



**SHIRE OF CHRISTMAS ISLAND
PUBLIC NOTICE**

03/21

24 March 2021

**SHIRE OF CHRISTMAS ISLAND
PROPOSED AMENDMENT TO THE LIGHT INDUSTRIAL AREA
(THE REPORT)**

The Council at its ordinary meeting held on 23 March 2021 passed the following resolution.

Council approves in principle the *March 2021 Proposed Amendment to the Light Industrial Area (The Report)* and its proposed Actions as input into the Christmas Island Strategic Assessment (CISA) Land Use Plan (LUP), the Review of the 2015 Local Planning Strategy and ultimately the formulation of the Local Planning Scheme No.3 (LPS No.3).

Council to seek stakeholders and community comments on the Report through Public Notice.

The Report advocates land tenure adjustments for the LIA and is designed to ultimately inform the mandatory Review of the 2015 Shire of Christmas Island Local Planning Strategy (LPS) and Local Planning Scheme No.2 (LPS No.2) in accordance with the requirements of the ***WA Planning and Development Act 2005 – Planning and Development (Local Planning Schemes) Regulations 2015***.

The Shire is seeking submissions or comments on the Report

Submissions or comments on the **Report** may be lodged by email to shire.ceo@shire.gov.cx or in writing to addressed as follows:

Chief Executive Officer
Shire of Christmas Island
PO Box 863
CHRISTMAS ISLAND 6798

Submissions or comments must be lodged and received by 4.00pm on Wednesday 14th April 2021.

The Report is shown as below and is available on the Shire of Christmas Island website – www.shire.gov.cx

David Price
Chief Executive Officer

Proposed Amendment to the Light Industrial Area



**SHIRE OF
CHRISTMAS ISLAND**

March 2021

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2010 Outline Development Plan (ODP) review & rationale to amend the LIA

1. Document Purpose

This document provides the rationale for improvements to the 2010 LIA Outline Development Plan to ultimately inform the mandatory Review of the 2015 Shire of Christmas Island Local Planning Strategy (LPS) and Local Planning Scheme No.2 (LPS No.2) in accordance with the requirements of the *WA Planning and Development Act 2005 – Planning and Development (Local Planning Schemes) Regulations 2015*.

As much as feasible the review of the LPS aims at occurring concurrently with the *Christmas island Strategic Assessment* (CISA) process and appropriately input in the establishment of the CISA Land Use Plan (LUP).

In effect the Shire of Christmas Island (SoCI) is determined to ensure, with the Commonwealth's assistance, that the CISA LUP can translate seamlessly into the forthcoming Local Planning Scheme No.3 thus fulfilling the critical objective of reducing bureaucratic procedures whilst considerably increasing certainty and confidence for prospective early investors expected to boost the island economy.

2. 2010 ODP for the Light Industrial Area (LIA)

In 2010 the then Attorney General's Department commissioned engineering firm GHD to produce the *Report for Christmas Island Light Industrial Area Outline Development Plan - Dec. 2010*. ([ref. plate A p. 8](#)) The layout of the LIA, as shown in the *Christmas Island North map 2 of the Shire Local Planning Scheme No.2*, was established under the guidance of such ODP.

3. ODP translation in the LPS No.2

For most of it the ODP layout was transferred accurately into the LPS No.2 map ([ref. plate B p. 9](#)) however the interface between the LIA and the hospital was overlooked. Admittedly the LPS No.2 did not provide for:

- a) the recommended "environmental/crab corridor + buffer" to separate the industrial area from the hospital/urban areas and
- b) the need to reserve additional land for the expansion of the hospital.

4. Further Improvements to the LPS No.2 map

The detailed analysis of the LPS No.2 map has identified the following areas warranting further potential amendment:

- c) increase the road reserve at the junction with Murray Road to allow for a safe runabout connection;
- d) realignment of the northern road to minimise construction cost by following the nearby existing tracks;
- e) adherence as much as possible to the main feature of the cadastre (shown as existing cadastre line);
- f) elimination of the direct road link to the southern area to avoid extreme construction cost and consolidate the ecological/heritage corridor;
- g) reconciliation between zoning and cadastre on east side of Reserve 47475 and
- h) intersection geometric modification to prioritise truck movements from the port to the southern section.

5. Proposal to amend the LIA

The proposed improvements as items a) to f) above have been translated and mapped in **plate C p. 10**. This represents a revised ODP layout

The expectation that urban development can occur between the hospital and the Taman Sweetland circuit (LPS No.2 & CISA LUP) and the south-east east truncation of the hospital reserve to create the buffer/crab migration corridor are reinforcing the need for making provision to extend the hospital reserve northward. This was explicitly illustrated in the 2010 ODP and consideration should be given to ensure such principle is maintained in the LPS No.3.

The adherence to the existing ex-mining track as the optimum alignment to the northern road is significantly important as it avoids unnecessary earthworks and allows a simplified and efficient cadastral design because:

- ☐ it uses most existing geometric features of the SoCI freehold asset to generate lots 6 to 11;
- ☐ it generates a more efficient use of the road with access on the south side for lots 6 to 12 and access on the northern side for larger lots 1 to 3
- ☐ it does not preclude the planned connection with the southern section of the LIA via the east.

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There is limited land for the dedicated storage of sea containers at the port and across the island generally. This affects the port operation and concerns many medium to small businesses resulting in the unwanted semi-permanent parking of sea containers in the commercial, tourism and residential areas. Consequently, this impacts on the visual and functional character of many precincts at a time where the island is seeking to increase its tourism profile and image as a recognised economic engine post mining and immigration.

The large and relatively flat southern section of the LIA has the potential to resolve this on-going challenge as it can be set aside for the purpose of sea container common storage managed by the SoCI on lot 16 and possibly under the care, management and control of the Christmas Island Port on lot 17. These lots would remain directly connected to the port via the east side of the LIA. Lot 16 is set back some 25m from Phosphate Hill Road to provide a vegetation buffer/separation with the industrial use

The elimination of the road, directly linking the northern and southern sections of the LIA in the 2010 ODP, does not fundamentally compromise the accessibility of the LIA southern section. Furthermore, it represents a considerable cost saving benefit that would be better used for the early development of the Port to LIA road and the activation of the southern section itself.

6. Land ownership

The LIA former and present land tenure arrangements (**ref. plates D,E,F on p. 11,12,13**) have somehow modestly evolved since 2010 with the excision from the SoCI area of a relatively large lot for the purpose of establishing the headquarters of the IOT Power Authority and the development by the SoCI, at considerable cost in 2017, of 3 small industrial lots on the opposite side of Quarry Road.

7. Land Tenure and proposed Cadastre

The current land tenure within and around the LIA ([ref. plate G p. 14](#)) is showing the interrelationship between Unallocated Crown Land (UCL in orange) Commonwealth Reserves (pink) Road reservations (light beige) and freehold land holdings (pale yellow).

The proposed adjusted LIA subdivision layout (red lines) has been superimposed on the existing land tenure map to finalise its optimum geometric integration with the existing cadastre and illustrate its impact of the existing land tenure.

8. Proposed reconfiguration of Reserve 47475

The central objective of the ODP has and continue to be the creation of a direct road link between the port and the LIA to improve travel time and minimise heavy traffic through the Poon Saan residential areas. As mentioned above the southern section of the LIA is reliant on such road link that traverses Reserve 47475 currently licenced by the Commonwealth for the exclusive usage of Acker Pty. Ltd.

The geometric reconfiguration of Reserve 47475 ([ref. plate H p. 15](#)), is therefore envisaged in order for the road to be created as a legal entity. It is suggested the proposed reconfiguration should not affect the current operation of Acker Pty. Ltd.

Acker Pty. Ltd. licence to use Reserve 47475 has expired on the 13th of December 2020. SoCI is seeking agreement in principle from Acker Pty. Ltd. and the Commonwealth to achieve the proposed reconfiguration as a matter of priority to ensure the new licence will allow the early creation of the public road.

9. Proposed SoCI / UCL Land Swap

The LIA overall subdivision structure based on the adjusted ODP is reliant on the exchange of multiple land parcels or land swap between the SoCI and the Crown ([ref. plate I p.16](#)). The plan cannot be progressed without additional ULC allocation and a number of adjustments made to the SoCI's Lot 9001 through such land swap.

Again, The SoCI is seeking agreement in principle from the Commonwealth to achieve such land swap during the LPS No.2 review process and the finalisation of the CISA LUP.

10. Possible future Land Tenure

The possible future land tenure arrangement ([ref. plate J p.17](#)) indicates what could be the overall land tenure layout for the LIA as a result of the proposed land swaps illustrated in the previous [plates H & I](#). The future land tenure may be achieved through several stages. The rationalisation of Reserve 47475 as proposed is seen as the necessary first step in such process.

11. Mining lease over a portion of the LIA

As illustrated in [plate K p.18](#) a significant portion of the reconfigured LIA remains affected by the current mining lease whilst Christmas Island Phosphates (CIP) has, to date, no declared intention to further extract material in that location.

The orderly consolidation of the LIA is dependent on the formalisation of the proposed road network through the SoCI's ability to request to the WA Minister for Planning Land and Heritage to "dedicate Crown land as road" pursuant to **Section 56 Dedication of Land as road (2) WA Land Administration Act 1997 (CI)**.

Noting the land aspects of the **WA Mining Act 1978 (CI)** overrides the **WA Land Administration Act 1997 (CI)** it is clear that the SoCI's request to dedicate Crown land as road is subject to the removal or relinquishment of the relevant mining areas affecting the LIA.

CIP has made suggestion the SoCI and DITRDC should identify priority areas as input into CIP longer term relinquishment program. This position was formalised through the SoCI endorsed **August 2020 LPS Strategic Directions** in **Direction 7**. Consequently, the two areas shown in [plate K p. 18](#) are required by the SoCI to be prioritised for relinquishment by CIP to ultimately allow the due process of dedicating Crown land as road to proceed.

12. Proposed CISA Land Use Plan for the LIA

As expressed in **section 1** the ultimate purpose of re-examining the LIA 2010 ODP and the LIA Scheme map is to ensure, through the mandatory planning review process, optimum adequacy of the planning instruments with the intent to appropriately inform the CISA LUP.

Based on the planning and land tenure rationale developed in **sections 2 to 10** the SoCI is proposing to amend the LIA shapes as shown in [plate L p. 19](#). These shapes are consistent with the recommended amended layout for the LIA ([ref. plate C p. 10](#)).

It is worth noting the northern portion of shape I3 is larger than the anticipated cadastre thus ensuring broader environmental assessment to cover the possible adjustment of topographic features during road construction.

The review process of the LIA as also provided an opportunity for a minor improvement to the urban development potential of shape of **U4** by including all land adjacent to Taman Sweetland Circuit.

13. Conclusion and proposed Actions

The LIA has not experienced significant changes in the last decade. However, the early development of the LIA remains the primary building block in the context of the envisaged economic development of the Island for the next 30 years and its associated 5000 population target under the CISA LUP. The proposed land tenure amendments to the LIA illustrated above are subject to the following applied legislations and associated actions:

WA Mining Act 1978 (CI) Section 16 Power to proclaim Mineral Fields (3) stipulates that “No Crown land that is in a mineral field shall be leased, transferred in fee simple, or otherwise disposed of under the provisions of the Land Administration Act 1997, without the approval of the Minister”.

Action 1:

In accordance with the SoCI endorsed August 2020 LPS Strategic Directions – Direction 7: “A formal working framework between the DITRDC, the SoCI and CIP/PRL should be established to identify priority areas as input into CIP longer term relinquishment program.”

The mining relinquishment working framework between the three parties should be activated as a matter of immediate priority.

Action 2:

Based on a formal accord reached between the DITRDC, the SoCI and CIP/PRL through Action 1, the Minister can approve the early relinquishment of Mining Lease Areas A & B as illustrated in **plate D p.10** thus clearing the way for the application of the Land Administration Act 1997(CI)

WA Land Administration Act 1997 (CI) Section 14 Minister to consult local governments before exercising certain powers in relation to Crown land stipulates: “Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.”

Section 56 Dedication of Land as road (2) stipulates: “If a local government resolves to make a request under subsection (1), it must a) in accordance with the regulations prepare and deliver the request to the Minister; and b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.”

Action 3:

The SoCI Council endorses the LIA proposed future land tenure plan as illustrated in **plate J p.16** and resolve to make a request to the Minister to enable the creation of the LIA new road.

Action 4:

The SoCI produces the LIA projected land tenure GIS shape file and transmit it to the DITRDC for the purpose of the CISA LUP and the DPHL thus allowing for the LIA land tenure case to be created in the DPLH system and progressed accordingly.

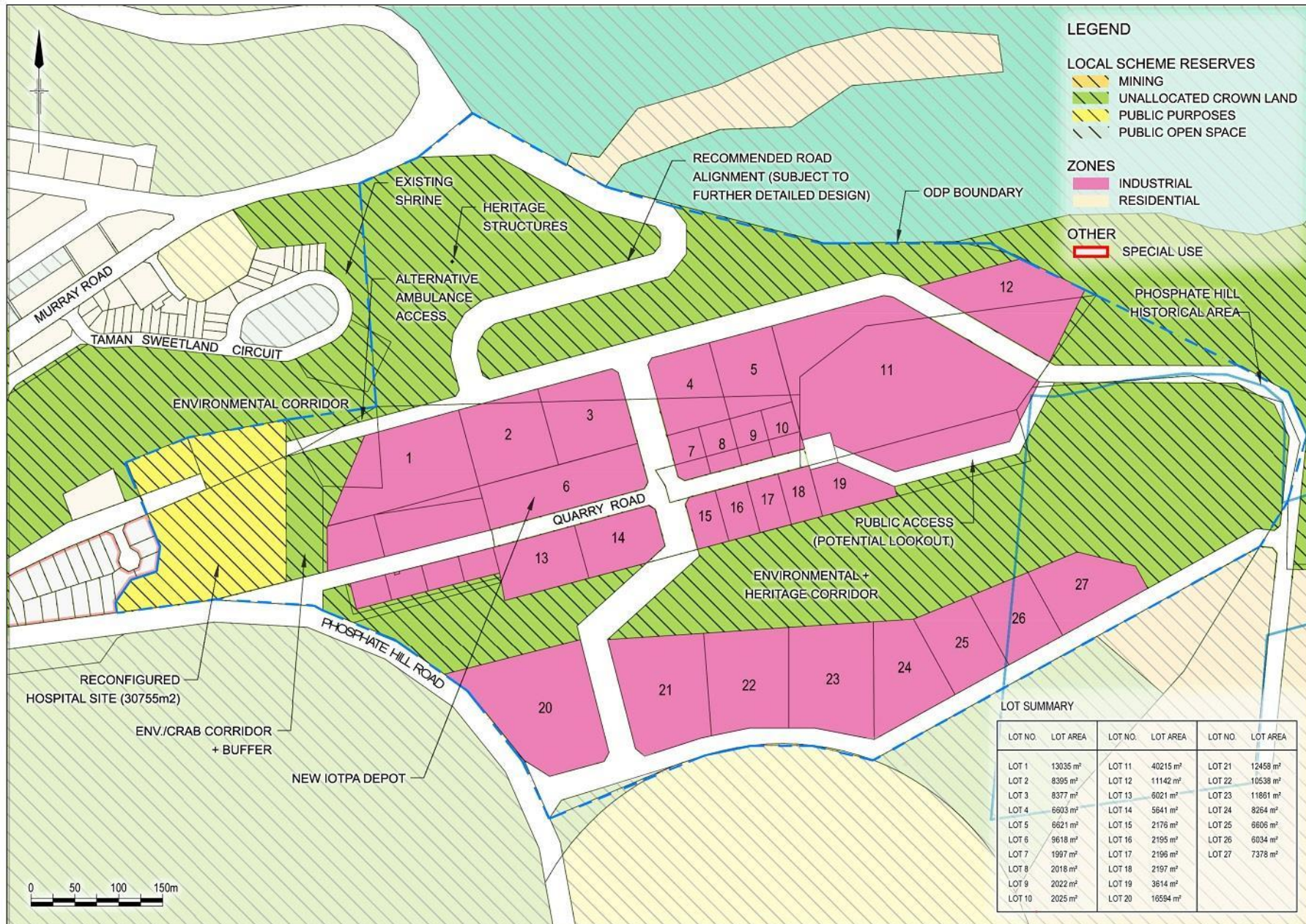
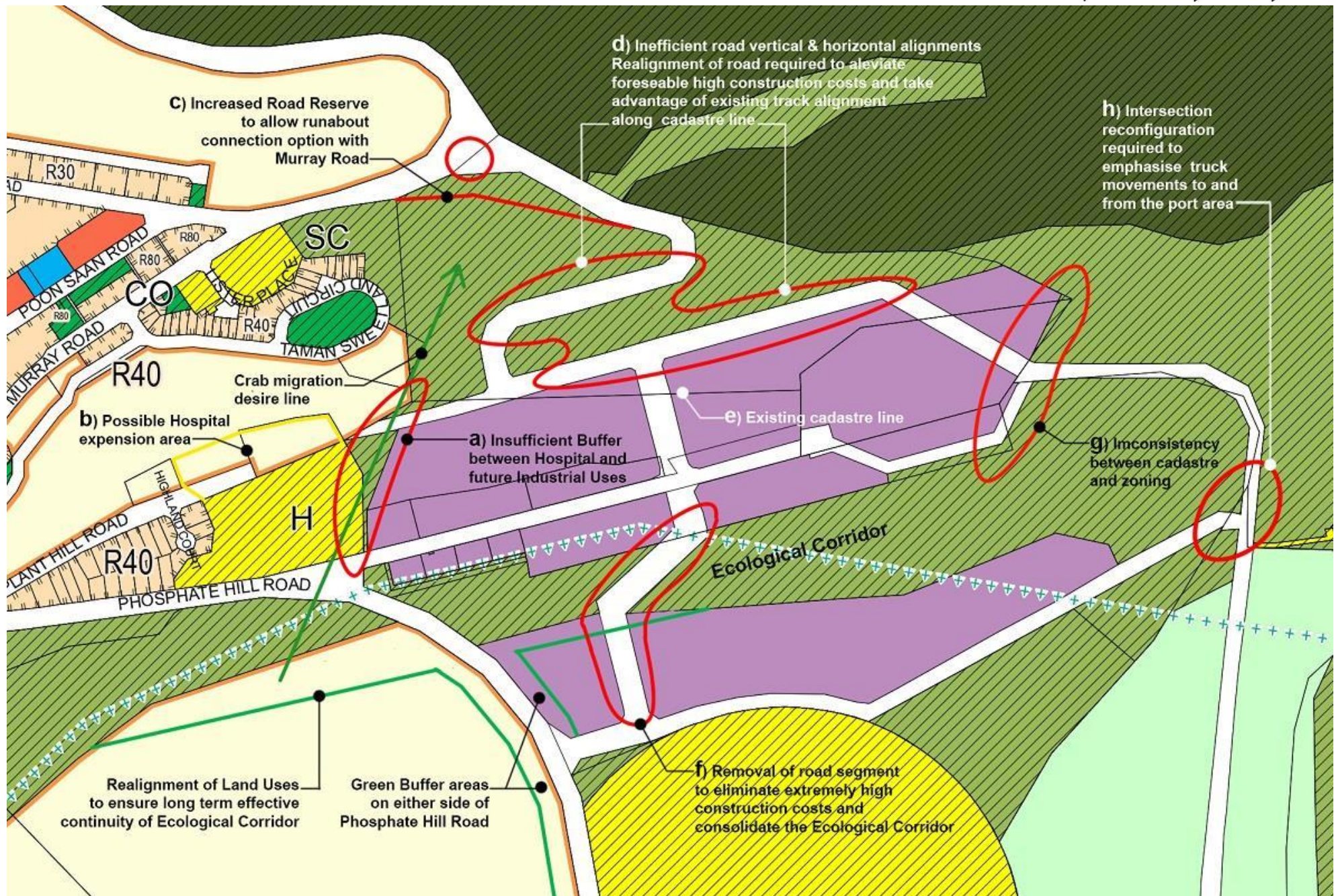
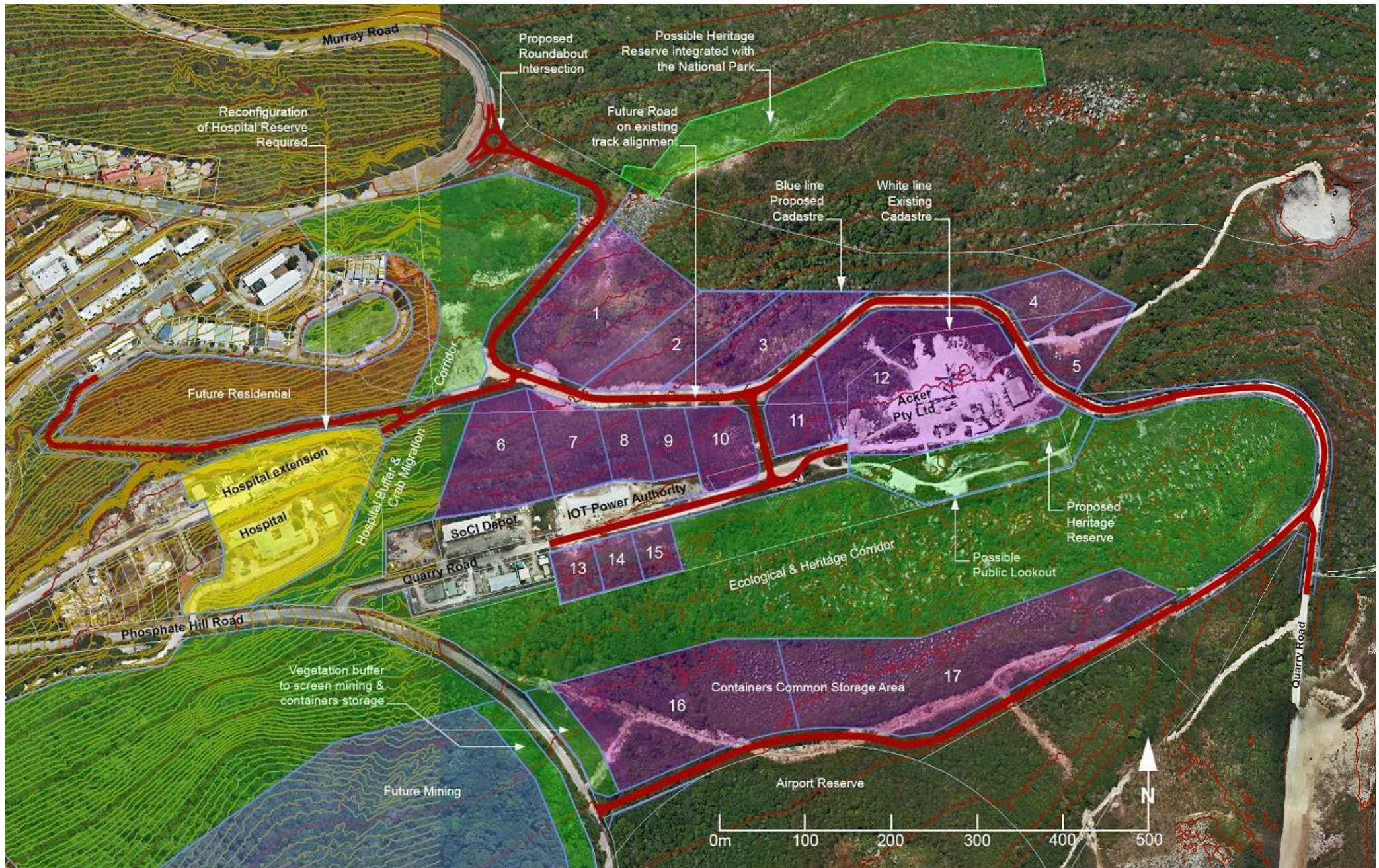


Figure 5: Outline Development Plan

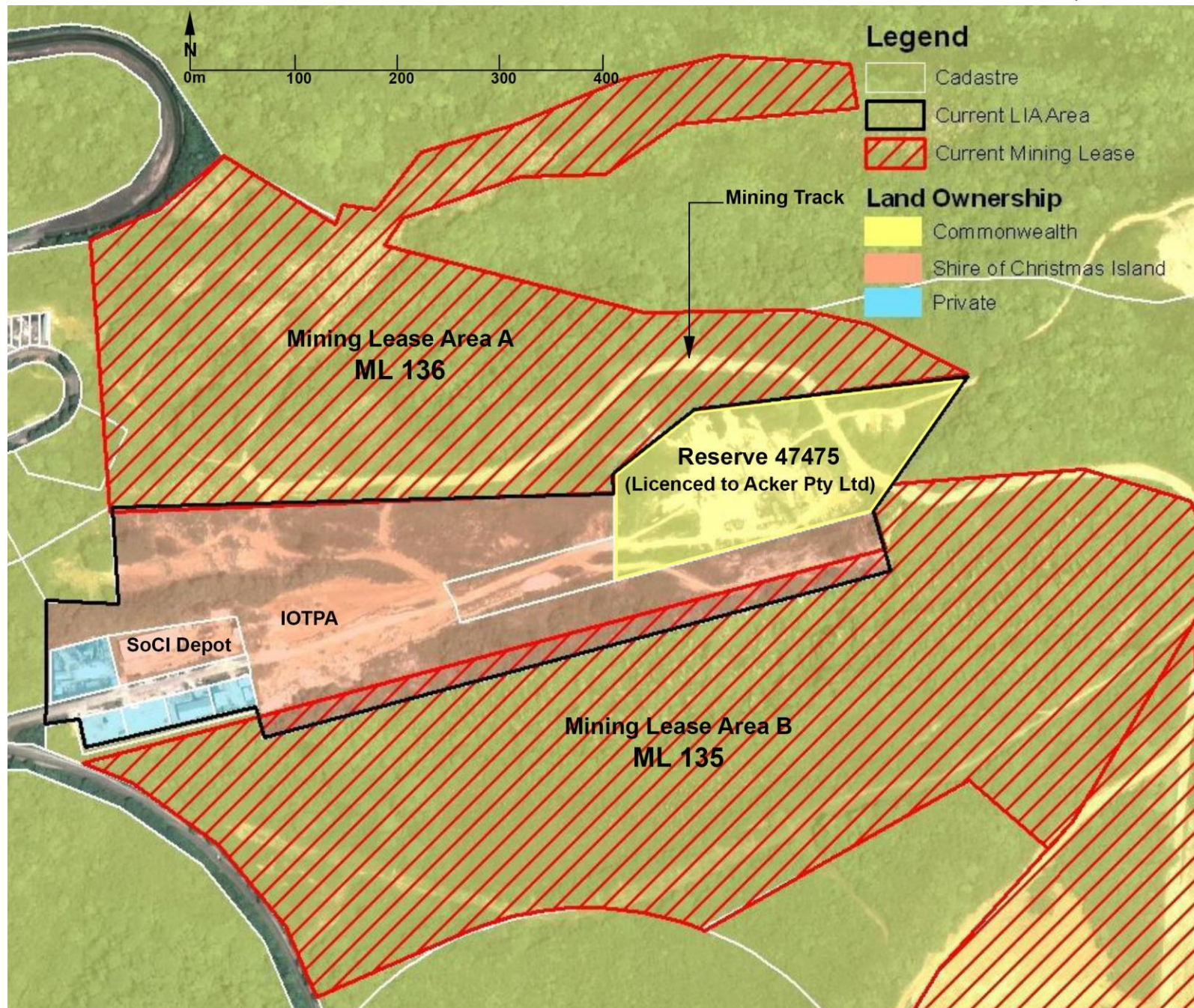
A – 2010 LIA Outline Development Plan

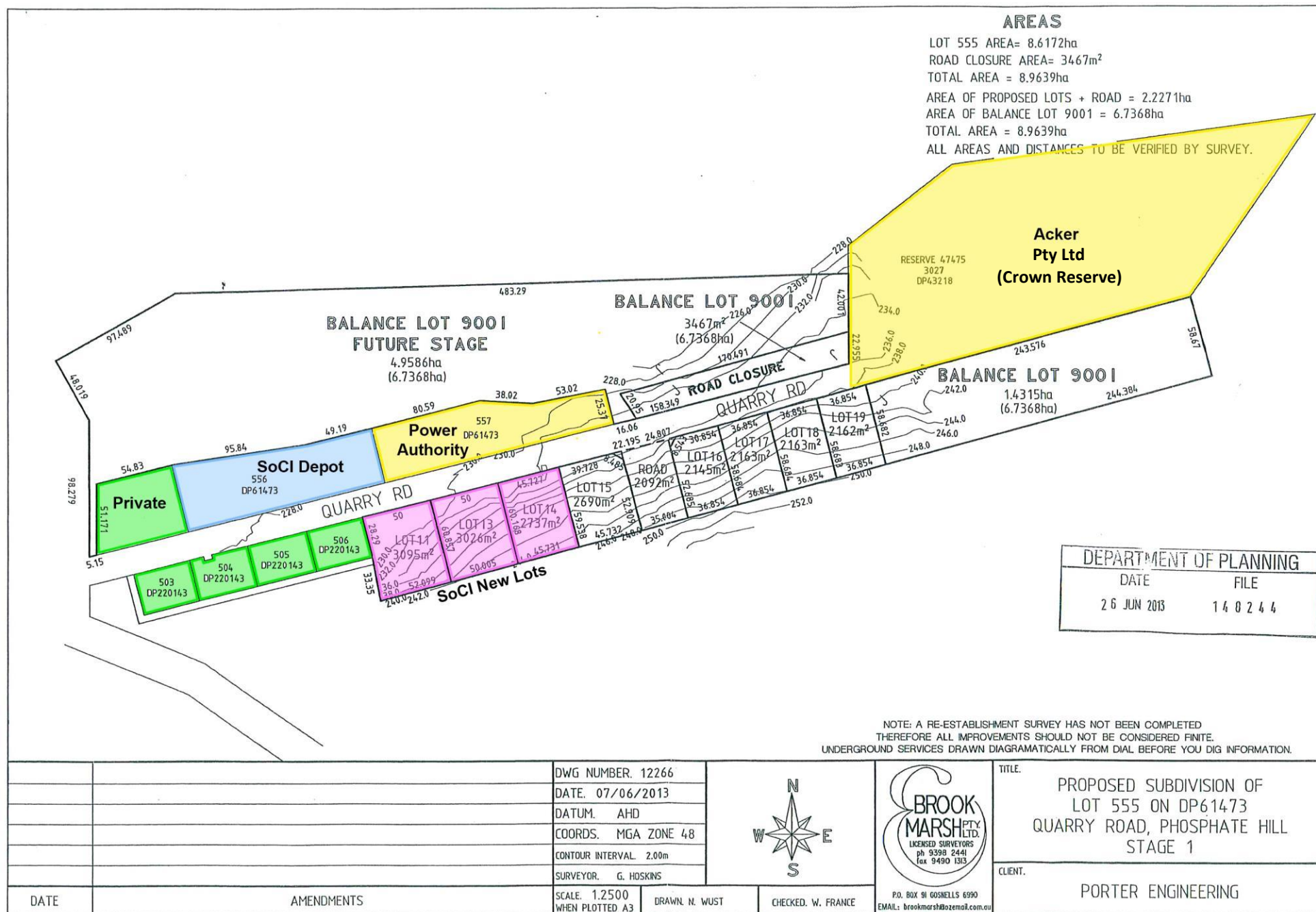


B – LPS 2 map - Improvement possibilities



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VER.	AMENDMENT	AUTHORISED BY	DATE

**PRELIMINARY ONLY UNLODGED VERSION
SUBJECT TO LANDGATE AUDIT**

THIS PLAN IS:
 • CURRENT AS OF 15/11/2016
 • SUBJECT TO CHANGE WITHOUT NOTICE
 • NOT INTENDED FOR DESIGN USE. A LANDGATE CERTIFIED CORRECT COPY SHOULD BE OBTAINED FOR SUCH PURPOSES.

BROOK MARSH PTY LTD.
 LICENSED SURVEYORS
 ph 9388 2441
 fax 9480 1351
 P.O. BOX 81 GOSNELLS 6950
 admin@brookmarsh.com.au

TYPE	FREEHOLD	S.S.A. NO
PURPOSE	SUBDIVISION	
PLAN OF	LOTS 508-510 INC AND LOT 9000	
FORMER TENURE	LOT 555 ON DP61473 C/T 2726-366	
LOCAL AUTHORITY	SHIRE OF CHRISTMAS ISLAND	
LOCALITY	PHOSPHATE HILL	
D.O.L. FILE		
FIELD RECORD	SURVEYOR'S CERTIFICATE - REG 54 I, G HOSKINS hereby certify that this plan is accurate and is a correct representation of the - (a) *survey; and/or (b) *calculations from measurements recorded in the field records, [* delete if inapplicable] undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.	
LICENSED SURVEYOR	DATE	
LODGED		
DATE	FEE PAID	ASSESS No.
I.S.C.		
EXAMINED		
DATE		
WESTERN AUSTRALIAN PLANNING COMMISSION FILE 148244		
Delegated under S.16 P&D Act 2005		
DATE		
IN ORDER FOR DEALINGS		
SUBJECT TO		
FOR INSPECTOR OF PLANS AND SURVEYS		
DATE		
APPROVED		
INSPECTOR OF PLANS AND SURVEYS (S. 18 Licensed Surveyors Act 1959)		
DATE		
DEPOSITED PLAN 410358 SHEET 1 OF 1 SHEETS VERSION 1		

INTERESTS AND NOTIFICATIONS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BUSINESSED	BENEFIT TO	COMMENT

HELD BY LANDGATE IN DIGITAL FORMAT ONLY





Calmy Planning & Design Pty. Ltd. ABN 20 137 599 949 – Tel (08)9450 6874 – M 0457 804 266
58 Bradshaw Crescent – MANNING WA 6152 – hervecalmy@gmail.com





