

APPENDIX K

SUMMARY OF SUBMISSIONS

SUBMISSION	NAME	NATURE OF SUBMISSION	RESPONSE	TECHNICAL COMMENTS	RECOMMENDATION
DEVELOPMENT PLAN					
	Pilbara Ports Authority	<p>PPA has been aware of the BSIA proposal for some time and appreciated the opportunity to provide comment to both LandCorp and the Town of Port Hedland prior to the commencement of formal advertising. PPA fundamentally supports the BSIA proposal as it aligns and complements PPA's key objective of facilitating trade and economic growth for the Pilbara Region and the State. The BSIA proposal provides a significant opportunity for trade diversification through the Port Hedland Port Inner Harbour and its expansion to the future Multi-User Outer Harbour.</p>	N/A	N/A	N/A
		<p>Boodarie Stockyards Land Stage 2</p> <p>PPA have previously made written requests to LandCorp and the ToPH for the Development Plan to designate the land subject to future management and vesting in PPA, under the Land Administration Act 1997, of the area described as PPA Boodarie Stockyards Land Stage 2. This land is currently subject to a Notice of Intention to Take (NOITT), approved by the Minister for Lands and dated 6 September 2012 (see Attachment 1). The NOITT was publically advertised with no submissions received and vesting in PPA is imminent.</p> <p>A significant portion of the north-western corner of the Development Plan area is subject to the future Boodarie Stockyards Land Stage 2 vesting in PPA, but is designated "Strategic Industry" within the plan (see area shaded light blue in Attachment 2). The Development Plan should correctly designate this land as "Port Purposes Reserve", to accurately represent the future management and vesting under statute in PPA.</p> <p>An additional (and more binding) mechanism available to the ToPH and WAPC to ultimately safeguard the future designation of the Boodarie Stockyards Land Stage 2 Area is for the land to be reclassified from "Strategic Industry" zone to "'Other Public Purposes - Port Facilities' reserve under Scheme Amendment No. 71 also currently subject to public comment. Please be advised that PPA intends on making a formal submission on Scheme Amendment No. 71 prior to the conclusion of the advertising period.</p>	Disagree.	<p>The purpose of the Development Plan is to identify land use planning designations and strategic infrastructure. The vesting of the Boodarie Stockyards Stage 2 area in the PPA is a tenure related consideration. This does not remove any land use planning considerations for that land.</p> <p>The PPA's land tenure is acknowledged and confirmed on the Opportunities and Constraints Plan and Precinct Plan included in the Development Plan Report as Figures 4 and 6 respectively. The Development Plan, therefore, acknowledges future Port related activities in this precinct consistent with both existing and pending Port vested land. Further, the Development Plan Map (Figure 5) reflects the PPA's land tenure (with the exception of the Boodarie Stockyards Stage 2 area) in line with the PPA's submission made during the pre-consultation period.</p> <p>It should also be noted that section 38 of the Port Authorities Act 1999 enables port works and port facilities to be regarded as public works (for the purposes of section 6 of the Planning and Development Act 2005). As such, the change of land tenure should not be reflected in the Development Plan through a change to the zoning or reservation of land.</p>	That the submission be noted and no change required.
		<p>The Pilbara Infrastructure (FMG) Lease Area</p> <p>The annotation and area designated as "FMG Lease" is made up of a number of forms of tenure including PPA lease and licences, General Purpose Leases (under the Mining Act 1978) and The Pilbara Infrastructure (FMG) State Agreement Area. The boundary extent of the area as illustrated is incorrect and should be correctly defined. PPA can assist with this if required.</p>	Agree.	The intent is to simplify the Development Plan Map and it is considered that this serves as contextual information only. This information has no material effect on the Development Plan area. Once the information is received from the PPA, and depending upon the level of detail it provides, this annotation may be added or removed from the plan..	That the submission be noted and no change required. Request further information from the PPA..
		<p>Proposed Infrastructure Corridor</p> <p>The 'Proposed Infrastructure Corridor' connecting the BSIA through PPA vested land has previously only been given 'in-principle' support pending future detailed heritage and environmental investigations to determine the most suitable alignment and width. PPA's approval of the actual alignment prior to development will be required. PPA recommends re-annotating the corridor within Port land as 'Proposed Infrastructure Corridor Subject to Pilbara Ports Authority Agreement'.</p>	Noted.	The 'Proposed Infrastructure Corridor' will be finalised in due course at the appropriate stage of development. To date there has been significant consultation with the Pilbara Ports Authority on the alignment of the corridors. Further, the location of the corridors beyond the statutory boundaries of the Development Plan is contextual only. Given the contextual nature of the there is no need to specify any specific agency or future approvals required.	That the submission be noted and no change required.

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		<p>Various Development Plan Annotations</p> <p>The following table details a number of Development Plan annotations that PPA understand to be inaccurate, inconsistent or are unclear and should be rectified prior to ToPH Council adoption.</p>	See Below	See Below	See Below
		Development Plan annotation amendment			
		<p>1. Removal of "State Agriculture Corridor"</p> <p>Reason: PPA is unaware of any such future proposal and the location conflicts with the (possible) future BHPBIO Outer Harbour corridor location.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be deleted.	Modify the BSIA Development Plan to delete the State Agriculture Corridor.
		<p>2. Delete the piece of land jutting out from Nelson Point that appears to block the Port Hedland Port channel.</p> <p>Reason: Correctness.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be deleted.	Modify the BSIA Development Plan to delete the piece of land jutting out from Nelson Point.
		<p>3. Label the "Port of Port Hedland"</p> <p>Reason: Clarify/context.</p>	Agree.	The Port land is already identified by the purple shading and labelled in the legend. No further identification is considered necessary.	That the submission be noted and no change required.
		<p>4. Delete "NWA Loop"</p> <p>Reason: The plan has incorrectly labelled "NWI" (North West Infrastructure) as "NWA" and demonstrated the future 'loop' in the wrong location.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be deleted.	Modify the BSIA Development Plan to delete the NWA Loop.
		<p>5. Delete 'BHP Billiton' north of the Development Plan boundary.</p> <p>Reason: Although BHPBIO holds General Purpose Leases in the area, this annotation fails to clarify exactly what form of tenure or future development is proposed here.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be deleted.	Modify the BSIA Development Plan to delete the BHP Billiton label.
		<p>6. Extend the Roy Hill Infrastructure (RHI) railway and corridor from the rail loop to the Great Northern Highway.</p> <p>Reason: Tenure for the RHI rail corridor is in place and construction well progressed. This corridor forms the physical western boundary of the BSIA and is a significant major consideration for future planning of the area.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be modified.	Modify the BSIA Development Plan to extend the RHI railway and corridor from the rail loop to the Great Northern Highway.
		<p>7. All existing rail loops, including RHI's should be labelled with the correct resource company name.</p> <p>Reason: Correctness and consistency.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be deleted.	Modify the BSIA Development Plan to delete the labels of all rail infrastructure.
		<p>8. Delete "Combined Corridor" west of the BSIA.</p> <p>Reason: PPA are unaware of what the "Combined Corridor" represents and it is incorrectly located within RHI's rail corridor.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be deleted.	Modify the Boodarie Strategic Industrial Area Development Plan to delete the Combined Corridor west of the BSIA.
		<p>9. Delete "SW Creek Harbour" and possibly replace the entire area with "Port Hedland Port Inner Harbour".</p> <p>Reason: SW Creek Harbour does not exist. Correctness/clarity/context.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be deleted.	Modify the BSIA Development Plan to delete SW Creek Harbour.
		<p>10. Replace "SW Creek" with South-West Creek"</p> <p>Reason: Correctness.</p>	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be modified.	Modify the BSIA Development Plan to modify reference to reflect full name: South-West Creek.
		<p>11. Demonstrate all "Cadastre" boundaries or delete all.</p> <p>Reason: Consistency.</p>	Noted	The cadastral boundaries of all land parcels on the Development Plan are not required to convey its intent and would be contextual only. Therefore it not considered necessary to amend the Development Plan to alter or remove the cadastre.	That the submission be noted and no change required.
		<p>12. Replace "Utah Road" with "Utah Pont Road".</p> <p>Reason: Correctness.</p>	Noted	Utah Road is the correct name recorded by Landgate and therefore no modification	That the submission be noted and no change

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				of the Development Plan is required.	required.
		13. Designate the purpose of the "Special Control Areas" under the Scheme. Reason: Clarity/context.	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be modified.	Modify the BSIA Development Plan to include the names of the Special Control Areas.
		14. Delete "Proposed" from great Northern Highway to legend. Reason: Although the great Northern Highway realignment has not be Gazetted at this point, the road is formed, being used and dedication is imminent.	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be modified.	Modify the BSIA Development Plan to delete the word 'Proposed' from the Great Northern Highway legend label.
		15. Distinguish the difference between "Rail/Roads" on the legend and plan. Railways are actually coloured black. Reason: Correctness and consistency.	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be modified.	Modify the BSIA Development Plan to colour all rail infrastructure black.
		16. Distinguish the difference between "Unsealed Roads" and "Existing Rail/Roads. Delete informal tracks. Reason: A number of sealed and unsealed roads and informal tracks are incorrectly designated and coloured.	Noted	The distinguishing between unsealed and sealed roads is not required as all these roads are gazetted and there treatment is both uncertain and irrelevant. In addition, the inclusion of informal tracks is contextual only and has no bearing on the future operation of the BSIA. Further, this is not required to convey the intent of the Development Plan and would be contextual only. Therefore it not considered necessary to amend the Development Plan.	That the submission be noted and no change required.
		The text should also replace any reference to 'Port Hedland Port Authority' with 'Pilbara Ports Authority'. PPA can provide any Shape Files or other GIS data that may assist in correctly representing the Development Plan.	Agree.	This is a minor administrative change only. The information is contextual only and the wording and identification on the Development Plan should be modified.	Modify the BSIA Development Plan to change all references to PHPA to PPA.

SCHEME AMENDMENT

	Pilbara Ports Authority	Comment. See below.			
		Page ii: 3.b. Amending Clause 7.2.2 to read as follows: <i>"When considering applications ... Council shall have regard to:"</i> The current TPS5 text may not adequately require consideration to Port land and operations when assessing development proposals. Insert another sub-Clause (f): <i>"Whether the proposal is compatible with any existing or proposed future use or development on Port land."</i> PPA recommends that sub-Clause (f) is inserted to ensure that proponents and the ToPH acknowledge and adequately consider existing and future interests, activities and operations of PPA when assessing development proposals.	Disagree.	The purpose of the BIBSCA is to protect the future development of the BSIA and for this reason the proposed Scheme provisions specifically refer to the Strategic Industry zone. In this regard the protection of Port related uses is considered a secondary issue that would be considered as part of sub-Clause (e) "Any other issue Council deems relevant". As Council already has consideration for Port land it is considered no additional provision is required, especially as the Port land has been strategically recognised as part of the Development Plan Report. Further, the consideration of the Ports existing and future interests will be addressed through amending proposed Clause 7.2.3 as discussed below.	That the submission be noted and no change required.
		Page ii: 3.c. Insert a new Clause 7.2.3 as follows: <i>"When considering an application..... refer the proposal to the relevant State Government Agencies for comment."</i> PPA is a Government Trading Enterprise and may not be covered by the collective term 'State Government Agencies'. Change the inserted Clause to read: <i>"When considering an application refer the proposal to relevant 'State Government Agencies, Government Trading Enterprises and other relevant stakeholders for comment."</i>	Agree.	It is agreed that proposed Clause 7.2.3 be modified to include Government Trading Enterprises and other relevant stakeholders. This will ensure certainty for all stakeholders, including LandCorp and the Department of State Development.	Modify the Clause 7.2.3 of the Scheme Amendment text to read: <i>"When considering an application for planning approval with respect to land wholly or partly within the Boodarie Industrial Buffer Special Control Area, the Council shall refer the proposal to the relevant State Government Agencies, Government Trading Enterprises and other stakeholders for comment."</i>

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		<p>This minor change eliminates the possibility that certain organisations such as PPA (that is not a State Government Agency) are excluded from the development proposal consultation process. 'Other relevant stakeholders' may include resource companies that hold State Agreements granted under statute.</p>			
		<p>On page ii: 3.d. Insert a new Clause 7.2.4 as follows: "Prior to granting planning approval for development,....."</p> <p>The potential for flooding of Port land as a result of BSIA development proposals not adequately considering and managing drainage. Insert another sub-Clause 7.2.4 (c):</p> <p><i>"The likelihood of the proposed development adversely affecting the safety of Port land and operations during flood events."</i></p> <p>As PPA managed and vested land is generally located at the lower end of drainage catchment areas and drainage lines, including those dissecting the BSIA, PPA requires that the ToPH and all development proponents give consideration to the potential downstream drainage impacts on Port land and operations.</p>	Disagree.	<p>It is considered there is no need to include this as a specific requirement as it is dealt with under the general matters to be considered. The proposed Clause 7.2.4 seeks to protect land zoned Strategic Industry from flood associated with the Turner River, rather than addressing general drainage. Specifically, the purpose of this Clause is to control development that may impact the ability for the sand ridge to protect the BSIA from flooding. Detailed drainage considerations are considered outside the scope of the BIBSCA provisions and should be dealt with at the development or subdivision stage.</p> <p>Further, it is not considered appropriate to expand this requirement to take into account individual parcels of land based on tenure. There are various leases within the BIBSCA and the tenure is subject to change outside the planning framework.</p>	That the submission be noted and no change required.
		<p>Page ii: 4."Rezoning portion of Lot 203 on Deposited Plan 220594 from 'Rural' to reserve for 'Other Purposes: Infrastructure'."</p> <p>The proposed 'Other Purposes: Infrastructure' reservation overlaps existing Port managed and vested land. The Port land that is the subject of the proposed zoning is described as Lot 372 on DP35620, Reserve 29082</p> <p>Refer to attached Figure 1 that splits the 'Other Purposes: Infrastructure' reservation, to ensure Port land is correctly rezoned as 'Other Public Purposes: Port Facilities'.</p> <p>PPA acknowledges the purpose of the <i>Other Purposes: Infrastructure</i> reservation is to enable the development of the BSIA Outer Harbour and South-West Creek infrastructure corridors. This is supported by PPA. The attached Attachment 1 – Figure 1 demonstrates a split of the proposed <i>'Other Purposes: Infrastructure'</i> reservation to create a portion of <i>'Other Public Purposes: Port Facilities'</i> reservation that correctly aligns with the Port managed and vested land boundary. An <i>'Other Public Purposes: Port Facilities'</i> designated reservation will not compromise the future development of the land for infrastructure purposes.</p>	Disagree.	<p>The 'Other Public Purposes: Infrastructure' reservation more accurately denotes the ultimate land use purpose of this land (which is supported by the PPA). Conversely, the 'Other Purposes: Port Facilities' reservation, which the PPA is recommending, may not reflect the use of land, rather it would reflect the underlying land tenure. Land that is vested in the PPA is a tenure related consideration and does not alter any land use planning considerations for that land. The future development of land within the 'Other Public Purposes: Infrastructure' reservation (and more generally, the development of land within and in proximity to the land vested in the PPA in Boodarie) will involve close consultation with the PPA.</p> <p>The PPA's land tenure is acknowledged and confirmed on the Opportunities and Constraints Plan and Precinct Plan included in the Development Plan Report as Figures 4 and 6 respectively. The Development Plan, therefore, acknowledges future Port related activities in this precinct consistent with both existing and pending Port vested land. Further, the Development Plan Map (Figure 5) reflects the PPA's land tenure (with the exception of the Boodarie Stockyards Stage 2 area) in line with the PPA's submission made during the pre-consultation period.</p> <p>It should be noted that section 38 of the <i>Port Authorities Act 1999</i> enables port works and port facilities to be regarded as public works for the purposes of section 6 of the <i>Planning and Development Act 2005</i>.</p> <p>As such, the land tenure should not be reflected as part of the Scheme Amendment through a change to the zoning or reservation of land.</p>	That the submission be noted and no change required.
		<p>Page iii: 6. Amend Appendix 5 to identify the Boodarie Strategic Industrial Area as a Development Plan Area.</p> <p>The BSIA Development Plan area within Appendix 5 may not accurately demonstrate the ultimate BSIA Development Area boundary. Amend the Development Plan in Appendix 5 to exclude existing and proposed Port land</p>	Disagree.	<p>The purpose of Appendix 5 is to illustrate the general location of the Development Plan areas under the Scheme. The ultimate boundary of the BSIA Development Plan is reflected by the boundary of the 'Strategic Industry' zone and is not subject to change as part of the Development Plan. As previously outlined, the boundaries of the Development Plan should not be modified to reflect changes to tenure.</p>	That the submission be noted and no change required.

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		<p>within the Boodarie Strategic Industrial Area as illustrated in Attachment 2 - Figure 2.</p> <p>The ultimate BSIA boundary is dependent on the final approval of the BSIA Development Plan by the ToPH and Western Australian Planning Commission. PPA has previously requested the excision from the BSIA of the north-western corner of the BSIA that is subject to the imminent taking by PPA for the Boodarie Stockyards Stage 2. The plan in Appendix 5 should reflect the correct BSIA Development Plan boundary.</p>			
		<p>Page iii: 7. Amending Appendix 10 with the following conditions: "Boodarie Strategic Industrial Area: iv. Identification of Shared Infrastructure Corridors."</p> <p>PPA queries the use of capitalised letters for the term 'Shared Infrastructure Corridors' and whether this term is defined. PPA recommends '...shared infrastructure corridors...'. 'Shared Infrastructure Corridors' is not a defined term in the TPS5 text therefore capitalised letters should not be used for terms that are not defined.</p>	Agree.	This is a minor administrative change only and is appropriate given 'Shared Infrastructure Corridors' is not a defined term under the Scheme.	Modify part 7 of the Amendment Text to change the wording 'Shared Infrastructure Corridors' to lower case.
		<p>The Scheme mapping changes proposed by Amendment 71, with specific regard to the BSIA, fail to consider existing and imminent PPA managed and vested reserves. PPA recommends that the TPS5 Amendment 71 'Proposed Zoning Map (page 11 of Scheme Amendment Report) be amended to account for existing and imminent Port land as illustrated in Attachment 1 - Figure 1.</p> <p>The Boodarie Industrial Buffer Special Control Area ('SCA') does not correlate with the PPA managed and vested land boundary and at some points encroaches into Port land. The SCA boundary to be amended to align with the Port managed and vested land boundary as shown in Attachment 1 - Figure 1.</p> <p>PPA acknowledges the primary purpose of the Boodarie Industrial Buffer SCA is to prevent sensitive land uses from being developed within the SCA due to the potential harmful impacts of exposure to industrial environmental emissions. PPA supports the SCA boundary encroaching into Port lands; however, from an administrative and visual perspective, the clear delineation between Port land and other land use control mechanisms is recommended.</p> <p>Where non-Port related developments are proposed on Port land that is not reserved under TPS5 for 'Other Public Purposes: Port Facilities', PPA still has the ultimate authority as the 'land owner' and will not support the development of sensitive land uses on Port land.</p> <p>A portion of Lot 1203 on Deposited Plan 70562, Reserve 50892 under Management Order to PPA, located within the north-western corner of the BSIA and containing the Roy Hill Infrastructure rail corridor is not accurately represented as 'Other Public Purposes: Port Facilities'.</p> <p>A portion of land described as PPA Boodarie Stockyards (Stage 2) which is the subject of a Notice of Intention to Take approved by the Minister for Lands and dated 6 September 2012 is located within the BSIA. See Attachment 3.</p> <p>See north-western corner of Figure 1 in Attachment 1 that demonstrates existing and imminent Port managed and vested land excised from the BSIA and designated 'Other Public Purposes: Port Facilities'. Also see Attachment 2 -</p>	Disagree.	The Amendment does not propose changing the boundaries of either the 'Strategic Industry' zone or the BIBSCA, only the provisions that relate to land use control within these areas. While various land is vested in the PPA, this does change any land use planning considerations for that land and is a tenure related consideration. Further, the reservation of land vested in the PPA is outside of the scope of this Amendment and would require significant modifications to the Amendment as well as additional environmental and heritage reporting. As such the land tenure should not be reflected as part of the Scheme Amendment.	That the submission be noted and no change required.

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		<p>Figure 2.</p> <p>Lot 1203 on Deposited Plan 70562, Reserve 50892 is under Management Order to PPA and is occupied by the Roy Hill Infrastructure rail corridor. The eastern portion of the Boodarie Stockyards (Stage 2) that is subject to imminent vesting in PPA has been allocated for future iron ore stockpiles and rail infrastructure. These areas are distinct and not associated with the BSIA proposal and should be correctly reserved as '<i>Other Public Purposes: Port Facilities</i>' on the TPS5 maps and excised from the BSIA.</p>			