



PROPOSED SCHEME AMENDMENT

Lot 558 Beadon Creek Road





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# 1 INTRODUCTION

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RFF act on behalf of Greater Ashburton Services Pty Ltd with respect to this request to amend the Shire of Ashburton Local Planning Scheme No. 7 by rezoning Lot 558 Beadon Creek Road from 'Tourism' to 'Industrial'.

The report provides the relevant background to the proposal and provides adequate justification to support having regard to the statutory and strategic planning framework applicable to the site to justify commencement of a standard scheme amendment pursuant to Section 7 of the *Planning and Development Act 2005* and Regulation XXX of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## 2 SITE

### 2.1 LOCATION

Lot 558 Beadon Creek Road is in the Onslow locality (the 'Subject Site') is at the eastern end of Beadon Creek Road directly adjoining the Beadon Creek boat harbour.

A location plan is provided as Figure 1.



Figure 1- Location Plan

### 2.2 LAND TENURE

The subject site is formally described as Lot 558 on deposited Plan 173181, being the whole of the land in Certificate of Title Volume 1783 Folio 970. There are no encumbrances on the title which might impact development of the land.

Certificate of Title is attached in Appendix 1.

### 2.3 SITE DESCRIPTION

The subject site has a land area of 1.08 hectares with a frontage of 106m to Beadon Creek Road and 138m frontage to an internal port access road connecting Beadon Creek Road to the Onslow Marine Supply Base.

An informal crossover from Beadon Creek road is the main access point.

The subject site is flat and cleared. The major improvement is a large shed historically used to process seafood. Whilst the site is currently not used, in more recent times, the property has been utilised informally as a laydown and transport

depot associated with the operation of Beadon creek harbour and the construction of the Onslow Marine Supply Base.

## 2.4 SURROUNDING CONTEXT

The subject site is located at an important junction and entrance point to the Beadon Creek Harbour and the newly constructed Onslow Marine Supply Base (OMSB) which is located within the bounds of the Department of Transport Port boundary. With access to the northern access road which also provides access to OMSB, the site is ideally suited to meet increased demand for land to support continued growth in activity through OMSB.

The Department of Transport is also progressing concepts for development of the 'Beadon Creek Community Boating Facility' which will be located within the Beadon Creek boat harbour, immediately adjacent to the site, also sharing access from the harbour northern access road with the subject site.

Beadon Creek Road is a primary road and an important freight connection from the main entrance road into Onslow to the OMSB and Beadon creek Harbour operations.

OMSB and the other components of the Beadon Creek Harbour are transformational pieces of infrastructure capable of supporting substantive growth and diversification of Onslow's economy. The operations, with the necessary supporting land to support enhanced freight and logistics operations provide a basis to increase engagement with both the Oil and Gas Sector and Defence sector according to the Shire of Ashburton's adopted Economic and Tourism Development Strategy (2019).

To the south of the site, on the southern side of Beadon Creek Road is the primary industrial area in Onslow which incorporates just over 13 hectares of land, with 19% of the land contained in Crown Land lots and 81% of the land in freehold lots.

Immediately adjoining the subject site to the north and west is a tourism precinct which incorporates the Discovery Holiday Park, predominantly used to meet workforce accommodation demand in the community. The Shire's draft Local Planning Strategy notes this area is '*...not considered to be the highest valued land for such activity/use*'.

The surrounding land uses in the area indicate clearly a prevailing industrial, logistics and maritime uses which are important to the functional operation of the Beadon Creek Harbour and OMSB, whilst also proving adequate to meet the Onslow community's own industrial business requirements.

## 2.1 EXISTING ZONING AND LAND USE PERMISSIBILITY

The subject site is currently zoned 'Tourism' in the Shire of Ashburton Local Planning Scheme No. 7. The purpose of this zone is outlined in clause 4.1 which is to *accommodate development which has a primary focus on providing a tourism service*.

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A variety of sensitive land use are either permitted or may be approved at the discretion of Council. However, there a numerous commercial and industrial oriented uses, complimentary to the Beadon Creek Harbour and OMSB operations which are not permitted. This is highlighted in the table below. It is not exhaustive, rather providing an indication of the type of land uses which are intended for the zone.

Tourism Zone Land Use Permissibility Summary		
Permitted	Discretionary	Not Permitted
Holiday Accommodation, Arts and Craft Centre, Restaurant	All other 'residential use', excluding residential building, rural settlement and single house.  Office, Motor Vehicle wash, market, shop, take-away food outlet, consulting rooms, entertainment venue	All 'Industry Uses' excluding Arts and Craft Centre, Home Occupation and Infrastructure.  Motor vehicle wrecking, Motor Vehicle and Marine Repair, Showroom, Warehouse



### 3 PURPOSE

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The purpose of the proposed changes to the Shire of Ashburton Local Planning Scheme No. 7 is to ensure the subject site is adequately zoned to:

- Ensure there is adequate land available to support continued growth in operations at Beadon Creek Harbour and the OMSB;
- Limit encroachment of sensitive land uses which may impact on the operation of Beadon Creek Harbour, OMSB and the Onslow Industrial Area that the current Tourism zone permits;
- Manage potential land use conflict through development of the subject site with the adjoining Discovery Holiday Park
- Align the zoning of the subject site with Shire of Ashburton's Local Planning Strategy.

The landowners of the site have experienced increased interest in use of the site for a variety of land uses, all of which are commercial and light industrial focused. This proposed amendment will increase the flexibility in land use options which are commercial/ industrial in nature consistent with the market interest.

## 4 PROPOSAL

This request seeks the following amendments to the Shire of Ashburton local Planning Scheme No. 7 :

- Rezone Lot 588 Beadon Creek Road from from 'Tourism' to 'Industry';
- Incorporate additional Clause 4.6 – Restricted Use which includes the following text:

4.6.1 – *The table below sets out –*

- a) *restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and*
- b) *the conditions that apply to that restricted use.*

*Table – Restricted uses for land in Scheme area No. Description of land  
Restricted use Conditions*

No.	Description of Land	Restricted Use	Conditions
1	Lot 588 Beadon Creek Road, Onslow	Storage Facility/ Depot/Laydown Area	Any proposed development of the site for a Storage Facility/ Depot/Laydown Area must demonstrate operations on the premises, will not cause any injury to, or will not adversely affect the adjoining property, Lot 100 on Deposited Plan 403216 by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products

4.6.2. *Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.6.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.*



## 5 TOWN PLANNING FRAMEWORK

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### 5.1 PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK (PPIF)

The Pilbara Planning and Infrastructure Framework was adopted by the Western Australian Planning Commission (WAPC) in 2012. The PPIF outlines the strategic direction for the future development of the region over the next 25 years. The PPIF refers specifically to the importance of enabling marine trade and making available supporting land and infrastructure

*Marine transport:*

*Trade tonnage at the region's seaports is set to expand significantly over the next decade. There will be expanded seaport facilities at Port Hedland and Dampier and iron ore export terminals at Cape Lambert, Anketell and Cape Preston. These are supplemented by marine servicing boat harbours at Onslow (Beadon Creek) and Point Samson (Johns Creek). Future priorities include:*

- *facilitating berth capacity expansion;*
- *promoting multi-user port facilities;*
- *upgrading road and rail access to port areas;*
- *providing sufficient port related land for storage and processing;*
- and*
- *providing facilities for general cargo as well as bulk commodities.*

The proposed amendment will provide additional land immediately adjoining the port capable of use for a variety of land use which will support operations in the Beadon Creek Harbour and OMSB.

### 5.2 SHIRE OF ASHBURTON LOCAL PLANNING STRATEGY (DRAFT)

The Shire of Ashburton's Draft Local Planning Strategy (Draft LPS) was adopted by the Council of the Shire of Ashburton and subsequently submitted to the WAPC during November 2020. It is understood final changes to the Strategy have been requested which will enable the WAPC to consider adoption of the Local Planning Strategy. Once finally adopted, the LPS is intended to guide future land use and development in the Shire for the next 10 – 15 years.

The subject site is identified in the Draft LPS as 'Future Industry/Mixed Business'. Part 2 of the Draft LPS outlines this is a suitable conclusion to ensure there is adequate industry land to support growth of the community and expanded operations at Beadon Creek Harbour. The Strategy notes the potential land use conflict arising from sensitive land uses, such as Discovery Parks being located in close proximity to Beadon Creek Harbour and the surrounding Industrial Land. Modifications to be incorporated into the final adopted LPS includes in response to this issue:

*Investigate the requirement and necessity for a buffer around the Beadon Creek Boat Harbour to ensure that the long term operations of the harbour are not prejudiced by incompatible land uses.*

The comments in the Draft LPS and subsequent modifications highlight the inappropriate nature of the subject sites Tourism zone and desire in the longer term to enable and de-constrain harbour operations by preventing further sensitive development in close proximity.

## 5.3 STATEMENT OF PLANNING POLICIES

### 5.3.1 Statement of Planning Policy 2.6 – Coastal Planning (SPP2.6)

SPP2.6 provides guidance on land use and development in area subject to coastal processes. The Shire of Ashburton has an adopted Coastal Hazard Risk Management and Adaption Plan (CHRMAP) prepared by Cardno in 2017. The report identified that the subject site is not located within an area that will be subject to coastal erosion; however, it may be subject to inundation during a storm surge event.

Table 6-2 recommends future industry and commercial development should have a finished floor level of 4.9m AHD, substantially lower than finished level of 5.9 and 5.9m AHD to retail, tourism and residential development.

We note that the subject site is located behind the Groyne Access Road and Beadon Creek Road, both set at 6m AHD. These provide a natural barrier to storm surges that migrate up from the creek. The Onslow main drain runs along Beadon Creek Road adjacent to the property. The drain, after it crosses the Groyne Access Road, is fitted with one-way flow control flaps to mitigate the backflow of creek water during storm surge events.

Therefore, whilst the subject site has a level of 3m AHD the additional coastal infrastructure subsequently constructed within the Harbour are expected to provide significant coastal protection from storm surge.

These coastal protection measures, and the lower FFL requirements for industry/commercial uses compared with tourism uses show rezoning the land will actually improve development capability of the site having regard to coastal planning policies. Specific development considerations associated with filling the site can be addressed as part of considering a development application.

### 5.3.2 Statement of Planning Policy 3.7 – Planning in Bushfire Prone Areas

The east portion of the subject site is identified as being ‘bushfire prone’ according to the Department of Fire and Emergency Services Bushfire Prone planning, shown in figure 2.



Figure 2- Bushfire Prone Area Map- Department of Fire and Emergency

However, an evaluation of the site utilising the “Planning and Bushfire Prone Areas’ BAL Assessment (Basic Report) shows the BAL rating is BAL-Low on the basis that all bushfire prone vegetation is located at least 100m from the subject site as the site is entirely bound by either cleared land or development where the vegetation is landscaped or managed by the Shire of Ashburton. Attached report in Appendix 2.

### 5.3.3 Statement of Planning Policy 4.1 – State Industrial Buffer (SPP4.1)

The purpose of SPP4.1 is to provide a consistent state-wide approach from the protection and long-term security of industrial zones, transport terminals (including ports), other utilities and special uses.

The Draft LPS highlights the existing risks of conflict arising as a result of the area of existing developed and undeveloped tourism zoned land in close proximity to the harbour operations which has a primary objective to enable development of sensitive land uses that might further perpetuate conflict or constrain operations of the harbour and OMSB.

The rezoning of this land from Tourism to Industry aligns with the direction of SPP5.4 by ensuring greater separation between port operations and sensitive land uses. The additional restricted use provisions for land uses that are permitted by may create conflict with existing sensitive uses is properly considered as part of any development application.

### 5.3.4 Statement of Planning Policy 5.4 – Road and Rail Transport Planning (SPP5.4)

Beadon Creek Road has been identified in the Draft LPS has been a road whereby SPP5.4 will be applicable in considering future development. The proposed



amendment will deliver land uses which align with the classification of the Beadon Creek Road with future development not being affected by SPP5.4.

The current zone represents and broadly incompatible land use that may either place further pressure on the operation of freight and logistics associated with Beadon Creek Harbour; or be subject of onerous development conditions which render an alternative tourism development unviable.

### 5.3.5 Shire of Ashburton Local Planning Scheme No. 7

Clause 1.6 of LPS7 outlines the aims of the Scheme. The proposed amendment is consistent with the aims of the Scheme for the following reasons:

- Development which would be enabled through the amendment is a much more accurate reflection of the character and amenity and environmental characteristics of the Beadon Creek Harbour area;
- The amendment creates land which is ideally located to support operations from the Beadon Creek Harbour which support strategic offshore industry;
- The amendment represents an orderly and proper response to State Planning Policies and the Shires own adopted LPS.

### 5.3.6 Industry Zone Purpose and Development

The purpose of the Industry zone is set out in Cl4.1 of LPS 7, which is as follows:

*This zone is for Industrial and associated land uses, providing for manufacturing, extraction or processing industries, public utilities, storage or wholesaling or any business that can be considered within one of the 'Industrial' definitions in the Scheme.*

The nature of potential development options where interest have been expressed more accurately reflect the Industry zone purpose compared with the Tourism zone. Furthermore, the nature and purpose of the zone is more complementary to the operations underway within Beadon Creek Harbour.

Development controls associated with the Industry zone are set out in Cl6.11 and 6.12 of LPS7. Clause 6.11.2 outlines:

*In considering planning applications within the industrial zones, community zones, public purpose Reserves, infrastructure reservation or the industry buffers identified in the Policy Manual, Local Government shall have regard for the:*

- a) *compatibility of the proposed uses with other surrounding uses,*
- b) *potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes, and*
- c) *risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry,*

*infrastructure or public purpose or any other use. Note: Industrial buffers applicable to the Shire of Ashburton shall be identified in the Shire's Land Use Planning Policy Manual.*

- d) restricting unsewered industrial developments to low wastewater producing type of industries, that is industries predicted to produce a daily wastewater volume of less than 540 litres per 200m<sup>2</sup> of lot area intended for disposal on site.*
- e) the capacity for infrastructure to accommodate additional loads (particularly where development involves the expansion of existing operations);*
- f) measures to prevent soil and groundwater contamination; and*
- g) separation of stormwater and process liquids and the onsite containment of process liquids*

This important development controls provides further specific and clear direction in considering development applications in the context of their compatibility with other surrounding land uses, potential health and amenity risks. This measure ensures that the potential risks and impacts to operation of the Discovery Holiday Park will be given adequate consideration during the development application stage, managing potential land use conflict which could arise through the variety of land uses which may be approved in the Industry zone.

## **5.4 ISSUES AND OPPORTUNITIES**

This section considers the issues and opportunities associated with the proposed amendment.

### **5.4.1 Issues**

The primary issue which might arise through from the proposed amendment is land use conflict resulting from future industrial or commercial development on the site with Discovery Holiday Park which adjoins the park. In this respect:

1. All land uses within the zoning table which might create off-site impacts are discretionary uses and not permitted unless Council granted approval. This ensures potential impacts for any such development can be considered in determining any development application on the subject site.
2. The proposed restricted use provisions for inclusion in LPS7 ensure that Storage Facility/Depot/Laydown Area is similarly subject to the same considerations and is not simply permitted on the subject site without such considerations first being given.

These controls ensure potential conflict and impacts to adjoining land uses can be adequately considered during the development application process.

In addition to the above, we note any additional development and use on the site is unlikely to have a material increase in cumulative noise, dust, light pollution or other such emission likely to be already affecting Discovery Holiday

Park given its location and proximity to the Beadon Creek Road, Beadon Creek Harbour, OMSB and Onslow's primary industrial precinct.

#### **5.4.2 Opportunities**

The proposed amendment offers numerous opportunities including:

- Enable development which is more compatible with surrounding character and amenity of the area;
- Facilitate use of the land for a higher and better use as identified in the Draft LPS;
- Creation of additional land to support Beadon Creek Harbour Operations consistent with the recommendations of the PPIF and the Shire's Economic Development and Tourism Strategy;
- Commence implementation of the Shires adopted LPS; and
- Prevent further encroachment of sensitive land uses towards Onslow's primary industrial area and marine operations at Beadon Creek Harbour.



## 6 ENVIRONMENTAL CONSIDERATIONS

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The subject site is cleared. It is not listed as a potentially contaminated site within DWER's contaminated sites register. The site is not identified in Environmental Profile supporting the Shire's adopted LPS. Accordingly, there are no material environmental issues which might impact this scheme amendment progressing.

## 7 ENGINEERING

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The subject site has legal road access and access to reticulated water and power services located within the Beadon Creek Road Reserve.

The site has adequate area to manage effluent disposal on-site.

Any fill and retaining required to address coastal inundation risk can be readily managed at the development stage and would not cause any material impact on the amenity of the surrounding area in a manner that would prevent progression of this proposed amendment.

## 8 SUMMARY

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This request to amend the Shire of Ashburton Local Planning Scheme No. 7 will rezone Lot 558 Beadon Creek Road, Onslow from Tourism to Industry, incorporated adequate restricted use provisions to manage potential future land use conflict with nearby sensitive land uses. The amendment is a logical change to the Onslow Statutory Planning Framework because:

- The amendment is consistent with the recommendations of the Shire's Local Planning Strategy
- It creates new land capable of being services and developed which is necessary to support expanded operations at the Beadon Creek Harbour through the Onslow Marine Supply Base;
- The amendment removes the prospect of further tourism, sensitive land use development which may further encroach on the operations of the Beadon Creek Harbour.

In light of the information within this report, we respectfully request the Shire of Ashburton initiate this amendment.



*Appendix 1 - Certificate of Title*



WESTERN



AUSTRALIA

REGISTER NUMBER <b>558/DP173181</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1783 FOLIO 970

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 558 ON DEPOSITED PLAN 173181

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

DANELLE NICOLE KEMPTON OF 277 BERKSHIRE ROAD, FORRESTFIELD

(T J010892 ) REGISTERED 3/9/2004

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. \*J630820 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 21/2/2006.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1783-970 (558/DP173181)  
PREVIOUS TITLE: 1355-44  
PROPERTY STREET ADDRESS: LOT 558 BEADON CREEK RD, ONSLOW.  
LOCAL GOVERNMENT AUTHORITY: SHIRE OF ASHBURTON

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF ONSLOW TOWN LOT/LOT 558 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 558 ON DEPOSITED PLAN 173181 ON 18-APR-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

NOTE 3: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING J10893

*Appendix 2 – BAL Self Assessment*





Department of  
Planning



# PLANNING IN BUSHFIRE PRONE AREAS

## BAL ASSESSMENT (BASIC) REPORT

A BAL REPORT FOR A PROPOSED BUILDING ON A SITE THAT IS NOT WITHIN 100 METRES OF BUSHFIRE PRONE VEGETATION

Please read the **BAL Assessment (Basic) fact sheet** before completing this report.

### 1. Fire Danger Index (FDI)

Determine the FDI for your site. The FDI for all of Western Australia is 80.

80

### 2. Bushfire prone vegetation

Determine if there is bushfire prone vegetation within 100 metres of the proposed building. Insert NIL where there is no bushfire prone vegetation within 100 metres of the proposed building.

NIL

### 3. Distance between the proposed building and bushfire prone vegetation

Determine the horizontal distance between the proposed building and the nearest bushfire prone vegetation in the area surrounding the proposed building. Insert YES where the horizontal distance is greater than 100 metres on flat land and 110 metres on sloping land.

YES

### 4. Slope of the land under bushfire prone vegetation

Determine the horizontal distance between the proposed building and the nearest bushfire prone vegetation. Insert N/A where the horizontal distance is greater than 100 metres on flat land and 110 metres on sloping land.

N/A

### Step 5: Bushfire Attack Level (BAL)

Determine the BAL for the proposed building or development. Insert the BAL.

LOW

If the BAL is BAL-LOW, then this report may be used to support a relevant application for the proposed building or development. If the BAL is **not** BAL-LOW, this report should not be used.

Attach any supporting information (i.e. site plans, photos, aerial photography and other design documents and specifications) as evidence that your site is not within 100 metres of bushfire prone vegetation.

I certify that the inputs into this BAL assessment (basic) report are a true and accurate representation of the conditions of the proposed building and site on the date of this assessment for the site located at:

**Lot 558 Beadon Creek Road, Onslow**

And being the whole of the land described in Certificate of Title: **1783/970**

The BAL rating is: **BAL-LOW** Date of assessment: **18/01/2021**

Signed: .....

Postal address: **PO Box 3881 Broome WA 6725**

Phone: **0407 684 337** Email: **owen@rffaustalia.com**