

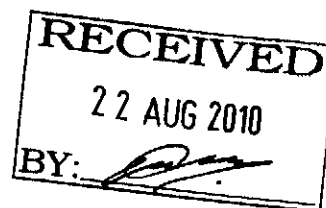
Submission 6

Form No. 4

[Regs. 16(1) and 20(2).]

Town Planning and Development Act 1928

TO: The Chief Executive Officer of the Shire of Roebourne



SUBMISSION ON

SCHEME AMENDMENT No 18 and Local Planning Policy DP1 City Centre Development Requirements

Name: Leah Alexander for the Planning Services Department - Shire of Roebourne

Phone. 91868534

Address: Shire of Roebourne Offices Karratha.

SUBJECT OF SUBMISSION

(State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.)

The Shire of Roebourne Planning Services Department is responsible for the administration of Town Planning Scheme No. 8 and Local Planning Policy DP1 City Centre Development Requirements. The Department is concerned to ensure that the provisions of the scheme achieve consistency and certainty for the public and administrators.

ADDRESS OF PROPERTY AFFECTED BY SCHEME

Shire of Roebourne principally Karratha Town Centre (City Centre)

SUBMISSION

The Shire of Roebourne Planning Services staff have reviewed Proposed Scheme Amendment 18 and believe some changes are necessary to achieve intended outcomes, to correct errors and to make consequential amendments to the text.

- a. There are a number of minor grammatical errors in the document that require correction. Those changes are marked up in the Scheme text.
- b. Where development is to be provided for in a Development Area for which a Development Plan is not in place, appropriate performance criteria should be included to ensure consistency with the intention for the Development Area.

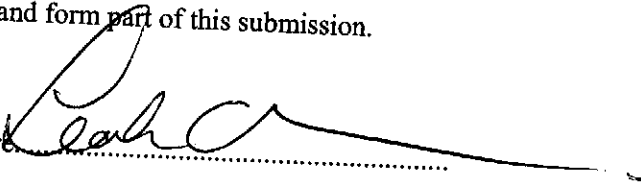
Review of DP1 City Centre Development Requirements has also been undertaken. The planning department acknowledges that the policy does not form part of the Scheme but takes this opportunity to

include a submission on that document. The submission covers alignment of objectives and clarification of policy provisions.

The marked up documents are attached and form part of this submission.

Date. 22 Aug 2010

Signature

A handwritten signature in black ink, appearing to be 'P. Chandra', written over a dotted line.

Submission 1

FESA

Fire & Emergency Services
Authority of Western Australia

Our Ref: 10-0131
Your Ref: LP.47: 087207

Phone enquiries: Kim Lambkin
Direct 9159 1400
Fax: 9143 1236
Email: kim.lambkin@fesa.wa.gov.au

Pilbara Region
Unit 1/5 Warambie Road
P O Box 1627
KARRATHA WA 6714

Phone Enquiries: (08) 9143 1227
Fax No: (08) 9143 1236

087207

SHIRE OF ROEBOURNE RECEIVED
23 AUG 2010
Action By: Patrick McClure
File No: LP.47
Document ID:

Shire of Roebourne
Planning Services
PO Box 219
Karratha WA 6714

Attention: Patrick McClure

Dear Sir

REFERRAL RESPONSE – SOR Town Planning Scheme No.8 Amendment 18

I refer to your letter dated 10 August 2010 regarding the above referral.

Please be advised that the Fire and Emergency Services Authority of Western Australia (FESA) has no comment.

FESA would like to be kept informed of any progress with this scheme.

Should you require further information please contact Mr Kim Lambkin at our Karratha office on 9159 1400.

Yours faithfully



Kim Lambkin
A/District Manager Burrup
Operational Services

August 20, 2010

Taylor Burrell Barnett Town Planning & Design

Our Ref: 08/073 RC:ct

187 Roberts Road Subiaco, PO Box 8186 Subiaco East Western Australia 6008

20 September 2010

Chief Executive Officer
Shire of Roebourne
PO Box 219
KARRATHA WA 6714

Dear Sir

SUBMISSION ON PROPOSED OMNIBUS SCHEME AMENDMENT NO. 18

Taylor Burrell Barnett (TBB), on behalf of our client Rio Tinto (RTIO), a significant landowner, interest holder, developer and stakeholder in the Shire of Roebourne (the Shire), hereby lodges this submission with the Shire regarding the abovementioned proposed Omnibus Scheme Amendment. In particular, the comments we are providing relate to the application of the various Scheme Amendment proposals contained in the Omnibus Amendment to RTIO's major land, development and infrastructure interests in and around Wickham and Cape Lambert.

REQUIREMENT FOR PLANNING APPROVAL

Council is commended for its attempt to expand the list of matters which do not require planning approval in clause 4.1.3, in an attempt to reflect standard practices and ensure that Council's time and resources are better spent on assessment and determination of application to which the planning approval process clearly adds value and is warranted.

Of particular note, is the proposal to exempt from the requirement for Planning Approval, any development associated with mining operations as defined by the Mining Act. While the intent is clear, the new clause may still be open to interpretation in the future, due to the absence of reference to mining operations which are undertaken under both the Mining Act and a State Agreement Act.

The wording of this clause may mean that RTIO's mining operations under its State Agreement Act are inadvertently excluded and, therefore, not specifically exempt from the requirement for Planning Approval. So as not to inadvertently discriminate against mining activities under a State Agreement Act, it is recommended that Council replace the wording of proposed clause 4.1.3 (z), with the following:

"Any development associated with mining operations, as defined by the Mining Act, and the subject of a Mining Act approval or State Agreement Act."

DEVELOPMENT PLANS AND DEVELOPMENT AREAS

The proposed amendments to the Development Plan requirements are extensive. TBB, on behalf of RTIO have significantly progressed a Draft Development Plan for Wickham South and seek confirmation from Council that the amendments proposed will not impact on Council's consideration of the Wickham South Development Plan due to be submitted for approval to advertise in October 2010. We would also like to take the opportunity to comment on the wording of some the new requirements for Development Plan and Development Areas, as referenced in Amendment 18.

Proposed clause 7.2.6 refers to a Development Plan being prepared by either an 'owner' or the local government. Furthermore, proposed clause 7.2.1 defines an 'owner' as "...an owner or owners of land subject to a Development Plan." In our opinion, this definition of an 'owner' may inadvertently serve to prevent parties with a legal interest in land, albeit not the legal owners, to prepare a Development Plan.

In the case of Wickham South, RTIO has a legal interest in the land the subject of the proposed Development Plan by virtue of the Special Lease granted by the Crown to the Robe River Joint Venture (RRJV), although the Crown (the State) remains the owner of the land. Accordingly, we recommend that Council modify the definition of "owner" in proposed clause 7.2.1 (a) to include reference to an "interest holder".

We thank Council for the opportunity to provide this submission on Amendment 18 and trust these recommended modifications will be given due consideration in the adoption of Amendment for final approval. Should you require any further information or wish to discuss any aspect of this submission in more detail, please do not hesitate to contact the undersigned on 9382 2911.

Yours faithfully
TAYLOR BURRELL BARNETT

Rachel

RACHEL CHAPMAN
SENIOR ASSOCIATE

CC: Hermione Scott – Rio Tinto



Department of Water
Government of Western Australia

Submission 3

Your ref: LP.47; O87202
Our ref: RF740-03, WRD96088
Enquiries: Natalie Leach 9144 2000

Patrick McClure
A/Manager Planning Services
Shire of Roebourne
PO Box 219
Karratha WA 6714

SHIRE OF ROEBOURNE
RECEIVED

10 SEP 2010

Action By: PATRICK MCCLURE
File No: LP.47
Document ID:

Dear Mr McClure,

Town Planning Scheme No. 8 – Omnibus Scheme Amendment

Thank you for the above referral received by the Department of Water (DoW) on 11 August 2010. The Department of Water appreciates the opportunity to comment and provides the following matters for consideration.

Urban Water Management

Local government authorities play a critical role in the implementation of Better Urban Water Management (WAPC 2008) (BUWM) through the assessment of water management strategies/plans, ensuring constructed infrastructure is in accordance with subdivision guidelines and enforcing requirements through their role in the states planning process.

There are a number of actions the Shire of Roebourne can take to move towards a more water sensitive and climate resilient local government. These include ensuring that appropriate consideration for the total water cycle management is given at all stages of the planning process and that Water Sensitive Urban Design (WSUD) and Best Management Practice (BMP) are implemented within the local government boundaries by both the council and private industry (i.e. developers, business, residents).

The Shire of Roebourne is in a unique position to implement WSUD and the DoW supports plans to develop a Regional Water Management Plan to support and guide future subdivisions as part of the **Karratha City of the North Project**. Improved water management can lead to improved natural features and use of public open space, enhanced recreational opportunities and reduced flooding risk, as well as opportunities to further develop and identify options for water efficient design.

Pilbara Region
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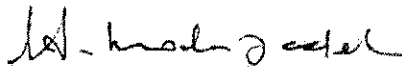
Summary

The DoW supports the Omnibus Scheme amendment and accepts the introduction of a City Centre Zone to support the moving from a regional town to a 'city of the north'.

The DoW looks forward to being involved in future developments and subdivisions for the Shire of Roebourne and can provide additional guidance on developing a Regional Water Management Plan and associated levels of BUWM and is available to work with the council to achieve this.

Should you wish to discuss the above further please contact Natalie Leach at the Department of Water, Pilbara office on (08) 9144 2000.

Yours sincerely



**Dr Hamid Mohsenzadeh
Regional Manager
Department of Water
Pilbara Region**

26 August 2010



Government of Western Australia
Department of Indigenous Affairs



ENQUIRIES : Anneka Bunt - Ph 9235 8126

OUR REF: 08/0840

YOUR REF: LP.47: 087207

Patrick McClure
A/Manager Planning Services
Shire of Roebourne
PO Box 219 Karratha
WA 6714

Dear Mr McClure

**SHIRE OF ROEBOURNE TOWN PLANNING SCHEME NO.8 PROPOSED
OMNIBUS AMENDMENT 18**

I refer to your letter dated 10 August 2010. Thank you for providing the Department of Indigenous Affairs (DIA) with the opportunity to provide comment in regard to the abovementioned amendment.

DIA recommends the developer consider any potential impact the development plans may have on Aboriginal heritage. It is recommended that comprehensive Aboriginal heritage surveys are undertaken prior to any ground disturbing activity so as to identify any Aboriginal heritage values on the land. Such surveys should be conducted with the participation of relevant Traditional Owner groups, past site informants and other Aboriginal people known to have specific cultural knowledge of, or associations with, the area in order to identify heritage sites and the potential impacts to heritage values throughout these localities.

I note in Part 4.4 "Matters to be considered by Council" there is no mention of Aboriginal heritage. DIA recommends entering a section within Part 4.4 to draw the Council's attention to the requirements of the Aboriginal Heritage Act 1972; under the AHA it is the obligation of the proponent to ensure that any work undertaken does not impact on any Aboriginal sites in the area and result in a breach of Section 17.

It is DIA's preference that any development plans are modified to avoid damaging or altering any site. If this is not possible, and in order to avoid committing an offense under the AHA, the land owner should seek the prior written consent of the Minister

for Indigenous Affairs to use the land. This involves the submission of a notice in writing under section 18 of the AHA to the Aboriginal Cultural Material Committee.

Additional information on the AHA can be found on the DIA website, under Heritage and Culture.

<http://www.dia.wa.gov.au/Heritage-and-Culture>.

If you have any queries please contact Anneka Bunt on 9235 8126 or Anneka.bunt@dia.wa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Elliott', with a stylized flourish at the end.

Jeremy Elliott
Manager Heritage North

22 September 2010



Government of Western Australia
Department of Environment and Conservation

Enquiries: Fiona Esszig
Phone: 9182 2036
Fax: 9144 1118
Email: fiona.esszig@dec.wa.gov.au

Mr Patrick McClure
Shire of Roebourne
PO Box 219
KARRATHA WA 6714

**Shire of Roebourne Planning Scheme No. 8
Referral of Proposed Omnibus Amendment No. 18**

Thank you for referring the above mentioned proposal to the Department of Environment and Conservation (DEC) for comment. The proposal refers to the Proposed Omnibus Amendment No. 18 for the Shire of Roebourne Town Planning Scheme No. 8. The most significant feature of the amendment is the development of the 'City Centre Zone' within the town of Karratha.

DEC's main concern with this type of planning amendment is the consideration of locating incompatible landuses in nearby locations. DEC does not endorse the placement of industrial activities within designated residential and/or recreational areas. This planning can typically become problematic in regards to noise, dust and odour issues given the variety of interests. DEC suggests that Guidance Statement No. 3 (Environmental Protection Authority - Separation Distances between Industrial and Sensitive Land Uses) be referred to for advice.

The proposed development may result in prescribed activities under Schedule 1 and/or 2 of the Environmental Protection Regulations 1987. Under section 52 of the *Environmental Protection Act 1986* it is an offence to carry out any work on or in relation to a premises which causes the premises to become, or to become capable of being, prescribed premises without a works approval. If the premise is not a prescribed premises, Environmental Protection Regulations 1987 may still be applicable. For more information please contact the Industry Regulation Section, Karratha on 9182 2000.

If you have any queries regarding this matter please call Fiona Esszig at DEC Karratha Regional Office on 9185 2034.

Yours sincerely

for Suzanne Roworth

Suzanne Roworth
Regional Leader - Industry Regulation
Pilbara Region

17 September 2010