

**Planning & Development Act 2005**

**Shire of Cue**

**Local Planning Scheme No.2**

**Amendment No. 1**

Council has resolved, pursuant to Section 75 of the Planning & Development Act 2005, to amend Local Planning Scheme No. 2 as follows:

- 1- Realign the Heydon Place road reserve, within the General Industry Zone and on Public Open Space Reserve on the northwest of Cue Townsite.
- 2- Rezone those portions of Heydon Place which have been constructed on land zoned General Industry to the Local Road Reserve.
- 3- Rezone a portion of the General Industry zone required to realign the future extension of Heydon Place, from General Industry Zone to Local Road Reserve.
- 4- Rezone a portion of abutting Reserve No. 7273 from Public Open Space Reserve to Local Road Reserve for the extension of Heydon Place.
- 5- Rezone the portions of Local Road Reserve which have been included within existing lots fronting Heydon Place; from Local Road Reserve to General Industry Zone.
- 6- Amend the Scheme Maps accordingly.
7. Pursuant to Section 35 (2) (a) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, the proposed Amendment is a *Standard* Local Planning Scheme Amendment as defined in Sec. 34 of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015.
8. Pursuant to Sec. 35 (2) (b) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, Amendment No.1 meets criteria for a *Standard* Amendment; as it is made consistent with Sec. 34 (a) General Industry zone objectives; consistent with Sec. 34 (b) Shire of Cue Local Planning Strategy; consistent with Sec. 34 (e) having minimal impact on land in the scheme area that is not the subject of the amendment; and consistent with Sec. 34 (f) does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

**At its Meeting of ...17 October.....2017**

**Shire President.....Ross Pigdon**

**Chief Executive Officer.....Rob Madson**

### **Part One: BACKGROUND: Location and road access**

Heydon Place General Industry Zone is situated within Cue townsite. Its closest point to the town centre is 600m northwest of the central intersection of Austin Street and Robinson Street, Cue.

Austin Street and Robinson Street are 40m wide road reserves.

Austin Street, and Great Northern Highway (which this street becomes, both southwest and northeast of the Townsite) are designated *Primary Distributor Roads* under Local Planning Scheme No. 2

Robinson Street continues northwest to become Cue-Berringarra Road, both are designated *Local Distributor Roads* under the Scheme. This is the major transport route to areas west of Cue: Gascoyne Junction, Carnarvon, Exmouth, Onslow and the Northwest Coastal Highway.

### **Part Two: BACKGROUND: General Industry Zone - Local Planning Scheme No.2**

The General Industry zone at Heydon Place, Cue; was developed by *Landcorp* (the WA Government land developer) on behalf of the Shire of Cue since 2015. It is the Shire's only General Industry Zone. The total land area of the Local Road Reserve, Heydon Place; two drainage reserves, and nineteen lots zoned General Industry; is approximately 11.5 ha.

The location, zoning and design of the General Industry Zone achieved statutory approval via the gazettal of Local Planning Scheme No. 2 on 23 October 2015.

This General Industry Zone, within the Townsite, achieves a buffer distance of approximately 130m to the Residential Zone's closest point, Stewart Street. This satisfied both the Environmental Protection Authority and WA Planning Commission land use planning assessment processes. Both State government authorities analyse land use planning Schemes, and Scheme Amendments; to ensure that the location, the design and the zoning proposed; comply with:

The *Environmental Protection Act 1996* and related policies.

The *Planning and Development Act 2005* and related policies.

The Hon. Minister for Planning's signature, and gazettal, complete the statutory process.

### **Part Three: EXISTING DESIGN: General Industry Zone -Local Planning Scheme No.2**

The planned design of the General Industry Zone includes an internal distributor, a crescent shaped accessway, of approximately 880m in length. The road reserve is 20m wide. The land area designated "Local Road Reserve", as depicted on Scheme Maps, comprises approximately 17,600 m<sup>2</sup>. (1.76ha.), approximately 15% of the total land area.

Essential services located underground within the Heydon Place road reserve, servicing adjacent lots from the road frontage, are:

*Water Mains:* Depicted on Plan 6 in Shire of Cue Local Planning Strategy. Water mains provide water for required fire hydrants with access points for these at regular intervals.

*Electricity:* Depicted on Plan 5 in Shire of Cue Local Planning Strategy.

*Telecommunications Infrastructure:* Depicted on Plan 7 in Shire of Cue Local Planning Strategy.

Local Planning Scheme (LPS) No.2 depicts the planned design of Heydon Place, intersecting twice with Robinson Street, the two road centrepoin ts being approximately 150 metres apart.

#### **Part Four: PROPOSED AMENDMENT No.1: Purpose**

This Scheme Amendment is required to remedy two problems, lot access issues listed 1-3 below, which are urgent because of health & safety implications. The Scheme's road access design was not complied with by the subdivision approval. An informal cul-de-sac resulted. Accessibility to all lots is compromised as a result. The second problem are the consequences listed 4 -5 below.

##### General Industry Zone standards: lot access

1. Heydon Place as constructed deviates from that approved design shown on Scheme Maps. The terminating road, which Heydon Place currently is, does not meet minimum fire access standards for road access a General Industry Zone, where the possibility of fire or other emergency requires at least two constructed exit/entry points. A constructed road also carries water mains essential for fire hydrants. The original plan endorsed by the Scheme, a through road, achieves this standard.
2. There is no road frontage to the portion of Shire of Cue's Lot 641 leased to a private company, with no access to essential services: electricity, water and telecommunications.
3. Lot 596, (the most northwesterly lot), currently remains unsold. It has limited road frontage of approximately 27 metres. Access to this lot can be improved by redesigning Heydon Place to increase its accessibility.

##### Lots with partial General Industry Zoning, partial designation as Local Road Reserve:

The second problem is both a development and a governance issue; this Scheme Amendment is required to ensure every part of each lot is zoned General Industry:

4. The planned Heydon Place road reserve is designated Local Road Reserve, under Local Planning Scheme No.2. When Lots 593, 594, 595, and 596 were created across zone boundaries, they were left with partial designation as Local Road Reserve. This compromises what can be approved at Development Application stage, and is an imposition on lot owners.
5. Valuation, and rating, cannot be accurately undertaken. The implications for the *Local Government Act 1995* are apparent.

#### **Part Five: PROPOSED AMENDMENT No.1: Proposal summary**

The proposed realignment of Heydon Place is depicted on Map One. The extension in a northwesterly direction requires adjustment to existing Lot 9000 and 596, both owned by Landcorp. Whilst reducing these lots marginally, the extension will use less of Lot 9000 than the original route of Heydon Place (which is depicted on LPS No. 2 Maps). The realignment is proposed to turn and proceed in a northeasterly direction to intersect with Cue-Berringarra Rd. This intersection will allow a 90 degree intersection of constructed roading, and associated drainage, of Heydon Place and Cue-Berringarra Rd, with improved lines of sight from that of the original planned intersection, as depicted on LPS No. 2.

The related rezoning proposals 2-6 are required as a consequence of these proposals; and the WA Planning Commission decision on subdivision

Resolutions 7 and 8 are required by the *Planning & Development Act (Local Planning Schemes) Regulations 2015*.

## **Part Six: PROPOSED AMENDMENT No.1: Methodology**

WA Planning & Development (Local Planning Scheme) Regulations 2015 (Sections 34-61) introduced three possible categories of Scheme Amendments;

*“Basic”, “Standard’ and “Complex”.*

A *“standard”* Local Planning Scheme Amendment is defined in Section 34:

*“standard amendment means any of the following amendments to a local planning scheme*

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- (b) an amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;*
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an Amendment that is a basic amendment;*
- (d) an amendment to the scheme map that is consistent with a structure plan that has been approved under the scheme for land to which the amendment relates if the scheme does not currently include all the types that are outlined in the plan;*
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area;*
- (g) any other amendment that is not a complex or basic amendment.*

The proposed Amendment is completely consistent with (a), (b), (e) and ( f).

Stipulation (c) is only applicable to metropolitan Perth, Mandurah and Bunbury...where Region Planning Schemes apply; whilst (d) pertains to implementing structure plans into Schemes.

This is the “best fit” for proposed Amendment No 1.

Section 35 of WA Planning & Development (Local Planning Scheme) Regulations 2015 stipulates that the Council resolution adopting any Amendment must specify which category the Amendment best fits, and why the Council has so classified it. The WAPC can force Council to alter its resolution to adopt the Amendment, if not satisfied with the reasoning or explanations within the Amendment Report; as per Section 36 (2) of Local Planning Scheme Regulations 2015.

This Amendment shall firstly address all requirements for a *“Standard”* Town Planning Scheme Amendment as defined in Section 34 of the WA Planning & Development (Local Planning Scheme) Regulations 2015.

To achieve this, thorough examination of the proposed Amendment against all relevant sections of both:

*Shire of Cue Local Planning Strategy (see **Part Seven** )*

*Local Planning Scheme No.2 (see **Part Eight** )*

This is necessary to establish consistency with the statutory definition of a “standard” Scheme Amendments.

Examination of the proposed Amendment against relevant WAPC policy will be undertaken, in **Part Ten** of this Amendment Report.

### **Part Seven: LOCAL PLANNING STRATEGY: CONSISTENCY of Standard LPS Amendment**

Cue Local Planning Strategy has the goal of engaging the community in decision making:

*“3.2 Developing Leadership.....3.2.1 Decision Making Objectives*

1. *Ensure active engagement with the community to inform decision-making*

*Maximise community commitment to and participation in goal setting and decision making processes for development of the Shire.”*

This indicates that the 42 day advertising and public exhibition period for a *standard* Amendment is most apt. *Basic Amendments* do not propose any land use changes, road changes or rezoning initiatives; so do not require the public participation and referral to all environmental planning agencies which *standard* require. *Complex* rezonings require greater levels of information; full land capability investigation, data survey and analysis, for large proposals which are not consistent with existing zonings in LPS’s and Local Strategies. Complex amendments require an advertising and public exhibition period of 90 days minimum.

Council’s 2015 Local Planning Strategy...the background studies and report which informs and provides the rationale and future directions for Cue’s town planning...has the following relevant information:

#### Plan 2: “Mineral Deposits and Mining Tenements”

This Map includes two “Shire suggested industrial areas”; a total of approximately 20 ha.

One area directly east of the Heydon Place Industrial Zone across Robinson St. of approx. 10 ha.

The second area directly abutting to the northwest of Heydon Place Industrial Zone, (entirely southeast of Cue-Berringarra Rd.) also of approx. 10ha.

#### “Industrial Zoned Land.....p.56.... Recommendations..... p.57

1. *Robinson Street Industrial Precinct remain as the primary industrial precinct. In this regard, the precinct should be expanded to accommodate a range of industrial and business premises.*
2. *Amend the Industrial Zone boundaries around RobinsonStreet/Heydon Place precinct to reflect the intended subdivision design by Landcorp”*

Whilst Recommendation 2 was achieved by gazettal of LPS No. 2, the alteration to that design by subsequent WAPC subdivision approval necessitates this further Scheme Amendment.

## **Part Eight: LOCAL PLANNING SCHEME No. 2: Consistency of proposed Amendment No. 1**

The proposed Amendment is made by Council, in order to be consistent with-

**Aims of Scheme, and General Industry Zone- objectives:** listed below.

The Cue Shire Council, is the planning authority responsible for enforcing the Scheme, as stated in Sec. 5 of Local Planning Scheme No. 2:

### **“Responsibility For Scheme**

The Shire of Cue is the local government responsible for the enforcement of this Scheme and the execution of any works required to be executed under the Scheme”

Council is also a roads authority and a fire authority under the *Local Government Act 1995* and *Bush Fires Act 1949*. The Scheme is made by a planning authority mindful of related responsibilities across land use planning, road transport planning and best practice for fire protection.

### **LOCAL PLANNING SCHEME No. 2 - Aims of Scheme**

Relevant statutory “Aims of the Scheme” in Local Planning Scheme No.2 , with pertinent clauses highlighted, are:

“(a) to direct and control the development of the Scheme area in a manner that promotes and safeguards the health, safety, convenience, economic and general welfare of its inhabitants and amenities in every part of the Shire, through appropriate decision making”

“(c) provide sufficient zoned land to support business growth and diversification within the district to promote a resilient economy”

“(g) reserve land for recreation, civic and cultural purposes to promote community facilities and provide improved community access to services”

### **LOCAL PLANNING SCHEME No. 2 – General Industry Zone- objectives:**

The statutory objectives of the General Industry zone, with pertinent clauses highlighted, are:

*“i-To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.*

*ii-To accommodate industry that would not otherwise comply with the performance standards of light industry.*

*iii-Seek to manage impacts such as noise, dust and odour within the zone”*

### **LOCAL PLANNING SCHEME No. 2 - General Industry Zone- Use Classes:**

The Zone caters for the following Use Classes, all of which require Council’s decision regarding approval and conditions, on receipt of a Development Application.

Categories of Use Class are **P, D, A, I** and **X**, explained below.

The Use Classes are defined in the Local Planning Scheme, or if not found there, definitions as per the Planning & Development Act (Local Planning Scheme) Regulations 2015.

**P**...Permitted if compliant with relevant development standards & requirements of the Scheme:

Car Park; Fuel Depot; Industry; Industry-Light;

Motor Vehicle, boat or caravan sales; Motor Vehicle Repair; Motor Vehicle Wash;

Trade Display; Trade Supplies; Transport Depot; Veterinary Centre; Warehouse/ Storage.

**D..Discretionary** permissible at Council Discretion:

Agriculture-intensive; Bulky Goods Showroom; Club Premises;

Industry-Primary Production; Lunch Bar; Restricted Premises;

Roadhouse; Service Station; Telecommunications Infrastructure.

**A...Discretionary** following advertising. A potential use that is permissible once Council has advertised the proposal for public input:

Abattoir, Wind Farm or Solar Energy Facility.

**I....Permissible** if ancillary to the predominant land use on the Lot:

Caretaker's Dwelling.

**X...Not Permissible**:.....All other Use Classes listed..a total of forty-four. .

As the list above illustrates, the General Industry Zone, caters for the *broad range of industrial, service and storage activities*. Vehicles must turn within individual lots, to enable returning via the one access. No opportunity to park alongside each lot, in order to continue in the same direction, exists. Turning vehicles within the road reserve will also occur. Noise, dust and vibration are the impacts of the extra turning necessitated. Through roads minimise the amount of turning required, and in the event of any accident, fire, emergency or spillage; provide requisite alternative access.

## **SUBDIVISION and DEVELOPMENT**

The subdivision process granted approval by the WA Planning Commission to a different design for Heydon Place than the statutory design in gazetted LPS No.2. An abbreviated route through the industrial zone was approved. It was subsequently constructed as per the subdivision approval.

Department of Planning, Lands & Heritage's "DC 4.1" policy "*Industrial Subdivision Sec. 3.5 Access and Road Layout*" states:

*"3.5.4. To facilitate the movement of large and cumbersome vehicles, culs-de-sac and battleaxe lots should generally be avoided."*

This policy militates strongly against culs-de-sac, and any design which necessitated vehicles being forced to turn at the end of battleaxe access legs or within lots.

It is not known why WAPC ignored the statutory design in the Scheme, particularly when the Zone design is consistent with WAPC's own policy (see Part Ten of this report).

Three major impacts on the Zone and its consistency with Scheme objectives are:

1.- The absence of a through road, an internal distributor.

2.-The existing long cul-de-sac which Heydon Place is, limiting frontage, limiting accessibility, to the three "remnant" or "balance of title" lots: 596, 9000, and 641.

Conditions of subdivision approval included are standard and include:  
Connection to water, electricity and telecommunications, and road construction.

Heydon Place itself was constructed with approximately 300 metres of its length on Local Road Reserve. The southernmost, approximately 200 metres, of road reserve is on General Industry zoned land. The road has not been built beyond this approximate 500 metres. It remains as an informal cul-de-sac, but without a formed cul-de-sac head.

Currently vehicles utilise Lot 9000 to turn, (as this is where the constructed macadamised road and concrete drainage gutters terminate). Alternatively, vehicles continue over Lot 9000 to the northwest side of the Zone, and then parallel to the lot boundary of Lot 641, thereafter along an informal track, northeasterly to Cue-Berringarra Rd.

The subdivision process has not recognised that split zoning across lots has implications for valuation and rating of those lots and Development Approvals for future land uses on those lots.

### **Vehicular Traffic**

The Shire of Cue is the local road transport authority under the *Local Government Act 1995*, with associated powers in relation to road transport set out in *the Local Government (Uniform Local Provisions) Regulations 1996*.

Local government is also recognised as the local road transport authority under the *Main Roads Act 1930*.

*As Of Right Vehicles* as defined by the *Road Traffic –(Vehicles) -Act Regulations 2014*, include articulated vehicles up to 19m in length and rigid vehicles up to 12.5m in length. They can lawfully use Heydon Place.

*Restricted Access Vehicles, (RAV's)* as defined by the *Road Traffic –(Vehicles) -Act Regulations 2014* are rigid vehicles over 12.5m in length and articulated vehicles over 19 m in length. They can lawfully use Great Northern Hwy/Austin St. and Cue-Berringarra Rd./Robinson St.

Whilst Heydon Place is a local government road, permits to enable RAV's to use Heydon Place are at the discretion of the Commissioner of Main Roads. This power is delegated to *Main Roads W.A. Heavy Vehicles Services* section in Perth, with site assessments undertaken by *Main Roads W.A. Network Operations*, Geraldton.

M.R.W.A.'s publication "Guidelines for Approving RAV Access" clarifies responsibility:

### **2.2 Local Governments**

Local Governments are key partners in the shared responsibility of safe and efficient RAV access within Western Australia and manage approximately 88 percent of West Australian roads. It is fundamental that Main Roads and Local Governments continue to build strong partnerships to ensure the best possible outcomes. Main Roads WA will ensure engagement with Local Government about RAV access on their roads.

M.R.W.A.'s publication "Guidelines for Approving RAV Access" clarifies risk:

## 5.2 Level of Risk

A risk is significant if it has a high likelihood of occurrence or will have a serious or major consequence. A risk that is unlikely to occur or will have a minor impact is not a significant risk.

With the use of heavy vehicles it is acknowledged that an incident may cause death or serious injury to a person or major damage to property (including the road infrastructure).

The size and weight of heavy vehicles often makes the consequences of an incident more serious than a similar incident involving other vehicles. The impact of an incident does not depend on who is responsible for, or causes, the incident.

When HVS is deciding whether there is a significant risk they need to consider both the likelihood that the potential risk will occur and the consequence if the risk is realised.

A risk cannot be significant simply because it may happen. There must be a reasonable likelihood that the risk will eventuate from the RAV using the particular road.

As a point for comparison, if the level of risk posed by general access vehicles is considered acceptable (that is, not significant), RAV access posing the same, or a lower, level of risk is not to be taken as significant.

Discussions with *Main Roads W.A. Network Operations* confirm Heydon Place, as currently constructed, does not meet the design criteria to permit *Restricted Access Vehicles* use.

Cargo carried by trucks includes highly flammable substances, including fuel, LNG, Ammonium Nitrate and other chemicals used in the mining industry. The climate is hot and dry for much of the year with seasonal strong winds. The risks of overturning or other accidental mishaps is minimised when an accepted robust road design - wide through roads in a grid or amended grid pattern - is employed.

### LPS No.2 and Land Capability

The WA Department of Primary Industries and Regional Development, Agriculture section, has provided extensive land capability information.

Soil on the subject land is the *Austin* soil group. This exists across the General Industry Zone and beyond.

Soil capabilities are examined in the document: "*An Inventory & Condition Survey of the Murchison River Catchment & surrounds*" W.A. Dept Agriculture Technical Bulletin 84

The soil group is not regarded as important for agriculture, nor grazing, so will not be lost to other productive land use. Capability for on-site effluent disposal is moderate to high.

Flood risk is not significant, as valley floors in the area are typified by the *Yanganoo* soil type.

Soil erosion by wind and water does not rate high, so can be managed during road construction.

It is noted that along the northern periphery of the Zone, on Reserve 7273 where road construction is proposed, an existing dirt track exists, evidence of the subject land's capability for road construction is proven.

This soil exists over a base geology of "*Hornblende/Biotite, Tonalite to Grandiorite Massive*"

## LAND USAGE & LOT SIZES

Seventeen of the nineteen existing lots, with notable exception of Lot 596 and 9000, have been sold and are being developed for a range of General Industrial use classes. Two additional Lots are drainage reserves, including these makes a total of 21 lots in total.

**Lot 582** (2,000m<sup>2</sup>) **Lot 583** (2,000m<sup>2</sup>) and **Lot 591** (4,423m<sup>2</sup>)

A very significant current land use for transport planning purposes. These lots are developed for both *Fuel Depot* and *Industry* uses. Four large fuel tanks are constructed. These supply the on-site power generation system, the Cue Power Station. Owned by *Regional Power Authority*.

**Lot 642** (1,435m<sup>2</sup>) **Lot 643** (2,000m<sup>2</sup>) are Drainage Reserves vested in Council

**Lot 581** (2,000m<sup>2</sup>) Industrial shed/private owner

**Lot 578** (2,916m<sup>2</sup>) Industrial shed/private owner

**Lot 579** (4,958m<sup>2</sup>) Industrial sheds/private owner

**Lots 589** (3,304m<sup>2</sup>) Industrial sheds/private owner

**Lot 588** (3,100m<sup>2</sup>) Industrial shed/private owner

**Lot 587** (2,500m<sup>2</sup>) Industrial shed/private owner

**Lot 586** (2,000m<sup>2</sup>) Light Industrial shed/Community group owner

**Lot 585** (2,000m<sup>2</sup>) Industrial shed/private owner

**Lot 584** (2,000m<sup>2</sup>) Industrial shed/private owner

**Lot 592** (2,245m<sup>2</sup>) Industrial shed/Shire of Cue

**Lot 593** (3,273m<sup>2</sup>) Industrial shed/Shire of Cue

**Lot 594** (3,128m<sup>2</sup>) Industrial shed/Contract Power

**Lot 595** (2,958m<sup>2</sup>) Industrial shed/Contract Power

**Lot 596** (5,820 m<sup>2</sup>) Frontage 27 metres. This short frontage limits accessibility. Owned by *Landcorp* and is currently (October 2017) on sale for \$70,000.

**Lot 9000** (1.2336 ha.) Frontage to terminating road. Owned by *Landcorp*. The existing long cul-de-sac provides limited frontage and accessibility, to this "balance of title" lot which was subject to a sale which apparently fell through.

**Lot 641 Robinson St.** (2.8987 ha.) Owned by Shire of Cue.

A portion is leased by Council to a private company for a fuel depot.

This facility provides diesel fuel to both *Restricted Access Vehicles* and *As of Right Vehicles* as defined by the *W.A. Road Traffic (Vehicles) Act 2014*.

"*Fuel Depot*" is a defined land use, classified P (permitted) in the Zone, under LPS No. 2.

Approximately 1.3 ha of the front section of Lot 641 is a truck assembly area. Access is directly from Robinson Street. This area, rear section of Lot 641 Robinson St. has no road frontage.

The southern half of the lot (approximately 1.4 ha.) is leased to a private company for storage of mining and industrial equipment. Site inspection reveals the large amounts of land needed to store and service contemporary mining equipment. These activities are best classified as “Industry”, a defined land use, classified P (permitted) in the Zone, under LPS No. 2.

The lessee obtained Development Approval from Shire of Cue for “Industry” and also “Transport Depot” and a “Caretaker’s Dwelling” in November 2016.

There is no other Zone within the Shire where “Industry”, “Transport Depot” and “Fuel Depot” are classified as P (permitted) land uses. This illustrates the imperative to locate these uses within the Heydon Place General Industry Zone.

The lessee of the southern half of Lot 641 is understandably very keen to purchase that subject land, an anticipated eventual lot of approximately 1.4 ha.

Conditions attached to Council’s 2016 Planning Approval to the lessee for “Industry”, “Transport Depot” and “Fuel Depot” include:

Condition h. *“The applicant is to connect the development to mains power and any generator associated with the development be for back up purposes only”*

Condition i. *“The applicant is to seek the approval of the Water Corporation for the development”*

These conditions can only be achieved once the leased area has frontage to Heydon Place, as the services are located within the Heydon Place road reserve. No road frontage to the leased portions of Lot 641 exist.

#### **Discussion: Lot Sizes**

Current land usage indicates that the range of lot sizes planned for the Zone (predominantly 2,000-6,000 m<sup>2</sup>) did not anticipate the need for lots up to 1 ha and larger in size.

**Map One** includes Amendment proposals, and also an indicative subdivision line across Lot 641; not intended to ‘fetter’ the WAPC at any future stage, which is indicative only as it will not occur unless:

-This proposed Scheme Amendment is successful and reaches gazettal.

-A subdivision application is submitted by Council to WAPC and is approved.

It depicts the possible subdivision to create, as required by the lessee of the southern half of Lot 641, an anticipated eventual lot of approximately 1.4 ha.

Another lot owner has inquired regarding obtaining a much larger area for General Industrial uses.

Department of Planning, Lands & Heritage’s “DC 4.1” policy “Industrial Subdivision Sec. 3.5 Lot Sizes” (see **Part Ten** of this Report) emphasises the need for a wide variety of lot sizes within all types of Industrial zones.

This proposed Local Planning Scheme Amendment is consistent with adjusting lot sizes to meet the Scheme’s statutory objectives for the General Industry Zone. It also complies with the State government’s policies for best practice in planning industrial zones.

## **PROPOSED ROAD DESIGN – HEYDON PLACE –Map One**

The proposal of this Amendment is to provide an extension of Heydon Place. The extension, similar in design to through- road depicted in Local Planning Scheme No.2, is a crescent shaped access. It is proposed to intersect with Robinson Road approximately 70 metres northwest of the intersection depicted in Local Planning Scheme No. 2. The increase in separation from approximately 150 metres to approximately 220 metres aids turning capability. Lines of sight from the proposed intersection are considered clear and adequate, the terrain is flat.

The proposed design will extend Heydon Place for approximately 330 metres in total. Of this, 60 metres in length (by 20 metres road reserve width); approximately 1,200m<sup>2</sup>; traverses Lots 596, reducing its size to approximately 4,600m<sup>2</sup>. An additional length of approximately 240 metres (by 20 metres road reserve width); approximately 4,800m<sup>2</sup> parallel to, but outside of the northern boundary of the General Industry Zone, is within the abutting area zoned Public Open Space Reserve, Reserve No. 7273.

The realignment will result in a triangular shaped portion of the currently constructed Heydon Place with Lot 9000. It will provide betterment to Lot 9000, a constructed and drained crossover.

### **REDUCTION IN SIZE Public Open Space Reserve, specifically Reserve No. 7273.**

The realignment of Heydon Place will result in approximately 240 metres by 20 metres (4,800 m<sup>2</sup>) of roadway being located on land within the very large (over 400 ha) Reserve No. 7273, vested in Council for Recreation purposes. In other (eg Urban and metropolitan) instances the use of land so designated for a roadway may require a detailed Public Open Space audit. In this case it is an area of approximately .001% of Reserve 7273. Reserve No.7273 is just one of numerous public land parcels comprising the larger Public Open Space Reserve surrounding Cue Townsite. There are many other roads within the Public Open Space Reserve, (some zoned as Local Road, Local Distributor Road and Primary Distributor Road) whilst others remain designated as Public Open Space Reserve.

It is regarded as best planning practice to rezone the extension of Heydon Place over approximately 4,000 m<sup>2</sup> of the Reserve to the most apt category, Local Road Reserve.

## **Part Nine: TOWNSITE BOUNDARIES**

Townsite boundaries are governed by Section 26 of the *Land Administration Act 1997*.

Previously administered by Landgate, this Act now is the responsibility of the Department of Planning, Lands & Heritage.

The proposed extension of the Heydon Place road reserve, northwards onto Reserve No.7273 involves a road extension outside the current Cue Townsite boundary.

This has been discussed with the Department of Planning, Lands & Heritage, who advised that this is a minor adjustment to Cue Townsite Boundary.

Following a Council resolution to proceed under the Lands Administration Act 1997, a Deposited Plan would be required, this necessitates preparation by a Licensed Surveyor. An application to adjust the Townsite boundary must also be referred to the Mines Department of WA, requesting its input back to Council and the Hon. Minister for Lands.

The statutory process, once Council has adopted the Scheme Amendment, is to resolve to adjust the Townsite Boundary and seek the approval from the Hon. Minister for Lands.

### **Part Ten: Proposed Amendment No.1: Consistency With WAPC Industrial Subdivision Policy**

The preamble to this policy **DC 4.1 INDUSTRIAL SUBDIVISION** on the WAPC website states:

*“This policy provides guidance on the matters considered by the WAPC when determining applications for industrial subdivision throughout the State. These include such matters as the design and shape of individual lots, road layout, servicing and open space requirements.”*

Analysis of the proposed Amendment’s consistency with DC 4.1 follows the copied policy, using the same numbering in the document:

**Adopted July 1988**

## **POLICY DC 4.1**

### **INDUSTRIAL SUBDIVISION**

#### **BACKGROUND NOTES**

1. Introduction
2. Policy Objectives
3. Policy Measures
- 3.1 Zoning
- 3.2 Relationship to Adjacent Development
- 3.3 Lot Sizes and Shapes
- 3.4 Flexibility and Staging
- 3.5 Access and Road Layout
- 3.6 Public Open Space
- 3.7 Services

## **POLICY NO. DC 4.1**

### **INDUSTRIAL SUBDIVISION**

#### **CONTENTS:**

#### **1. INTRODUCTION**

1.1 This policy statement provides guidance on the matters considered by the Commission when determining applications for industrial subdivision throughout the State. These include such matters as the design and shape of industrial lots, road layout, servicing and open space requirements.

1.2 More detailed development control requirements - such as car parking, landscaping and the design and siting of industrial buildings - will be found in the Town Planning Scheme and policies of the relevant local authority. It should also be noted that a major review of industrial land use in the Perth Metropolitan Region has recently been undertaken through the Corridor Plan Review and the PRIZE (Perth Region Industrial Zone Evaluation) survey. The Commission intends to develop a metropolitan industrial land policy based on the findings of this review which may then necessitate some amendment or addition to this policy statement.

#### **2. POLICY OBJECTIVES**

- To encourage the development of well designed industrial areas serving the full range of general and special industrial needs throughout the State.

- To provide for the safe and efficient movement of traffic to and from each site within the industrial area.
- To provide for infrastructure services and public open space consistent with the operational needs of industrial users and the workforce.
- To protect the amenity of adjacent land uses, where necessary, from the effects of industrial development.

### **3. POLICY MEASURES**

#### **3.1 ZONING**

3.1.1 The land proposed to be subdivided must be appropriately zoned in the local authority's Town Planning Scheme and, where applicable, the Metropolitan Region Scheme.

3.1.2 When considering applications for subdivision of land for industrial purposes, the Commission will have regard to relevant provisions in the local authority's Town Planning Scheme.

#### **3.2 RELATIONSHIP TO ADJACENT DEVELOPMENT**

3.2.1 It is important that the design of an industrial area ensures compatibility with adjacent commercial and/or residential areas. This may be achieved in the following ways:

- a) an arterial street or freeway may be used as a buffer area. Here both industrial and residential lots may face internal roads with appropriate landscaping and screening along the arterial road frontages.
- b) alternatively, compatibility may be achieved by sensitive landscaping, berming, and other site planning techniques.

#### **3.3 LOT SIZES AND SHAPES**

3.3.1 Each proposed lot should offer maximum utility in terms of budding space and accessibility bearing in mind the requirements of modern industrial activities.

3.3.2 In certain circumstances, the Commission may request information on preliminary development designs before making a decision on an industrial subdivision. This request is likely to be made for proposals which involve irregular shaped lots or where there may be access problems.

3.3.3 The Commission recognises that lot sizes for the different types of industrial subdivision will vary according to function and purpose. No minimum lot sizes are specified within this policy, as the land area required for a particular industrial activity or activities should reflect the most efficient and beneficial utilisation of the land involved. In considering appropriate lot sizes for an industrial subdivision, the Commission will have regard to the following factors:

- a) the subdivision, where it involves the creation of a significant number of lots, should provide for variety in lot size;
- b) the size of lots should provide sufficient space to accommodate the industrial operations and buildings envisaged, make allowance for possible future expansion, and allow the site to function

properly and efficiently in terms of development requirements of the local authority(s) concerned. These requirements may relate to such factors as safe ingress and egress, vehicular movement within the curtilage of the site, parking, deliveries, storage and bin areas, boundary setback requirements and landscaped areas;

c) the overall pattern of lot sizes in the locality and the type of industrial activity characteristic of the locality in which the subdivision is located;

d) planning policies and other requirements of the Commission, the local authority and other consultees (primarily relevant servicing authorities) which relate to specific areas, localities or activities.

### **3.4 FLEXIBILITY AND STAGING**

3.4.1 Because lot size requirements are difficult to predict at the planning stage, the initial design should allow for as much flexibility as possible.

3.4.2 Flexibility depends to a large extent on the particular circumstances and the objectives of the subdivider and may be achieved in several ways. The following are four examples:

- a) subdivision of an area into a series of modules or basic site-units, with firms selecting the number and combination of units that suit their needs;
- b) the design of services so that larger lots can later, if required, be subdivided into smaller units with a minimum of cost and disruption;
- c) preparation of a structure plan showing only major roads and activity areas with inclusion of policy statements for lot sizes and location of different industrial types;
- d) in the case of larger subdivisions, by adopting a staged development strategy and progressively adjusting lot sizes to take account of the market experience in the earlier stages.

### **3.5 ACCESS AND ROAD LAYOUT**

3.5.1 Good access to and from the subdivision is imperative and the optimal number of access points should be provided.

3.5.2 Generally a simple layout providing a clear hierarchy of roads is desirable. Roads which may attract unrelated fast-moving traffic from nearby congested routes should be avoided.

3.5.3 Access from individual lots to major roads should be minimised. The use of minor roads for such access is desirable whenever practical.

3.5.4 To facilitate the movement of large and cumbersome vehicles, culs-de-sac and battleaxe lots should generally be avoided, curves should not be abrupt, and corners will normally be provided with a minimum truncation of 14m for primary and district distributors, and 8.5m for all other roads.

3.5.5 Battleaxe lots may be acceptable for light and service industries which are not serviced by

larger vehicles. Details such as the shape of the effective lot area, the need for truncations within the lot and the width of the access leg will be determined on the basis of each proposal in consultation with the local authority and other relevant authorities. In all cases, however, the construction of the access to the lot to the specification of the local authority will be required as a condition of subdivision. The use of shared access legs is not acceptable in industrial situations.

3.5.6 In industrial areas, a minimum road reserve width of 20 metres is not required to provide for safe and efficient traffic movement. For heavily trafficked/major through routes, a minimum road reserve width of 25 metres is required. Carriageway widths of 10 metres are favoured.

### **3.6 PUBLIC OPEN SPACE**

3.6.1 The Commission has no general requirement for the provision of public open space in industrial areas. However, it is necessary to ensure that adequate facilities are available for both passive and active recreation during workers leisure periods, and it may require land to be given up free of cost for this purpose in particular circumstances. In this regard, the size of workforce in the area, the proximity of existing public open space and the scale of new development being proposed will be taken into consideration.

3.6.2 In addition, land in an industrial subdivision may also be required to be given up as public open space in order to provide for buffer strips and/or suitable planted areas between industrial uses and any adjacent non industrial areas. Again, the decision will be dependent upon the particular circumstances of the application.

### **3.7 SERVICES**

3.7.1 Industrial development requires water for domestic and health uses, manufacturing processes and fire protection. Accordingly, each industrial lot will be required to connect to a reticulated water supply by arrangement with the relevant water authority.

3.7.2 Connection to a reticulated sewerage system is a normal requirement of industrial subdivision. However, where a reticulated sewerage connection is not available and is not in early prospect, this requirement may be dispensed with when the Commission:

- a) is satisfied that development will be limited to 'dry' industry, and
- b) is advised by the relevant authorities that site conditions allow for efficient on-site disposal of effluent on a long-term basis.

3.7.3 If the area to be subdivided is, or may be, serviced by a railway, the subdivisional pattern should take this service into consideration and utilise it to the best advantage for the sites involved. Where it is intended to provide rail connection by way of sidings into the industrial properties, the preferred subdivisional layout is that of a "herringbone" pattern. The desired minimum length of

sidings on industrial sites is in the order of 200 metres. Detailed enquiries in this regard should be directed to Westrail.

3.7.4 Requirements relating to such matters as drainage, electricity, telephones, and the disposal of trade wastes should be arranged with the relevant servicing authorities.

3.7.5 Lot boundaries should be drawn to take into consideration any easements required for services (e.g. electricity, sewerage and drainage) with a view to maximising the use of the surface of those areas for such purposes as car parking, storage or landscaping.

### **Analysis: Proposed Amendment No.1 and its consistency with Policy DC4.1:**

#### **3.1 Zoning**

3.1.1 General Industry Zone and Local Road reservations are the *appropriate* Zone and reservation for the land proposed for rezoning, as required.

3.1.2 This encapsulates the proper and orderly planning process, regard for the relevant provisions in Council's Town Planning mechanisms, Local Planning Scheme No.2 and the related Strategy, to ensure that eventual development will be constructed according to plan. This is the stated Purpose of the Amendment as discussed earlier in this Amendment Report.

#### **3.2 Relationship To Adjacent Development**

3.2 The design of the General Industry Zone achieves these design directives, with drainage reserves along part of the frontage to Robinson St., and drainage reserve along the southwesterly periphery of the zone and nearby Residential zoning in Stewart Street. These provide vegetated buffers, and with increased runoff from roaded catchment, the Heydon St. road reserve and roofed areas, are being fed into.

#### **3.3 Lot Sizes and Shapes**

3.3.1 Lot Sizes & Shapes-The design and shape of lots, and location of roads being depicted on the Scheme Map; and servicing being depicted within the Local Planning Strategy; uses Council's town planning mechanism, L.P.S. No.2, to plan for rectangular, square and even shaped lots. No battleaxe lots are depicted. Lot sizes are varied from a minimum of 2,000m<sup>2</sup> to maximum 2.8987ha.

3.3.2 Significantly, the Policy flags access problems as an issue. The proposed Amendment is an adjustment to reinforce the existing Zone design in the Scheme. This remedies access problems, and maximises potential building sites upon each lot by elimination of any need for vehicles turning within lots, so is entirely consistent with 3.3.2.

3.3.3-The "*most efficient and beneficial utilisation of land involved*" as required here, is an apt description of the proposed design.

3.3.3 a) Variety of lot size is retained, and larger lots as exist are "saved" from unnecessary subdivision into smaller lots by diverting Heydon Place around the periphery of Lot 641.

3.3.3 b) The policy emphasises "*safe ingress and egress*" which is reflected in the Scheme Amendment proposal. The existing long cul-de-sac, a product of the subdivision approved, cannot provide frontage, limits accessibility, to the "balance of title" lots, and minimises access to unsold Lot 596. The Amendment's design proposal is entirely consistent with 3.3.3 b) by eliminating the cul-de-sac. "Vehicular movement within the curtilage of the site" is crucial, if the cul-de-sac were to

remain, each lot necessarily becomes a turning circle for all visiting trucks, which cannot reverse out of lots, but need to enter roads in forward gear.

3.3.3 c) -The “*type of industrial activity characteristic of the locality*” has been a prime consideration in making this Amendment Huge mining trucks abound in Cue... reference to transport planning, Main Roads WA and restricted access vehicle permit capability of Heydon Place within this Amendment report are evidence of traditional survey and analysis techniques, which address this policy directive.

3.3.3 d) Whilst there are numerous WAPC policies which could be examined, the proposal is a relatively minor land use change, to re-instate the best possible design required for a General Industry zone. A complex Amendment would be expected to discover each and every WAPC policy and analyse all proposals therein for consistency. This Amendment fits the criteria for a “standard” Scheme Amendment, and the Regulations

### **3.4 Flexibility and Staging**

This Amendment proposal is completely consistent, especially with 3.4 b), with larger rectangular lots resulting from re- design (Lot 596) and robust road design to enable future subdivision (Lots 9000, Lot 641).

### **3.5 Access and Road Layout**

The rezoning has been designed to accord exactly with this section, eliminating a long cul-de-sac and the possibility of any need for battleaxe access legs.

### **3.6 Public Open Space**

3.6 Public Open Space has been given up, resulting in Lots 642 and 643, vested in Council for Drainage purposes. This is entirely consistent with 3.6.2.

### **3.7 Services**

3.7.1 Water availability is crucial for all industry, on-site effluent disposal and fire preparedness. This rezoning proposal is designed to increase service availability.

The rezoning is designed to accord with Sec. 3.7.

### **DC 4.1: CONCLUSION and Rezoning proposals of Amendment No. 1:**

Subdivision which accords with this proposed Scheme Amendment, as per the proper and orderly process of the W.A. planning system, will result in all Lots being able to be connected to essential services water, electricity and telecommunication; via a robust road system enabling through traffic, not having to in road reserves or within lots. The rezoning is totally consistent with Policy DC4.1.

## **CONCLUSION**

This standard Local Planning Scheme Amendment is made with the objective of redesigning the road layout within the General Industry Zone in the northwest section of Cue townsite.

The design of the internal distributor road, Heydon Place, as depicted on the Scheme Map of Shire of Cue Local Planning Scheme No. 2 was altered by the subsequent approved subdivision of the subject land.

A further minor alteration to Heydon Place is proposed, as a consequence of the realignment of this road, to provide the best possible accessibility to all lots within the Zone.

The proposed design may provide opportunities for service provision to adjacent land identified in Council's Local Planning Strategy for future General Industry Zoning.

The proposal is regarded as entirely consistent with:

Shire of Cue Local Planning Scheme No. 2, the most relevant statutory planning document;

Shire of Cue Local Planning Strategy 2015, the most relevant strategic planning document;

Department of Planning, Lands & Heritage's "Industrial Subdivision" and

"Planning For Better Bushfire Protection" policies, the most applicable W.A. town planning policies.

### **Request to Hon Minister For Planning**

Council requests that this Scheme Amendment be processed as quickly as possible because it is minor in nature, and consistent with all statutory and strategic planning objectives.

### **Request to Department of Planning, Lands & Heritage**

The Department is requested to advise when an application for subdivision and amalgamation would best be submitted to run concurrently with the progress of this Scheme Amendment and avoid unnecessary delays.

# Map One

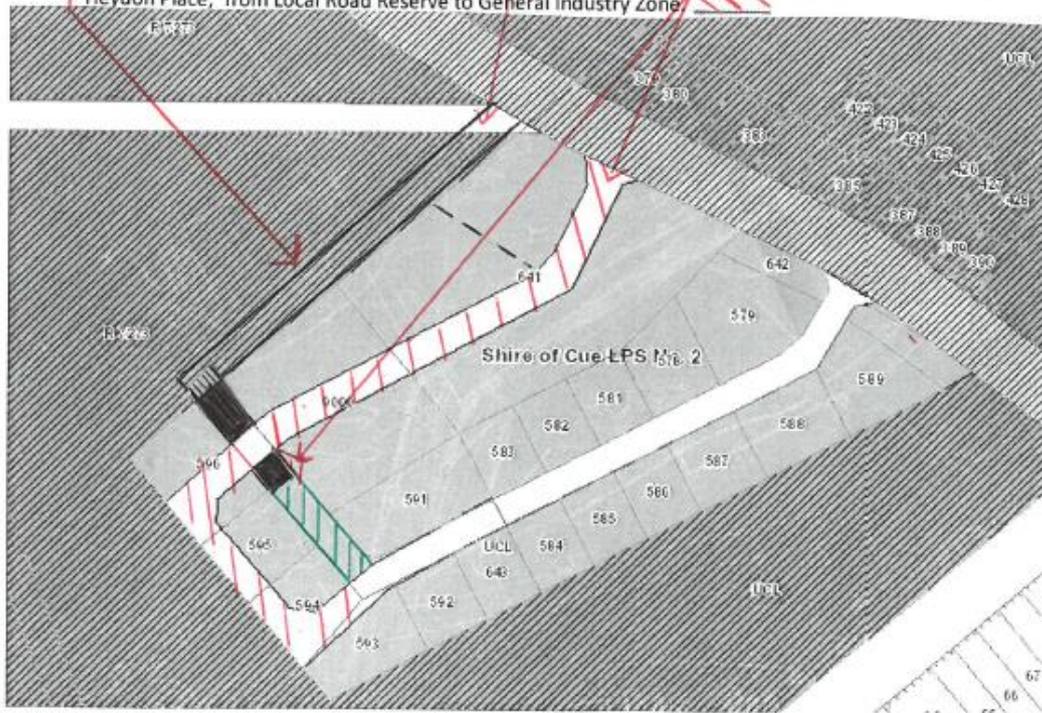
Planning & Development Act 2005

Shire of Cue

Local Planning Scheme No.2

## Amendment No. 1

- 1- Realign the Heydon Place road reserve, within the General Industry Zone and on Public Open Space Reserve on the northwest of Cue Townsite.
- 2- Rezone those portions of Heydon Place which have been constructed on land zoned General Industry to the Local Road Reserve. 
- 3- Rezone a portion of the General Industry zone required to realign the future extension of Heydon Place, from General Industry Zone to Local Road Reserve. 
- 4- Rezone a portion of abutting Reserve No. 7273 from Public Open Space Reserve to Local Road Reserve for the extension of Heydon Place. 
- 5- Rezone the portions of Local Road Reserve which have been included within existing lots fronting Heydon Place; from Local Road Reserve to General Industry Zone. 



--- Potential subdivision line Lot 641.