



TOWN OF PORT HEDLAND

SPECIAL COUNCIL MEETING MINUTES

WEDNESDAY 13 MAY 2015 AT 5:30PM

**COUNCIL CHAMBERS, MCGREGOR
STREET, PORT HEDLAND**

Items:

- *Port Hedland Marina Precinct – Determination on Marina Location*

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**“A nationally significant, friendly city that people
are proud to call home”**

*M.J. (Mal) Osborne
Chief Executive Officer*

| | | |
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ITEM 1 OPENING OF MEETING

The Mayor declared the meeting open at 5:35pm.

ITEM 2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS

Mayor acknowledged the traditional owners, the Kariyarra people.

ITEM 3 RECORDING OF ATTENDANCE**3.1 Attendance***Elected Members*

Mayor Kelly Howlett
Councillor Gloria Jacob
Councillor George Daccache
Councillor Jan Gillingham
Councillor David Hooper
Councillor Julie Hunt
Councillor Lorraine Butson

Officers

| | |
|---------------|--|
| Mal Osborne | Chief Executive Officer |
| Sid Jain | Director Corporate Services |
| Brendan Smith | Director Works and Services |
| Chris Linnell | Acting Director Community and Development Services |
| Grace Waugh | Minute Taker/ Governance Officer |

| | |
|-----------------------|----|
| Members of the public | 16 |
| Media | 1 |
| ToPH officers | 4 |

3.2 Apologies

Councillor Troy Melville

3.3 Approved Leave of Absence

Nil

ITEM 4 PUBLIC TIME

Important note:

'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the presiding member to do so.'

Mayor opened Public Question Time at 5:37pm.

4.1 Public Question Time**4.1.1 Ms Mary Attwood**

Has there been a feasibility study completed on the costs associated with the ongoing maintenance of the proposed facility? If Cooke Point is chosen I would like to know who is going to maintain it and who is going to pay for it.

Chief Executive Officer advised that in the comparison of the two sites there was analysis of like for like and costs for both sites. The comparison includes arbitrary figures for the maintenance and construction costs for both sites. If Council support the recommendation then a full business case will need to be prepared by the Town for the public to comment on and for Council to consider. The business plan would include more information on the operational costs and who is going to take responsibility given it is likely going to be a shared responsibility with the Department of Transport, the Town and potentially private owners.

Will the business plan be available for the public?

Chief Executive Officer advised that the document that has been used to date was used as a comparison analysis for the two sites. If Council makes a decision to go to one site there would be more detailed work that would need to be completed and that work would be available to the public.

As a long term resident of the Port Hedland area I know that the existing sand bar at Spoilbank has shifted and it concerns me that at Cooke Point there would be a lot more movement as it is further exposed than Spoilbank. Has there been an environmental study completed regarding the impact on the reef and turtles?

Mayor advised that RPS Environmental have completed full studies for both sites to bring both sites up to the same level. Once a site is selected then more detailed environmental studies and approvals will need to be completed by the Environmental Protection Approval with considerable public comment provided.

Can there be an emphasis on comment from long term residents?

Mayor advised in the affirmative.

Mayor closed Public Question Time at 5:41pm.

Mayor opened Public Statement Time at 5:41pm.

4.2 Public Statement Time

4.2.1 Mr Brian Raeburn

Mr Raeburn is a member of the Waterfront Marina Reference Group and has been since September 2014. Elected Members should choose the smartest location and the Spoilbank is the smartest location not only for the residents of Port Hedland but also for private and commercial boats as they are struggling for somewhere to go. Mr Raeburn believes that the western side of the Spoilbank would attract more commercial boats than what the eastern side would. There would be diving and tourism boats that would go to the Rowley shoals as it is closer to Port Hedland than it is to Broome. The Town needs to let the commercial industry use the marina.

Mayor closed Public Statement Time at 5:43pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor Butson

In regards to point 3(d) of the recommendation is it that the Town would relinquish the Gratwick Aquatic Centre?

Mayor advised that the point is to just look at possible opportunities.

ITEM 6 DECLARATION OF ALL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING

| | |
|-----------------------|-------------------|
| Mayor Howlett | Councillor Hooper |
| Councillor Jacob | Councillor Hunt |
| Councillor Daccache | Councillor Butson |
| Councillor Gillingham | |

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

ITEM 7 REPORTS OF OFFICERS**7.1 Community and Development Services**

5:46pm Councillor Daccache declared a proximity interest in item 7.1.1 'Port Hedland Waterfront Precinct – Determination of Marina Location' as he owns property opposite the proposed Cooke Point location.

Councillor Daccache left the room.

Chief Executive Officer tabled the following letter from BHP Billiton in relation to Item 7.1.1 'Port Hedland Waterfront Precinct – Determination of Marina Location'.

Iron Ore



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bhpbilliton.com

12 May 2015

Mr Mal Osborne
Chief Executive Officer
Town of Port Hedland

Sent via email

Dear Mal,

PROPOSED PORT HEDLAND WATERFRONT DEVELOPMENT

Further to the Port Hedland Waterfront development Steering Group meeting held on 17 April 2015 and having regard to the Special Council Meeting to be held on 13 May 2015, where the Town of Port Hedland (Town) will consider its position on the preferred location for the proposed development, I wanted to take the opportunity to confirm the position I expressed on behalf of BHP Billiton Iron Ore (BHP Billiton) at that meeting.

BHP Billiton advocacy has focussed on the appropriate location for the proposed development and arose because the application made in July 2012 to rezone the Spoilbank, if successful, would have permitted permanent residential accommodation.

As outlined during the steering committee meeting BHP Billiton is seeking to avoid what we consider will be, over the long term, a significant land use conflict. Unless proper planning controls are in place this land use conflict will over time impact the primacy of the Port operations.

If, as suggested at the Steering Group meeting on 17 April 2015, proper planning controls are introduced through the adoption of special control areas to firstly prohibit residential development at the Spoilbank, and secondly to prevent further residential densification in the West End, then BHP Billiton will cease to advocate against the development being located at the Spoilbank.

For completeness I confirm the following comments I made at the steering committee meeting:

- BHP Billiton accepts we are not the decision maker. That said our position remains the same. Cooke Point is in the Company's view the better location for a comprehensive landside and waterside development. Economic analysis conducted by MacroPlan Dimasi supports this conclusion. Cooke Point is free of the dust and noise constraints that exist in the West End and further residential development in the East End is desirable.
- BHP Billiton's engineering consultants, Baird have examined the marine side construction costs prepared by LandCorps consultants, MP Rogers & Associates, and have concluded that the marine side construction costs both at the Spoilbank and Cooke Point are significantly under estimated. The advice received is that the overall construction costs for Stage 1 of the proposed

development, if located at the Spoilbank, is around \$250M and if located at Cooke Point is around \$280M. The major variances relate to the marine side works, the assumptions made and rates used to calculate the construction costs. A more detailed breakdown of our consultants estimate is attached.

- BHP Billiton accepts that on a like for like basis the construction costs for Stage 1 of the proposed development at Cooke Point is likely to be around 10 per cent more than for the development at the Spoilbank. BHP Billiton does not agree that the difference is in the vicinity of 20% as concluded by Landcorp's consultants.
- BHP Billiton draws your attention to the conclusion by MP Rogers & Associates that the estimated operational costs will be \$909,000 more per annum more than projected revenue over the first 30 years. In short there is not a sufficient business case.
- BHP Billiton's engineering consultants Baird have also concluded MP Rogers & Associates has underestimated operating costs and overestimated revenue. The revenue forecast relies on the Recreational Boating Facility Demand Study Port Hedland (MP Rogers - May 2014). Our consultants MacroPlan Dimasi and Baird have advised the Demand Study is fundamentally flawed. None of the 24 or so boat owners who may potentially use the facility have been asked their intentions having regard to the proposed mooring charges (estimated by MP Rogers at \$700 per metre per annum). Furthermore, the demand assumptions are considered overly optimistic.
- BHP Billiton will not financially support the proposed development at the Spoilbank.
- BHP Billiton remains concerned with the heightened safety risk of recreational craft interacting with industrial shipping, if the entry channel is on the West side of the Spoilbank. I note the intention to undertake a formal risk assessment with the Pilbara Port Authority and Department of Transport. As the major user of the Port, BHP Billiton is very interested in the outcomes of that assessment.

BHP Billiton has been an important part of Port Hedland since the 1960s and we anticipate operating for another 100 years and more. We genuinely want to continue to work with the Town to ensure Port Hedland is an attractive and sustainable community. However, the proposed development is not a comprehensive landside and waterside development; it is a 100 pen marina that lacks a sufficient business case. Despite claims of widespread community support for the proposed development at the Spoilbank we query if the project truly has support beyond a relatively small number of vocal community members. The wider community has not been adequately consulted on whether this development is the number one priority for Port Hedland and is the project the Town should invest its limited resources in.

Yours sincerely



Mark Donovan

**Head of Corporate Affairs
BHP Billiton Iron Ore**

Attachment – Stage 1 Summary Construction Cost table

Stage 1 Summary Construction Cost Estimates

| | SPLOILBANK (\$A) | COOKE POINT (\$A) | VARIANCE (\$A) |
|--|---------------------|----------------------|-------------------|
| Professional Fees ¹ | 11,015,795 | 13,412,203 | 2,396,408 |
| Marina Construction ² | 154,615,396 | 169,106,760 | 14,491,364 |
| Civil and Services ³ | 39,743,000 | 49,550,000 | 9,807,000 |
| Landscaping ⁴ | 14,212,000 | 11,127,000 | -3,085,000 |
| Authority Fees & Charges ⁵ ¹ | 1,432,000 | 1,229,000 | -203,000 |
| Other Items ⁶ ⁵ | 18,000,000 | 22,000,000 | 4,000,000 |
| SUB TOTAL | 239,018,191 | 266,424,963 | 27,406,772 |
| Project Management Fees ⁷ | 11,950,910 | 13,321,248 | 1,370,339 |
| TOTAL | 250,969,101 | 279,746,211 | 28,777,111 |

¹ Source NS Projects

² Source Baird Australia.

³ Source JDSI Engineering acting for NS Projects. Untested as insufficient detail provided to conclude adequacy of estimates.

⁴ Source Emerge Landscaping acting NS Projects

⁵ Source NS Projects. Swimming lagoon construction cost untested; operational cost unknown

⁶ Landcorp PM 2.8% of project cost; External PM 2.2% of project cost (as per NS Projects)

7.1.1 Port Hedland Waterfront Precinct – Determination of Marina Location

Chris Linnell, Acting Director Community & Development Services
File No. 18/19/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

RECOMMENDATION

That Council:

- 1. Reconfirms its commitment to the Spoilbank as its preferred location for the development of a Marina Waterfront Development (Stage 1) as part of the Town of Port Hedland's Waterfront Precinct Development Plan.**
- 2. Endorses the Marina Waterfront Development (Stage 1) containing, but not limited to the following key components:**
 - a. Marina development with a maximum of 100 boat pens together with 4 boat launching ramps in Stage 1**
 - b. There being no residential development in the Marina Waterfront Development (Stage 1)**
 - c. A lagoon style swimming facility**
 - d. A community events space**
 - e. Commercial/retail space**
 - f. Continued public access to the balance of the Spoilbank**
 - g. A suitable site being identified for an Eco-tourism/caravan park development**
- 3. Note that the following issues are supported:**
 - a. At the completion of the Marina Waterfront Development project that the existing Richardson Street boat ramp be removed**
 - b. Continued support for the development on the hospital site (proposed Finbar development) for a residential development**
 - c. The investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development**
 - d. The Town of Port Hedland pursue the granting of the current Gratwick Aquatic Centre site in freehold title to assist in funding community amenities such as a new waterfront lagoon swimming facility after the completion of the Marina Waterfront Development project**
- 4. Requests the Chief Executive Officer to review all works to-date, and finalise a detailed Business Case for the Spoilbank Marina Waterfront Development (Stage 1) to be presented to Council for consideration at a later date.**

5. Notes that further reports on a risk assessment (including shipping channel) and economic analysis of the Spoilbank Marina Waterfront Development (Stage 1) will be presented to Council for consideration at a later date as part of the Business Case.
6. Commence negotiations towards a funding agreement with the Western Australian Government for \$112 million for the Marina Waterfront Development (Stage 1), while at the same time exploring further grant and/or partnership funding opportunities to further support the development of the project.
7. Continues to engage and inform the community and stakeholders on the Marina Waterfront Development Plan.

201415/241 COUNCIL DECISION

MOVED: CR JACOB

SECONDED: CR HUNT

That Council:

1. Reconfirms its commitment to the western side of the Spoilbank as its preferred location for the development of a Marina Waterfront Development (Stage 1) as part of the Town of Port Hedland's Waterfront Precinct Development Plan.
2. Endorses the Marina Waterfront Development (Stage 1) containing, but not limited to the following key components:
 - a. Marina development with a maximum of 100 boat pens together with 4 boat launching ramps in Stage 1
 - b. There being no residential development in the Marina Waterfront Development (Stage 1)
 - c. A lagoon style swimming facility
 - d. A community events space
 - e. Commercial/retail space
 - f. Continued public access to the balance of the Spoilbank
 - g. A suitable site being identified for an Eco-tourism/caravan park development
3. Note that the following issues are supported:
 - a. At the completion of the Marina Waterfront Development project that the existing Richardson Street boat ramp be removed
 - b. Continued support for the development on the hospital site (proposed Finbar development) for a residential development
 - c. The investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development
 - d. The Town of Port Hedland pursue the granting of the current Gratwick Aquatic Centre site in freehold title to assist in funding community amenities such as a new waterfront lagoon swimming facility after the completion of the Marina Waterfront Development project

4. Requests the Chief Executive Officer to review all works to-date, and finalise a detailed Business Case for the Spoilbank Marina Waterfront Development (Stage 1) to be presented to Council for consideration at a later date.
5. Notes that further reports on a risk assessment (including shipping channel) and economic analysis of the Spoilbank Marina Waterfront Development (Stage 1) will be presented to Council for consideration at a later date as part of the Business Case.
6. Commence negotiations towards a funding agreement with the Western Australian Government for \$112 million for the Marina Waterfront Development (Stage 1), while at the same time exploring further grant and/or partnership funding opportunities to further support the development of the project.
7. Continues to engage and inform the community and stakeholders on the Marina Waterfront Development Plan.

CARRIED 6/0

5:50pm Councillor Daccache reentered the room and resumed his chair. Mayor advised Councillor Daccache of Council's decision.

EXECUTIVE SUMMARY

The prospect of a marina and waterfront recreation facilities has been a long-held vision for the Port Hedland community and it is often referred to as a game-changer for the region.

A number of studies have been undertaken to explore and test the location, scope and feasibility of a waterfront precinct. Two sites were under investigation – Spoilbank and Cooke Point.

This report summaries work to date and outlines a revised scope for a marina waterfront development at Spoilbank as well as providing certainty as to the Council's preferred site for the development.

DETAILED REPORT

Background

The Town of Port Hedland has been working over a number of years towards providing an enhanced waterfront precinct which engages with the natural beauty of the coast and provides visitors and residents with increased recreational, environmental, and commercial opportunities.

In 2012 the Town received a request from LandCorp to assist in the development of the Spoilbank Marina by committing the \$40 million received through the Precinct 3 business deal to the project.

In a Cabinet Submission for the funding, the State Government outlined that \$112 million would be allocated on top of the Town's \$40 million, with the Town's monies to be utilised in first instance and State funds to be utilised thereafter. LandCorp (leading the project on behalf of the State Government) have been assigned the role of project managers, charging project management fees to the project in accordance with the endorsed Cabinet Submission.

At its 25 July 2012 Ordinary Meeting, Council reaffirmed (decision 201213/026) its commitment to provide up to \$40 million of funds toward the development of the Spoilbank Marina precinct.

The \$40 million commitment from the Town was to be apportioned over a four year period, with an amount of \$1.5 million to be committed in the first financial year (2012/13). This amount was to be contributed to the completion of feasibility and due diligence studies.

As part of these ongoing studies it was proposed to undertake investigations and due diligence for an alternate site located at Cooke Point to ensure robust consideration had been given to a Marina location. The testing of two sites was also important because if a "fatal flaw" was revealed in the investigation of a single site, the project would have suffered greatly.

An amount totalling \$600,000 was committed by the project's joint funding partners and endorsed by Council at its 25 June 2014 meeting (decision 201314/353).

At its 27 August 2014 ordinary meeting, Council endorsed (decision 201415/028) an increased funding commitment (from \$1.45 million to \$1.8 million) due to additional investigative studies and planning work. Council also noted that the Business Plan for the Spoilbank Marina development would be placed in abeyance until such time the review of the concept planning for the Spoilbank and the proposed Cooke Point site was finalised.

At the same meeting, Council endorsed (decision 201415/037) the establishment of a marina waterfront development reference group to provide advice to Council on the project.

Investigative studies

The Town has undertaken an extensive review (with LandCorp and specialised consultants) of the original Spoilbank Marina concept plan and the alternate Cooke Point site.

Studies included:

- environmental assessment and constraints
- aboriginal cultural heritage assessment
- preliminary engineering servicing
- planning background
- geotechnical
- recreational boating demand
- property economics

Investigative studies showed that there were no fatal flaws with either site. The following key considerations are noted for each site:

| Spoilbank | Cooke Point |
|--|---|
| <ul style="list-style-type: none"> • Opportunity for commercial, retail, short-stay and residential land use and leveraging existing proposed developments • Consideration of environmental factors (marine fauna, marine quality, coastal processes, vegetation impacts) • Consideration of potential air quality issues • No identified geotechnical, engineering or planning fatal flaws • No identified risk to Aboriginal cultural heritage • Allows for future expansion | <ul style="list-style-type: none"> • Opportunity for commercial, retail, short-stay and residential land use • Consideration of environmental factors (marine fauna, marine quality, coastal processes, vegetation impacts) • Consideration of additional traffic in residential area • No identified geotechnical, engineering or planning fatal flaws • No identified risk to Aboriginal cultural heritage • Higher cost to develop and reduced land revenue potential • Relatively constrained due to existing residential area |

Waterfront place plan

To support the investigative studies, the Town undertook a placemaking exercise to develop a vision and place plan for the waterfront regardless of location. This would inform project design and delivery, including delivery of community, recreational and tourism infrastructure.

The specific objectives of place plan project were to:

- Engage and consult with a broad section of the Port Hedland community to explore community aspirations for the marina and waterfront and related opportunities and challenges;
- Articulate a shared vision for the waterfront based on place research and consultation findings;
- Provide placemaking recommendations regarding how to achieve the vision.

The plan recognised that a waterfront development should be ‘the heart of Port Hedland’ – a place for rest, recreation, gatherings, outdoor entertainment, water sports and much more. Its recommendations related to the themes of:

- Creating the heart
- Cultivating a green oasis
- Telling local stories
- Sustaining the environment
- Contributing to the local economy.

Stakeholder feedback

The Town has been engaging with community members, industry representatives, government agencies and stakeholders over a number of years (which is summarised in the community engagement section below).

Feedback received identified potential obstacles to the originally proposed development, including:

- desire to maintain the West End area as the historic heart of Port Hedland and limit high-density population growth in this area
- apprehension about the potential interaction of recreational and commercial vessels in the shipping channel
- whether the Health Risk Assessment (HRA) being undertaken through the Port Hedland Noise and Dust Taskforce would have an impact on the development

Proposed waterfront precinct – Spoilbank

Based on the above mentioned reports, stakeholder advice and community feedback, the Town of Port Hedland recommends that the waterfront development occur at Spoilbank based on a revised scope.

It is recommended that the waterfront development be sited at Spoilbank due to the existing infrastructure and foreshore pedestrian linkages, synergies with existing proposed developments, limited impact on residential areas and reduced financial commitment.

The proposed development and its environs should proceed through further design work to ensure that it has the capacity to include the following considerations:

- a marina development with a maximum of 100 boat pens and 4 boat launching ramps in stage one
- no residential development in the waterfront precinct
- the removal of the existing boat ramp from Richardson Street (which directly links into the current shipping channel) once the new development is operational

The features of waterfront marina precinct to include:

- small scale commercial, retail and hospitality development (externally funded)
- community events space
- eco-tourism opportunity
- safe swimming facility/lagoon
- hospital site (proposed Finbar development) to be a residential development (required to provide rate base to support waterfront development)

Additional studies

It has been identified that additional bodies of work are required as part of the business case development.

This includes a full economic analysis to quantify the costs and benefits arising from each development option to enable comparison of the relative economic benefits associated with each location.

A full detailed risk assessment is also required for the project addressing key areas such as funding, site, approvals and interaction with the shipping channel. An initial workshop was held to understand the risks associated with the potential interaction between recreational vessels and shipping traffic for both locations Spoilbank western/eastern side and Cooke Point. A range of scenarios will be worked through as part of this process, including Port Growth, secondary channel, separation of commercial/recreational vessels, enhanced training and education of recreational boat users, heightened safety and water police presence and prohibited areas for recreational vessels.

The outcomes of these studies are expected June/July 2015.

Next steps

Should Council reconfirm its support for the Spoilbank location, officers will commence negotiations;

- with the State Government to finalise the funding agreement for \$112 million for the Marina Waterfront Development (Stage 1)
- seek the support of the State Government for the Town of Port Hedland to be granted freehold title of existing swimming pool site (Gratwick Aquatic Centre located next to Civic Centre) at no cost in order to fund a replacement swimming facility at waterfront
- seek business, community and industry support for appropriate economic development in the West End to ensure the survival and growth of Port Hedland's historic heart
- investigating as part of its local planning scheme, a commitment to introducing a special control area for the West End that limits further densification of residential development. This will also ensure the foundation for flexible land use of the Spoilbank site.

Community engagement

A series of public workshops and community forums have been held since initial discussions surround the activation of Port Hedland's waterfront began.

An initial Spoilbank Marina Redevelopment Public Forum was held on 28 August 2011 and was attended by more than 200 interested community members and representatives from the Town and LandCorp. The proposed marina concepts and suggestions on how the marina could be improved to maximise the location were discussed.

In January 2013 the Town sought two community representatives to join the then Coastal Foreshore Management working group, which was created to focus on the sustainable development of the foreshore including the Spoilbank Marina.

In March 2014 a community place-making workshop was held to engage with the community and stakeholders and seek input to shape the look, feel, features and activities the marina will provide to the local community and visitors.

A community forum was held in July 2014 where community members were invited to join the conversation and learn more about Port Hedland's marina and waterfront development project from the project coordinators, Landcorp and Town of Port Hedland, plus BHP Billiton Iron Ore, the Pilbara Port Authority (previously known as Port Hedland Port Authority) and Port Hedland Yacht Club.

Community members were invited to comment on the Town of Port Hedland's draft waterfront place plan which identified future recreational, tourism and commercial development opportunities in November 2014.

The Town's April 2015 Aboriginal Consultation Forum featured a discussion on the proposed waterfront development precinct. The group noted a preference for the Spoilbank site due to its existing structure, cultural importance of Rock of Ages and fishing areas and potential environmental impacts and sustainability of the reef.

Community reference group

In September 2014, community representatives were sought to join the waterfront precinct reference group, the purpose of which was to help guide the decision making process regarding the waterfront precinct development.

The group is made up of community members, Town of Port Hedland elected members and staff, project stakeholders, industry bodies, local businesses and community organisations. Since February 2015, the group has met seven times to receive presentations from field experts and review reports, concept plans and investigative studies.

The group reviewed a draft recommendation for Spoilbank. The group's feedback was diverse and key points are noted below:

- General support for development to occur at Spoilbank
- Further work required on the risks associated with the shipping channel and port operations at the Spoilbank location
- Economic viability of marina
- Concern about the viability of a lagoon swimming facility in stage 1 of the development noting there should be a focus on delivering commercial opportunities in the first instance
- A suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development
- Support for the secondary channel for the marina
- A decision on a the location should await the final recommendations of the Dust Management Taskforce, including the finalisation of the Health Risk Assessment

Written responses are provided in Attachment 1 and the notes from the 7 May meeting are provided in Attachment 2.

FINANCIAL IMPLICATIONS

The Spoilbank Reserve account currently sits at approximately \$39.6 million with Reserve transfers yet to be completed to offset 14/15 actual expenditure of \$537,226.10 (after transfers to be completed at 30 June 2015, the Reserve balance would amount to \$39,070,585.59 based on year to date expenditure)

The Town has an agreement with LandCorp (dated October 2013) for \$1.45 million in expenditure for the marina project including planning scheme amendment and associated investigations, environmental studies, concept planning and engineering.

The further \$600,000 allocation was endorsed by Council at its June 2014 meeting (decision 201314/353) and included contribution from BHP Billiton through its partnership funding (\$250,000) and LandCorp through the Northern Planning Fund (\$100,000). Funds were used to undertake due diligence studies to compare the alternative Cooke Point and Spoilbank sites.

The above brings the total budget to \$2.4m, of which \$1,749,995.61 has been expended since December 2012.

At its 27 August 2014 ordinary meeting, Council endorsed (decision 201415/028) an increased funding commitment (from \$1.45 million to \$1.8 million) due to additional investigative studies and planning work.

STATUTORY AND POLICY IMPLICATIONS

Section 2.1 'A thriving, resilient and diverse economy' of the Strategic Community Plan 2014 – 2024 applies as the marina will facilitate town growth. Section 4.2 'Engage our community and stakeholders' applies in the way of providing a means of engagement with key stakeholders and community members about the project.

ATTACHMENTS

1. Written responses to the 13 May 2015 Special Council Meeting Draft Recommendations
2. Notes from 07 May 2015 Reference Group Meeting

8 May 2015

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| SUBMITTER | COMMENTS | SUMMARY |
|--|---|---|
| <p>1. That the Council reaffirms its commitment to the Spoilbank as its preferred location for the development of a Marina Waterfront Development (Stage 1) as part of the ToPH's Waterfront Precinct Development Plan</p> | <p>No comments provided</p> | <p>-</p> |
| <p>Paul Aylward Department of Transport</p> | <p>The Department of Transport advises and reconfirms that its commitment to this project is entirely subject to the establishment of a sustainable proposal in terms of the operational and economic viability of the marina. At this point in time DoT is not satisfied that the economics or viability of the spoilbank site have been resolved and that significantly more work is required on the following matters:</p> <ul style="list-style-type: none"> • Resolution of the vessel interaction concerns raised by the Port. • The establishment of a sustainable costing model for the operation and maintenance of the marina. • Determination of the land and seabed tenure arrangements • Confirmation of that construction and maintenance of the marina dredged areas, breakwaters and channels are viable and sustainable particularly with regard to coastal processes, sediment infill rates and geotechnical ground conditions. | <ul style="list-style-type: none"> • 'Qualified' response • DoT is not satisfied that the economics or viability of the Spoilbank site have been resolved and believe more work is required in that respect |
| <p>Pilbara Ports Authority</p> | <p>Refer to PPA letter above. PPA does not support Recommendation 1. PPA has concerns that the planned Marina Waterfront Precinct and 3.6 kilometre recreational boating channel on the Western side of the Spoilbank would compromise the safety of personnel on recreational vessels and the safety of port operations without the certainty of a suite of adequate risk management measures. It is PPA's view that the probability of incidents from the interaction of recreational craft with port shipping traffic is expected to increase exponentially should the development of the 100 boat pens in Stage 1 proceed, and furthermore the ultimate development concept in the future of 250 boat pens, as growth in Port shipping activity reaches the forecast throughput of 495 million tonnes per annum.</p> <p>Over the last 12 months the WA Water Police based in Karratha has recorded 20 incidents for investigation and action, where small pleasure craft were reported as being too close to commercial vessels, and in or near the Inner Harbour and shipping channel. Recreational craft are regularly directed to move out of the Inner Harbour shipping channel by PPA and its Pilots. Construction of a new and separate recreational boating channel on the Western side of the Spoilbank in PPA's view would not entirely remove the potential risk of commercial vessel and recreational craft conflict without the certainty of a suite of adequate risk management measures.</p> <p>PPA preferred location for the proposed marina and associated entrance and exit channel is the Eastern side of the Spoilbank, away from the Port Hedland Inner Harbour channel.</p> | <ul style="list-style-type: none"> • PPA does not support this recommendation • Not supportive of the development of the marina and recreational boating channel on the western side of the Spoilbank without the certainty of a suite of adequate risk management measures • The Port Authority's preferred location for the marina and associated entrance and exit channel is the Eastern side of the Spoilbank, away from the Port Hedland Inner Harbour channel |
| <p>Camilo Blanco Port Hedland Yacht Club</p> | <p>All people that I have spoken with about the Marina Precinct have agreed the location needs to be at the spoil bank in front of the yacht club location.</p> <p>No comments provided</p> | <ul style="list-style-type: none"> • Support the officer's recommendation |
| <p>2. That the Council endorses the Marina Waterfront Development (Stage 1) containing, but not limited to the following key components:</p> <p>a) Scaled down marina development with a maximum of 100 boat pens in Stage 1</p> <p>b) No residential development in the Marina Waterfront Development precinct</p> <p>c) A lagoon swimming facility</p> <p>d) A community events space</p> <p>e) Commercial/retail space</p> <p>f) Continued public access to the balance of the Spoilbank</p> <p>g) Eco-tourism/caravan park development</p> | <p>No comments provided</p> | <p>-</p> |
| <p>Paul Aylward Department of Transport</p> | <p>This proposal must be considered within the overall economic model for the marina operation and management.</p> | <ul style="list-style-type: none"> • 'Reserved' response |
| <p>Pilbara Ports Authority</p> | <p>As outlined in our letter above and under Recommendation 1, PPA does not support the development of the 1 00 boat pens Stage 1 marina and associated recreational boating channel on the Western side of the Spoilbank without certainty of a suite of adequate risk management measures.</p> | <ul style="list-style-type: none"> • PPA does not support this recommendation • Requests that the Dust Taskforce findings are adequately implemented prior to considering future land uses. |

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| <p>PPA acknowledges the Recommendation 2b) for no residential development in the Marina Waterfront Precinct on the Spoilbank for Stage 1. PPA notes that residential accommodation may be contemplated for future development Stages on the Spoilbank, and requests that The Port Hedland Dust Management Taskforce ("Dust Taskforce") findings are adequately implemented prior to considering future land uses.</p> <p>PPA notes Recommendations 2c), 2d), 2e) and 2g), however has reservations and concerns regarding Recommendation 2f) that suggests promoting continued public access to the balance of the Spoil bank, as the far northern extent of the Spoilbank is located within port vested land, seabed and waters.</p> <p>The Marina Water front Development (stage 1) should not proceed with the lagoon swimming facility in stage 1 as this will add significant operating costs to the development. We should focus on delivering the business based opportunities that will create self-sustainability like the short term caravan park and commercial/retail space, there are many marine based business operations that can be developed successfully in that area.</p> | <ul style="list-style-type: none"> • Has reservations and concerns regarding 2 f) as the far northern extent of the Spoilbank is located within port vested land, seabed and waters • Support the officer's recommendation • Not in favour of the lagoon swimming facility • Focus should be on delivering business-based opportunities |
| <p>No comments provided</p> | <p>-</p> |
| <p>3. <i>Note that the following issues are supported:</i></p> <p>a) <i>At the completion of the Marina Waterfront Development project that the existing Richardson Street boat ramp be removed.</i></p> <p>b) <i>Continued support for the development on the hospital site (proposed Finbar development) for a residential development</i></p> <p>c) <i>The investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development.</i></p> <p>d) <i>The ToPH pursue the granting of the current Gratwick Aquatic Centre site in freehold title to assist in funding community amenities such as a new waterfront lagoon swimming facility after the completion of the Marina Waterfront Development project.</i></p> | <p>-</p> |
| <p>Paul Aylward</p> | <p>-</p> |
| <p>Department of Transport</p> | <p>-</p> |
| <p>Pilbara Ports Authority</p> <p>With regard to the potential redevelopment of the former Port Hedland hospital site (lot 452 Morgans Street) for residential purposes with a density of up to R160 as outlined under Recommendation 3b), PPA withhold comment on this recommendation until such time as the results of the Health Risk Assessment of Port Hedland dust are made available, and the recommendations of the Dust Taskforce are considered, which we anticipate will help guide decisions on future land use planning and industry development in the town.</p> <p>PPA supports Recommendation 3c) for suitable town planning mechanisms to be investigated and incorporated into The Town of Port Hedland Town Planning Scheme No. 5 ("TPS5") (or Scheme review) that adequately reflect the findings of the Dust Taskforce. PPA consider it premature to determine responsive and appropriate planning controls such as rezonings, special control areas or buffers until the full extent of the dust issues and effects are made known by the Dust Taskforce.</p> <p>It is PPA's view that the principal objective of such controls should be to not only protect the ongoing operations of the Port of Port Hedland, but also to ensure that the distribution, style and density of residential, and all other sensitive development types be adequately managed within Port Hedland. Furthermore, PPA would like to affirm its position that the findings of the Dust Taskforce should be adequately reflected in TPS5 for all areas within Port Hedland identified as being at potential risk from dust exposure, not just the Spoilbank area.</p> <p>PPA encourages the ToPH and other relevant bodies to actively engage with it to investigate and determine the most appropriate, long term planning controls aimed at managing sensitive land uses within the Port Hedland town site.</p> <p>PPA notes Recommendation 3d) and has no comment on this Recommendation.</p> | <ul style="list-style-type: none"> • PPA in-principal supports Recommendation 3 a) • Reiterates that the Port does not support the development of a marina and a recreational boating channel on the Western side of the Spoilbank without the certainty of a suite of adequate risk management measures • The Port withholds comment on Recommendation 3 b) until the results of the Health Risk Assessment are made available and the recommendations of the Dust Taskforce are considered • PPA supports Recommendation 3 c) but consider it premature to determine planning controls until the full extent of the dust issues and effects are made known by the Dust Taskforce • It is the Port's position that the findings of the Dust Taskforce should be adequately reflected in TPS5 for all areas within Port Hedland identified as being at potential risk from dust exposure, not just the Spoilbank area. • The Port has no comment on Recommendation 3 d) |

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| <p>Camilo Blanco</p> | <p>The closure of the Richardson Street boat ramp should only be allowed if the Marina Water front Development (stage 1) is situated in front of the current yacht club location and the 4 lane boat ramp facility is within the development. Any other position would not benefit our residents and ratepayers, therefore the closure of the Richardson Street boat ramp is not an option unless the above mentioned is developed.</p> <p>The restrictions mentioned to be applied across the west end future developments is something that affects many residents of our town, the people that live in that area need to be consulted on any decisions that affect their homes and investments. The creation of a west end special control area should only be investigated and implemented with the blessing of the residents and ratepayers affected. BHP Billiton has created the issues surrounding the need to reduce the population in the west end, 'that being' a serious dust issue and health concerns from their operations. But instead of reducing the risk created to the general population of Port Hedland by BHP Billiton's exporting business; they enjoy unlimited influence and little resistance from the leaders of this community. If the health issues are so serious that town planning alterations are required to mitigate the risk to the general population of Port Hedland and the west end, then clearly the local people working within BHP Billiton's operations at Nelson Point and the west yard are in imminent danger of catastrophic health issues.</p> <p>The Town of Port Hedland needs to make clear the circumstances that allow the Gratwick Aquatic Centre site to become freehold and how it would assist in funding community amenities. My understanding of state government land is it is purchased at the current market value, local governments do not have the ability to purchase the land at a significantly reduced cost and then on-sell at a profit, as was the case in previous years.</p> | <ul style="list-style-type: none"> Mr Blanco is of the view that the boat ramp should only be removed if the marina development is situated in front of the current yacht club and the 4 lane boat ramp facility is within the development Mr Blanco supports the creation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development with the approval of the residents and ratepayers affected With respect to Recommendation 3 d), Mr Blanco advises that the Town may not have the ability to purchase the land at a significantly reduced cost and then on-sell it at a profit, as was the case in previous years |
| <p>Port Hedland Yacht Club</p> <p>4. That Council requests the CEO to review all works to date, and finalise a detailed Business Case for the Marina Waterfront Development (Stage 1) at the Spoilbank to then be presented to Council for consideration</p> <p>Paul Aylward</p> <p>Department of Transport</p> | <p>No comments provided</p> <p>No comments provided</p> <p>DoT CIBU does not support this recommendation until item 5 is resolved. This item cannot be progressed in isolation to item 5, which aside from the risk assessment process may otherwise introduce new capital and operational costs including those associated with channel establishment and ongoing maintenance.</p> <p>Refer to PPA letter and our response under Recommendations 1 and 2 above.</p> <p>Most important with the development of our Marina precinct is to insure the Businesses of Hedland are used to build it! We are in a downturn that has brought significant hardship to the long term business operators. These rate paying residents should be first in line to receive any contracts issued in the development of the marina precinct.</p> <p>No comments provided</p> | <ul style="list-style-type: none"> DoT does not support this recommendation until Recommendation #5 is resolved Rate-paying residents and local businesses should be given first choice to build the marina |
| <p>Pilbara Ports Authority</p> <p>Camilo Blanco</p> <p>Port Hedland Yacht Club</p> <p>5. That Council notes that further reports on the Economic Analysis and Shipping Channel Risk Assessment of the Marina Waterfront Development (Stage 1), along with a detailed Business Case are being finalised which will be presented to Council for consideration at a later date.</p> <p>Paul Aylward</p> <p>Department of Transport</p> | <p>No comments provided</p> <p>DoT CIBU notes the potential for fatal flaws in this item and advises that this item must also include a full economic assessment of any infrastructure implications that result from the Risk Assessment including capital and operational costs associated with navigation channels.</p> <p>PPA Response: The Risk Assessment for interactions between shipping and recreational craft is a necessary pre-requisite in the decision making process for selecting the location for the development of the Marina Waterfront Precinct in Port Hedland. The purpose of the Risk Assessment, which has been commissioned by LandCorp, in consultation with PPA and Department of Transport, is to assess and evaluate the risks associated with shipping and recreational craft to gain an understanding of the risk profiles associated with the proposed marina locations at Cook Point and the Spoilbank, including the Western and Eastern side of the Spoilbank and alternative second channel alignment concepts.</p> <p>PPA does not support the draft officer's recommendations being progressed for Council consideration prior to completion of the Risk Assessment and issuing of the Final Report by the consultant.</p> <p>Everyone seems to have taken the view that we are not allowed to access the harbour, there is no state law that forbids access to the Harbour and there is no total exclusion zone in place for the Hedland Harbour. The Harbour</p> | <ul style="list-style-type: none"> DoT notes the potential for fatal flaws in Recommendation #5 Advises that the Risk Assessment is a necessary pre-requisite in the decision-making process for the marina's site selection The Port does not support Recommendation #5 being progressed for Council consideration prior to completion of the Risk Assessment and issuing of the Final Report by the consultant |
| <p>Camilo Blanco</p> | <p>PPA does not support the draft officer's recommendations being progressed for Council consideration prior to completion of the Risk Assessment and issuing of the Final Report by the consultant.</p> <p>Everyone seems to have taken the view that we are not allowed to access the harbour, there is no state law that forbids access to the Harbour and there is no total exclusion zone in place for the Hedland Harbour. The Harbour</p> | <ul style="list-style-type: none"> These are general comments. There is no nexus between Mr Blanco's comments and the officer's recommendation |

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| | <p>Master may talk tuff about closing access, but the reality is there is no justification for restricting the public from using the public owned port.</p> <p>The repositioning of the Boat ramp facility within the Marina Precinct in front of the current Yacht Club location on the spoil bank reduces the risk to zero, the fact is there have been no major incidences created by the use of recreational craft in the Harbour with the current boat ramp position.</p> <p>There have been no fatalities in the Port Hedland Harbour in the past 40 years that I know off due to the direct access into the channel. The information supplied by the Port Authority on Port related 'Police incidences reported' is a load of rubbish, the incidences relate to craft licensing and safety equipment and have no relevance to serious safety impediments associated with channel integrity.</p> <p>If the issue of situating the Marina Precinct at the Spoil Bank was so dangerous, why has there been no action taken by the relevant parties (Port Authority, BHP Biliton and The Town Of Port Hedland) to move the current Boat Ramp facility into a safe location in years gone by? And there is clearly a double standard and bias present in respect to the Pilbara Port Authority's direction in reducing the port operation's impediments and safety risk by insisting the Marina precinct be on the eastern side of the spoil bank or at Cooke Point but clearly lack the same enthusiasm to tackle the dust issues that are created from BHP Biliton's export operations and the suggestion that health may be an issue with dust levels</p> <p>You must consider the State Government has legislated the requirement to hold a 'skipper's ticket', that licence holder was required to undergo the basic training in safely operating and navigating the recreational vessel. It would be beneficial to understand whether the Port Authority has dismissed the 'skipper's ticket' program as a failure and so they continue to block the best option for the marina precinct and the people of Port Hedland.</p> | <p>Port Hedland Yacht Club</p> <p>6. <i>That Council commence negotiations towards a funding agreement with the Western Australian Government for \$12M for the Marina Waterfront Development (Stage 1), while at the same time exploring further grant and/or partnership funding opportunities to further support the development of the project.</i></p> <p>Paul Aylward</p> <p>Department of Transport</p> <p>Pilbara Ports Authority</p> <p>Camilo Blanco</p> <p>Port Hedland Yacht Club</p> <p>7. <i>That Council continued to engage and inform the community and stakeholders on the Marina Waterfront Development Plan</i></p> <p>Paul Aylward</p> <p>Department of Transport</p> <p>Pilbara Ports Authority</p> <p>Camilo Blanco</p> <p>Port Hedland Yacht Club</p> |
| | <p>No comments provided</p> <p>No comments provided</p> <p>No comments provided</p> <p>Refer to PPA letter and our response under Recommendations 1, 2 and 5 above.</p> <p>No comments provided</p> <p>No comments provided</p> <p>No comments provided</p> <p>Supported by DoT CIBU.</p> <p>Refer to PPA letter and our response under Recommendations 1, 2 and 3 above.</p> <p>No comments provided</p> <p>No comments provided</p> | <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> |
| GENERAL COMMENTS RECEIVED | | |
| | <p>As a 'community' representative of the Reference Group, I acknowledge and understand Council's anxiety over prolonged planning and the inherent risk this brings in maintaining State Government financial support for the development. Indeed, it would be a poor outcome for the Town if the State's support was scaled back or withdrawn, and so a form of decision is an imperative under the circumstances.</p> <p>The Council as the elected representatives of the Town have every right to make what decision(s) they see fit in respect to this development.</p> <p>In terms of feedback a fundamental observation of proceedings thus far is that the planning process and modelling used has exclusively relied upon the "high end" population growth projections associated with the Pilbara Cities narrative.</p> | <ul style="list-style-type: none"> • Generally supportive of the Marina initiative • Questions methodology and modelling used to develop the proposal – i.e. planning & modelling has exclusively relied on 'high end' population projections • The current planning & modelling is of concern as it bears a direct impact on the affordability of the marina in both capital investment and recurrent operational cost terms |

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| <ul style="list-style-type: none"> • Believes more conservative population projections should also be considered as this is readily available • Asserts that a business case that does not address a range of scenarios may struggle to pass initial scrutiny | <p>Regardless of the outcome over site selection, the modelling presented has not considered more conservative population projections, which are readily available. Indeed, I seem to recall there was an admission that this was the case.</p> <p>This should be of considerable concern going forward as it bears a direct impact on the affordable scale of the marina in both capital investment and recurrent operational cost terms. As an example, the demand for 'pens' has been determined using the high end projections. It is the use of these high end projections that are a problem in my mind, in that these directly influence the remaining modelling particularly with regard to physical marina scope and thus cost/affordability.</p> <p>Having had some experience of the State's business case process and rigour, I would assert at this point that a business case that does not address a range of scenarios (in terms of projected population and utilisation) would struggle to pass initial scrutiny.</p> <p>While I am disappointed that the Cooke Point site is not viewed as recommended I would be far more disappointed if the opportunity to have improved recreational and boating facilities were lost to the town completely.</p> | <p>Pilbara Ports Authority</p> |
| <ul style="list-style-type: none"> • Not supportive of the development of the marina and recreational boating channel on the western side of the Spoilbank without the certainty of a suite of adequate risk management measures • Advises that PPA has previously recommended to ToPH and LandCorp that the marina and channel be located on the eastern side of the Spoilbank subject to further consideration, investigation and environmental assessment • PPA asserts it is essential the Risk Assessment for the interactions between shipping and recreational craft of the western Spoilbank location be completed in order to understand the risk profile in comparison to alternative locations, prior to the Council making a decision on the preferred location for the marina • Given the Port's planned export growth, the Port believes the proposed boat pens would further exacerbate and exponentially increase the boating safety and operational risks • Advises the Port's ability to perform its functions under the Port Act may be considerably fettered without the certainty of a suite of adequate risk management measures • PPA affirm its position that the findings of the Dust Taskforce should be adequately reflected in TPSS for all areas within Port Hedland identified as being at potential risk from dust exposure, not just the Spoilbank area | <p>As you are aware PPA has participated in the Reference Group and has welcomed the opportunity to advise to the ToPH, LandCorp and members of the Reference Group on the significant Port operational risks and boating safety issues associated with the proposed development of a Marina Waterfront Precinct and recreational boating channel on the Western side of the Spoil bank.</p> <p>While PPA support in-principal the development of a marina at Port Hedland, the PPA does not support the development of a Marina Waterfront Precinct and a recreational boating channel on the Western side of the Spoilbank without the certainty of a suite of adequate risk management measures. PPA has stated its position at the Reference Group meetings and in separate discussions with the ToPH and LandCorp, and has recommended that the proposed marina and associated entrance and exit channel be located on the Eastern side of the Spoilbank, away from the Port Hedland Inner Harbour channel. PPA acknowledges that a preliminary analysis was conducted by LandCorp to explore the East side Spoilbank location at the request of PPA, and PPA understands this has an indicative extra cost of around \$20 million (plus management and design fees and contingencies), in comparison to the Western side of the Spoilbank. However, PPA believes the East side Spoilbank location option warrants further consideration and investigation, including further environmental assessment.</p> <p>Further, it is essential that the Risk Assessment for the interactions between shipping and recreational craft be completed in order to understand the risk profile of the Western Spoilbank location in comparison to alternative locations, prior to the Council making a decision on the preferred location for the Marina Waterfront Precinct. This Risk Assessment, will provide the opportunity to analyse and understand the shipping and recreational craft interaction risks associated with the Spoilbank location, including the Western and Eastern side of the Spoilbank and alternative second channel alignment concepts, as well as the Cook Point concept. The Risk Assessment is a necessary pre-requisite in the decision making process for selecting the location for the development of the Marina Waterfront Precinct.</p> <p>PPA notes that portions of the Spoilbank land and the seabed and waters ("port land") the subject of the proposed Marina Waterfront Precinct are vested in PPA. Pursuant to section 32 of the Port Authorities Act 1999 (WA) ("Port Act"), PPA has exclusive control and jurisdiction of the port land and waters.</p> <p>The presence of recreational craft in the Inner Harbour channel and inside the harbour, launching from the existing Richardson Street Boat Ramp has been an ongoing risk for PPA. The proposed Spoilbank Stage 1 Marina Waterfront Precinct of 100 boat pens, which PPA understand has an ultimate development concept of 250 boat pens, in our view would further exacerbate and exponentially increase the boating safety and Port operational</p> | |

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| | <p>risks, particularly given the planned export growth of 495 million tonnes per annum from the single Port Hedland Inner Harbour channel.</p> <p>The proposed location of the Marina Waterfront Precinct we expect would result in significantly increased recreational vessel traffic using, traversing, and travelling in the vicinity of, the single constrained Inner Harbour channel. PPA's ability to perform its functions under the Act may be considerably fettered without the certainty of a suite of adequate risk management measures.</p> <p>If necessary, PPA (via the Harbour Master) will exercise all necessary powers that it has under the Port Act to enable it to best perform its functions under the Port Act. This may include, directing owners or recreational craft users not to enter certain parts of the port.</p> <p>As you are aware, the Port of Port Hedland is the world's largest bulk export port and represents approximately 60 per cent of Australia's gross exports, and is responsible for approximately 25 per cent of global seaborne iron ore trade. The Port Hedland Inner Harbour channel is a significant strategic asset for the Pilbara region, the State and the community providing economic benefits, including growth in employment opportunities and small business opportunities, which in turn strengthen support for the development of the town.</p> <p>The PHYC endorses the plan for the Spoilbank Waterfront Redevelopment.</p> <p>We are disturbed by the misrepresentation of the Port's statistics of incidents. They are trying to portray that the incidents are all boating risks endangering operations or even lives. We have been advised that nearly all the said incidents were of a licencing nature, which are deemed low risk.</p> <p>We support the secondary channel for the Marina which will alleviate the alleged risks.</p> <p>Also we would like to see the Caravan Park be developed up front, with the events ground placed in the north end.</p> <p>We have a major concern with safety in mind with what is placed in front of the PHYC. Preferably we would like to remain where we can manage our sailing. A possibility for this would be to place the yacht club on the end of the Northern rock wall, with the capability of doing the refuelling, as is done in Karratha. We could use a combined hardstand area &/or with other user groups.</p> <p>We look forward to participating with the future planning of the Development, for the benefit of the West End & Spoilbank surrounds.</p> | <p>Port Hedland Yacht Club</p> |
| <ul style="list-style-type: none"> • PHYC endorses the location for the marina development at the Spoilbank • PHYC supports the secondary channel for the marina | <p>We look forward to participating with the future planning of the Development, for the benefit of the West End & Spoilbank surrounds.</p> <p>Thank you for inviting the Port Hedland Industries Council (PHIC) to be part of the Port Hedland Marina Waterfront Community Reference Group and for the opportunity to summarise our collective position on the proposed development prior to the Town of Port Hedland's Special Council Meeting on 13 May 2015.</p> <p>Established in 2009, PHIC is a cooperative industry group providing a coordinated approach to managing cumulative issues relating to Port users, whilst ensuring the primacy of one of the largest bulk export ports in the world is protected. PHIC's membership incorporates the Port Authority and major industrial companies that have contributed to the significant growth of the Port, and the Town including:</p> <ul style="list-style-type: none"> • Pilbara Ports Authority • BHP Billiton Iron Ore • Fortescue Metals Group • Roy Hill • North West Infrastructure • Atlas Iron • Consolidated Minerals • Process Minerals International | <p>Port Hedland Industries Council (PHIC)</p> |
| <ul style="list-style-type: none"> • Rather than seeking to comment on the specific Draft Officer's Recommendations, PHIC advises it continues to support the recommendations of the Port Hedland Dust Management Taskforce • It is PHIC's position that: <ul style="list-style-type: none"> ○ primacy of industry, the port and port operations, and its industrial amenity must be maintained and protected into the future; ○ The proposed marina development at the Spoilbank location is contrary to the recommendations of the Dust Management Taskforce report as it may lead to an increase in demand for permanent residential development in the West End and compound | | |

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| <p>the land use conflict between industry, the port and sensitive land uses;</p> <ul style="list-style-type: none"> o Any decision on a marina waterfront development location should await the final recommendations of the Dust Management Taskforce, including the finalisation of the Health Risk Assessment; o The development of a small craft marina at the Spoilbank will increase the risk of recreational boats interacting with a major industrial shipping channel where shipping movements are forecast to continue to increase. In this regard, PHIC notes a risk assessment process is proceeding, yet they have not been invited to participate in that process | <ul style="list-style-type: none"> • Aditya Birla Minerals • Caltex <p>We have also demonstrated during a period of unprecedented growth an ongoing commitment to working with government and community stakeholders to address Port issues in a coordinated way, including the establishment of the real-time ambient air monitoring system.</p> <p>PHIC's focus remains on the implementation of the recommendations of the 'Port Hedland Dust Management Taskforce Report 2010'. The Report was adopted by Government as a means to manage planning conflict between industrial growth and residential areas.</p> <p>It made a number of recommendations including, progressing a development plan for Port Hedland, the aim of which is to:</p> <ul style="list-style-type: none"> - <i>identify sites for proposed new development within the entirety of Port Hedland;</i> - <i>promote a predominance of future residential development opportunity in the more eastern areas of Port Hedland;</i> - <i>identify appropriate locations in the West End of Port Hedland for the redevelopment of properties for the purpose of additional commercial premises, entertainment complexes and short stay accommodation facilities;</i> - <i>provide greater detail regarding residential density, dwelling types and building design for all areas of Port Hedland; and</i> - <i>prescribe additional planning controls that assist in addressing amenity issues associated with residing in those areas that have elevated noise and dust levels.</i> <p>PHIC continues to support the recommendations of the Port Hedland Dust Management Taskforce. Rather than seeking to comment on the specific Draft Officer's Recommendations for the 13 May Special Council Meeting, I would summarise PHIC's position on the proposed Port Hedland Waterfront development as follows:</p> <ul style="list-style-type: none"> • The primacy of industry, the port and port operations, and its industrial amenity must be maintained and protected into the future. • The proposed Port Hedland Marina Waterfront Development at the Spoilbank location is contrary to the recommendations within the Taskforce report as it may lead to an increase in demand for permanent residential development in the West End and compound the land use conflict between industry, the port and sensitive land uses. • Any decision on a marina waterfront development location should await the final recommendations of the Port Hedland Dust Management Taskforce, including the finalisation of the Health Risk Assessment. • The development of a small craft marina at the Spoilbank will increase the risk of recreational boats interacting with a major industrial shipping channel where shipping movements are forecast to continue to increase. PHIC has not been made aware of any proposed controls that would adequately mitigate the risk and reduce the likelihood of a collision, or worse an industrial vessel grounding, at the entry to the harbour. We note a risk assessment process is proceeding, yet PHIC has not been invited to participate. |
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ATTACHMENT 2 TO ITEM 7.1.1

| Recommendation | Comment |
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| <p>1. Reconfirms its commitment to the Spoilbank as its preferred location for the development of a Marina Waterfront Development (Stage 1) as part of the Town of Port Hedland's Waterfront Precinct Development Plan</p> | <p>The Port Hedland Marina Reference Group support the recommendation as they believe it is the best location. The PHIC have sent a letter which was endorsed by the management committee.</p> |
| <p>2. Endorses the Marina Waterfront Development (Stage 1) containing, but not limited to the following key components:</p> <ul style="list-style-type: none"> a) Scaled down marina development with a maximum of 100 boat pens in Stage 1 b) No residential development in the Marina Waterfront Development precinct c) A lagoon swimming facility d) A community events space e) Commercial/retail space f) Continued public access to the balance of the Spoilbank g) Eco-tourism/caravan park development | <p>The following comments were made on this recommendation by the Port Hedland Marina Reference Group:</p> <ul style="list-style-type: none"> • If 100 boat pens were included in the first stage does this still allow for 250 into the future? • There should be a focus on commercial and retail space in stage 1 to provide income straight away that will pay for the facility. The lagoon should be deferred. • There should be community organisation space for organisations like the cadets • The events and caravan park should be self-funded and the landscape standard should be provided upfront • The yacht club planning detail should be determined as part of the details design • Natural erosion of Spoilbank to be considered • Consideration of where local planning zone R60 starts and finishes along Sutherland Street |
| <p>3. Note that the following issues are supported:</p> <ul style="list-style-type: none"> a) At the completion of the Spoilbank Marina Waterfront Development project that the | <p>The following comments were made on this recommendation by the Port Hedland Marina Reference Group:</p> <ul style="list-style-type: none"> • Support the consideration of mentioned issues |

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| <p>existing Richardson Street boat ramp be removed.</p> <p>b) Continued support for the development on the hospital site (proposed Finbar development) for a residential development</p> <p>c) The investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development.</p> <p>d) The Town of Port Hedland pursue the granting of the current Gratwick Aquatic Centre site in freehold title to assist in funding community amenities such as a new waterfront lagoon swimming facility after the completion of the Marina Waterfront Development project.</p> | <ul style="list-style-type: none"> • The historical significance of the West End should be retained • People should get involved in the Town Planning Scheme review consultation process • Consideration of how Gratwick Aquatic Centre land will be purchased at market value and sold on to provide funds for the marina given it is not owned by the Town of Port Hedland |
| <p>4. Requests the CEO to review all works to-date, and finalise a detailed Business Case for the Marina Waterfront Development (Stage 1) at the Spoilbank to then be presented to Council for consideration at a later date.</p> | <p>The Port Hedland Marina Reference Group noted that local businesses should be used during construction of the marina.</p> |
| <p>5. Notes that further reports on the Economic Analysis and Shipping Channel Risk Assessment of the Marina Waterfront Development (Stage 1) will be presented to Council for their consideration as part of the detailed Business Case</p> | <p>The Port Hedland Marina Reference Group wanted to know whether the economic analysis and risk assessment will be included in the Business Case.</p> |

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| <p>6. Commence negotiations towards a funding agreement with the Western Australian Government for \$112M for the Marina Waterfront Development (Stage 1), while at the same time exploring further grant and/or partnership funding opportunities to further support the development of the project</p> | <p>The Port Hedland Marina Reference Group wanted to know whether the Town of Port Hedland will approach Lottery West and whether the \$112 million was the maximum that the State Government will give to the Town.</p> |
| <p>7. Continues to engage and inform the community and stakeholders on the Marina Waterfront Development Plan</p> | <p>The Port Hedland Marina Reference Group would like to continue having a reference group.</p> |

ITEM 8 CONFIDENTIAL ITEMS

Nil

ITEM 9 CLOSURE**9.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 May 2015, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 20 May 2015, commencing at 5:30pm.

A Community Conversation is being held with the Police on Thursday 14 May 2015 at 5:30pm at Daylesford Park. A Community Conversation is being held for the Airport Long Term Lease on Wednesday 20 May 2015 at 6:30pm in Council Chambers. Members of the public are encouraged to attend the Community Conversations Sessions.

9.2 Closure

There being no further business, the Mayor declared the meeting closed at 5:50pm.