad range of storage/warehouse and industrial land uses. Were the land unsuitable for uses such as the proposed 'storage/warehouse' due to its proximity to Port Haven, then these uses would not be permitted and the land would not have been identified for industrial purposes.</p>
<p>Clause 67(n) of the Deemed Provisions at Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> requires consideration to be given to the amenity of the locality. We submit the application has not demonstrated the amenity of the locality has been preserved, due to information not being submitted and/or properly qualified with respect to noise, dust, vibrations, and visual impact.</p>	<p>Consideration has been given to the amenity of the locality in preparing the application. This is demonstrated by the location of the hardstand area - that will be used for the loading and unloading of vehicles - being as far as practically possible from the boundary with Port Haven.</p> <p>The loading and unloading activities that will occur within the central hardstand area will generate the most noise of the activities occurring on site. A significant separation distance of 330m is proposed between these activities and the nearest Port Haven dwelling unit to provide a separation that will assist mitigate noise. To provide planning context to the use of a separation distance as an effective means of managing noise, the Western Australian Planning Commission's <i>State Planning Policy 5.4 – Road and Rail Noise</i> identifies locations that are within 300m of 'Strategic freight and major traffic routes' as being within the 'trigger distance' for assessment under the policy i.e. dwellings that are separated by a distance greater than 300m from the road are not considered to be impacted by traffic noise. Whilst not directly applicable, it provides a useful guide to consider setback distances from</p>

	<p>noise sources, determining that noise impacts from major highways and freight routes that carry in excess of 50,000 vehicles per day are ameliorated beyond a distance of 300m. The proposed loading and unloading activities will not generate a comparable level of noise to a major highway or freight route and so a 330m separation distance is considered an effective response to managing noise.</p> <p>In addition to the spatial planning of the site, the proponent is committed to implementing other operational strategies to mitigate the potential impacts of noise and dust. This has been communicated to the Town and the necessary management plans will be prepared and implemented to the satisfaction of the Town as conditions of development approval.</p> <p>With respects to visual amenity, the stored goods will be onsite temporarily. This, combined with the fact that Port Haven is a temporary accommodation site means that there will not be any lasting or prolonged impact on visual amenity i.e. the goods are not there long term and neither are the residents. Port Haven accommodates FIFO workers whose lifestyle when 'on swing' typically involves eating and sleeping at their accommodation site followed by work shifts at mining or construction sites. They do not spend prolonged periods in settings or situations where the stored pipes will be highly visible.</p>
<p>No technical reporting from a qualified acoustic consultant has been provided. Given the absence of qualified information on the impact of noise on nearby sensitive receptors, the applicant's assertions on noise cannot be confirmed and cannot be relied upon to confirm the development will not adversely impact occupants of the Port Haven accommodation units. Minimal weight should be given to the information in the application's covering letter.</p>	<p>As outlined above, the proponent is committed to preparing a Noise Management Plan as a condition of development approval. The Management Plan will be prepared by a suitably qualified acoustic consultant to the satisfaction of the Town.</p> <p>Noise is not fundamental to the proposed use as it may be with other uses and as such can be suitably conditioned on the development approval. For example, the use of the land for storage purposes does not in itself generate noise. Noise is a by-product of the vehicles used to transport the goods being stored. This is different to a proposal where the land use itself is a constant source of noise, for example a heavy manufacturing use. In these instances, it may be appropriate to address noise upfront as it is a fundamental component of the land use. In the case of the subject proposal, storing goods does not generate noise, rather the noise is incidental and can therefore be managed through a suitable management / operational response.</p>

<p>The application does not address noise affecting night-shift workers who sleep during daytime hours at Port Haven.</p>	<p>Construction work will be carried out in accordance with the Control of Noise Practices set out in AS 2436-1981: <i>Guide to noise control on construction, maintenance and demolition sites</i>. Operational noise emitted from the site will be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> as per standard process. The proponent is committed to implementing strategies to reduce noise in order to minimise potential impacts on Port Haven both day and night. These will be documented within the Noise Management Plan to be approved by the Town which will subsequently be implemented throughout the lifespan of the project.</p> <p>We observe that the accommodation site is located directly abutting an operating airport as well as a state highway and within approximately 280m of a rail line to the east. Port Haven is not located within a pristine environment devoid of day-time noise and the proposed use will not introduce noise into an environment where none currently exists. If the accommodation camp is capable of operating within the context of all existing noise sources then unloading of trucks approximately 330m away and infrequent forklift movements are unlikely to be the attributing factor that affects night-shift workers sleeping patterns as compared to airplanes taking off and landing, road trains along Great Northern Highway and trains along the freight line to the east.</p>
<p>The application does not address noise from movement of forklifts and noise from movement and placement of pipes for storage, which will occur within 30m of accommodation units, and noise from airbrakes and reversing beepers from trucks on site.</p>	<p>The proposed site plan has been modified to introduce a 20m buffer abutting the boundary with Port Haven. This increases the minimum distance to the nearest dwelling to approximately 50m and will allow for a buffer treatment to be established within the site.</p> <p>Operational noise emitted from the site will be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> as per standard process and the proponent is committed to implementing strategies to reduce noise in order to minimise potential impacts on Port Haven both day and night. These will be documented within the Noise Management Plan to be approved by the Town which will subsequently be implemented throughout the lifespan of the project.</p>
<p>The application does not include a dust management plan or indicate how frequently dust suppression measures will be applied to roadways near the Port Haven boundary to alleviate the transmission of dust onto Port Haven.</p>	<p>The proponent is committed to implementing strategies to manage dust in order to minimise potential impacts on Port Haven. These will be documented within the Dust Management Plan to be approved by the Town which will</p>



	<p>subsequently be implemented throughout the lifespan of the project.</p> <p>The proponent has significant experience managing construction projects and implementing dust suppression strategies, making them fully aware of their obligations with regards to dust management.</p>
<p>The application does not address impacts of vibration from movement of forklifts and the placing down of pipes.</p>	<p>We are not aware of any specific vibration regulations that require a response to potential vibration.</p> <p>Vibration modelling and management is typically associated with large-scale infrastructure projects such as rail lines, not open-air storage and laydown areas. Given the nature of the proposal, it is not considered necessary to address the impacts of vibration as the machinery being used is considered innocuous in this regard i.e. forklifts do not generate vibration the same way compacting, drilling or quarrying might.</p>
<p>The proposed development does not include a vegetated buffer external to Port Haven, as is required by Figure 3 of LPP10. The site plan shows access roads and storage areas to be built up to the western edge of Port Haven.</p>	<p>An amended site plan has been submitted with the Town to show a 20m buffer / setback to the boundary with Port Haven. An appropriate interface treatment for the buffer will be detailed as part of the management plans to be submitted with the Town for approval.</p>
<p>It is considered the visual amenity of Port Haven would be improved with the addition of a vegetated 20m buffer, consistent with Figure 3 of LPP10. A buffer may also assist with reducing the impact of noise, dust and vibration from activities in close proximity to Port Haven (subject to confirmation by suitably-qualified experts in these matters) and will assist in screening residents of Port Haven from a view to an intensive industrial activity.</p>	<p>An amended site plan has been submitted with Town to show a 20m buffer / setback to the boundary with Port Haven. An appropriate interface treatment for the buffer will be detailed as part of the management plans to be submitted with the Town for approval.</p>