



# Agenda

## Ordinary Council Meeting

23 May 2024

### Notice of Meeting

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on 23 May 2024, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.

A handwritten signature in black ink, appearing to be 'Ben Lewis', written in a cursive style.

Ben Lewis  
CHIEF EXECUTIVE OFFICER

## Disclaimer

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The advice and information contained herein are given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note that this agenda contains recommendations which have not yet been adopted by Council.

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In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

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**SNAPSHOT**

# Strategic Community Plan 2023-2033



**Your Choice. Our Future.**

**VISION**

A globally recognised community of guardians for our unique environment and culture as we pursue innovations for sustainable growth.

**GOALS**

The goals are organised in five strategic pillars: Social, Natural Environment, Built Environment, Economy, and Governance and Leadership.

## SOCIAL

Nurture a friendly, safe and inclusive community spirit.

- Improve local community and visitor experiences.
- Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.
- Build community cohesion and connectedness.



## GOVERNANCE & LEADERSHIP

Foster open, transparent & accountable leadership, working collaboratively & in partnership with our community & stakeholders.

- Forward-thinking leadership for efficient & sustainable operations.
- Continued focus on transparent, accountable leadership & community & stakeholder engagement.
- Council & administration plan & lead with good governance.



## ECONOMY

Enhance a robust, resilient & diversified economy that champions innovation.

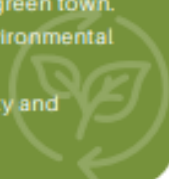
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



## NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

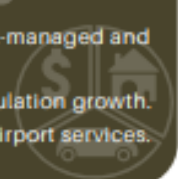
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



## BUILT ENVIRONMENT

Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry.

- Infrastructure and assets are well-managed and maintained.
- Plan and cater for increased population growth.
- Revitalisation and expansion of airport services.



## Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)  
Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name [Click here to enter text.](#)

Elected Member     Committee Member     Employee     Contractor

Ordinary Council Meeting held on [Click here to enter text.](#)

Special Council Meeting held on [Click here to enter text.](#)

Committee Meeting held on [Click here to enter text.](#)

Other [Click here to enter text.](#)

Report No [Click here to enter text.](#)

Report Title [Click here to enter text.](#)

Type of Interest (\*see overleaf for further information)

Proximity     Financial     Impartiality

Nature of Interest

[Click here to enter text.](#)

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

[Click here to enter text.](#)

Signed: \_\_\_\_\_ Date: [Click here to enter text.](#)

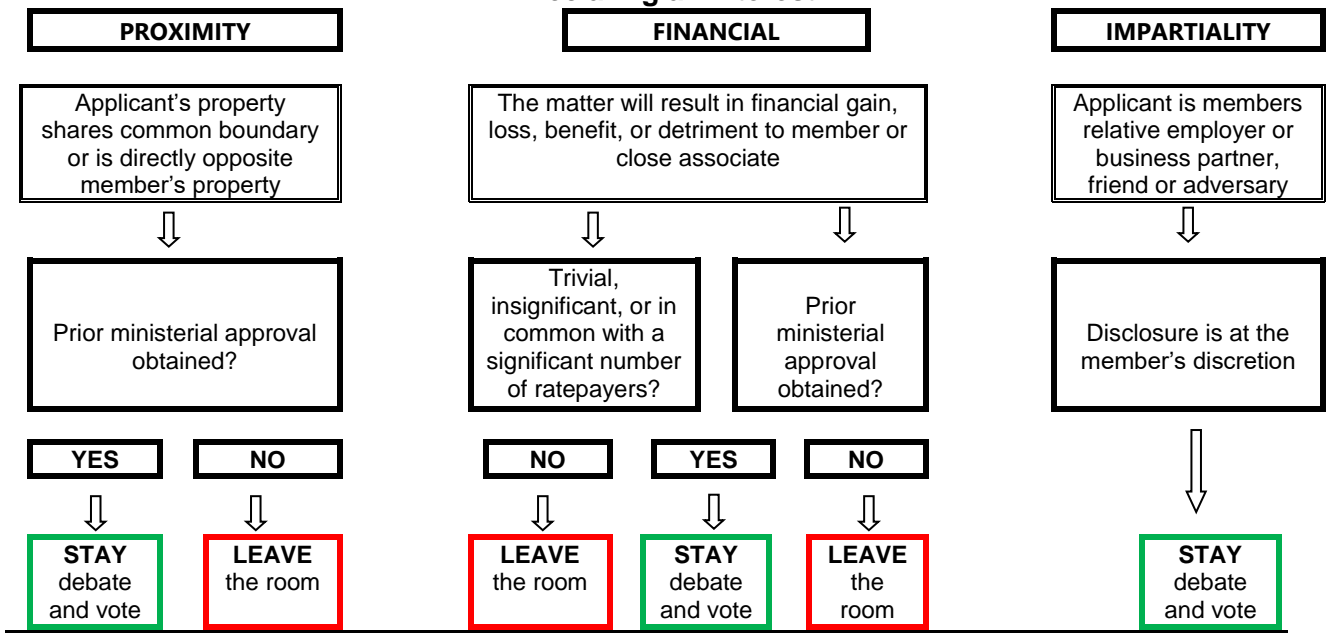
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2**: For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.
- **Note 3**: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

CEO: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### OFFICE USE ONLY

Particulars recorded in Minutes     Particulars recorded in Register

**\* Declaring an Interest**



**Local Government Act 1995 – Extract**

**s.5.60A - Financial Interest**

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

**s.5.60B – Proximity Interest**

A person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

**5.65 - Members' interests in matters to be discussed at meetings to be disclosed.**

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know: (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

**5.70 - Employees to disclose interests relating to advice or reports.**

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

**5.71 - Employees to disclose interests relating to delegated functions.**

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

**5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports**

(1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.

(2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).

(3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

**Local Government (Administration) Regulations 1996 – Extract** - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

## AGENDA INDEX

1.	DECLARATION OF OPENING AND ANNOUNCEMENTS.....	7
2.	ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE .....	7
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	7
4.	PUBLIC QUESTION TIME .....	7
5.	DECLARATIONS OF INTEREST.....	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE .....	7
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	7
8.	ANNOUNCEMENTS/ REPORTS OF ELECTED MEMBERS.....	8
9.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION .....	8
10.	PETITIONS/ DEPUTATION/PRESENTATIONS/ SUBMISSIONS .....	8
11.	MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	8
12.	REPORTS OF OFFICERS.....	9
12.1.1	COUNCIL MEMBER CHARTER .....	9
12.2.1	PROPOSED SCHEME AMENDMENT NO.11 TO LOCAL PLANNING SCHEME NO.4 – REQUEST AND INITIATION FOR ADVERTISING .....	12
12.3.1	FINANCIAL STATEMENT FOR PERIOD ENDING 30 APRIL 2024 .....	19
12.3.2	LIST OF ACCOUNTS FOR PERIOD ENDING 30 APRIL 2024.....	21
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	23
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING ...	23
15.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	23
16.	CLOSURE OF MEETING .....	23

## **1. Declaration of Opening and Announcements**

## **2. Attendance, Apologies and Approved Leave of Absence**

Shire President M (Matthew) Niikkula	
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor D (Darlene) Allston	
Councillor D (David) Gillespie	
Councillor T (Todd) Bennett	
Councillor K (Kristy) Devereux	
Councillor M (Mark) Lucas	
Mr Ben Lewis	Chief Executive Officer
Mr Ziggy Wilk	Chief Financial Officer
Ms Michelle Head	Minute Taker

## **3. Response to Previous Public Questions Taken on Notice**

Nil

## **4. Public Question Time**

In accordance with section 5.24 of the *Local Government Act 1995*, a 15-minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the Shire President's discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the Shire President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

## **5. Declarations of Interest**

## **6. Applications for Leave of Absence**

The *Local Government Act 1995* (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for a leave of absence.

## **7. Confirmation of Minutes of Previous Meetings**

That the Minutes and associated attachments of the Special Council Meeting of the Shire of Exmouth held on 14 May 2024 be confirmed as a true and correct record of proceedings.

**8. Announcements/ Reports of Elected Members**

**9. Announcements by the Presiding Person without Discussion**

**10. Petitions/ Deputation/Presentations/ Submissions**

**11. Matters Arising from Committees of Council**



## 12. Reports of Officers

### EXECUTIVE SERVICES

#### 12.1.1 COUNCIL MEMBER CHARTER

File Reference	GV.CO.0
Reporting Officer	Coordinator Communications
Responsible Officer	Chief Executive Officer
Date of Report	14 May 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Shire of Exmouth Elected Member Charter

#### Purpose

1. That Council considers the Shire of Exmouth Council Member Charter for adoption as per Attachment 1.

#### Background

2. The role of a Councillor is a unique, complex, yet privileged position that can make a real difference in people's lives by focusing on improving social, economic and environmental well-being.
3. To enhance outcomes for Council Members as Councillors, it is imperative that all members collaborate in a manner that prioritises the community's best interests, safety, and well-being.
4. The Shire of Exmouth Council Member Charter serves as a guiding vision for the Council, fostering a sense of unity and teamwork. It provides a reference point for decision-making and guides day-to-day behaviour for all Council Members, including:
  - a. Ensuring buy-in from all Council Members.
  - b. Building a collegiate Council working for the community.
  - c. Holding all Council Members accountable.
  - d. Clarifying roles and responsibilities within the Shire.
  - e. Demonstrating the Council's purpose to the Shire of Exmouth Administration, community and all other stakeholders.
  - f. Providing clarity and reducing confusion in cases where conflicts may arise.
  - g. Setting the standard for the Shire of Exmouth on how to behave.
5. All Council Members unanimously commit to upholding the principles outlined in the Shire of Exmouth Council Member Charter.

#### Comment

6. The Shire of Exmouth Council Member Charter provides Council Members with a robust framework, that is flexible to local needs, ensures effective leadership, equips members with the support they need, and provides resilience in times of challenge.
7. The Shire of Exmouth Council Member Charter was initially adopted in the Ordinary Council Meeting in December 2023.
8. The collective adherence to the Shire of Exmouth Council Member Charter aims to enhance decision-making within the Council and create a secure environment that empowers all Council Members to fully support and accomplish the established Council Goals guided by the Strategic

Community Plan 2023-2033, and consequently its reviewed versions as per the *Local Government Act 1995* – s.5.56 and the *Local Government (Administration) Regulations 1996* - s. 19C, 19D.

**Consultation**

- 9. Council Members
- 10. Executive Management Team

**Statutory Environment**

- 11. Nil

**Policy Implications**

- 12. Nil

**Financial Implications**

- 13. Nil

**Risk Management**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Ineffective Council Meetings and insufficient/delayed decision-making process.	Almost Certain	Major	Extreme	Adopt a robust framework, that is flexible to local needs, ensures effective leadership, equips members with the support they need, and provides resilience in times of challenge
Financial Delayed administrative actions due to delayed decision-making, missing approvals, and risk of missing essential deadlines or lobbying opportunities while limited revenue streams accessible to the Shire.	Possible	Catastrophic	High	All Council Members unanimously commit to upholding the principles outlined in the Shire of Exmouth Council Member Charter and create a secure environment that empowers all Council Members to fully support and accomplish the established Council Goals guided by the Strategic Community Plan.
Reputational Council is perceived as lacking unity and efficiency, making some question its ability to effectively govern the Shire.	Possible	Minor	Moderate	All Council Members unanimously commit to upholding the principles outlined in the Shire of Exmouth Council Member Charter, uphold and support decisions made by Council publicly and lead by example for the Exmouth community.

**Risk Matrix**

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Alternate Options**

14. Council may consider declining the recommendation provided by the reporting officer.

**Strategic Alignment**

15. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	<b>Nurture a friendly, safe and inclusive community spirit</b> 1.3 Building Community cohesion and connectedness
Governance & Leadership	<b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b> 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement 5.3 Council and administration plan and lead with good governance

**Voting Requirements**

16. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.1.1</b>
That Council endorse and sign the Shire of Exmouth Council Member Charter as per Attachment 1.	

**OPERATIONS AND INFRASTRUCTURE SERVICES**

**12.2.1 PROPOSED SCHEME AMENDMENT NO.11 TO LOCAL PLANNING SCHEME NO.4 –  
REQUEST AND INITIATION FOR ADVERTISING**

File Reference	LP.PL.4.11
Reporting Officer	Planning Officer
Responsible Officer	Chief Operations Officer
Date of Report	14 May 2024
Applicant/Proponent	Taylor Burrell Barnett
Disclosure of Interest	Nil
Attachment(s)	1. Scheme Amendment Report

**Purpose**

1. That Council consider a Scheme Amendment request and initiate Amendment No.11 to Local Planning Scheme No. 4 to rezone Lot 510 on Deposited Plan 427828, Willersdorf Road, Exmouth from the 'Public Open Space' reserve to the 'Special Use 11' zone and to amend Schedule 4 – Special Use Zones to include SU11 and relevant conditions.

**Background**

2. This Scheme Amendment Request report has been prepared by Taylor Burrell Barnett on behalf of, Sebatikel Holdings, in support of rezoning Lot 510 on DP 427828, Willersdorf Road, Exmouth from the 'Public Open Space' scheme reserve to a 'Special Use' zone under the Shire of Exmouth Local Planning Scheme No. 4 (LPS 4).
3. It is proposed that rezoning the land to a 'Special Use' zone will introduce appropriate planning controls into the scheme to facilitate and guide future development for a "Short-Term Eco-Tourism Accommodation Facility and Event Venue" supported by complementary facilities on Lot 510 on DP 427828, Willersdorf Road, Exmouth (the subject site).
4. The Special Use zone will facilitate the delivery of low-impact and eco-conscious short-stay accommodation.
5. A 'Special Use' zone has been proposed in lieu of a 'Tourism' zone to provide low-intensity development options and to prescribe land use and development requirements.
6. The proposal to use and develop the site for tourism purposes is consistent with and in accordance with the Shire of Exmouth's Local Planning Strategy (LPS), which identifies the subject site as Category 1 for 'Future Tourism', encouraging short-stay accommodation land use on the site.
7. Council resolution to initiate this Scheme Amendment for advertising will enable referral to the:
  - Minister for Planning pursuant to s.83A of the *Planning and Development Act 2005* for approval for advertising under s.84; and
  - EPA for a decision under section 48A of the *Environmental Protection Act 1986*.
8. The Request is proposed as a Standard Scheme Amendment.

**Comment**

9. It is acknowledged that the Scheme Amendment Report provides supporting information for the proposed amendment that is consistent with the Shire's strategic planning objectives.

10. The required advertising process will provide current community feedback with respect to the type of development sought when planning for tourism. Additionally, investigation and feedback on conservation and environmental matters will inform and contribute to future growth and sustainability.
11. Given the above, the request to initiate a scheme amendment is considered supportable.
12. The statutory process is identified below.

**Statutory and Policy Implications:**

Planning and Development Act 2005 (PD Act)

- Division 1 — Continuation and formulation of local planning schemes  
Section 75. Amending Scheme:  
*“A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —*
  - (a) *prepared by the local government, approved by the Minister and published in the Gazette; or*
  - (b) *proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.”*
- Division 3 — Relevant considerations in preparation or amendment of local planning scheme  
Section 77. Effect of State planning policies and planning codes on scheme  
Section 81. Referral of proposed scheme or amendment to EPA  
Section 82. Environmental review, when required etc.  
Section 83. Consultation requirements
- Division 4 — Advertisement and approval  
Section 83A. Proposed scheme or amendment to be submitted to Minister for approval to advertise  
Section 84. Advertising proposed scheme or amendment

Planning and Development (Local Planning Schemes) Regulations 2015

- Part 5, Division 1 — Preliminary  
Regulation 34. Terms used — Standard amendment  
Regulation 35. Resolution to prepare or adopt amendment to local planning scheme
- Part 5, Division 3 — Process for standard amendments to local planning scheme

Environmental Protection Act 1986

- Section 48A — Authority to decide whether or not schemes to be assessed.

**Referral and Consultation Requirements:**

Sections 81, 83 and 83A of the *PD Act 2005* requires that the proposed amendment be referred to be EPA; submitted to the Minister for Planning to obtain consent to advertise the amendment; and for consultation to be undertaken.

Pursuant to section 83A of the *Planning and Development Act 2005* the Minister for Planning may:

- “(a) approve the proposed scheme or amendment for advertising under section 84; or
- (b) require the local government to modify the proposed scheme or amendment in such manner as the Minister specifies and to resubmit the proposed scheme or amendment to the Minister under subsection (1); or
- (c) refuse approval for the proposed scheme or amendment to be advertised under section 84.”

Upon complying with sections 81 and 83A of the *Planning and Development Act 2005*, the Shire will make reasonable endeavours to consult with public authorities and persons as appear to the local government to be likely to be affected by the scheme amendment.

Following receiving consent to advertise, the amendment will be advertised for a minimum of 42 days in accordance with regulations 47. The requirements for making the standard scheme amendment available to the public must be in accordance with 76A(3)-(5) inclusive, as follows:

- “(3) For all documents, the local government must —
  - (a) publish on the website of the local government —
    - (i) the document; or
    - (ii) a hyperlink to a webpage on which the document is published;
  - and
  - (b) if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.
- (4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government’s district.
- (5) The local government must ensure that the document remains published under subregulation (3)(a) and (if applicable) available for public inspection under subregulation (3)(b) —
  - (a) if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or
  - (b) if the document is published in compliance with a requirement to advertise for submissions or recommendations under these regulations — during the whole of the period within which submissions or recommendations may be made; or
  - (c) if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.”

13. The Special Use Zone (SU11) is proposed as indicated in the table below.

No	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
11	Lot 510 on Deposited Plan 427828, Willersdorf Road, Exmouth	As a 'P' use: <ul style="list-style-type: none"> <li>• Tourist Development</li> <li>• Hotel</li> </ul> As an 'I' use: <ul style="list-style-type: none"> <li>• Reception Centre</li> <li>• Recreation - Private</li> <li>• Restaurant/Café</li> <li>• Small Bar</li> <li>• Workforce Accommodation</li> </ul>	<ol style="list-style-type: none"> <li>1. Sensitive land uses to be setback 500m from the Water Corporation waste-water treatment plant.</li> <li>2. Habitable structures to be setback behind the 100-year horizontal setback datum. Easily relocatable and non-habitable structures and facilities may be considered at or forward of the 100-year horizontal setback datum.</li> <li>3. Land uses listed as 'I' are permitted where they form part of the works</li> </ol>

			<p>and use associated with the predominant use/s.</p> <p>4. Vehicle access to be obtained from Willersdorf Road only. Vehicle access to the coast to be controlled via existing access from Willersdorf Road to Town Beach.</p> <p>5. In addition to standard application requirements, Development Applications shall address the following matters, to the specification and satisfaction of the local government:</p> <ul style="list-style-type: none"> <li>a. Details for a potable and non-potable water supply.</li> <li>b. Details for power supply.</li> <li>c. Details for waste water treatment.</li> <li>d. Details for stormwater management.</li> <li>e. Details for construction management, including the following matters: <ul style="list-style-type: none"> <li>i. Willersdorf Road access to golf club and consideration during construction and operation.</li> <li>ii. Fencing and control of access from the lot to the informal tracks to the beach.</li> </ul> </li> <li>f. Bushfire management plan and bushfire emergency evacuation plan.</li> <li>g. Landscape management plan.</li> <li>h. Signage strategy for the development entrance to Willersdorf Road, and wayfinding.</li> <li>i. Fencing to demarcate lot boundaries and formalise control of access to/from the coast.</li> <li>j. Environmental and Foreshore Management Plan, including but not limited to the following matters: <ul style="list-style-type: none"> <li>i. Lighting in accordance with dark sky principles and does not impact with turtle nesting and other behavioural patterns.</li> </ul> </li> </ul>
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**Consultation**

14. If Amendment No.11 is initiated, consultation will be required in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* for a minimum period of 42 days.
  
15. Section 81 of the *Planning and Development Act 2005* requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
  
16. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment in accordance with regulation 47(1).

### Statutory Environment

- 17. Planning and Development Act 2005
- 18. Planning and Development (Local Planning Schemes) Regulations 2015
- 19. Shire of Exmouth Local Planning Scheme No.4
- 20. Environmental Protection Act 1986

### Policy Implications

- 21. Nil

### Financial Implications

- 22. Nil

### Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational - the proposal may attract objections from members of the public or other public authorities.	Possible	Moderate	Moderate	Wide consulting with all parties who may be affected, and all relevant public authorities should mitigate risk.

### Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Alternate Options

- 23. Council may consider alternate options in relation to this item, such as:
  - Resolve to initiate the amendment to the local planning scheme with modifications; or
  - To resolve not to initiate the amendment to the local planning scheme.

### Strategic Alignment

This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	<p><b>Nurture a friendly, safe and inclusive community spirit</b></p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life</p>
Natural Environment	<p><b>Embrace natural sensitivities and promote positive change</b></p> <p>2.1 Establish Exmouth as a clean and green town</p> <p>2.3 Increase awareness of sustainability and environmental issues</p>
Built Environment	<p><b>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</b></p> <p>3.2 Plan and cater for increased population growth</p>
Economy	<p><b>Enhance a robust, resilient and diversified economy that champions innovation</b></p> <p>4.1 Increase opportunities for smart and sustainable business ideas</p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p>



- 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement

**Voting Requirements**

24. Simple Majority

**Officers Recommendation**

**Item 12.2.2**

That Council pursuant to the provisions of the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves:

1. The purpose of the special use zone is to facilitate a low impact tourism development in accordance with the lease for a Short-Term Eco-Tourism Accommodation Facility and Event Venue.
2. In accordance with Section 75 of the *Planning and Development Act 2005*, initiate Amendment No.11 to the Shire of Exmouth Local Planning Scheme No. 4 to amend the scheme as follows:
  - a) Rezoning Lot 510 on Deposited Plan 427828, Willersdorf Road, Exmouth from the 'Public Open Space' reserve to the 'Special Use 11' zone;
  - b) Amending 'Schedule 4 – Special Use Zones' to include SU11 and relevant conditions to apply as follows:

No	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
11	Lot 510 on Deposited Plan 427828, Willersdorf Road, Exmouth	As a 'P' use: <ul style="list-style-type: none"> <li>• Tourist Development</li> <li>• Hotel</li> </ul> As an 'I' use: <ul style="list-style-type: none"> <li>• Reception Centre</li> <li>• Recreation - Private</li> <li>• Restaurant/Café</li> <li>• Small Bar</li> <li>• Workforce Accommodation</li> </ul>	<ol style="list-style-type: none"> <li>6. Sensitive land uses to be setback 500m from the Water Corporation waste-water treatment plant.</li> <li>7. Habitable structures to be setback behind the 100-year horizontal setback datum. Easily relocatable and non-habitable structures and facilities may be considered at or forward of the 100-year horizontal setback datum.</li> <li>8. Land uses listed as 'I' are permitted where they form part of the works and use associated with the predominant use/s.</li> <li>9. Vehicle access to be obtained from Willersdorf Road only. Vehicle access to the coast to be controlled via existing access from Willersdorf Road to Town Beach.</li> <li>10. In addition to standard application requirements, Development Applications shall address the following matters, to the specification and satisfaction of the local government:                             <ol style="list-style-type: none"> <li>k. Details for a potable and non-potable water supply.</li> <li>l. Details for power supply.</li> <li>m. Details for waste water treatment.</li> <li>n. Details for stormwater management.</li> <li>o. Details for construction management, including the following matters:                                     <ol style="list-style-type: none"> <li>i. Willersdorf Road access to golf club and consideration</li> </ol> </li> </ol> </li> </ol>

			<ul style="list-style-type: none"> <li>during construction and operation.</li> <li>ii. Fencing and control of access from the lot to the informal tracks to the beach.</li> <li>p. Bushfire management plan and bushfire emergency evacuation plan.</li> <li>q. Landscape management plan.</li> <li>r. Signage strategy for the development entrance to Willersdorf Road, and wayfinding.</li> <li>s. Fencing to demarcate lot boundaries and formalise control of access to/from the coast.</li> <li>t. Environmental and Foreshore Management Plan, including but not limited to the following matters: <ul style="list-style-type: none"> <li>i. Lighting in accordance with dark sky principles and does not impact with turtle nesting and other behavioural patterns.</li> </ul> </li> </ul>
<p>3. In accordance with Regulation 35(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, determines that the amendment referred to in resolution 1. above is a Standard Amendment for the following reasons:</p> <ul style="list-style-type: none"> <li>a) It is consistent with the Shire of Exmouth's <i>Local Planning Strategy</i> that has been endorsed by the Commission;</li> <li>b) It is considered to have minimal impact on land in the Scheme area that is not the subject of the amendment;</li> <li>c) It does not result in any significant environmental, social, economic or governance impacts on the land in the scheme area; and</li> <li>d) It is not considered a complex or basic amendment.</li> </ul> <p>4. Refer the amendment to the Environmental Protection Authority for assessment in accordance with the requirements of Section 81 of the <i>Planning and Development Act 2005</i>.</p> <p>5. Refer the amendment to the Minister for Planning for approval to advertise in accordance with Section 83A of the <i>Planning and Development Act 2005</i>.</p> <p>6. Subject to the Environmental Protection Authority determining that an environmental review is not required and consent from the Minister is obtained, resolve to proceed to advertise the amendment for a period of 42 days in accordance with Regulation 47 and Regulation 75A of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>7. Authorise that amendment documentation be signed as required by the Shire President and the Chief Executive Officer.</p>			

## CORPORATE AND COMMERCIAL SERVICES

### 12.3.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 APRIL 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	13 May 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report for period ending 30 April 2024

#### Purpose

1. That Council accepts the financial report for the financial period ending 30 April 2024.

#### Background

2. The provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* Regulation 34 requires a statement of financial activity be presented at ordinary meeting of council within 2 months of the period end date (Attachment 1).

#### Comment

3. As of 30 April 2024, the operating revenue is below budget by \$978,749 (6.05%). The variances mainly relate to the timing of overflow caravan park and aviation income, the timing of operating grants and the financial assistance grant being paid in advance. The term deposit interest rates are higher than anticipated.
4. Operating expenditure is below budget by \$2,162,821 (12.04%). Variances are mainly due to the timing of maintenance and operational projects and the timing of aviation leases. Employee costs are tracking slightly below budget as a result of vacancies.
5. The capital expenditure program is under way and is tracking under budget. Council has expended \$2,478,426 of the proposed amended capital budget of \$6.1m. The timing and milestone requirements also impact the proceeds from capital grants, subsidies and contributions, which are tracking below budget.
6. Rates were levied on 31 July 2023. Rates collected as of 30 April 2024 were 94.5%, compared to 91.5% for the same period last year.

#### Consultation

7. Nil

#### Statutory Environment

8. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
9. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a nature/type level, variance commentary considers the most significant items that comprise the variance.

#### Policy Implications

10. Nil

**Financial Implications**

11. Nil

**Risk Management**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	Low	That Council receives the financial activity statements as required by legislation.

**Risk Matrix**

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Alternate Options**

12. Nil

**Strategic Alignment**

13. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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**Voting Requirements**

14. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.3.1</b>
That Council receives the financial report for the financial period ending 30 April 2024.	

### 12.3.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 APRIL 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	13 May 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 30 April 2024

#### Purpose

1. That Council receives payments made since the previous Ordinary Council Meeting.

#### Background

2. *Local Government (Financial Management) Regulations 1996*, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

#### Comment

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement (Attachment 1).

#### Payments

Municipal Fund totalling \$1,449,995.20  
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL  
Incorporating electronic payments.

Total Payments: \$1,449,995.20

#### Consultation

5. Nil

#### Statutory Environment

6. Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

#### Policy Implications

7. CS001 (Procurement)
8. CS002 (Regional Price Preference Policy)
9. CS004 (Corporate Transaction Cards)
10. CS008 (Investments)
11. CS012 (Reserve Funds)

**Financial Implications**

12. Payments are made under delegated authority and are within defined and approved budgets.  
Payment is made within agreed trade terms and in a timely manner.

**Risk Management**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Low	That Council receives the list of payments as required by legislation.

**Risk Matrix**

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Alternate Options**

13. Nil

**Strategic Alignment**

14. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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**Voting Requirements**

15. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.3.2</b>
That Council receives the report of payments made from the Municipal and Trust bank accounts during the month of April 2024 (totalling \$1,449,995.20).	

**13. Elected Members Motions of which Previous Notice has Been Given**

**14. New Business of an Urgent nature introduced by Decision of Meeting**

**15. Matters to be considered Behind Closed Doors**

**16. Closure of Meeting**