

Cr White-Hartig declared an impartiality interest in Item 12.3 Hearson Cove Foreshore Management Plan and Wickham Boat Beach Area Foreshore Management Plan as Cr White-Hartig is the Chairperson for Regional Development Australia – Pilbara which made a submission on the Hearson Cove and Wickham Boat Beach Foreshore Management Plan;

Cr White-Hartig declared indirect financial interests in Item 12.3 Hearson Cove Foreshore Management Plan and Wickham Boat Beach Area Foreshore Management Plan as Cr White-Hartig(s)

- spouse is employed by Rio Tinto which submitted a response to the proposed Hearson Cove and Wickham Boat Beach Foreshore Management Plan; and
- rents her house in Karratha through a Property Manager to the Murujuga Aboriginal Corporation which are a major stakeholder in the proposed Hearson Cove and Wickham Boat Beach Foreshore Management Plan.

Cr White-Hartig did not leave the room.

### **12.3 HEARSON COVE FORESHORE MANAGEMENT PLAN AND WICKHAM BOAT BEACH AREA FORESHORE MANAGEMENT PLAN**

<b>File No:</b>	<b>EM.12</b>
<b>Responsible Executive Officer:</b>	<b>Director, Development Services</b>
<b>Reporting Author:</b>	<b>Strategic Planning Officer</b>
<b>Date of Report:</b>	<b>29 July 2016</b>
<b>Applicant/Proponent:</b>	<b>Nil</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Schedule of Submissions</b>

**Full copies of the publicly advertised Hearson Cove Foreshore Management Plan and the Wickham Boat Beach Area Foreshore Management Plan documents will be available at the Ordinary Council Meeting.**

#### **PURPOSE**

For Council to consider submissions received on the Hearson Cove and Wickham Boat Beach Foreshore Management Plans and to determine whether these Plans should be adopted for final approval.

#### **BACKGROUND**

The Hearson Cove and Wickham Boat Beach foreshores are increasingly popular coastal destinations that need to be managed in a way that enhances amenity and conserves natural and cultural values. The Foreshore Management Plans (FMPs) for these areas have been designed to achieve the following aims:

1. Contribute to the implementation of local and regional planning objectives and coastal strategies;
2. Consolidate community partnerships and build community capacity and ownership of the area including working with the area's traditional owners; and

3. Foster the sustainable recreational and tourist use of the area through a plan that protects the environmental and cultural values of the area and identifies access arrangements and long term infrastructure needs.

Council resolved at the May 2016 Ordinary Council meeting to endorse the Hearson Cove and Wickham Boat Beach Area FMPs for public advertising. The Plans were made available for public comment for 28 days. A total of ten submissions were received.

Submissions that were concerned with the Hearson Cove foreshore area included an inquiry into the lack of industrial buffers and the possible need for ecological and weed surveys of the foreshore area. Submissions concerned with the Wickham Boat Beach Area included a query into the interaction of Rio Tinto leased lands and the foreshore and how the actions proposed in the plan are to be implemented. The Ngarluma Aboriginal Corporation requested greater acknowledgement in both plans as Traditional Owners of the areas.

A summary of key issues raised in the submissions is provided below.

### ***Summary of Submissions***

#### **Buffers between Industrial Land Uses and the Hearson Cove Foreshore Area**

The Department of State Development and Yara suggest a need for investigation into the formalisation of buffers between the strategic industrial area on the Burrup and the foreshore reserve. Currently the Hearson Cove FMP makes mention of *SPP 4.1 State Industrial Buffer Policy* and the need to refer to this guidance document when undertaking future land use planning for the area. It is proposed that an additional action be included in the management table that requires future investigation into buffers but with the need to provide for the planned and ongoing use and enjoyment of surrounding non-industrial land.

#### **Acknowledgment of NAC as the Traditional Owners - Hearson Cove FMP**

The Ngarluma Aboriginal Corporation (NAC) has indicated that, as Native Title Holders in areas along the Karratha coastline, they require greater input into the development of foreshore plans. NAC has raised concerns about limited involvement in the development of the Hearson Cove FMP. The Hearson Cove foreshore reserve is surrounded by the Murujuga National Park. This reserve was acquired under the Burrup and Maitland Industrial Estates Agreement (BIMEA) in return for benefits provided to the collective claimant groups. This process resulted in the formation of the Murujuga Aboriginal Corporation (MAC), a body representing all claimant groups on the Burrup Peninsula (including NAC). The 2005 High Court decision in respect to the Ngarluma/Yindjibarndi Native Title claim determined that native title does not exist in respect to the Burrup Peninsula (inclusive of the Hearson Cove foreshore reserve).

Based on the situation on the Burrup Peninsula in relation to Native Title and tenure, the City has consulted closely with the Murujuga Aboriginal Corporation during the development of the Hearson Cove FMP. NAC was also consulted independently regarding preparation of the Plan.

As is noted above, the City's reserve at Hearson Cove is surrounded by the Murujuga National Park. As part of Murujuga, Hearson Cove is significant to the Ngarda Ngarli (people of Murujuga). Murujuga Rangers are already patrolling, caring for and rehabilitating the area. It seems logical for the Hearson Cove reserve be incorporated into the Murujuga National Park and it is recommended that an action be included in the Hearson Cove FMP to investigate and progress this. This would provide for greater involvement of Traditional Owners in the management of this area as part of the Murujuga National Park.

#### **Acknowledgment of NAC as the Traditional Owners - Wickham Boat Beach FMP**

The Ngarluma people are the Traditional Owners of country comprising the Wickham foreshore areas and should be acknowledged as such within the Plan. In light of this, it is recommended that the recurring reference to 'Traditional Owners' within the Plan be replaced with reference to the Ngarluma Aboriginal Corporation, as the representative body for the Ngarluma people.

#### The Requirement for Ecological and Weed Surveys.

It was requested that information on the extent of ecologically significant flora and fauna species and environmental weeds within the foreshore areas be determined to ensure the implementation of best management practices. It is recommended that an action be included in both Plans that requires future ecological and weed surveys.

#### The Need for a Coordinated Approach to the Closure of Unauthorised Tracks and the Upgrade and Maintenance of Others within the Wickham Boat Beach Foreshore Area

Rio Tinto has inquired into the proposed closure of unauthorised tracks within the Wickham Foreshore Area and the method by which this will be undertaken. Concern was expressed that closure of unauthorised tracks will push people onto Bells Beach, which is a Rio Tinto leased area, is close to Rio Tinto operations and is also a significant turtle nesting area. Rio Tinto also indicated that should tracks breaching Rio Tinto leased land be modified, there is the need for the current *Deed of Access – Boat Beach Road* to be reviewed. In response, it is suggested that management actions within the Plan concerning the closing of tracks be reworded to reflect a collaborative approach with Rio Tinto.

#### Query on the Type and Location of Coastal Infrastructure at Wickham Boat Beach

Rio Tinto queried the type and location of signage at entry points onto Wickham Boat Beach, indicating that there is a need for Rio Tinto signage in places where its operations may interact with the foreshore reserve. Rio Tinto also queried the proposed location of amenity structures as currently a diagram within the management document shows amenity structures within Rio Tinto leased land. A further query was made as to the lighting impacts from coastal infrastructure on nesting turtles.

It is suggested that an action be included in the plan indicating the need for a future *Wickham Boat Beach Area Foreshore Works Implementation Plan* that provides detail on the design and location of coastal infrastructure. An action should also be included allowing Rio Tinto to install signage in locations where its operations interact with the foreshore reserve. No artificial lighting is to be installed as part of this Plan.

#### Request for Clarity on the Implementation of Proposed Management Actions within the Wickham Boat Beach Area FMP

Rio Tinto has requested clarity on the roll out of proposed management actions. It is recommended that details of implementation be determined via preparation of Foreshore Works Implementation Plans, as has been done for other adopted FMPs. It is recommended that an action be included within the management table that allows for Rio Tinto input during the implementation phase.

#### Query into the Management of Off-Road Vehicles

The Port Walcott Yacht Club has questioned if there was more that could be done to regulate off-road vehicles using Wickham Boat Beach. It is recommended that additional action be included in the Wickham Boat Beach FMP that involves greater patrolling by City Rangers

and the implementation of an education program that educates on the dangers of irresponsible off-rad driving.

A Schedule of Submissions has been prepared (Attachment 1) that provides full details of the submissions and Councils proposed responses. It is recommended that all submitters be forwarded a copy of the adopted Schedule of Submissions so that they can see that the Council has considered the points raised and how the Council has responded.

### **LEVEL OF SIGNIFICANCE**

In accordance with Council Policy CG-8 Significant Decision Making Policy, this matter is considered to be of moderate significance. While the foreshore management plans will not incur a substantial one-off cost in the immediate future, they will guide decisions about future investment in foreshore improvements and management. The foreshore management plans will therefore have implications for the present and future wellbeing of the City.

### **COUNCILLOR/OFFICER CONSULTATION**

Officer consultation has occurred throughout the development of these foreshore management plans, particularly with Ranger Services and Infrastructure Services. Both identified the need for improved guidance regarding the management of the foreshore areas. Internal consultation will continue as part of preparing Foreshore Works Implementation Plans.

### **COMMUNITY CONSULTATION**

The Foreshore Management Plans have been developed through a comprehensive process of community consultation and engagement. In accordance with the City's policy CE-9 Consultation, the City has engaged the community throughout the process of developing these plans via community workshops, flyers to community groups, the City's web and Facebook pages, notices in the paper and an online survey.

### **STATUTORY IMPLICATIONS**

There are no statutory implications. The purpose of the documents is to inform and provide strategic direction, not implementation at this stage. There are therefore no statutory obligations.

### **POLICY IMPLICATIONS**

There are no direct policy implications. Policy development is deemed to be part of the implementation process of the plans.

### **FINANCIAL IMPLICATIONS**

Indicative costings for both plans have been derived (see Appendix 3 of both FMPs), however implementation of proposed actions will not be undertaken until Foreshore Works Implementation Plans have been prepared and works packages adopted. An allocation of \$100,000 has been made by Council in this financial year for the development of design priorities for Wickham Boat Beach. The Wickham Boat Beach Area Foreshore Management Plan sets out priority works for this area and can therefore inform expenditure.

### **STRATEGIC IMPLICATIONS**

This item is relevant to the Council's approved Strategic Community Plan 2012-2022 and Corporate Business Plan 2012-2016. In particular the Operational Plan 2015-2016 provided for this activity:

Our Program:	1.a.2.4	Maintain City infrastructure necessary to meet the community needs
	1.a.3.1	Provide open spaces which cater for community needs.
	1.f.2.3	Make the most of our Natural and Public Environment.

- 1.f.4.4 Strengthen relationships with indigenous groups, promoting culture, history and achievements.
- 3.a.1.4 Promote and implement responsible use of resources for environmental sustainability.
- Our Services:
  - 1.a.3.1.3 Maintain and renew City’s parks, gardens, streetscapes, properties, bushland and reserves.
  - 1.a.2.4. Continue to maintain and renew other community infrastructure (beaches, boat ramps, jetties).
  - 1.f.4.4.2 Demonstrate a commitment to building respectful relationships with indigenous groups within the City.
  - 3.a.1.4.1 Prepare and implement environmental strategies.

**RISK MANAGEMENT CONSIDERATIONS**

Some risk management considerations have been embedded into the FMPs. Each FMP makes reference to the City’s Coastal Hazard Risk Management and Adaption Planning, which identifies the vulnerability of each area in respect to coastal processes and large storm events. In regards to Hearson Cove, it was identified that a 1 in 100 year storm surge event could result in the area becoming inaccessible (peak water level could reach 5.6m AHD, with Hearson Cove Road becoming flooded at 4m AHD). The Hearson Cove FMP recommends a storm surge risk assessment be undertaken as part of planning any infrastructure improvements at Hearson Cove. Additionally, both plans detail the possible need for Aboriginal Heritage Surveys prior to the implementation of infrastructure works. There is a risk that these surveys may result in a delay of works and large cost implications to the City. Also, the Wickham Boat Beach Foreshore area is located in an area surrounded by Rio Tinto leased land, with the access road into the foreshore owned by Rio Tinto. All actions that are to be implemented from the plan require due consultation with Rio Tinto as prime stakeholders.

**IMPACT ON CAPACITY**

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

**RELEVANT PRECEDENTS**

The Council has adopted FMPs for Karratha, Point Samson and Gnoorea (40 mile).

**VOTING REQUIREMENTS**

Simple Majority.

**OPTIONS:**

Option 1

As per Officer’s recommendation.

Option 2

That Council by SIMPLE Majority pursuant to Section 3.18 of the *Local Government Act 1995* RESOLVES to DEFER further consideration of the draft Hearson Cove FMP and Wickham Boat Beach Are FMP pending further investigations.

Option 3

That Council by SIMPLE Majority pursuant to Section 3.18 of the *Local Government Act 1995* RESOLVES to NOT ADOPT the Hearson Cove FMP and Wickham Boat Beach Area FMP for the following reasons:

1. \_\_\_\_\_; and
2. \_\_\_\_\_.

**CONCLUSION**

Submissions received regarding the Hearson Cove and Wickham Boat Beach Area Foreshore Management Plans demonstrate a keen community interest in effective management of these foreshores.

All submissions received highlighted valid management issues and suggestions. Having reviewed the submissions, it is recommended that the modifications to the documents be authorised to account for good points made in submissions. It is recommended that the Schedule of Submissions be sent out to all submitters to show that all points made have been considered and how those matters have been responded to.

Something that has been highlighted through the process of preparing the Hearson Cove FMP is the interest in Traditional Custodians taking responsibility for management. To this end, it is recommended that a discussion be entered into regarding the incorporation of the City's Hearson Cove reserve into the Murujuga National Park.

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**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION**

**Res No** : **153536**  
**MOVED** : **Cr Harris**  
**SECONDED** : **Cr Cucel**

**That Council by SIMPLE Majority pursuant to Section 3.18 of the *Local Government Act 1995* RESOLVES to:**

- 1. ADOPT the Schedule of Submissions;**
- 2. MODIFY the documents to reflect changes required in response to submissions;**
- 3. INVESTIGATE discussions into the incorporation of the City's Hearson Cove reserve into the Murujuga National Park;**
- 4. ADOPT the Hearson Cove and Wickham Boat Beach Area Foreshore Management Plans modified in accordance with this decision; and**
- 5. FORWARD the Schedule of Submissions to all submitters.**

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**CARRIED**

**FOR** : Cr Long, Cr Bailey, Cr Bertling, Cr Cucel, Cr Harris, Cr Parsons, Cr Scott, Cr Smeathers, Cr Vandenberg, Cr White-Hartig  
**AGAINST** : Nil