

**Schedule of Submissions - Town of Port Hedland TPS No.5
 Boodarie Strategic Industrial Area Development Plan**

Date Received	Name	Comments Provided	Applicant's Response	Council Recommendation
14/11/14	Telstra	<p>No objection. The following comments were provided:</p> <p>A network extension will be required for any development within the area concerned. The owner/developer will have to submit an application before construction is due to start to NBN Co. (for greater than 100 lots or living units in a 3 year period) or Telstra (less than 100 lots or living units). Developers are now responsible for telecommunications infrastructure, i.e. conduits and pits. NBN and/or Telstra will provide the cable.</p>	<p>The Development Plan provides for the strategic framework for development. All necessary infrastructure and headworks will be the responsibility of each individual proponent.</p>	<p>Noted. No modifications required.</p>
17/11/14	Optus	<p>No objection.</p>	<p>N/A</p>	<p>Noted. No modifications required.</p>
19/11/14	Water Corporation	<p>No objection. The following comments were provided:</p> <ol style="list-style-type: none"> 1. Boodarie Strategic Industrial Area (BSIA) is partly covered by the current Water Services Licence Area issued by the Economic Regulation Authority (ERA). However, the central and south-western parts are not covered by the licence area and should Stage 1 be in this area the proponents would need to formally request an extension. 2. The southern part of the site is covered by the Turner River P3 groundwater protection area: Consistent with - the Department of Water (DoW) Water Quality Protection Note - Land Use Compatibility in Groundwater Protection Areas, industrial use in P3 areas are conditional on connection to reticulated sewerage. 3. The Corporation has previously decommissioned its assets drawing from the bore field in the Turner River. These assets are in poor condition and would need to be rebuilt at the proponent's cost if considered for the BSIA; however this is subject to available water allocation which is understood to be fully allocated. The allocation is to be resolved by the proponent, and included into long term planning by the Shire and Pilbara Cities. Noted. As discussed in the Development Plan, this option is an alternative to be explored in the interim period in lieu of a new storage facility. The progression of this option will be determined based 	<ol style="list-style-type: none"> 1. The location of the BSIA is partly within the Water Services Licence Area is acknowledged in the Development Plan Report. Further, the Development Plan states that proponents would need to submit a formal request to WaterCorp to become the licensed water service provider, and apply to the ERA to extend the licence area. 2. The Turner River Water Reserve was abolished in 2011 (See Appendix III: GHD BSIA District Water Management Strategy) and the DoW Geographic Atlas indicates no other protection areas applicable to the Development Plan Area. 3. As discussed in the Development Plan, this option is an alternative to be explored in the interim period in lieu of a new storage facility. The progression of this option will be determined based on the ability to gain further allocations and will be the responsibility of the individual proponents as part of their servicing 	<p>The issues raised by the respondent can be addressed at the development or subdivision stage.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p>

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		<p>on the ability to gain further allocations and will be the responsibility of the individual proponents as part of their servicing strategy. That the submission is noted and no change required. The Corporation has investigated a limited supply</p> <p>4. The Corporation has investigated a limited supply for a scheme water supply to BSIA Stage. The proponents would need to further investigate alternative sources of water supply for additional stages of development. Stage 1 is defined as applying to a General Industry use area within the BSIA, similar to a town water supply demand, for about 10 lots. Land use would potentially be similar to Wedgefield, mainly manufacturing, repairs, wash downs, staff kitchens, showers and toilets with a demand similar to a typical town water supply; not of a processing nature. The proposal would enable transfer of incompatible industries from Wedgefield. The proposal would be for a supply to about 10 lots via a reticulation size main (150 or 200mm) from the vicinity of the elevated tank at South Hedland, about 9km away if the existing bore mains route is used. The alternative would be an off take from the bore water main, with either an elevated tank or booster pump near the first stages of development, however this is not supported.</p> <p>5. The normal processes of town planning scheme amendment, and structure planning would need to occur as part of this process. An agreement in-principle would be required from the proponent, the Shire and Pilbara Cities, prior to finalisation of a subdivision agreement. The proposal would need to be fully funded by the proponent.</p> <p>6. There is no treated wastewater available for reuse with the BSIA, from the South Hedland WWTP, as it is used by the Shire for municipal uses. It is confirmed that no wastewater from the BSIA will be accepted into the South Hedland WWTP.</p> <p>7. It is recommended that water efficiency measure be applied to DoW, Water Corporation, and Building Code of Australia guidelines.</p> <p>8. The Yule bore water supply main traverses the BSIA along Shoata Road. A duplicate main may be laid in the future. These mains require the protection of a gazetted road reserve.</p>	<p>strategy.</p> <p>4. The arrangement with WaterCorp is acknowledged in the Development Plan as is the requirement for an alternate water supply for industrial development above and beyond Stage 1 (10 lots). Further, the nature and details of the proposal for these lots is detailed within the Development Plan and is consistent with the WaterCorp's comment. It is acknowledged the WaterCorp does not support the alternative proposal.</p> <p>5. The Development Plan and Scheme Amendment are part of this normal process and are progressing. The servicing of each development site will be the responsibility of the individual proponents and this will be required to be demonstrated through a servicing strategy.</p> <p>6. The Development Plan outlines the potential to access water from a range of different sources. Ultimately it will be the responsibility of each individual proponent to demonstrate access to water and wastewater can be achieved.</p> <p>7. The Development Plan is a high level strategic framework for the future development and subdivision of the BSIA and detailed design considerations will be addressed at the appropriate stage of development or subdivision.</p> <p>8. The water supply main is protected via an existing reserve and the Development Plan will not prejudice the purpose of this reserve. The Development Plan is a high level strategic framework for the future development and</p>	<p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p>

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			subdivision of the BSIA and detailed design considerations will be addressed at the appropriate stage of development or subdivision. It is important to note however that, a gazetted road may not be the correct or appropriate mechanism to provide protection to this water main.	
21/11/14	Department of Lands	No comments.	N/A	Noted. No modifications required.
26/11/14	Department of Aboriginal Affairs	<p>No objection. The following comments were provided:</p> <ol style="list-style-type: none"> 1. On the 22 May, Department of Aboriginal Affairs (DAA) advised the Town of Port Hedland (the Town) that there are Aboriginal heritage places within the Plan area. DAA noted that the Town had conducted a survey of the Plan area and that the survey was submitted to DAA. It was also noted that there were new heritage features recorded as a result of the RPS survey and a request made that Heritage Information Submission Forms (HISF) were submitted for these places. To date, DAA has not received the relevant forms for these places. As information regarding possible Aboriginal heritage places exists, this information must be reported to DAA in accordance with section 15 of the Aboriginal Heritage Act 1972 (AHA). 2. The proposed development is located within an area where DAA administrative systems record the presence of registered Aboriginal heritage sites. DAA notes there have been previous section 18 consents issued to use the land which may have lawfully impacted several of the registered sites. However, DAA has not received development progress updates indicating whether recent development activity has impacted upon heritage significance formerly accorded to these sites. 3. As DAA does not have current information on whether development activities in the proposal area have impacted registered sites to the point where they would no longer be considered places to which the AHA applies, it is recommended that the developer meet with a DAA officer prior to any further heritage survey work being undertaken, or a Section 18 Notice being prepared, to discuss the most appropriate strategy going forward. 4. Comments noted. It is also recommended that relevant local Aboriginal representative groups be informed of the proposed development and their views sought as to whether there may be Sites on the Land that are not yet recorded by DAA or if the proposed development is likely to impact any such Site. 	<ol style="list-style-type: none"> 1. Comments noted. This information is located within Appendix VIII – RPS Aboriginal Heritage Assessment which was made available as part of public consultation, including to the DAA. While, it was encouraged that HISF were completed, it is considered the DAA has all the necessary information to update their database, thus satisfying the requirements under section 15 of the Act. If a further copy of Appendix VIII is required we can provide it directly to the DAA. 2. Comments noted. The Development Plan is a high level strategic framework for the future development and subdivision of the BSIA. At this stage no major development or subdivision has occurred and therefore no sites have been impacted. 3. See above response. This information will be conveyed to the DAA. 4. Comments noted. To date, local Aboriginal representatives have been involved in the original heritage assessment included as Appendix VIII. If further surveys are required at the development or subdivision stage, additional input from these representatives will be sought. 	<p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p>

Date Received	Name	Comments Provided	Applicant's Response	Council Recommendation
10/12/14	Department Water	<p>No Objection. The following comments were provided:</p> <ol style="list-style-type: none"> 1. The Department of Water (DoW) has recently reviewed the District Water Management Strategy (DWMS), provided to support development of the Boodarie Strategic Industrial Area (BSIA). The proponent is required to provide a revised document addressing the DoW's concerns before the strategy can be endorsed. 2. A Local Water Management Strategy (LWMS) has been requested as a commitment of the DWMS for successive stages of the planning and development process. The DoW notes the proponent's commitment to provide an Urban Water Management Plan in the proposed draft conditions of the BSIA Development Plan. 3. The DoW considers the development plan acceptable, provided Scheme Amendment No.71 is adhered to and an LWMS is prepared consistent with the DWMS. 	Applicant has not provided a response.	<p>It is noted that the applicant has prepared a DWMS and that as part of the future development and subdivision of the BSIA a LWMS will be provided.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p>
29/12/14	Pilbara Development Commission (Pilbara Cities)	<p>No objections. The following comments were provided:</p> <p>Thank you for the opportunity to comment on the proposed Development Plan (DP) for the BSIA. The DP will guide road development to the BSIA, which will support and facilitate economic diversification within the Port Hedland economy. The development is consistent with the Commission's Strategic Objectives of Land Supply and Economic Diversification. The DP report recommendation to develop the initial traffic access to the BSIA via the existing Boodarie Station Access Road is supported by the Commission as it would support road safety and encourage economic development opportunities. The Commission has no comment in regard to the proposed works on Lot 500 (203) on Great Eastern Highway providing there is no adverse impact on the proposed upgrades to the main Boodarie Station Access Road.</p>	Applicant has not provided a response.	Noted. No modifications required.
05/01/15	Department of Health	<p>No objections. The following comments were provided:</p> <p>The DOH reiterates its comments provided in our letter dated 21 May 2014 (copy attached) as they are applicable in this case. Additional comments are provided below:</p>	Please refer to the response to the comments by the Department of Health as part of the pre-consultation schedule of submissions. As outlined in this response all previous comments are noted.	Agree with the responses provided by the applicant. Issues concerning the approval of wastewater and management of mosquitoes can be dealt with at the subdivision and development stage where further advice or will be sought from the DoH.

Date Received	Name	Comments Provided	Applicant's Response	Council Recommendation
		<p>1. On-site Wastewater Disposal Approval is required for any on-site waste water treatment process. In particular the Development Plan needs to be amended to reflect this regulatory requirement and reference DOH publications as appropriate. Geotechnical report of the site prepared by GHD indicates that the on-site disposal of wastewater on the site is achievable. However, wastewater application will require the approval of the DOH at building stage.</p> <p>2. Mosquito-borne Disease Control Program and Services The subject land is in a region that occasionally experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. For example, in the 2013/2014 season, there were 42 cases of Ross River Virus in the Town of Port Hedland.</p> <p>Mosquitoes will disperse from nearby potential breeding sites to the subject land under favourable environmental conditions. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed or maintained.</p> <p>The Town of Port Hedland need to be confident that they can manage the risks associated with this development from mosquitoes and mosquito-borne diseases on public health and the severe impacts they can cause on quality of life.</p> <p>Changes to topography and natural drainage across large areas may lead to an increase in mosquito breeding if not planned appropriately.</p> <p>A Mosquito Management Plan (MMP) to be adopted/incorporated into the Development Plan to ensure additional mosquito breeding sites are not created with development across the site.</p> <p>The following points to be included in the MMP:</p> <p>Future development must ensure proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:</p> <ul style="list-style-type: none"> • Changes to topography resulting from earthworks (e.g. the installation of pipelines, footpaths, roads etc.) must prevent run-off from creating surface pending as it may become mosquito breeding habitat; • Water tanks, septic tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding. Regular monitoring for mosquito larvae and treatment with larvicide may also be required; • Waste items (tyres, drums and other water-holding receptacles) should be filled with sand/soil; kept undercover or punctured to reduce the chances of these items holding water and becoming mosquito breeding habitat; • Constructed water bodies (drainage infrastructure, infiltration basins and swales, 	<p>1. On-site Wastewater Disposal Comments noted. The Development Plan provides for the strategic framework for development. The approval of wastewater treatment for individual proponents will be addressed at the subdivision or development phase.</p> <p>2. Mosquito-borne Disease Control Program and Services Comments noted. The Development Plan provides for the strategic framework for development. The detailed design of subdivision and development is not yet known and the management of mosquitoes will be addressed at the subdivision or development phase.</p>	<p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p>

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		<p>settling ponds etc) must be located, designed and maintained (including vegetation management through application of herbicides and/or removal of invasive vegetation to prevent the harbourage of mosquito larvae) so they do not create or contribute to mosquito breeding;</p> <ul style="list-style-type: none"> The Chironomid midge and mosquito risk assessment guide for constructed water bodies (Midge Research Group, 2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised. This document is available at: www.public.health.wa.gov.au/2/654/2/mosquitoes.pm. <p>3. Toxicology Programs and Services The Development Plan should give consideration to the placement of industry types within the BSIA so as not to adversely impact public health particularly in relation to air quality. New industries that are likely to produce emissions, such as dusts, noise, gases and odours, must have specific air quality management plans and appropriate risk assessments to ensure mitigations are in place. Assessments are to be completed in accordance with the Office of the Environmental Protection Authority Guidance Statement No 3. 'Separation Distances between Industrial and Sensitive Land Uses 2005'. The Guidance Statement takes into account protection of human health and the environment as defined in the Environmental Protection Act 1986 with a focus on protecting sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions and infrastructure.</p> <p>The necessary approvals are to meet any requirements of the Office of the Environmental Protection Authority and the Department Environment Regulation. The DOH is particularly interested in any evidence/rationale to support any claim that particulate matter emissions will comply with the 'Air Quality National Environmental Protection Measure' given the high level of background dust in the region.</p> <p>4. Pesticide Safety Programs and Services The development has a high potential to use pesticides to manage pests. Pests include insects, weeds, weed pathogens, vectors, and vermin and where appropriate feral animals. A Pest Management Plan should be adopted to ensure that pests are controlled and the use of pesticides are minimised, with minimal risk to public health. Any treatment and application of pesticides must be applied in accordance with the Health (Pesticides) Regulations 2011.</p> <p>5. Land Use Planning for Natural Disasters Land use planning can guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding (including storm surge), fire, landslide, earthquake, strong wind and coastal erosion.</p>	<p>3. Toxicology Programs and Services Comments noted. The Development Plan, and in particular identification of precincts and preferred land uses has been prepared based on the outcomes of a series of relevant emission assessments including acoustic, quantitative risk, and air quality assessments. The Precinct Plan sets out the preferred location for 'noxious' industries within the central-western portion of the Development Plan.</p> <p>The Boodarie Industrial Buffer Special Control Area under the Scheme prevents any future residential development being planned in proximity to the Development Plan area. Buffer provides separation of more than 6km from the closest residential area being South Hedland.</p> <p>4. Pesticide Safety Programs and Services Comment noted. The Development Plan provides for the strategic framework for development. The management of pests will be addressed at the subdivision phase.</p> <p>5. Land Use Planning for Natural Disasters Comment noted. The Development Plan incorporates appropriate responses to reduce the risks of natural disasters for this particular stage of the planning process.</p>	<p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p>
28/01/15	Pilbara Ports Authority	No objection. The following comments were provided.		

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		<p>Pilbara Ports Authority (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	Noted. No modifications required.
		<p>1. 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. 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.</p> <p>2. 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>	<p>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.</p> <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.</p>	<p>Noted. No modifications required.</p> <p>Agree with the respondent and applicant in part. The annotation to the FMG Lease as it is not required and the Development Plan should be modified to remove this.</p>

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		<p>3. 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> <p>4. 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> <p>4.1 Removal of "State Agriculture Corridor" Reason: PPA is unaware of any such future proposal and the location conflicts with the (possible) future BHPBIO Outer Harbour corridor location.</p> <p>4.2 Delete the piece of land jutting out from Nelson Point that appears to block the Port Hedland Port channel. Reason: Correctness</p> <p>4.3 Label the "Port of Port Hedland" Reason: Clarify/context</p> <p>4.4 Delete "NWA Loop" Reason: The plan has incorrectly labelled "NWI" (North West Infrastructure) as "NWA" and demonstrated the future 'loop' in the wrong location</p> <p>4.5 Delete 'BHP Billiton' north of the Development Plan boundary. 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>	<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.</p> <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.</p> <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.</p> <p>Noted. The Port land is already identified by the purple shading and labelled in the legend. No further identification is considered necessary</p> <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.</p> <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.</p>	<p>Agree with the respondent's submission. Modify the Development Plan to annotate the corridor as 'Proposed Infrastructure Corridor'</p> <p>Agree. Modify the Development Plan to delete the State Agriculture Corridor.</p> <p>Agree. Modify the Development Plan to delete piece of land jutting out from Nelson Point.</p> <p>Agree with the applicant. Noted. No modification required.</p> <p>Agree. Modify the Development Plan to delete reference to the NWA Loop.</p> <p>Agree. Modify the Development Plan to delete reference to BHP Billiton.</p>

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		<p>4.6 Extend the Roy Hill Infrastructure (RHI) railway and corridor from the rail loop to the Great Northern Highway. 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> <p>4.7 All existing rail loops, including RHI's should be labelled with the correct resource company name. Reason: Correctness and consistency.</p> <p>4.8 Delete "Combined Corridor" west of the BSIA. Reason: PPA are unaware of what the "Combined Corridor" represents and it is incorrectly located within RHI's rail corridor</p> <p>4.9 Delete "SW Creek Harbour" and possibly replace the entire area with "Port Hedland Port Inner Harbour". Reason: SW Creek Harbour does not exist. Correctness/clarity/context.</p> <p>4.10 Demonstrate all "Cadastre" boundaries or delete all. Reason: Consistency.</p> <p>4.11 Replace "Utah Road" with "Utah Pont Road". Reason: Correctness</p> <p>4.12 Designate the purpose of the "Special Control Areas" under the Scheme. Reason: Clarity/context</p>	<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.</p> <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.</p> <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.</p> <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.</p> <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.</p> <p>Noted. Utah Road is the correct name recorded by Landgate and therefore no modification of the Development Plan is required</p> <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.</p>	<p>Agree. Modify the Development Plan to delete the RHI railway and corridor from the plan. It is not necessary to be shown on the Plan.</p> <p>Agree. Modify the Development and delete all the labels of all railway infrastructures as the level of detail is not required.</p> <p>Agree. Modify the Development Plan to delete the Combined Corridor west of the BSIA.</p> <p>Agree. Modify the Development Plan and remove all reference to South-West Creek. It is not necessary.</p> <p>Agree with the applicant. Noted. No modifications required.</p> <p>Agree with the applicant. Noted. No modifications required.</p> <p>Agree with the respondent and applicant. Modify the Development Plan to include the names of the Special Control Areas in the legend of the Development Plan.</p>

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		<p>4.13 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</p> <p>4.14 Distinguish the difference between "Rail/Roads" on the legend and plan. Railways are actually coloured black. Reason: Correctness and consistency.</p> <p>4.15 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.</p>	<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.</p> <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.</p> <p>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.</p>	<p>Agree with the respondent and the applicant. Modify the Development Plan to delete the word 'Proposed' from the Great Northern Highway legend label.</p> <p>Agree with the respondent and the applicant. Modify the Development Plan to colour all rail infrastructure black.</p> <p>Agree with the applicant. Noted. No modifications required.</p>

**Schedule of Submissions - Town of Port Hedland TPS No.5
 Scheme Amendment No.71**

Date Rec	Name	Comments Made	Applicants Response	Council Recommendation
12/11/14	Department of Mines and Petroleum	No objections. The following comments were provided. 1. An assessment of the area of this proposal indicates that it is currently the subject of a section 19 exemption declared by the Minister for Mines and Petroleum. However dotted within the external boundaries of the s.19 are a number of granted mining tenements held by BHP and others. The effect of a section19 is, that the land is not the subject of the <i>Mining Act 1978</i> , however any person may apply to the Minister seeking an invitation to apply for tenure/ If that tenure is subsequently granted then it is excised from the s. 19 area. 2. Please refer to the Departments letter dated 30 April 2014 (for the corresponding Development Plan) indicating that the Department does not oppose the proposal providing that the necessary approval is given by the Minister for Mines and Petroleum pursuant to section 16 (13) of the <i>Mining Act 1978</i> .	1. The purpose of a section 19 under the Mining Act is to allow the Minister for Mining and Petroleum to exempt land from mining activities. It is acknowledged the majority of land within the Development Plan boundaries is subject to section 19 exemption.	Noted. No modifications required. Noted. No modifications required.
13/11/14	Water Corporation	No objections. The following comments were provided. 1. The Corporation provides water and wastewater services to urban development, and a water or wastewater service has not been planned for the proposed Amendment area, as it is in the category of a heavy industry. 2. The Amendment proposal on page 18 and section 7, Clause iii states "Coordination of proponent provided infrastructure including road access, means of effluent disposal, water supply, power supply and other key infrastructure services". 3. Therefore the Scheme Amendment and infrastructure provision intention is noted by, but not an action for, the Corporation.	N/A	Noted. No modifications required. Noted. No modifications required. Noted. No modifications required.
17/11/14	Optus	No objection.	N/A	Noted. No modifications required.
21/11/14	Department of Lands	No comment.	N/A	Noted. No modifications required.
26/11/14	Department of Aboriginal Affairs	1. It is understood the Scheme Amendment is required to facilitate the further development of the Boodarie Industrial Estate. 2. DAA notes that the act of rezoning in itself does not have potential to impact upon Aboriginal heritage. DAA also notes that future development in the Boodarie Industrial area will be guided by the Boodarie Industrial Area Development Plan and that suggested Clause 7.2.3 will result in DAA being contacted for specific advice relating to development proposals within the Boodarie Industrial Estate. DAA supports this approach.	N/A	Noted. No modifications required. Noted. No modifications required.

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		3. Please be advised that DAA is commenting on the Boodarie Industrial Area Development Plan and will do so under cover of a different letter		Noted. No modifications required.
04/12/14	Department of Water (DoW)	No objection. The following comments were provided. The DoW considers SA 71 is acceptable from a water resource perspective.	N/A	Noted. No modifications required.
16/12/14	Main Roads WA	No objection. The following comments were provided. 1. Please refer to our letter dated 4/7/14 in response to your letter dated 24/4/14. 2. Main Roads WA advises that it has no objection to the content of SA 71 subject to the following conditions; <ul style="list-style-type: none"> • The proponent shall be responsible for ensuring that the proposed site is located far enough away from Great Northern Highway (GNH) to ensure that MRWA will not have to close GNH as a result of any incidents within the site. • No effluent of contaminated liquids is to enter MRWA drainage systems. Please refer to our response dated 4/7/14 regarding the subject. 	Neither the Amendment nor the Development Plan is proposing to change the location or site area of the BSIA. Further, the noxious industries are proposed to be located in the western portion of the site which will ensure there will be no adverse impacts on the operation of GNH. Additionally, all effluent disposal will be contained on-site.	Noted. No modifications required. Noted. No modifications required. Noted. No modifications required. Noted. No modifications required.
17/12/2014	Tourism WA	No comment provided and no objection.	N/A	Noted. No modifications required.
23/12/2014	Roy Hill	1. Roy Hill is supportive of the proposed Scheme Amendment. However as you are aware (and as is stated on page 28 of the Development Plan) stage 1 of the future Boodarie stockyards contains a section of the Roy Hill Infrastructure rail corridor and is designated for the future Multi-User Outer Harbour corridor. 2. Roy Hill would be concerned if the proposed extension of the BSIA in any way adversely affected the use by Roy Hill of the Roy Hill rail corridor and any other land within the Strategic Area. However, as no adverse impact is evident from the papers explaining the proposed extension as presented to Roy Hill, Roy Hill at this stage has no negative comment on the proposed extension of the BSIA.	The Scheme Amendment does not propose the extension of the BSIA and is limited to providing a more details planning framework for the site within the existing boundaries. It is understood that the Roy Hill Rail Corridor is located outside of the Strategic Industry zone apart from a small section in the north-west corner of the BSIA. Therefore it is considered that the Scheme Amendment will not	Noted. No modifications required. Noted. No modifications required.

Date Rec	Name	Comments Made	Applicants Response	Council Recommendation
			have any adverse impact on the rail corridor.	
05/01/15	Department of Health	<p>No objection. The DoH provided the following comments;</p> <p>1. Waste Water Supply The proposed extension is required to connect to scheme water and reticulated sewerage in accordance with the <i>Country Sewerage Policy</i>.</p> <p>2. Toxicology Consideration should be given to the placement of industry types within the BSIA so as to not adversely impact public health particularly in relation to air quality.</p> <p>New industries that are likely to produce emissions, such as dust, noise, gases and odours must have specific air quality management plans and appropriate risk assessments to ensure mitigations are in place.</p> <p>Assessments are to be completed in accordance with the Office of the Environmental Protection Authority Guidance Statement No.3, '<i>Separation Distances between Industrial and Sensitive Land Uses 2005</i>'.</p> <p>The necessary approvals are to meet any requirements of the Office of the Environmental Protection Authority and the Department of Environment Regulation.</p>	N/A	<p>Noted. No modifications required.</p> <p>The BSIA is situated within the Boodarie Industrial Buffer Special Control Area (BIBSCA). The BIBSCA was prepared to mitigate against sensitive land uses being situated in close proximity to any potential noxious land uses that may be established within the BSIA and to avoid any land use conflicts.</p> <p>The issues raised (and the information sought) by the respondent can be dealt with at the development application stage, by which a development application could be referred to the DoH for comments.</p> <p>Noted. No modifications required.</p>
05/01/15	Department of Parks and Wildlife	<p>1. Based on the initial Flora and Fauna Assessment it is noted that evidence of Mulgara (<i>Dasyurus cristicauda</i>) was observed within the study area during the field survey. Mulgara is currently listed as Schedule 1 under the <i>State Wildlife Conservation Act 1950</i> as Vulnerable under the <i>Commonwealth Environment Protection and Biodiversity Act 1999</i>. The fauna survey undertaken for the site was an opportunistic survey and did not involve any fauna trapping. Given that suitable Mulgara habitat was recorded on the site as well as evidence of Mulgara (tracks and scats), it is possible that proposed extension of the BSIA may have an impact on the local Mulgara populations.</p>	<p>1. The Amendment relates only to the broad control of land uses within the Boodarie Industrial Buffer Special Control Area, the reservation of a relatively small portion of land for future infrastructure and providing for the statutory mechanism for adopting a Development Plan over the Strategic Industry zone. No changes to the underlying zoning or</p>	<p>Agree with the comments provided by the applicant.</p> <p>Noted. No modifications required.</p>

Date Rec	Name	Comments Made	Applicants Response	Council Recommendation
		<p>2. It is therefore recommended that a detailed (Level 2) fauna survey be undertaken to verify the presence of this species within the project area and to identify potential impacts to Mulgara populations as a result of loss of habitat caused by the expansion. This survey should be carried out in accordance with the EPA Guidance Statement No.56 Terrestrial Fauna Surveys for Environmental Impact Assessment in WA.</p> <p>3. Should it be confirmed that Mulgara are resident to the project area, SA 71 needs to include detail to recognise the risk of potential impacts to this species and identify management measures that will be implemented to minimise the risk of impacts to Mulgara. For example, the retention of good quality Mulgara habitat within the project area may be considered a suitable strategy for minimising impacts to Mulgara and/or development of a Management Plan to outline strategies to minimise the risks to this species.</p> <p>4. SA 71 does not address environmental impacts or subsequent environmental management strategies that will be implemented for development. The GHD (2010) Flora and Fauna Assessment, however identifies a number of potential environmental impacts and makes recommendations on management measures relevant to the site. SA 71 should be updated to address environmental management as an issue relevant to the proposed development including the recommendations made by GHD (2010).</p>	<p>development capability of the land will result from the Amendment. The assessment and management of both flora and fauna is addressed in detail as part of the Development Plan.</p> <p>2.The Development Plan acknowledges the presence of Mulgara on-site and the extent of suitable habitat. Further, the Development Plan includes approval from the Department of Environment Regulation for the clearing of the site as Appendix F. This approval includes a management plan setting out the process for identifying and relocating Mulgara to a suitable habitat outside the Development Plan area.</p> <p>3.Refer 2 above – comment added by ToPH for clarification)</p> <p>4.It should also be noted that future proponent-led subdivision and/or development applications will be required to undertake further detailed environmental studies (as a condition of subdivision or development) prior to commencing any ground disturbing activities.</p>	<p>Agree with the comments provided by the applicant.</p> <p>Noted. No modifications required.</p> <p>Noted. No modifications required.</p> <p>The amendment was referred to the EPA for comments and it was concluded that no formal assessment is required.</p> <p>Future subdivision and development applications will be required to undertake further detailed environmental studies such as a survey in accordance with EPA Guidance Statement No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment in W.A. This amendment is not required to address such detail.</p>

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				Noted. No modifications required.
28/01/15	Pilbara Ports Authority	<p>Pilbara Ports Authority (PPA) recommends the following changes:</p> <p>1. Page ii: 3.b. Amending Clause 7.2.2 to read as follows: <i>“When considering applications ... Council shall have regard to:”</i></p> <p>The current TPS5 text may not adequately require consideration to Port land and operations when assessing development proposals. Insert another sub-Clause (f):</p> <p><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.</p>	<p>1. Disagree.</p> <p>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.</p>	<p>Agree with the applicant's response.</p> <p>Noted. No modifications required.</p>

Date Rec	Name	Comments Made	Applicants Response	Council Recommendation
		<p>2. 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></p> <p>PPA is a Government Trading Enterprise and may not be covered by the collective term ‘State Government Agencies’. Change the inserted Clause to read: “When considering an application refer the proposal to relevant ‘State Government Agencies, Government Trading Enterprises and other relevant stakeholders for comment.”</p> <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>2. Agree.</p> <p>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.</p> <p>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></p>	<p>Agree with the respondent. Support their recommendation that the amendment be modified, so that the newly proposed clause 7.2.3 be modified further to read;</p> <p><i>“When considering an application..... refer the proposal to the relevant State Government Agencies, Government Trading Enterprises and other stakeholders for comment”.</i></p>
		<p>3. On page ii: 3.d. Insert a new Clause 7.2.4 as follows: <i>“Prior to granting planning approval for development,.....”</i></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>	<p>3. Disagree.</p> <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>	<p>Agree with the respondent. It is a straightforward modification which takes into consideration of the potential impacts of flooding downstream and on adjoining land. The amendment be modified to include a sub-clause 7.2.4 (c) as follows;</p> <p><i>“The likelihood of the proposed development adversely affecting the safety of Pilbara Port Authority land and any other adjoining land areas during flood events”</i></p>

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		<p>4. 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 Public 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>	<p>4. Disagree.</p> <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 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>	<p>Agree with the respondent.</p> <p>Whilst it is important to note that land tenure should not be reflected as part of the amendment through a change to the zoning or reservation of land, this modification is straightforward and this change in the classification of the land in question more correctly aligns with the PPA's land tenure and is in keeping with the orderly and proper planning of the BSIA.</p> <p>Modify the amendment to include the rezoning of Lot 372 on DP35620, Reserve 29082 to 'Other Public Purpose; Port Facilities' to clearly show the split between the different 'Other Public Purpose' zones and to ensure Port land is correctly zoned as per the figure attached.</p>

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		<p>5. 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 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>6. 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> <p>7. Page iii. 9. Amend the Scheme Map accordingly;</p> <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>5. Disagree.</p> <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> <p>6. Agree.</p> <p>This is a minor administrative change only and is appropriate given 'Shared Infrastructure Corridors' is not a defined term under the Scheme.</p> <p>7. Disagree.</p> <p>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.</p>	<p>Agree with the applicant.</p> <p>Noted. No modifications required.</p> <p>Agree with the respondent and applicant.</p> <p>Modify part 7 of the Amendment Text to change the wording 'Shared Infrastructure Corridors' to lower case to read "shared infrastructure corridors".</p> <p>Agree with the applicant. The base zoning for the site is 'Strategic Industry' and this does not prejudice or compromise any PPA vesting over the site. It is not necessary to amend zoning map or proposed Development Plan to reflect any changes to PPA vesting as this is and land tenure matter, and whilst imminent these matters have not come to fruition. When these issues do so, there is further scope to amend TPS5 further or the Development Plan if</p>

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		<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 - 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.</p> <p>These areas are distinct and not associated with the BSIA proposal and should be correctly reserved as 'Other Public Purposes: Port Facilities' on the TPS5 maps and excised from the BSIA.</p>		<p>required.</p> <p>Noted. No modifications required.</p>
28/01/15	BHP Billiton Iron Ore	<p>Thank you for the opportunity to comment on Amendment 71 and the Development Plan.</p> <p>I can confirm that BHP Billiton Iron Ore (BHP Billiton) supports Amendment 71 and the Development Plan with the following recommended modifications.</p> <p>Amendment 71 proposes to prohibit all residential uses, including transient workforce accommodation (TWA) from the Boodarie Industrial Buffer Special Control Area (SCA) and the Strategic Industry zone.</p> <p>You will recall that when commenting on the proposed Town of Port Hedland Transient Workforce Accommodation Strategy we identified that BHP Billiton is seeking to maintain a range of permanent accommodation options to support our workforce who may or may not reside in Port Hedland, including our TWA facilities, like Port Haven, that accommodate both operational and construction workforce.</p> <p>We acknowledge that the TWA Strategy endorsed by the Town of Port Hedland on 22</p>	<p>Agree.</p> <p>The Department of State Development's comments in response to this submission are as follows:</p> <p>Table 1 of the Zoning Table designates TWA as an 'SA' use in both the Strategic Industry zone and the Rural zone. However, as the BIBSCA applies over both the Rural and Strategic Industry zoned land, the provisions of the BIBSCA take precedence over the underlying zones. The existing provisions of the BIBSCA prohibit all dwellings including TWAs (by definition) from establishing in the BIBSCA.</p>	<p>Agree with the respondent and the applicant in part.</p> <p>The TWA use is inconsistent with the objectives of the Pilbara's Port City Growth Plan and the Town of Port Hedland Transient Workforce Accommodation Strategy. The BSIA is not earmarked as a preferred location for Non-Residential Workforce Accommodation Facilities on Map A in the Town of</p>

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		<p>October 2014 expressly notes that the Strategy does not impact the operations, alteration or extension of any previously approved TWA. This has provided BHP Billiton with comfort that there is nothing in the Strategy preventing BHP Billiton and the Town of Port Hedland reaching agreement to renew the Port Haven lease beyond its expiry date of 11 March 2019.</p> <p>However, if agreement to renew the lease is not reached then BHP Billiton would seek to use existing or new tenure granted under the State Agreement to accommodate its workforce.</p> <p>Expressly prohibiting TWA in the Strategic Industry zone and the SCA may prejudice BHP Billiton's ability to accommodate its workforce using existing or new tenure granted to it under the State Agreement.</p> <p>Accordingly, we request that Amendment 71 and the Development Plan be modified to confirm that:</p> <ul style="list-style-type: none"> • They do not impact or affect any State Agreement or the rights governed by State Agreements. • TWA within the Strategic Industry zone remains a use which is permissible subject to advertising (a 'SA' use). • TWA within the SCA is treated the same as the Strategic Industry zone. 	<p>It is understood various future heavy industry proponents within the BSIA may require TWAs to accommodate their construction workforce and provide for efficiencies during the construction phase of their proposals. Therefore, it is considered the maintenance of the 'SA' permissibility within the BSIA is required This will allow for the consideration of TWAs on a case by case basis, and through a thorough merit assessment following public advertising.</p> <p>There is a number of ratified State Agreement that potentially relate to the BSIA. It is recognised that many State Agreements operate and take effect according to their terms notwithstanding any other Act or Laws (including the <i>Planning and Development Act 2005</i>). This is not explicitly noted in statutory planning instruments (such as local planning schemes) as this function of State Agreements is not widely known.</p>	<p>Port Hedland Transient Workforce Accommodation Strategy, nor does the Pilbara's Port City Growth Plan provide for the development or residential or non-residential accommodation.</p> <p>The intention to reclassify Transient Workers Accommodation as an '~' use is to avoid land use conflict and permitting the TWA use to stay as an 'SA' use promotes land use conflict.</p> <p>It is recommended that this submission be put to Council to determine in the following 3 scenarios the Council resolve to:</p> <p>(1) Leave the amendment as advertised in where the TWA is an '~' use throughout the Strategic Industry zone;</p> <p>(2) The TWA is an '~' use only in the BSIA;</p> <p>(3) The TWA use is an 'SA' use throughout the Strategic Industrial zone.</p> <p>It is noted that there is an error in the amendment documents advertised and that the amendment be modified in part 8 to read;</p> <p>(b) Transient Workforce</p>

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				Accommodation – from 'SA' to '~'.
03/02/15	Port Hedland Chamber of Commerce Inc.	<p>The Port Hedland Chamber of Commerce and Industry (PHCCI) thanks the Town of Port Hedland for the opportunity to comment on the draft Boodarie Strategic Industrial Area Development Plan and associated Scheme Amendment. The PHCCI strongly supports any State or Local Government initiative which will progress land assembly and infrastructure provision to Boodarie and facilitate opportunities for new industry to locate to Port Hedland.</p> <p>The PHCCI is concerned that the Development Plan does not properly articulate if or how noxious/heavy industry currently located in Wedgefield will be accommodated in Boodarie. This appears to be contrary to Council's longer term strategic planning framework (i.e. Port Hedland Land Use Master Plan and Port City Growth Plan) for Boodarie.</p> <p>The Development Plan report suggests a key element of the Boodarie is to facilitate relocation of Heavy/Noxious uses from Wedgefield to Boodarie to alleviate ongoing land use conflict. Section 3.1.5 of the Development Plan clearly outlines this:</p> <p><i>Industrial growth within Port Hedland is to allow for the orderly release of industrial/and to allow for economic growth across a range of industries. Land within planned industrial areas such as BS/A is to be released in order to facilitate the movement of heavier industry from the existing industrial areas, such as Wedgefield, and allow for the expansion of additional heavy/strategic industry (Refer Figure 2) to the Boodarie Site.</i></p> <p>The Officer report presented to Council regarding the proposed Development Plan further elaborates on this objective:</p> <p><i>There is a need to initiate this proposed Development Plan as currently there is a shortage of "heavy use industry" (noxious) industrial land within the Town. Current conflict between caretaker's dwellings and noxious uses within the Town may also be alleviated. Provision of such land will lead to a sustainable and diverse economy.</i></p> <p>These statements however appear to be contrary to the actual Development Plan for the following reasons;</p> <ul style="list-style-type: none"> - the statutory provisions, explanatory report and spatial layout of the Development Plan which exclude a specific noxious industry precinct; - advice received from LandCorp as to the overarching purpose of the precinct to support significant downstream industrial use rather than noxious or general uses which are generally associated with servicing the local population (i.e. noxious uses operating in Wedgefield); and 	<p>Disagree.</p> <p>1. The statutory provisions, explanatory report and spatial layout associated with the Development Plan all provide a framework for the appropriate consideration and location of noxious land uses.</p> <p>The statutory provisions within Part 1 of the Development Plan specifically list 'Industry – Noxious' as an SA use, meaning that it is permitted subject to Council's discretion after advertising. However, the land use term 'Industry – Noxious' provides for a wide range of different uses as seen in the definition under TPS5:</p> <p><i>"An industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended)."</i></p> <p>The explanatory section of the Development Plan however expands upon the types of noxious uses that are preferred for the BSIA. This is critical in ensuring industry is clear about the purpose of the BSIA and the specific types of activities it seeks to accommodate.</p> <p>In this regard the key noxious activities that have been identified under the Development Plan are downstream petroleum and gas processing. These activities are provided for under a specific precinct that, rather than adopting the wide ranging 'Industry – Noxious' scheme definition, specifies potential industry types. These industry types may potentially include processing of methanol, ammonia, ethane and sodium cyanide. However, given 'Industry – Noxious' is an SA use under the 'Strategic Industry' zone, smaller noxious uses required to support strategic industrial activities may be considered on a case by- case basis.</p> <p>2. While the Development Plan does identify</p>	<p>Agree with the applicant.</p> <p>It is not necessary to amend the Development Plan or Scheme Amendment No.71 to further articulate objectives regarding Wedgefield and the relocation of general/noxious uses from Wedgefield. It is not the role of the BSIA Development Plan or Scheme Amendment No.71 to do this. Furthermore the Development Plan identifies facilitating the movement of industries from areas such as Wedgefield merely as one objective and not the primary objective of either the Development Plan or Scheme Amendment No.71.</p> <p>The respondent's concerns regarding servicing such as the construction of roads for the BSIA is valid, however; requesting that LandCorp and DSD ensure as part of the Development Plan or Scheme Amendment No.71 is not necessary. As estate managers LandCorp will provide for this at later stages of the</p>

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		<p>- the method and process for the disposal and management of land in the SIA makes the relocation of smaller industrial business into Wedgefield unfeasible</p> <p>The PHCCI respectfully seeks amendment to the Development Plan and associated Scheme Amendment to:</p> <p>- clearly articulate that one of the key objectives is to facilitate relocation of general/noxious uses which are not suitable in the Transport Development zone (pending adoption of Amendment No.65) and Wedgefield Industry Zone; and</p> <p>- identify a Noxious Industry Precinct for such uses to relocate to, incorporating appropriate development provisions.</p> <p>We also request the Town of Port Hedland undertake the following;</p> <p>- request DSD and LandCorp as Estate Managers to ensure that the Noxious Industry Precinct areas will be developed to an appropriate standard (i.e. road construction and services) to permit smaller general/noxious uses to affordably gain access to land in Boodarie; and</p> <p>- ensure through the Scheme Review process that mechanisms are put into place to ensure relocation of inappropriate general and noxious uses from Wedgefield to Boodarie in the long term occurs.</p> <p>If a change in the Strategic Land Use Planning of Port Hedland Industrial Land Supply is proposed as to the long-term location of noxious uses in the Town of Port Hedland, the PHCCI considers that:</p> <p>- appropriate justification should be provided for the variation from the historically adopted Strategic Planning Framework; and</p> <p>- this alternative solution should be subject to extensive consultation with industry and Wedgefield Landowners/operators.</p> <p>In addition to the above, we respectfully request a meeting with the Town's Planning and Executive Staff to receive an update on the options being considered for the future of Wedgefield so that we can begin proper consultation with our membership.</p>	<p>downstream processing precincts, the uses that fall under this broad classification are still considered noxious. Further, it is correct that the intention is for the BSIA to cater for these types of resource related uses to free up land for general industrial use in Wedgefield. It is important to acknowledge that the function of Strategic Industrial Areas is to provide for significant (strategic and heavy) industrial development rather than to service the local population.</p> <p>3. As outlined above the function of the Strategic industrial Area is to provide for significant industrial development requiring location close to port facilities and with large area requirements. The BSIA specifically seeks to limit the proliferation of smaller general industrial development and this is consistent with the proposed objectives for the BSIA under Scheme Amendment No. 71 which are:</p> <p><i>(a) Establish synergies and clustering of co-located industries, transport and infrastructure, including port related and upstream industrial activities;</i></p> <p><i>(b) Give priority to strategic resource processing industrial development comprising downstream processing such as iron ore processing, petro and gas processing, non-ferrous processing, noxious and port dependent processing, and other strategic industries;</i></p> <p><i>(c) Promote proponent initiated industrial subdivision and development to facilitate strategic downstream resource processing;</i></p> <p><i>(d) Enable support industries provided they are complementary to and offer goods and services that directly support and are compatible to downstream resource processing and other</i></p>	<p>development of the BSIA.</p> <p>There is no change to the Town of Port Hedland's strategic planning framework for the BSIA.</p> <p>The BSIA Development Plan and Scheme Amendment No.71 are not contrary to the Council's longer term strategic planning framework for the site; both items are consistent with the Pilbara's Port City Growth Plan.</p> <p>Noted. No modifications required.</p>

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			<p><i>strategic industries;</i></p> <p><i>(e) Facilitate local employment and economic growth opportunities through downstream resource processing and strategic industrial development.”</i></p> <p>Based on the above it is considered the modifications suggested by the Chamber of Commerce are not appropriate and would be inconsistent with the purpose of the 'Strategic Industry' zone.</p>	