



Notice is given that a Special Meeting of the Shire of Christmas Island will be held at the George Fam Centre Chambers on 15 November 2021 commencing at 7.00pm.

AGENDA

- 1. Declaration of Opening/ Announcement of visitors**
- 2. Record of Attendance/Apologies/Leave of Absence/Declarations of Interest**
 - 2.1 Attendance
 - 2.2 Leave of Absence
 - 2.3 Apologies
- 3. Declarations of Financial, Proximity or Impartiality Interest**
- 4. Public Question Time**
- 5 Business of the meeting**
 - 5.1 Proposed Amendment to the Light Industrial Area
- 6 Closure of Meeting**
- 7 Date of the next Ordinary Meeting**
 - 7.1 Date of the next Ordinary Council Meeting: 16 November 2021



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Special Meeting of Council 15 November 2021
AGENDA REFERENCE	5.1
SUBJECT	Proposed Amendment to the Light Industrial Area
LOCATION/ADDRESS/APPLICANT	
FILE REFERENCE	1.5.11
INTEREST DISCLOSURE	
DATE OF REPORT	9/06/21
AUTHOR	David Price
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

- a) Council endorses the SOCI recommendations in response to:
- the 14 April 2021 Phosphate Resources Ltd. (PRL) submission and
 - the 6 May 2021 Eco Crab Industries (ECI) submission both made in relation to the *March 2021 Proposed Amendment to the Light Industrial Area*.
- b) The SOCI to issue attachment 5.1.2. to PRL and attachment 5.1.1 to ECI as formal response to their respective submission.
- c) Council endorses the *June 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).
- d) The SOCI to issue the endorsed Report to the DITRDC as SOCI's formal input into the CISA Land Use Plan for the LIA, Hospital, Taman Sweetland Circuit and Phosphate Hill Historic areas.
- e) The SOCI to formally engage with the DITRDC to progress Actions 1 and 2 on page 8 of the Report.

BACKGROUND

The *March 2021 Proposed Amendment to the Light Industrial Area* was advertised for comments through Public Notice 03/21 issued 24 March 2021 closed 14 April 2021.

COMMENT

Two formal submissions were received in response to the Public Notice.

- 1) Phosphate Resources Ltd. made a submission on the 14 April 2021. (see full submission attached with SOCI's responses and recommendations)
- 2) Eco Crab Industries on the 6 May 2021. (see full submission attached with SOCI's responses and recommendation)

STATUTORY ENVIRONMENT

The SOCI was advised on the 18 May 2021 by the Western Australian Planning Commission (WAPC) Secretary that the Commission had considered the Shire's 22 April 2021 report of review under regulation 67 of the ***Planning & Development (Local Planning Schemes) Regulations 2015(WA)(CI) (LPS Regulations)*** and advised that the commission had agreed with the report two recommendations as follow:

“pursuant to ***Regulation 66(3)(a)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CI)*** to make a recommendation to the Western Australian Planning Commission that the Shire of Christmas Island Local Planning Scheme No. 2 be repealed and a new scheme be prepared in its place”;
and

“pursuant to ***Regulation 66(3)(b)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CI)*** to make a recommendation to the Western Australian Planning Commission that the Shire of Christmas Island Local Planning Strategy 2015 should be repealed and a new strategy prepared in its place”

The ***June 2021 Proposed Amendment to the Light Industrial Area*** intent and key maps will inform and be included in the Draft Local Planning Strategy No.3

POLICY IMPLICATIONS

The Report is designed to consolidate the review of the 2015 Planning Strategy and maintain (as much as feasible) alignment with the CISA process.

FINANCIAL IMPLICATIONS

There is suitable allocation to input into the CISA process and review the Scheme in the current budget

STRATEGIC IMPLICATIONS & MILESTONES

1. Issue attachments 5.1.1 and 5.1.2 to ECI and PRL respectively
2. Issue the Report to the DITRDC as SOCI's formal input into the CISA Land Use Plan
3. Incorporate the Report's intent and key maps in the Draft Local Planning Strategy No.3

VOTING REQUIREMENTS

Simple Majority

ATTACHMENTS

- 5.1.1 ***SOCI's response to Eco Crab Industries 6 May 2021 Submission***
- 5.1.2 ***SOCI's response to Phosphate Resources Ltd. 14 April 2021 Submission***
- 5.1.3 ***June 2021 Proposed Amendment to the Light Industrial Area***

Item	Eco Crab Industries 6 May 2021 Submission	SOCl Response	Recommendation
1	<p>I (Tanya Cross) have read and passed the planning document around to those involved with our organisation. This planning document is of substantial interest to us as we believe there is a certainly need for a Light Industrial Area for Christmas Island, and Eco Crab Industries in particular.</p>	<p>The Shire notes Eco Crab Industries' (ECI) recognition of the need for a Light Industrial Area (LIA) on CI and its interest in establishing itself there.</p>	Nil
2	<p>Overall, the plan seems sound as it will free up space in the tourism precinct near our headquarters,</p> <p>however here are some points to raise.</p>	<p>ECI operates on a Public Reserve to the Shire. The surrounding areas are zoned Public Purpose (Religious) Commercial or Residential. Tourism is not permitted in that precinct.</p>	Nil
3	<p>Container storage - This plan sets aside land for container storage. It also provides easy access for container storage, without having to drive through Poon Saan. This sounds like a win-win. However, would transporting containers up and down the hill frequently increase truck activity, pollution and noise?</p>	<p>The Shire notes ECI's support for the proposed container storage area and its access route by-passing Poon Saan.</p> <p>The location of the container storage area will inevitably induce a new container traffic pattern on the Island commensurate in size with the existing and future volume of freight generated by businesses and residents alike.</p> <p>For this reason, the Shire sees the direct eastern route to Murray Road as essential to minimise truck activity, pollution and noise on residential areas.</p>	Nil
4	<p>Land Swap - While land swap seems very logical, government bureaucracies like to keep the status quo and keep hold of their own land. This biggest barrier is that the Federal Government will not approve the land swap, or delay it for long periods.</p>	<p>The Shire is well aware of the many challenges associated with Crown Land dealings on CI.</p> <p>This said it cannot preclude the possibility of a positive and constructive land redistribution arrangement with the Commonwealth to improve/increase light industrial land offerings seen as an essential component to facilitate and expand the island's economic outlook.</p> <p>The Shire hopes this key objective will be accepted by the Commonwealth thus resulting in a fruitful new land arrangement outcome.</p>	Nil

5	<p>Therefore, it is important to provide as much feedback as possible to SOCI that this is a good idea. That means individual submissions and particularly submissions from people in business and tourism. I think it would be good for the Administrator to hear all these views as well.</p>	<p>The Shire appreciates and notes ECI's positive suggestion that the LIA land reconfiguration through land swap is a "good idea".</p> <p>The Shire sees the formal and official Public Notice vehicle to seek comments from all interested parties as the most appropriate, efficient, transparent and fair process to gather support, new ideas, constructive suggestions and or criticism from the CI residents, the business community and the public service alike.</p> <p>The Shire responses to submissions is also an open and public process through the workings of the elected Shire Council.</p> <p>It must finally be appreciated that absence of comments can only be interpreted by the Shire as a form of implicit approval or endorsement.</p>	Nil
6	<p>Crab Migration - The new Quarry Rd section (in red on diagram C) should have grids or a crab bridge installed near the new proposed roundabout with Murray Rd and further up the hill near the present Quarry Rd. According to the current planning document, the crab migration corridor and "ecological and heritage corridor" are both dead ends - all of the crabs have to cross the road to migrate down the hill. This is not only of concern to the conservation of the red crabs but also poses increased risk of traffic hazards.</p>	<p>The Shire has purposely re-established the notion of crab migration into the LIA planning agenda in response to the overwhelming community backing to encourage/facilitate crab migration.</p> <p>The Shire recognises the need to consider practical environmental and traffic safety measures such gridded passages or bridges at the implementation/construction stage to reduce the conflictual condition between traffic and crab migration along Phosphate Hill Road near the hospital, further down in the vicinity of the proposed Murray Road runabout and possibly on the eastern section of Quarry Road.</p>	<p>Show desirable locations for engineered crab migration crossings on the proposed LIA road system</p>

7	<p>Noise and pollution - Will there be any noise or pollution concerns in the future residential area above Taman Sweetland Ct owing to proximity with the industrial area?</p>	<p>The Shire has recognised the need to have a physical buffer (estimated at 75m) between light industrial lots 1 & 6 and the hospital or the nearest future residential area east of Taman Sweetland Circuit as, in part, a noise impact mitigation planning measure.</p> <p>It is worth noting that noise emissions are controlled under the <i>WA Environmental Protection (Noise) Regulations 1997</i> and pollution levels are subject to the <i>WA Environmental Protection Act 1986</i></p>	Nil
8	<p>We suggest making an appointment to talk to the residents of Taman Sweetland Ct given them the opportunity to raise any concerns and/or suggestions regarding this.</p>	<p>As asserted in response 5 the Shire has formally invited, through Public Notice, the entire CI community to provide feedback on the merit or otherwise of the March 2021 Proposed Amendment to the LIA.</p> <p>The CI community (inclusive of the Taman Sweetland residents) will have, in the forthcoming months, another opportunity to raise concerns and/or suggestions regarding the LIA when the Shire fulfill its mandatory obligation to advertise its new Local Planning Strategy as part of the mandatory Shire Town Planning Scheme No.2 Review.</p>	Nil

Item	Phosphate Resources Ltd. 14 April 2021 Submission	SOCI Response	Recommendation
1	<p>Thank you for providing the Shire's 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), and the Review of the 2015 Local Planning Strategy and ultimately the formulation of the Local Planning Scheme No.3 (LPS No.3). PRL have reviewed the information and wish to provide comments on the proposal.</p>	Noted	Nil
2	<p>Overall PRL has concerns over the proposed time frames for the relinquishment of mining lease ML 136 (Site A). We are not aware of any immediate demand for industrial land on Christmas Island that would be driving the urgency to relinquish the site.</p>	<p>The review of the LIA is not about immediate demand, it is about the CISA, its minimum 30 years timeframe and the need to improve/consolidate the town planning framework to induce and accelerate economic development opportunities.</p>	Nil
3	<p>We also believe there may exist significant technical and cost impediments to the proposed new road connecting Murray Rd into the LIA through Mining Lease 136.</p>	<p>Technical and cost impediments for the road connecting Murray Rd into the LIA were recognised in the 2010 LIA Outline Development Plan.</p> <p>This did not constitute an obstacle to recognise the merit and strategic importance of the road and its statutory inclusion in the 2016 TPS No.2.</p> <p>As such, the case for the road is not new and its ultimate construction cost, whilst important, is not central to the remit of the town planning review.</p>	Nil

4	<p>This is due to the challenging topography of the area, steep gradient, environmental issues and the potential for future ground stability issues.</p>	<p>The review is proposing an alternative alignment to that of the TPS No.2 to minimise gradient steepness.</p> <p>Plate L on page 19 also illustrates a larger area to be assessed under the CISA than what is required to accommodate the road reserve in order to address ground stability and environmental issues during the construction of the road in the future.</p>	<p>As advised by Main Roads WA and the WA Local Government Association the SOCI to consider Austroads 2021- Guide to Road Design part 3: Geometric Design as the appropriate tool for future detail engineering road design works.</p> <p>The Guide's Section 8.5 Grades sets the maximum negotiable grade for heavy vehicles at 15% being satisfactory on low volume roads only and with extremely slow speed downhill.</p> <p>In order to achieve greater detail engineering design flexibility, the proposed road reserve varies from 30m to 50m to ensure that vertical and horizontal curve combinations, intersection arrangements, drainage requirements and ground stability can be adequately achieved.</p>
5	<p>A. Point 13. Conclusion and proposed Actions Points - 1, 2;</p> <p>(1) As previously indicated PRL sees little value in the establishment of a formal working framework between the DITRDC, the Shire and PRL on mine site relinquishment outside of those that exist in our mining lease.</p>	<p>The 6/11/2020 PRL submission regarding the Shire Strategic Directions stated: " PRL are working through a long term relinquishment program, and currently submit 3 year plans to the Commonwealth. Priority areas should be identified by SOCI & Commonwealth as input into the longer term relinquishment program."</p>	<p>The Shire November 2020 recommendation: <i>"Add new paragraph to the Strategic Planning Response: 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"</i> <u>remains valid, is relevant to points 6, 7, 8,11 & 12 below and should be upheld.</u></p>

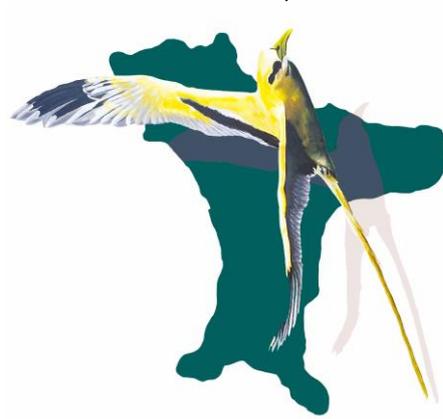
6	<p>There are existing legal arrangements under the mining lease between the Commonwealth and PRL which adequately address the mine site relinquishment process. These are supported by service delivery arrangements between the Commonwealth and the WA Department of Mines, Industry Regulation and Safety.</p>	<p>The Shire recognises PRL's legal obligations governing the progressive relinquishment of mining areas.</p> <p>The current system, where the Shire is not officially represented, is considered inadequate acknowledging it has not generated to this day any investment post relinquishment outside Hidden Garden.</p> <p>In the meantime, relinquished areas are revegetating thus unnecessary increasing environmental obstacles for future development.</p>	<p>Refer to item 5 recommendation</p>
7	<p>In terms of the Shire's interest in mining land for economic development purposes we are always open to discussion on an ongoing basis, as has been the practice in the past.</p>	<p>The Shire notes and welcomes PRL's disposition to discuss relinquishment issues centring on economic development on an ongoing basis.</p> <p>It is merely proposing to formalise (and be associated with) a collaborative dialogue with the Commonwealth and PRL on relinquishment matters and priorities, at regular and set times, to prosecute what has been proposed by PRL back in November 2020 (ref. response item 5 above)</p>	<p>Refer to item 5 recommendation</p>
8	<p>Public comment processes such as these, also provide a suitable forum for PRL to provide input and feedback on the Shires land planning activities.</p>	<p>Noted however this process should not be considered as a substitute to the objective of item 5 recommendation</p>	<p>Refer to item 5 recommendation</p>

9	<p>(2) With respect to the relinquishment of ML 136 and 135, PRL has already brought forward the timeframe for relinquishment of ML 135, at the Shire's request to 2021/2022 financial year. This is despite our focus on priority remediation and relinquishment sites in other areas of the Island.</p>	<p>The Shire notes and welcomes PRL's commitment to relinquish ML 135 in the 2021/2022 financial year.</p> <p>This could allow the Shire to make a subsequent request to the Minister to enable the creation of the southern section of the LIA revised road alignment inclusive of the segment through Reserve 47475 licenced to Acker Pty Ltd.</p> <p>It will also activate the release of land in the LIA southern section for the much-needed storage of sea containers across the island and the port area in particular.</p>	<p>The Shire resolve to prepare the necessary GIS diagrams with the view to make a request to the Minister to dedicate land for the southern section of the LIA revised road alignment under the WA Land Administration Act 1997 Section 56.</p>
10	<p>ML 136 presents PRL with a range of challenges. The site is a mix of legacy (Commonwealth) and PRL mining, with deep pinnacle fields, and resulting access and safety issues. PRL has already (at the request of the Shire) relinquished part of the site to the north of the Acker Lease. (We suggest that Plate D should be updated to show the remaining mining lease as indicated on plate K).</p>	<p>The Shire acknowledges the higher level of technical and legal challenges associated with the relinquishment of ML 136.</p> <p>Plate D is a background diagram titled: <i>LIA Land Interests - early arrangement</i> (i.e. before 2010) and therefor does not warrant updating.</p> <p>Plate K was added at the request of PRL to reflect the current shapes of ML 135 and ML 136.</p>	<p>Amend the title of Plate D to: <i>LIA Land Interests prior 2010</i>.</p>

<p>11</p>	<p>Depending on the agreed finished landform remediation is also likely to be very time consuming and potentially costly to both PRL and the Commonwealth to complete, for the reasons stated above. Given these factors, the remainder of ML 136 is currently planned for relinquishment, at some point in the future after we complete the current priority areas.</p>	<p>The relinquishment of ML 136 remains central to the efficient and orderly development of the LIA who, in turn, constitutes an essential building block for the short and medium term economic development of the island by private parties.</p> <p>The Shire, through its planning process, is offering an ultimate road and land use layout for ML 136 considered optimum and achievable to inform simultaneously PRL and the Commonwealth, hopefully accelerate the relinquishment process and prioritise Commonwealth public works decision making that would create jobs and economic activities around the construction of the road with potential benefits to PRL, Acker Pty Ltd and the Shire.</p>	<p>Refer to item 5 recommendation. The Shire to elevate with the Commonwealth the relinquishment of ML 136 as a top priority.</p>
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12	<p>B. 8. Proposed reconfiguration of Reserve 47475</p> <p>(1) PRL understands one of the Shire's objectives is 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. It makes sense, however the 2010 LIA Outline Development Plan for the road realignment was subject to further detailed design.</p> <p>Based upon the data we have available to us on the proposed route, we believe there could be significant construction costs given the topography of the route and gradient.</p> <p>This could also result in limitations to the type of vehicles that use the road. We encourage the Shire to undertake further detailed design on the road before committing to the amendment given road access is a critical part of the proposed LIA design change.</p>	<p>The average gradient for the Murray Rd. to Quarry Rd. road is understood to be around 11.5%. Provision is made for increased Road Reserve width allowing greater future engineering design flexibility for heavy vehicles and in particular container carriers.</p> <p>As demonstrated in plate B points d) & f) p.9 the question of minimising road cost has been central the Shire's agenda in reviewing the LIA layout and significant cost savings have been achieved.</p> <p>Whilst important, high road cost is not unusual for CI and should not translate into a justification for delay or worst inaction. Also refer to the response for item 3.</p>	<p>Refer to item 5 recommendation.</p> <p>Create a new plate illustrating the physical parameters (vertical distances, horizontal distances and average gradient) for the road segment between Murray Road and Quarry Road in the context of surrounding existing contours and Road Reserves widths.</p>
13	<p>C. 5. Proposal to amend the LIA</p> <p>(1) Based upon our knowledge of the site we believe that part of the proposed Sea Container Laydown area may conflict with the current heritage reserve area to the north east of the airport reserve.</p>	<p>The Shire is aware some 0.8 ha. at the eastern end of the proposed lot 17 (ref. plate C p.10) overlaps with the Heritage listed Phosphate Hill Area.</p> <p>This does not depart from the current Light Industrial zoning overlap in the TPS No.2. The Shire expects the CISA process to resolve this overlap issue and intends advocating to significantly increase the Phosphate Hill Historic Area westward into the Ecological/Heritage Corridor north of lots 16 & 17.</p>	<p>Reconfigure the eastern end of lot 17 to exactly reflect the TPS No.2 geometry.</p> <p>Create a new plate to show the LIA in the context of the Phosphate Hill Historic Area to illustrate the overlap between part of lot 17 and the Commonwealth heritage listed Phosphate Hill Historic Area.</p>

Proposed Amendment to the Light Industrial Area



**SHIRE OF
CHRISTMAS ISLAND**

June 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 (SOC) 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. 9)* 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. 10**) 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 LIA southern section.

5. Proposal to amend the LIA

The proposed improvements identified in items a) to f) above have been translated and mapped in [plate C p. 11](#). 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.

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. 12,13,14](#)) 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. 15**) 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. 16**), 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.17**). 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.18**) 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.19](#) 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. 19](#) 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.

11. Murray Road to Quarry Road link

The notion of a road link between Murray Road and Quarry Road was featured in the [2010 LIA Outline Development Plan](#) and consolidated accordingly in the LPS No.2. This direct road link between the port and the LIA to improve travel time and minimise heavy vehicle traffic through the Poon Saan residential areas remains a key infrastructure feature of the planning instrument for the LIA.

A proposed road layout is shown in [plate L p.20](#).

This diagram illustrating the road physical parameters with an average grade of 11.28% over 815m was forwarded to Main Roads WA and the WA Local Government Association who referred to [Austroads 2021- Guide to Road Design part 3: Geometric Design](#) as the appropriate tool for future detail engineering road design works.

The Guide's [Section 8.5 Grades](#) sets the maximum negotiable grade for heavy vehicles at 15% being satisfactory on low volume roads only and with extremely slow speed downhill.

In order to achieve greater detail engineering design flexibility, the proposed road reserve varies from 30m to 50m to ensure that vertical and horizontal curve combinations, intersection arrangements, drainage requirements and ground stability can be adequately achieved.

12. Commonwealth Heritage

The [Phosphate Hill Historic Area \(ref. plate M p. 21\)](#) appears on the Commonwealth Heritage List (Class Historic – Listed Place 22/06/2004 – Place ID 105297 – Place File 9/03/001/00009). Plate M confirms that an overlap exists between the amended LIA layout and the [Phosphate Hill Historic Area](#). This overlap is identical to the existing overlap between the LPS No.2 approved by the Minister in 2016 and the [Phosphate Hill Historic Area](#). With the elimination of the road segment between the northern section and southern section of the LIA ([ref. plate B p.10](#)) the opportunity exists, as part of the

CISA process, to increase the *Phosphate Hill Historic Area* westward all the way to Phosphate Hill Road as shown on plate M. This would protect the entirety of the historic deep hand-dug pinnacle field as illustrated on **plate C p. 11**, and further consolidate the area as a Heritage & Ecological corridor.

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 Land Use Plan.

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 N p. 22**. 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 beyond the Road Reserve providing additional flexibility during road construction and beyond lots 1 to 3 opposite the National Park also providing additional flexibility for the earthworks to establish these lots.

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 as Urban Development the totality of land adjacent to Taman Sweetland Circuit.

Conclusions 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 related 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.

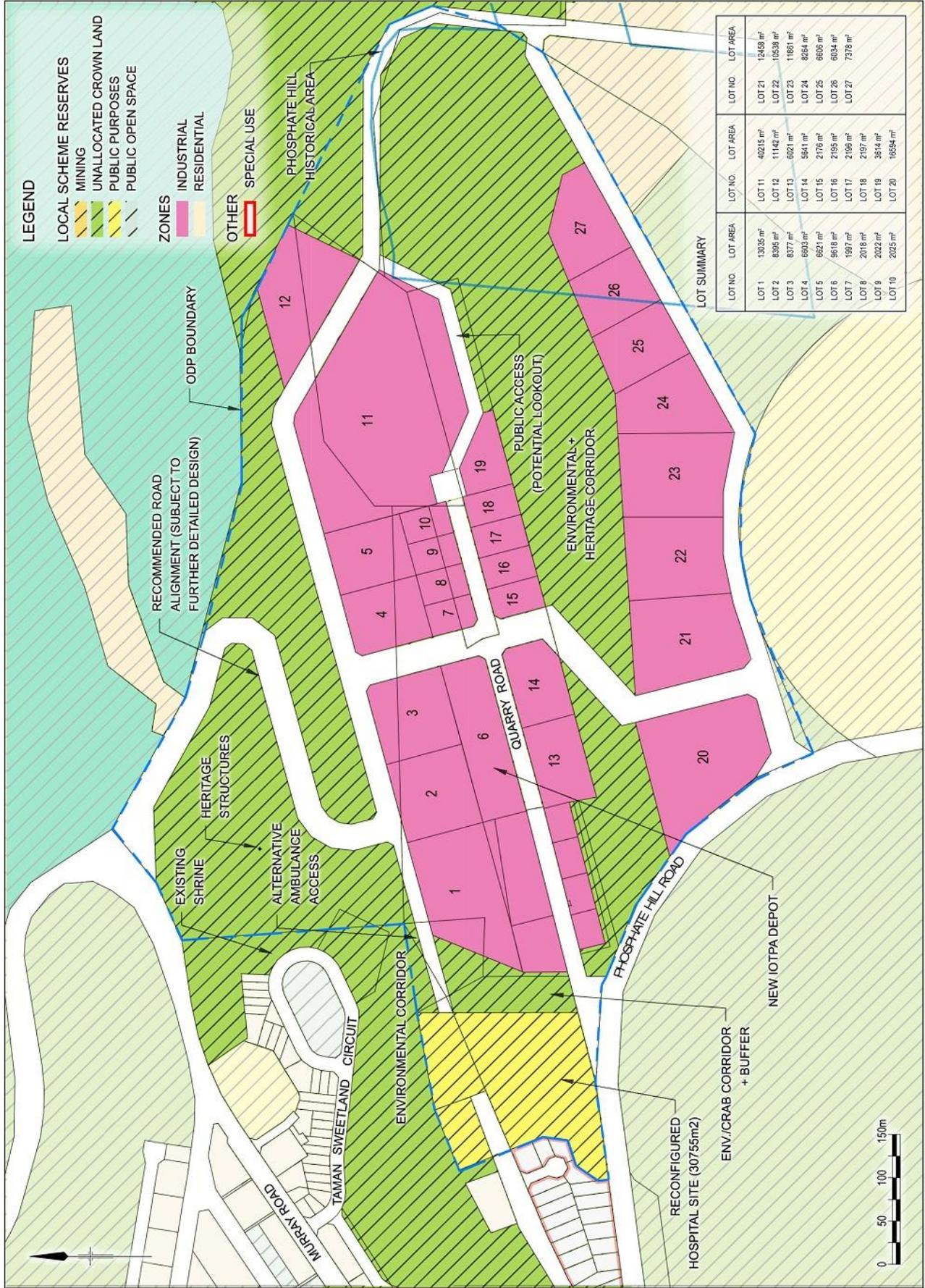
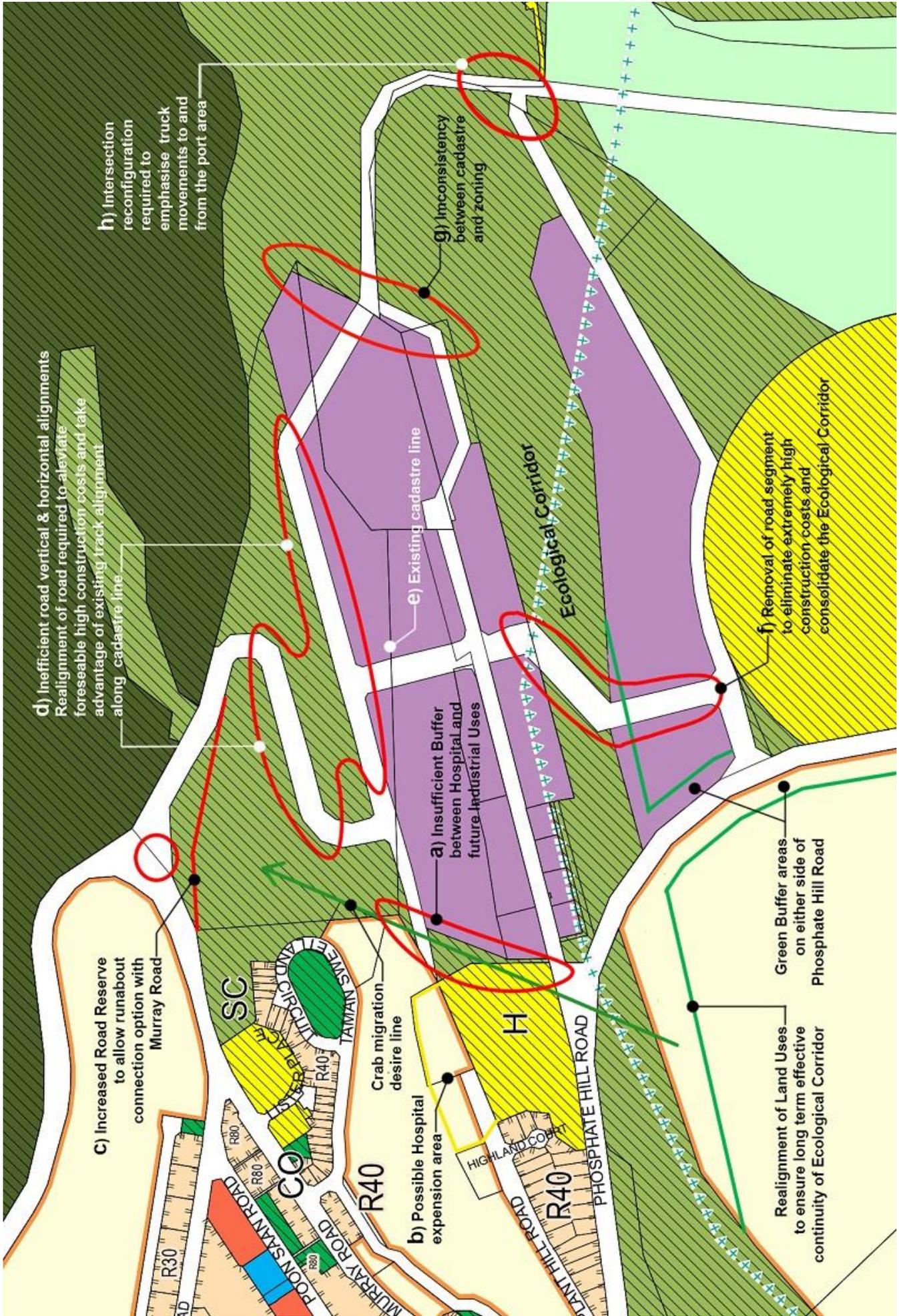
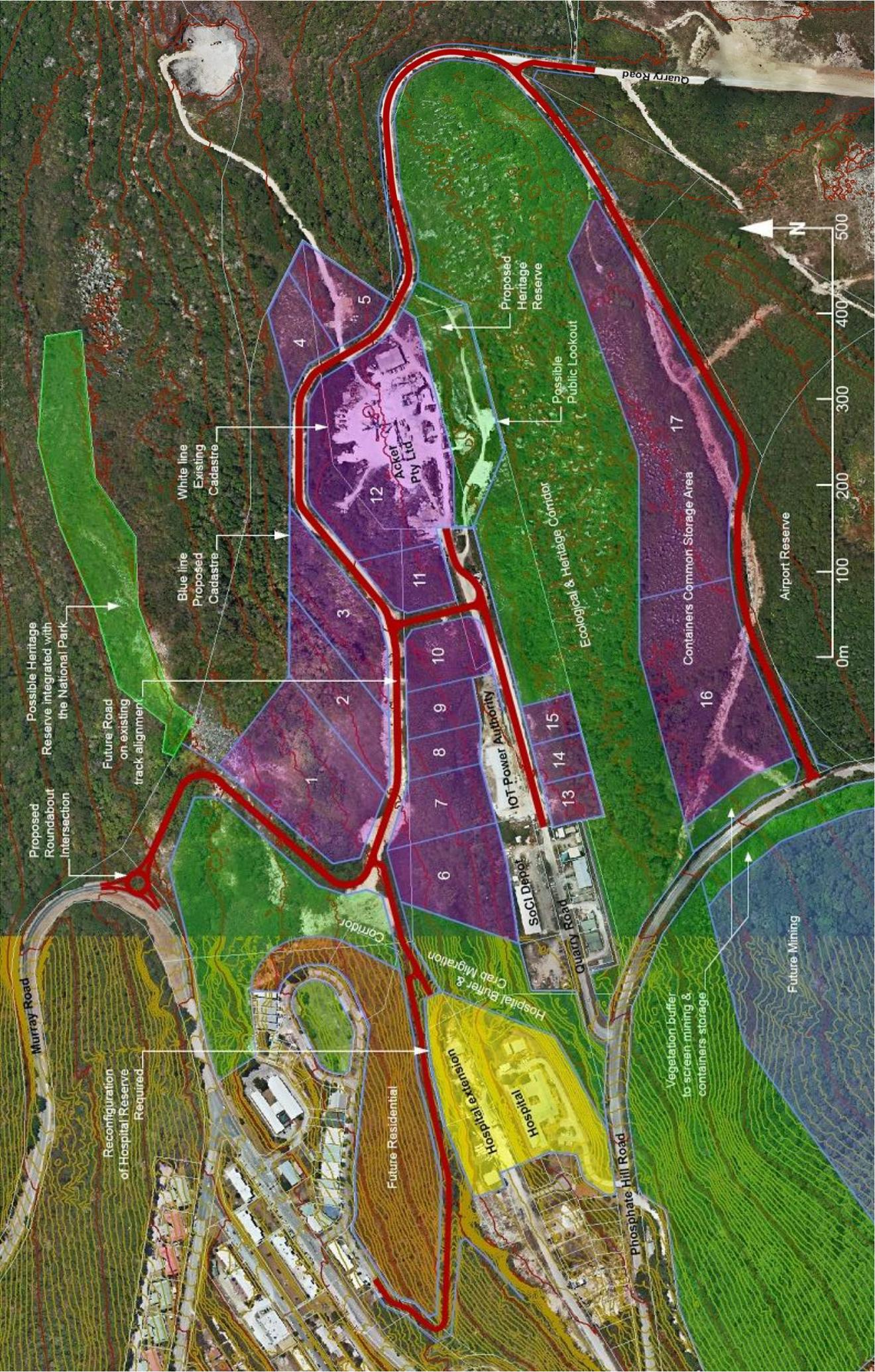


Figure 5: Outline Development Plan

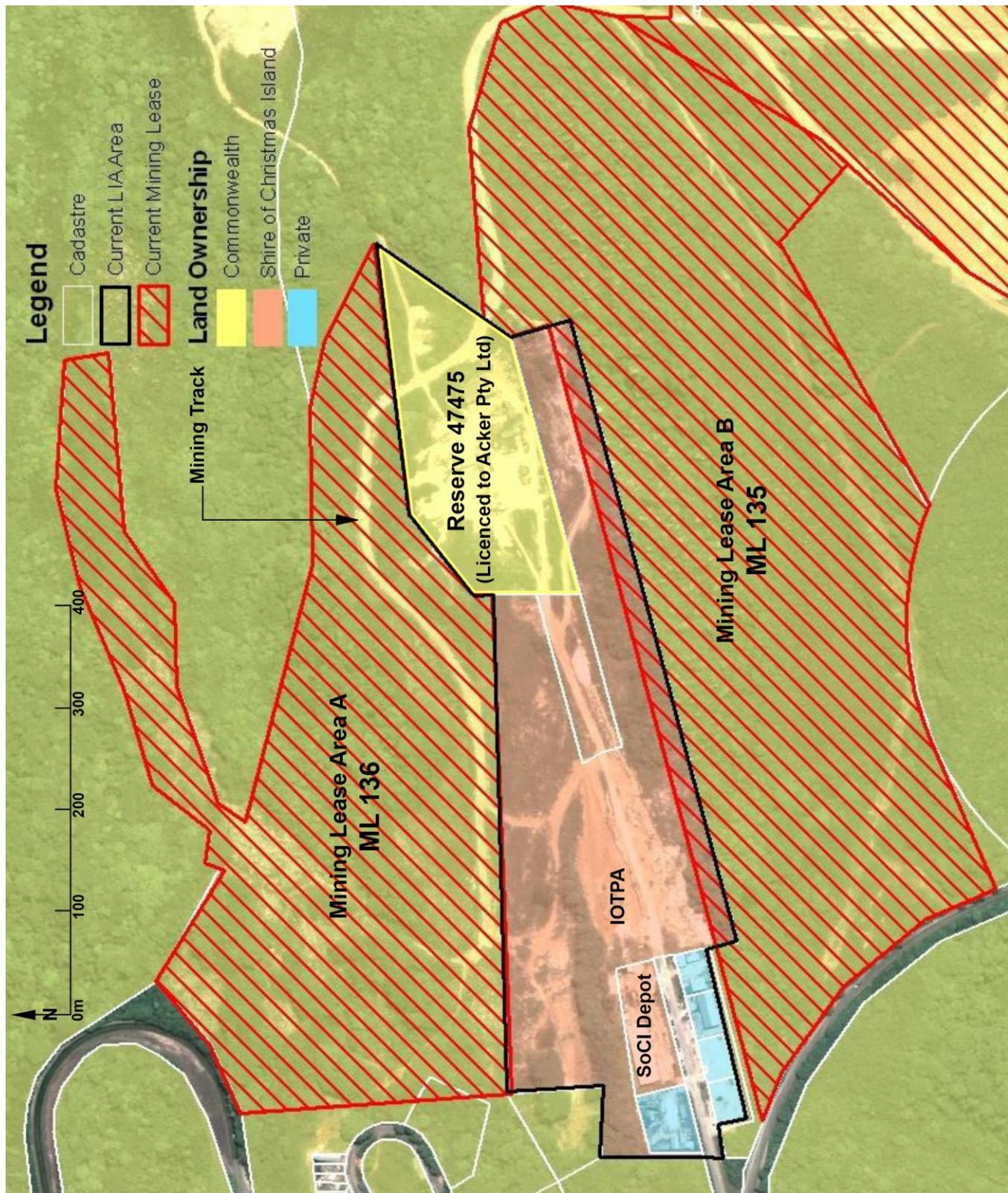
A – 2010 LIA Outline Development Plan



B – LPS 2 map - Improvement possibilities

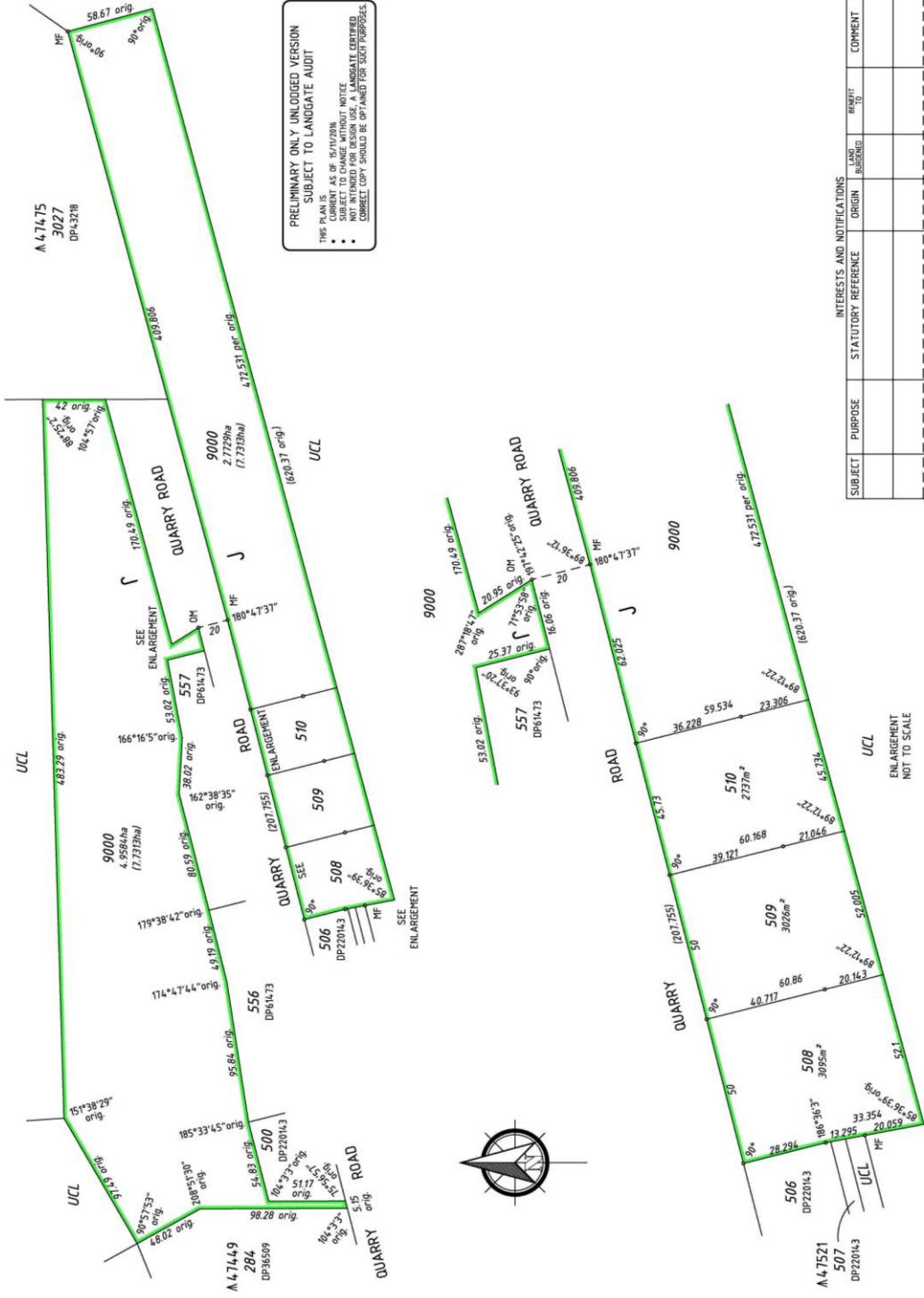


C - Proposed amended LIA



D - LIA Land Interests prior 2010

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	I hereby certify that the plan is accurate and is a correct representation of the - (a) actual 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	LODGED	DATE
DATE	FEE PAID	ASSESS NO.
I.S.C.	EXAMINED	DATE
WESTERN AUSTRALIAN PLANNING COMMISSION	FILE 148244	
Delegated under S.16 P&O Act 2005	DATE	
SUBJECT TO	IN ORDER FOR DEALINGS	
FOR INSPECTOR OF PLANS AND SURVEYS	DATE	
INSPECTOR OF PLANS AND SURVEYS	DATE	
(S. 18 Licensed Surveyors Act 1989)		



VER.	AMENDMENT	AUTHORISED BY	DATE

INTERESTS AND NOTIFICATIONS			
SUBJECT	PURPOSE	STATUTORY REFERENCE	COMMENT

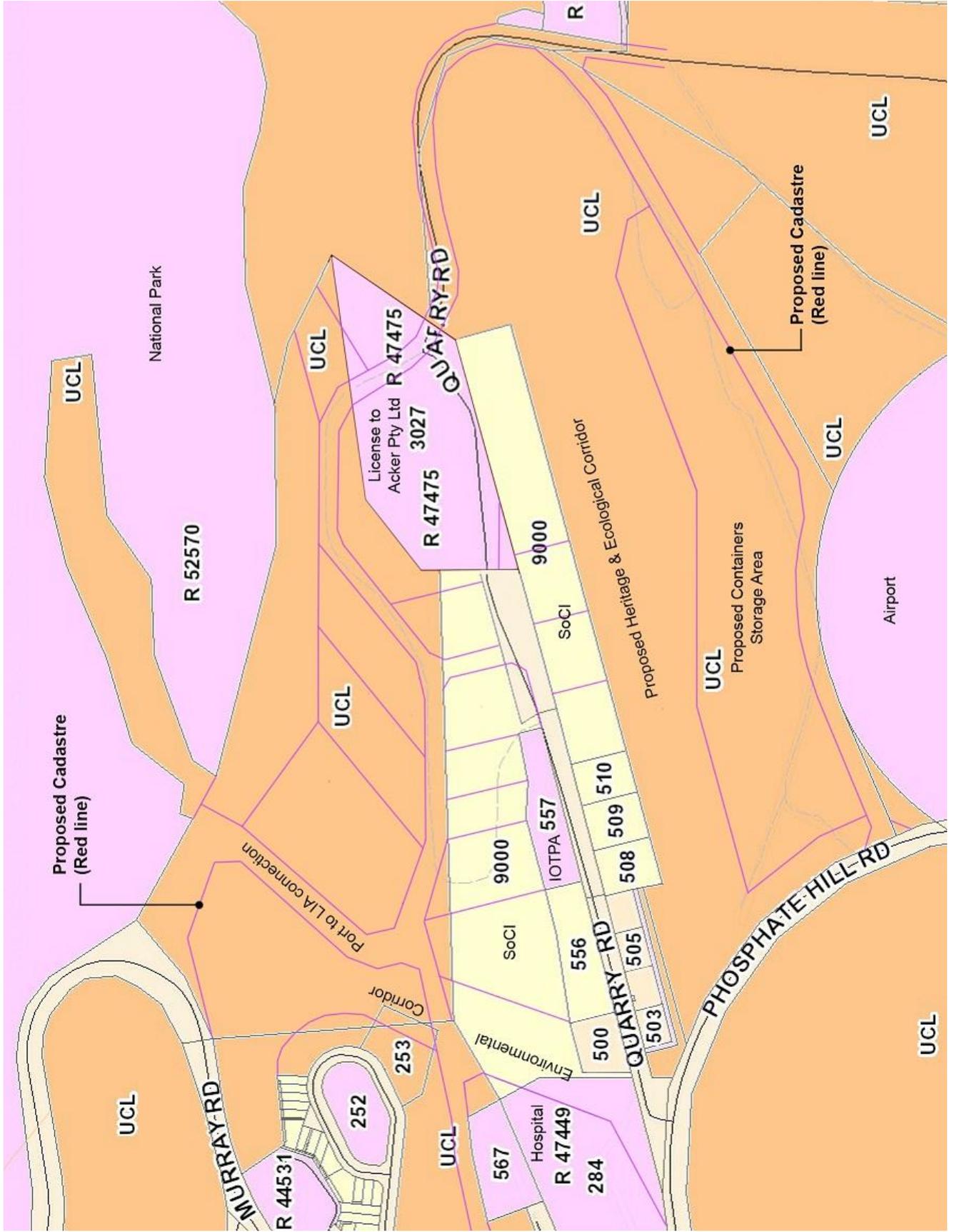


HELD BY LANDGATE IN DIGITAL FORMAT ONLY

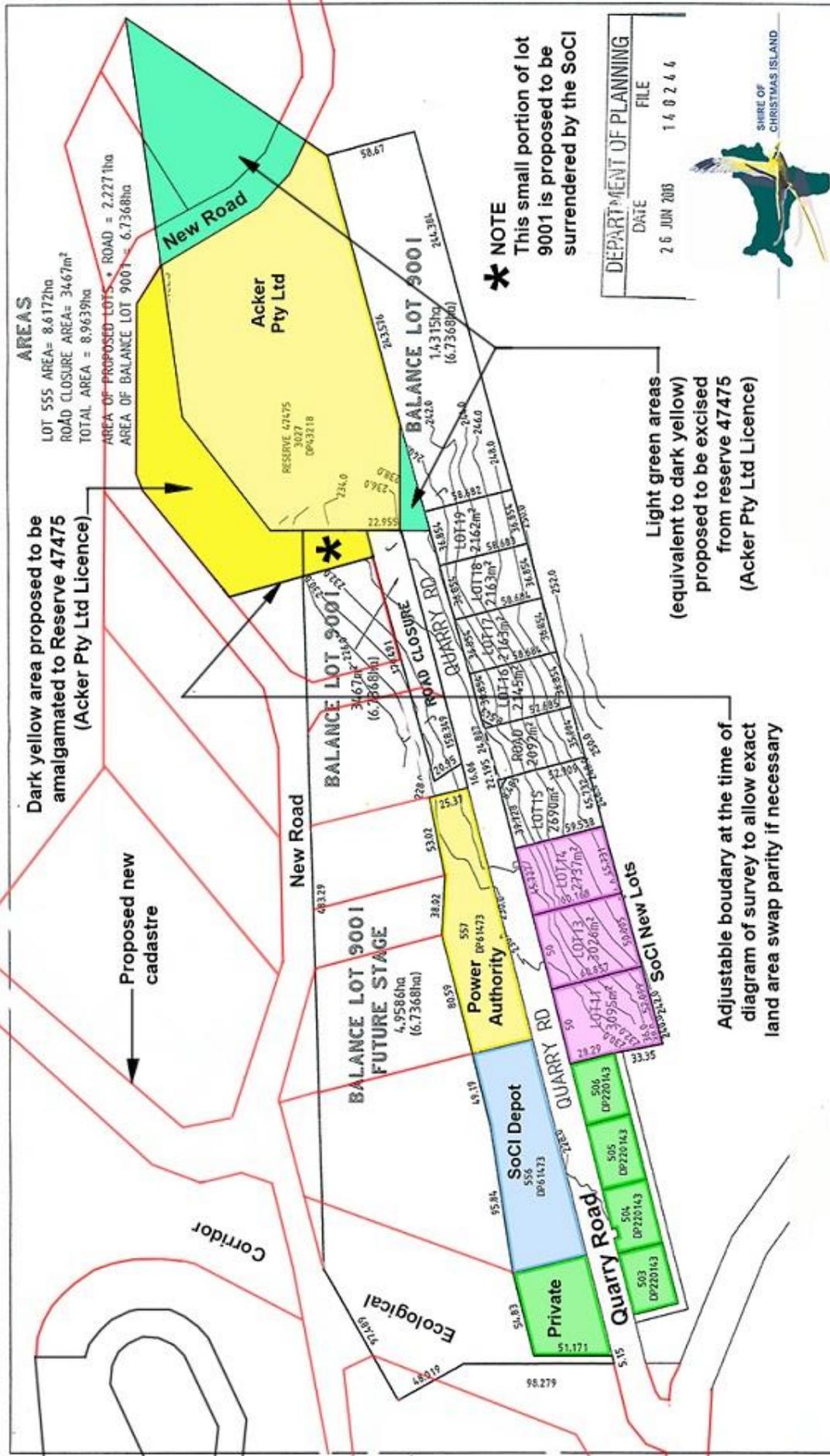


DEPOSITED PLAN
410358
 SHEET 1 OF 1 SHEETS
 VERSION 1

F - SoCI Freehold Deposited Plan



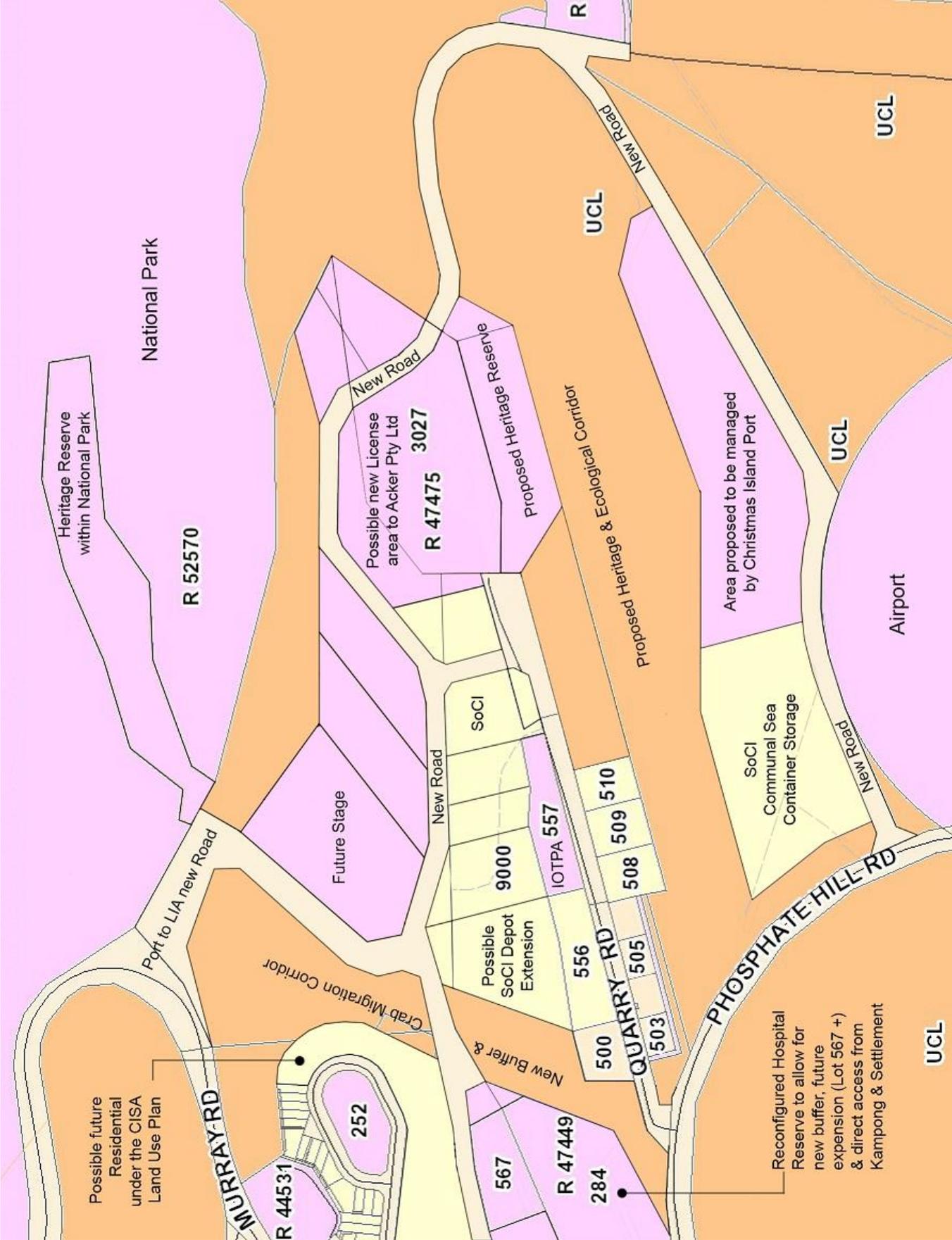
G - Current Tenure & Proposed Cadastre



DATE	10 Dec 2020	AMENDMENTS	
DWG NUMBER	12266	DATE	07/06/2013
DATUM	AHD	COORDS	MGA ZONE 48
CONTOUR INTERVAL	2.00m	SURVEYOR	G. HORSBURG
SCALE	1:2500	BY	BOBBI N. MUST
CHECKED	W. FRANK	DATE	10 Dec 2020
		PROPOSED SUBDIVISION OF LOT 555 ON DP61473 QUARRY ROAD, PHOSPHATE HILL STAGE 1	
PORTER ENGINEERING		CLIENT	

DEPARTMENT OF PLANNING
 DATE: 26 JUN 2015
 FILE: 14.0244
 SHIRE OF CHRISTMAS ISLAND

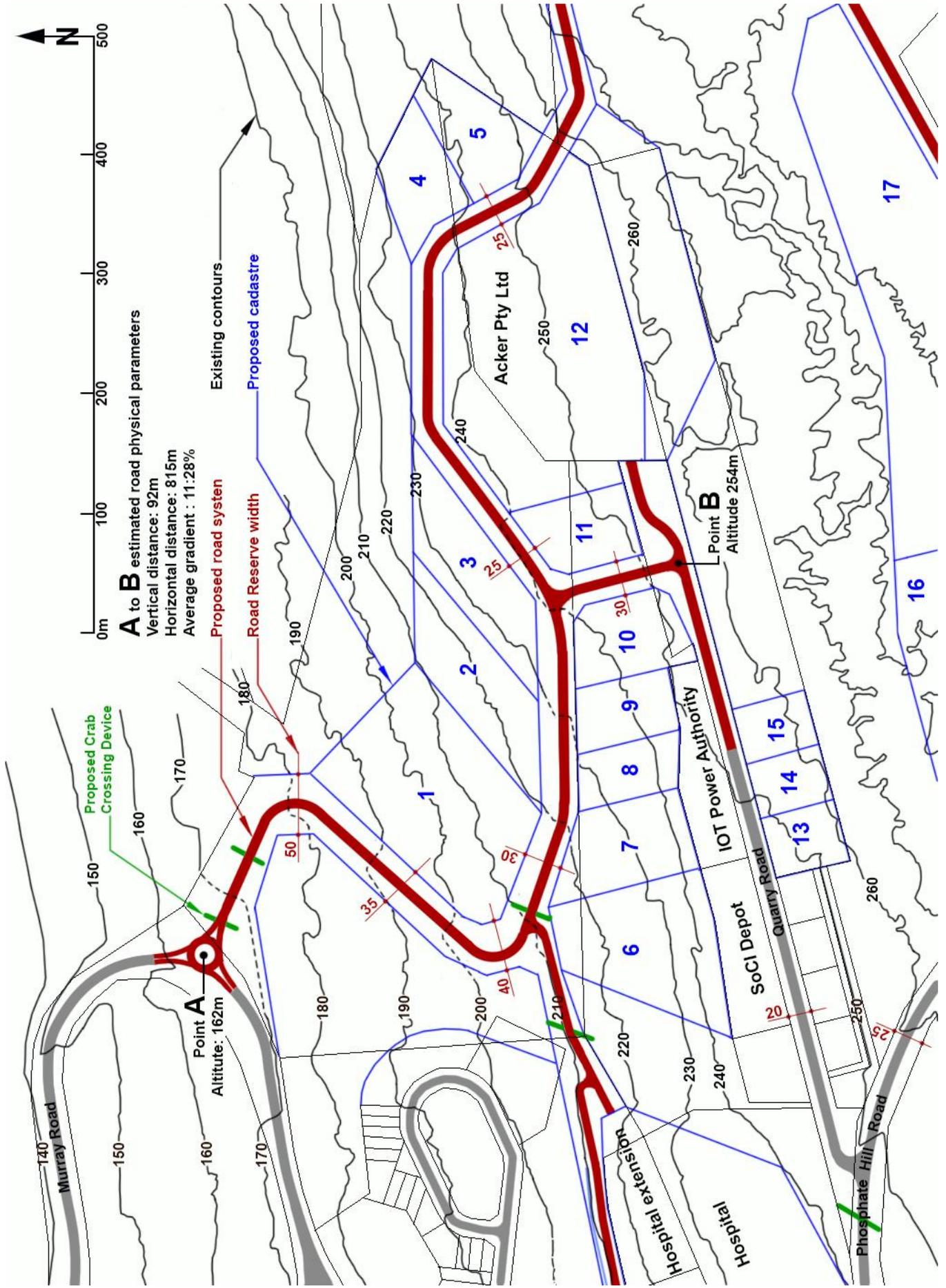
H - Proposed Reconfiguration of R 47475



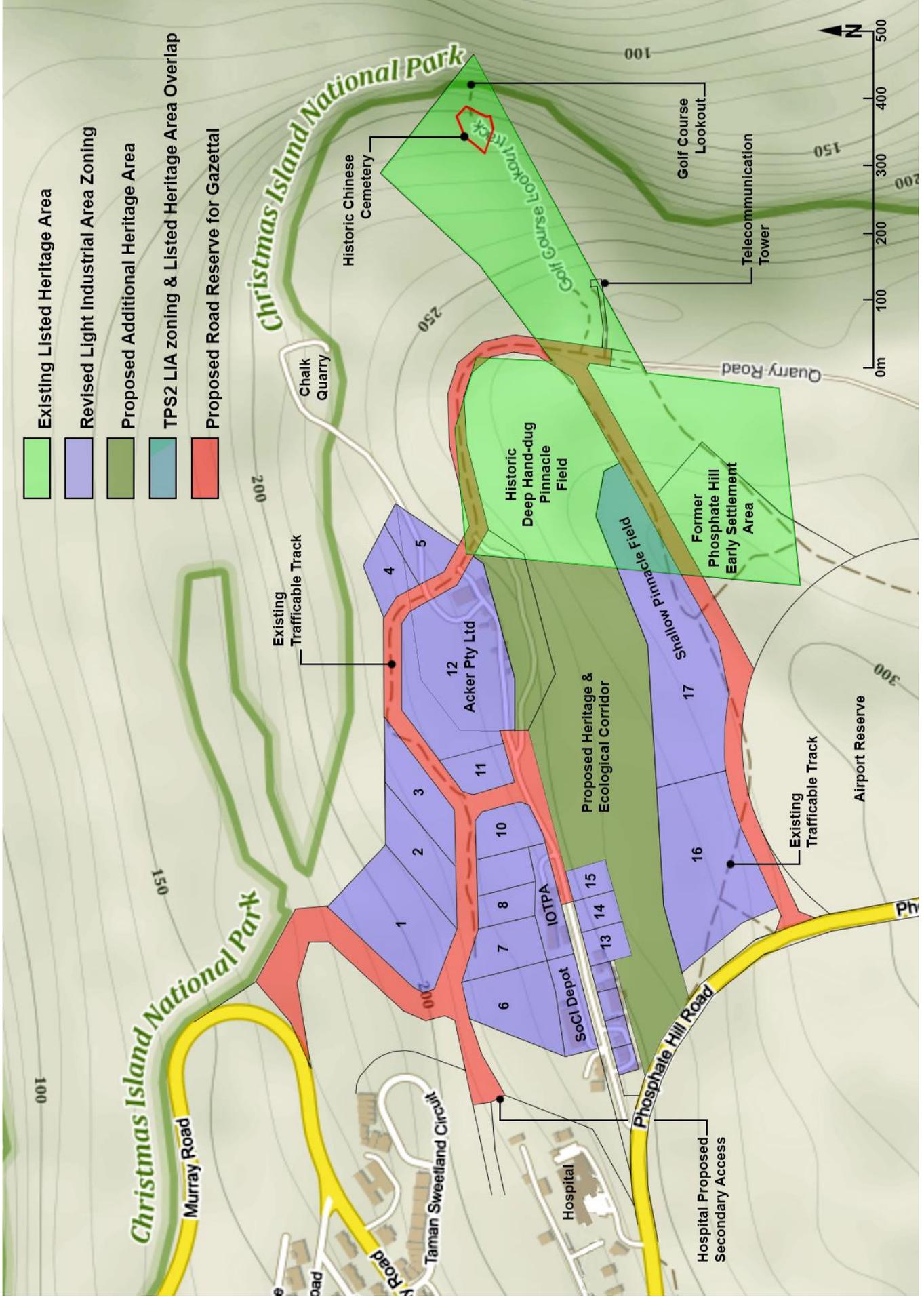
J – Proposed future Land Tenure



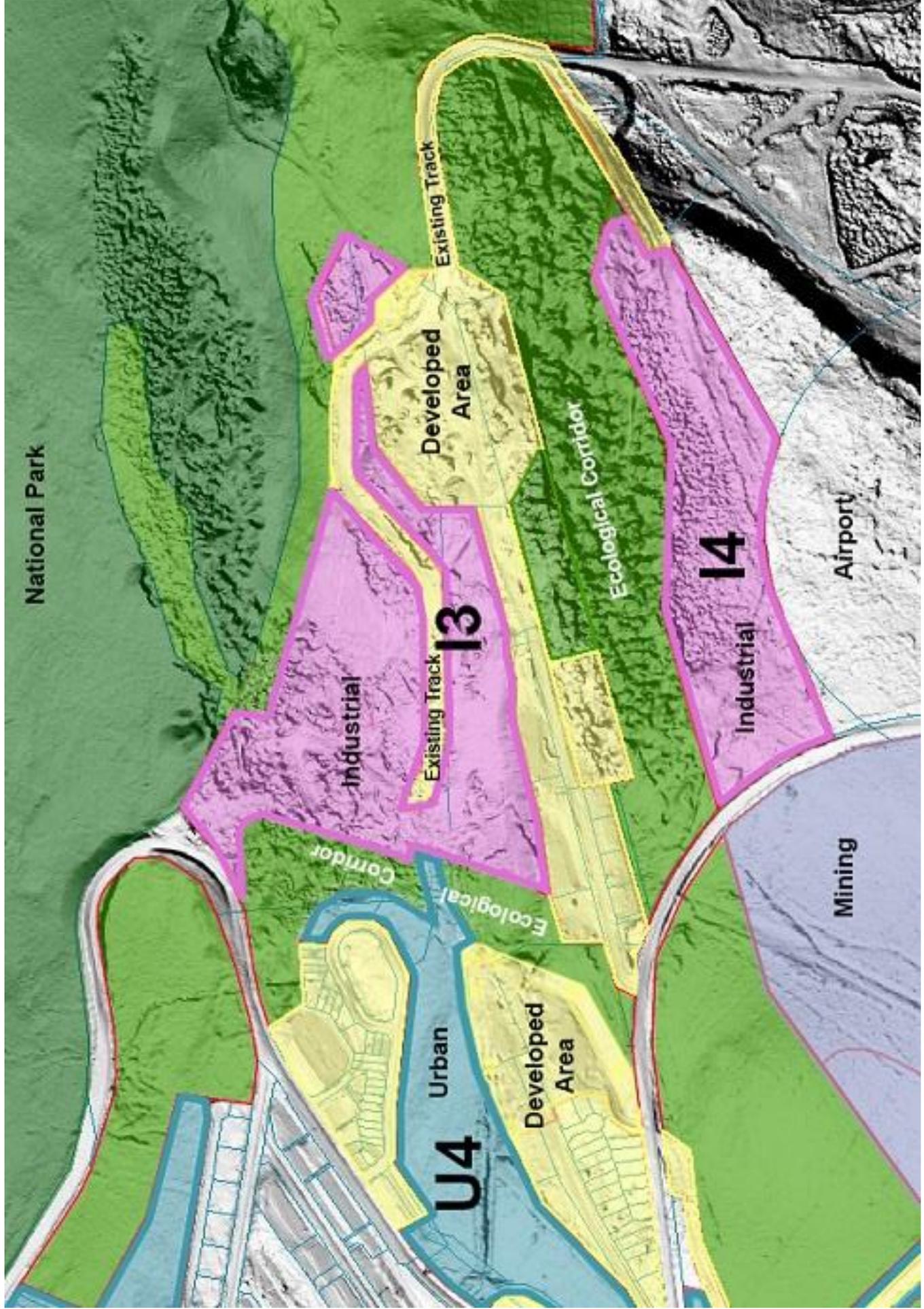
K – Mining lease requiring relinquishment



L – Murray Rd. to Quarry Rd. road layout



M – Impact on Phosphate Hill Historic Area



N – Proposed CISA Land Use Plan