

Shire of Exmouth

ORDINARY COUNCIL MEETING



25 November 2021

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 25 November 2021 are a true and accurate record of the proceedings contained therein.

Darlene Allston
.....

Darlene Allston
Shire President

16th December 2021
.....
Dated

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MINUTES

| | |
|------------|--|
| Our Vision | To be a prosperous and sustainable community living in harmony with our natural environment. |
|------------|--|

| | |
|-------------|---|
| Our Purpose | To responsibly provide governance for the whole community in the best interest of current and future generations. |
|-------------|---|

| | |
|--------------------------|---|
| Our Strategic Objectives | <ul style="list-style-type: none"> • Diversify and grow our economy in a manner that provides year round employment opportunities • To protect and value our unique natural and built environment as we grow our economy. • To be a vibrant, passionate and safe community valuing our natural environment and unique heritage • To provide open transparent, accountable leadership working in collaboration with our community. |
|--------------------------|---|

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.01pm.

The Shire President acknowledged the aboriginal people both past and present, as the traditional custodians of the land on which we meet.

The Shire President advised the gallery in adhering to both the *Local Government Act 1995*, and the Shire of Exmouth Meeting Procedures Local Law 2015, it is an offense to record the proceedings of this meeting and asked the gallery to switch off any recording devices, including phones.

The Shire President advised the gallery the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor D (Darlene Allston)

Councillor J (Jackie) Brooks

Councillor H (Heather) Lake

Councillor M (Mark) Lucas

Councillor A (Anne) McCarrol

Councillor D (David) Gillespie

Mr B Lewis

Mr M Bird

Mr M Richardson

Mr G Coetzee

Ms M Head

Shire President

Deputy Shire President

Chief Executive Officer

Executive Manager Commercial and Community

Executive Manager Development Services

Executive Manager Corporate Services

Minute Clerk

GALLERY 15

APOLOGIES Nil

LEAVE OF ABSENCE Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

4. PUBLIC QUESTIONS TIME
Nil

5. DECLARATIONS OF INTEREST

| Name | Report | Extent of Interest | Type of Interest |
|------------------|--|--------------------|---|
| Councillor Lucas | 12.2.1 – Proposed Scheme Amendment No. 5 to Local Planning Scheme No. 4 – Support for Adoption | Financial | Ray White has been appointed to market the property at Lot 423 Murat Road for sale by DPLH. |

6. APPLICATIONS FOR LEAVE OF ABSENCE
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 28 October 2021 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-1121

MOVED: Cr Brooks

SECONDED: Cr McCarrol

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 28 October 2021 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

| | | |
|-----------------|----------|---|
| Cr Brooks | 04/11/21 | Attended the Exmouth Community Reference Group meeting |
| | 11/11/21 | Attended the Remembrance Day ceremony |
| | 23/11/21 | Parliament House with MLA Vince Catania |
| | 24/11/21 | Attended WALGA Training – Roles & Responsibility of Mayors and Presidents |
| Cr McCarrol | 30/10/21 | Attended the Opening of the Unisex Changerooms, opened by Dr Tony Buti MLA. |
| | 04/11/21 | Attended the Exmouth Community Reference Group meeting |
| | 08/11/21 | Attended the Jurabi Bundegi Coastal Parks Working Group. |
| | 11/11/21 | Attended the Remembrance Day ceremony |
| | 15/11/21 | Attended webinar – Review of Local Government Reform Package |
| | 19/11/21 | WALGA Zone Meeting and WALGA Regional Roads Meeting |
| Cr Gillespie | 15/11/21 | Attended webinar – Review of Local Government Reform Package |

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following to the gallery:

As the month draws to a close, there are many things that come to mind.

Our Councillors, Shire of Exmouth Staff, local Exmouth businesses and many of our local sporting groups gathered at the Exmouth Recreational Centre. Where we welcomed Minister for Sport and Recreation Dr Tony Buti and Hon. Kyle McGinn MLA for the opening of our unisex change rooms. An initiative jointly funded by a State Government, Community Sport and Recreational Fund Grant and the Shire of Exmouth.

Together with CEO Ben Lewis, we have been actively reviewing current projects, policies and procedures in order to facilitate processes and outcomes - we look forward to workshoping this progress with Councillors.

We welcomed representatives from the US Consulate to town and remembered those fallen in our local Remembrance Day Service.

Technology continues to open our meeting rooms to share in many local government presentations, allowing us to learn first-hand about items like, Local Government Reforms and participate across the region on many levels.

As both Cr. Jackie Brooks and myself, settle into our new roles, it was with great enthusiasm we travelled to Perth this week for our first formal training as Shire President, and Deputy Shire President. It was great to be part of such a dynamic group of people and to share in their experiences. From experienced Mayors and Shire

Presidents, to other like us, just weeks into our roles. Everyone had a great deal of knowledge and participants were willing to share in their wisdom. I look forward to participating in other workshops as further training courses become available next year.

Joining the Local Emergency Management Committee this month as chairperson, has once again hi-lighted the many agencies, local community and volunteer groups, working behind the scenes to be ready in the event we need their support and assistance. On behalf of the community we thank you all.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 NEW DELEGATION: TENDERS FOR GOODS AND SERVICES – EXERCISING CONTRACT EXTENSION OPTIONS AND VARIATIONS

| | |
|-------------------------|--|
| File Reference: | GV.AU2 |
| Reporting Officer: | Chief Executive Officer |
| Responsible Officer: | As above |
| Date of Report: | 15 November 2021 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. New Delegation – 1.2.21 Tenders for Good and Services exercising contract extension options and variations. |

PURPOSE

1. That Council consider giving delegated authority to the Chief Executive Officer (CEO) to:
 - a. Determine whether variations in goods and services required are minor variations;
 - b. Approve contract variations that do not change the scope of the original contract or increase the contract value beyond 10%; and
 - c. Approve contract extension options.

BACKGROUND

2. Council does not currently have any delegations in regards to procurement for goods and services.
3. This new delegation allows for CEO authority to invite expression of interest, to call tenders, determine the criteria for acceptance of tenders, determine the information that is to be disclosed to those interested in submitting a tender, authority to vary tender information, authority to evaluate tenders and authority to seek clarification from tenderers in relation to information contained within a tender submission.
4. Currently there is no delegations that allows for the CEO to approve minor variations where the goods or services to be supplied do not change the scope of the original contract or increase the contract value and /or approve contract extension options.
5. Under the current arrangements, with delegations, all variations would need to be presented to Council for approval even in the event that they are minor (ie any variation that is \$1 over the original, tender price). It should be noted that this amendment only applies to tenders and is not applicable for RFQ's and quotations.

6. The Officer's preference is to apply good contract management practices which has approval of the variation prior to the works commencing. In the situation where the CEO does not have delegation, it will mean projects will be delayed and Council running the risk of contractual issues as a result of the delays. The proposed delegations have built in measures to ensure that project variations are assessed against the original scope and tenderer submission and levels of approval that are both practical and compliant with the local government requirements.
7. Varying a contract with a successful tenderer is regulated by r.21A of the *Local Government (Functions and General) Regulations 1996*, which enables contract variations after a contract has been formed with a successful tenderer.
8. It is suggested that Council gives delegated authority to CEO in accordance with the attached draft (Attachment 1), to allow for the efficient process of business without having refer it back to Council every time there is a minor contract variation request or contract extension.
9. Council should note that the proposed delegation applies only to contracts formed through the tender process (contracts over \$250,000). Making, varying or discharging contracts formed through the procurement process under the Shire's adopted Procurement Policy – 2.7 are not subject to r.21A of the *Local Government (Functions and General) Regulations 1996*.
10. The proposed variation limits differ depending in the original content sum. For tenders where the total original contract is equal to or more than \$500,000.00 the minimum total of all variations is set at 10% being required to be approved by Council. In the event that the content sum is \$500,000.00 or less, it is proposed to apply a 20% total variation sum of the original content to give enough latitude for projects smaller in nature to keep proceeding given that a simple variation could stop the project proceeding. It is important to note that in all variations apart from the 10% of the original content construct, the total original content and variations total must be within the council approved budget for the project.

COMMENT

11. The proposed new delegation is based on the WALGA template and best practice guidelines.
12. Officers are recommending that the delegation be provided to the CEO only, with no further sub-delegation to other officers at this stage.

CONSULTATION

13. Nil

STATUTORY ENVIRONMENT

14. *Local Government Act 1995*
 - S5.42 Delegation of some powers or duties to the CEO
 - S5.43 Limitations on delegations to the CEO
 - S3.57 Tenders for providing goods or services
15. *Local Government (Functions and General) Regulations 1996*
 - r.11(2)(j) When tenders have to be publicly invited

- r.20(1)(2) and (3) Variation of requirements before entry into contract
- r.21A Varying a contract for the supply of goods or services

POLICY IMPLICATIONS

16. Procurement Policy – 2.7

FINANCIAL IMPLICATIONS

17. Nil

RISK MANAGEMENT

18. Identified risks implications

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|----------------|-------------|---------------|--|
| Performance (operational) – Contracted works or services may stop or be held up while Council endorsement is obtained | Almost certain | Major | High | The conditional delegation allows operational continuity of contracted works and services. |
| Financial – Not having delegated authority and the need for Council endorsement may delay works and services which may attract additional costs to council while approval is obtained | Possible | Major | High | The conditional delegation allows operational continuity to avoid delays and increased cost. |
| Reputational – Council obtains a reputation amongst suppliers that approval delays are common | Possible | Moderate | Low | The conditional delegation allows operational continuity of contracted works and services. |

ALTERNATE OPTIONS

19. Council has 3 options in regards to the proposed new delegation:

- Accept the proposed new delegation as is;
- Amend the proposed new delegation;
- Reject the new delegation so that all contract variations (on contracts awarded through the tender process) be brought back to Council for approval.

STRATEGIC ALIGNMENT

20. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

21. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council approve a new delegation for 1.2.21 Tenders for Goods and Services: Exercising Contract Extension Options and Variations, as presented in Attachment 1.

COUNCIL RESOLUTION**ITEM 12.1.1****Res No: 02-1121****MOVED: Cr Gillespie****SECONDED: Cr Brooks**

That Council approve a new delegation for 1.2.21 Tenders for Goods and Services: Exercising Contract Extension Options and Variations, as presented in Attachment 1.

CARRIED by ABSOLUTE MAJORITY 6/0

12.1.2 NEW DELEGATION: EXECUTION OF DOCUMENTS

| | |
|-------------------------|---|
| File Reference: | GV.AU2 |
| Reporting Officer: | Chief Executive Officer |
| Responsible Officer: | As above |
| Date of Report: | 15 November 2021 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. New Delegation – 1.2.21 Execution of Documents |

PURPOSE

1. That Council consider giving delegated authority to the Chief Executive Officer (CEO) to sign documents on behalf of the Shire of Exmouth.

BACKGROUND

2. Section 9.49A of the *Local Government Act 1995* states:
 - 1) *A document is duly executed by a local government if —*
 - i. *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - ii. *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
 - 2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
 - 3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - i. *the mayor or president; and*
 - ii. *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
 - 4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
 - 5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
3. Council does not currently delegate the execution of documents under Section 9.49A (4) to an authorised person such as the CEO, which means that all documents for execution, not requiring the common seal, are required to be endorsed by Council via resolution. This process causes delays and hinders the administration in carrying out day to day functions.

4. The intent of this delegation is to formalise the process by delegating to the ability to execute documents on behalf of council to the CEO.

COMMENT

5. The proposed new delegation is commonly used by Local Governments and is based on the WALGA template and best practice guidelines.
6. Officers are recommending that the delegation be provided to the CEO and the Shire President. The reason for this is the ability to execute documents that require both the CEO and the Shire President to sign, but don't require the common seal to be affixed.

CONSULTATION

7. Nil

STATUTORY ENVIRONMENT

8. *Local Government Act 1995*
- s9.49A (4) (5) Execution of Documents

POLICY IMPLICATIONS

9. Council Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risks implications

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|----------------|-------------|---------------|--|
| Performance (operational) – All documents requiring execution would need to be endorsed by Council resulting in lengthy delays. | Almost certain | Major | High | Approval of the delegation will allow the administration to execute documents and continue operations in a timely manner |
| Financial – Delays in seeking Council approval could result in missing submission dates for fast turnaround small funding agreements | Possible | Minor | Medium | The delegation will allow for the timely execution of documents |

ALTERNATE OPTIONS

22. Council has 3 options in regards to the proposed new delegation:
- Accept the proposed new delegation as is;
 - Amend the proposed new delegation;
 - Reject the new delegation so that execution of all documents be taken to Council for approval.

STRATEGIC ALIGNMENT

12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

13. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council approve a new delegation for 1.2.20 Execution of Documents: to sign documents on behalf of the Shire of Exmouth, as presented in Attachment 1.

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: **03-1121**

MOVED: **Cr Gillespie**

SECONDED: **Cr Brooks**

That Council approve a new delegation for 1.2.20 Execution of Documents: to sign documents on behalf of the Shire of Exmouth, as presented in Attachment 1.

CARRIED by ABSOLUTE MAJORITY 6/0

DEVELOPMENT SERVICES

Councillor Lucas declared a financial interest in the following report 12.2.1 and left the chambers at 4.05 pm.

12.2.1 PROPOSED SCHEME AMENDMENT NO.5 TO LOCAL PLANNING SCHEME NO.4 – SUPPORT FOR ADOPTION

| | |
|-------------------------|---|
| File Reference: | LP.PL.4.5 |
| Reporting Officer: | Senior Planning Officer |
| Responsible Officer: | Executive Manager – Development Services |
| Date of Report: | 15 November 2021 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. Scheme Amendment Report 2. Agency submissions 3. Schedule of Submissions and Recommendations 4. Proposed final modifications and provisions |

PURPOSE

1. That Council given final approval and SUPPORT Scheme Amendment No. 5 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4), and forward the amendment to the Western Australian Planning Commission with the request for the Minister for Planning to grant final consent.

BACKGROUND

2. Council has prepared Scheme Amendment 5, which seeks to apply an 'Additional Use' in Schedule 2 of LPS 4 to Lot 1423 (Reserve 45539 and no. 600) and portion of Lot 1419 (Reserve 50807), Exmouth as highlighted below in Figure 1 (the subject land).
3. At its Ordinary Council Meeting of 24 June 2021, Council resolved to initiated and advertise proposed Scheme Amendment 5 (Item 12.2.4, Resolution No: 10-0621).



Figure 1 – Aerial image

4. The subject land is currently zoned 'Tourism' under LPS 4.
5. The subject land is approximately 5.8ha, located roughly 500m north east from the Exmouth Town Centre, and directly north of Exmouth's main recreation precinct, which includes the Koobooroo and Talanjee ovals. The land to the east on the opposite side of Willersdorf Road is the Exmouth Golf Club, to the north is Department of Defence landholdings.
6. The subject land slopes down to the east, vacant and largely consists of sparse scattered vegetation.
7. The scheme amendment was referred to the Environmental Protection Agency (EPA), who advised that the amendment did not warrant a formal assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.
8. Scheme Amendment No.5 was advertised for public comment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising was undertaken via direct mail out to surrounding landowners, notices placed on the Shire's website and Local Notice Boards.
9. In addition to public advertising and formal referral to the EPA, Scheme Amendment No.5 was also referred to relevant state agencies and utility providers for comment.

COMMENT

10. The amendment seeks to apply an 'Additional Use' (Additional Use (A8)) in Schedule 2 of LPS 4 to include 'workforce accommodation' as a discretionary ('A') use (rather than an 'X' use) and conditions to guide assessment of proposals for workforce accommodation on the subject land.
11. The proposal has been assessed against the relevant legislative requirements and has taken into consideration comments received as a result of advertising and consultation, resulting in some modifications (refer Attachment 4).
12. The following agencies provided comment:
 - Department of Fire and Emergency Services (DFES)
 - Department of Health (DoH)
 - Department of Water and Environmental Regulation (DWER)
 - Water Corporation
13. A total of three (3) public submissions were received in relation to the proposal. Two of the public submissions provided objections and concerns, the third recognised there is a need to provide for workforce accommodation, however also raised concerns.
14. The key concerns raised from the public are outlined below:
 - Connection to sewer
 - Built form and design
 - Heights and views to the ocean
 - Pedestrian and vehicle access
 - Drainage and impacts on the floodplain
 - Construction noise and dust

Connection to sewer

15. Concerns were received in relation to effluent disposal. The requirement and recommendation to connect to the reticulated sewer network was also raised by the DoH, DWER and Water Corporation. Shire officers have therefore recommended that a new condition 4 be added within proposed 'Additional Use A8' of Schedule 2 – Additional Uses that states:

All development shall be connected to the Water Corporations reticulated sewerage network.

16. The abutting developments on Murat Road have private pump stations to pump back into the reticulated network. Likewise, the site will also need to connect to sewer via a pump station. Some of the submissions queried if there was an opportunity to be connected to the same system as the subject land. There may be an opportunity for this, however this will be considered as part of the future planning and design stages.

Built form and design

17. Avoiding unsightly development and ensuring high quality design was also a common theme raised in the submissions. The Shire notes and considers the site is a prominent location and the design should be of high-quality, allowing for the development to be easily adapted and reused for short-stay accommodation if needed in the future. Proposed condition 5 of 'Additional Use A8' states:

Development is to be of a high standard and be compatible with the overall landscape, colours and textures of the area.

Heights and views to the ocean

18. Some of the adjacent developments to the west have views over the subject land towards the ocean. The site is currently zoned 'Tourism'. LPS 4 lists a standard maximum height of 9m from natural ground level for all development in 'Tourism' land. This height allows for 2 storeys in addition to roof space. For clarity, it is recommended that a new condition 6 be added within proposed 'Additional Use A8' of Schedule 2 – Additional Uses that states:

Development shall not exceed 2 storeys and a total overall height of 9m above natural ground level.

19. The site is predominantly over 2.5m lower than the adjoining development on Murat Road. The proposed scheme conditions of A8 (1 – 3) also require development to be sited to consider surrounding land uses.

Pedestrian and vehicle access

20. Lot 600 has direct frontage onto Murat Road. It is not anticipated that pedestrian or vehicle access will adversely impact on the adjoining tourism developments to the west. Vehicular access will be further considered as part of the subsequent Local Development Plan stage.

Drainage and impacts on the floodplain

21. Concerns regarding drainage were also raised. While there are parts of the land that are outside of the modelled floodplain, any development within the Special Control Area 5 – Floodplain will require hydraulic modelling to the satisfaction and approval of the DWER. The proposed scheme conditions also include the requirement for an Urban Water Management Plan to be prepared, developments will also need to consider and address the Shire of Exmouth's District Water Management Strategy.

Construction noise and dust

22. Noise and other concerns with construction were also raised. It is expected that a Construction Management Plan (CMP) will be required as part of any future development approval. The CMP would be required to address a number of matters including noise, dust and sand management. Development on the site would also need to comply with the relevant local, state and federal legislation, including the *Environmental Protection (Noise) Regulations 1997*.

Bushfire and DFES response

23. The DFES Land Use Planning team raised comments in respect to *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7). A broad assessment of SPP 3.7 and the Guidelines is included within the Amendment report. It is important to note that no development is proposed at this stage. Further, the proposed scheme conditions for A8 detail the requirement for a bushfire management plan to be provided to address SPP 3.7 and the Guidelines at the subsequent Local Development Plan stage, when the extent, scale and footprint of the development on site is known.

24. In addition to the above matters, the following have been identified by Shire planning officers as key considerations for the determination of the proposal, and are discussed in detail below:

- Land tenure and Reserve vesting
- Position Statement - Workforce accommodation
- Local Planning Strategy
- Local Planning Scheme No. 4
- Servicing & infrastructure
- Amendment proposal and justification

Land tenure and Reserve vesting

25. The *Land Administration Act 1997* provides the statutory environment for the care, control and management of Reserves. The Minister for Lands may, by order, reserve crown land for one or more purposes in the public interest. The Minister may then, by order, place one or more persons in the care, control and management of the Reserve through a 'Management Order'.
26. Reserve 45539 and portion of Reserve 50807 are shown below, which are currently set aside for the purposes of 'Drainage and Recreation' and 'Research Centre' respectively, with management orders to the Shire of Exmouth.

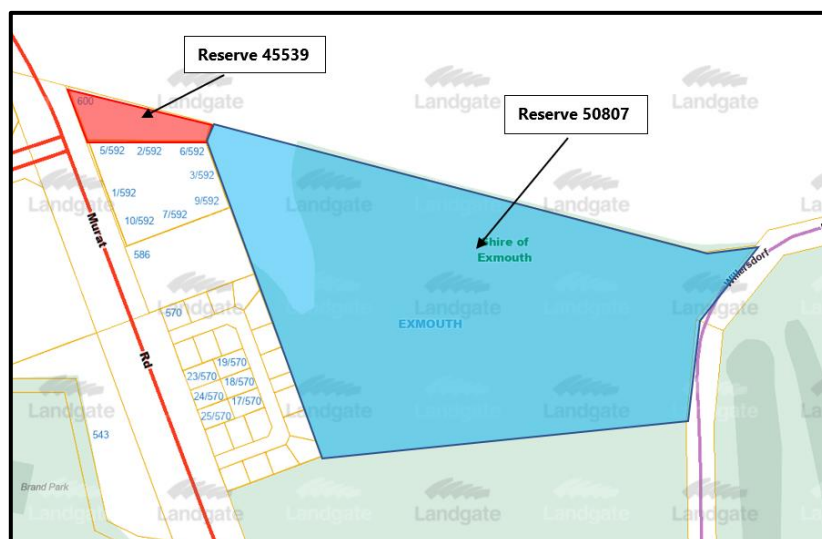


Figure 2 – Extent of Reserves

27. To allow for a workforce accommodation development on the subject land, the Shire will need to relinquish the portion of Reserves to be included in the proposed Additional Use (A8) site. Shire officers recommend that Council support relinquishing the management orders, while noting that there are still additional steps and information to be provided by the Shire prior to formally and explicitly relinquishing the land.

Workforce Accommodation – Position Statement

28. The Western Australian Planning Commission (WAPC) has prepared a Position Statement on workforce accommodation to assist users of the planning system in understanding the land use planning considerations for workforce accommodation. The purpose of the Position Statement is to:
- Outline the development requirements for workforce accommodation under the *Planning and Development Act 2005* and associated regulations.
 - Provide guidance to local governments on the role of the local planning framework in the planning and development of workforce accommodation.
29. The WAPC's position statement outlines that where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context, to facilitate their ongoing sustainability. Planning and development of workforce accommodation should be consistent with local planning strategies and schemes, except where the *Mining Act 1978* and State Agreement Acts prevail.

Local Planning Strategy

30. The purpose of the Local Planning Strategy (the Strategy) is to provide strategic planning direction over a 10-year period within the municipality. Further, it provides the rationale for the zoning and reservation of land and the rationale for land use and development controls.
31. The Strategy identifies the subject land as 'Tourism/Residential' under 'Future Tourism Area 5'. The Strategy supports the approval of residential uses. The Strategy also recommends:
- Ensuring access to Lot 1423 is obtained from Murat Road.
 - The development interface between future tourism residential uses and the existing Murat Road Recreation Precinct. The built form is to also address (front) the potential future road link between Murat Road and Willersdorf Road abutting the Recreation Precinct.
32. As mentioned above future development of the subject land will need to result in high quality-built form that addresses both Murat Road and the Recreation Precinct and considers and integrates with existing tourism and residential uses along Murat Road.

Local Planning Scheme No. 4

33. The following aims of LPS 4 are relevant to the proposal:
- *Facilitate planning for the appropriate balance between economic and social development, public health, conservation of the natural environment, and improvements in lifestyle and amenity.*
 - *To provide for a range of housing and choice of residential densities to meet the needs of the community.*
34. Consistent with the objectives of the Tourism zone, the proposal provides for additional residential uses where appropriate.

Proposal and Justification

35. Inserting an additional use based specifically on the subject land is considered appropriate rather than altering the permissibility of the 'workforce accommodation' land use across the Tourism zone. Due to other sites being located in prominent and higher tourism amenity areas, such as those directly facing Murat Road and in close proximity to Town Beach and the Marina. The proposed additional use is also consistent with WAPC's Position Statement on Workforce Accommodation, which recommends that proposals for workforce accommodation be considered on a case-by-case basis.
36. An additional use also makes provision for inclusion of specific conditions that need to be considered when assessing development proposals on the specific site. In this instance, there are a number of conditions relating to the following matters that are over and above the standard provisions of the Scheme, including:
 - *The requirement for an LDP to be prepared to guide future development and address a number of items:*
 - *The need, considering the capacity in local housing and supply markets;*
 - *Numbers of units;*
 - *Occupancy limitations – number of persons occupying the site and employer;*
 - *Provision of suitable setbacks and siting of development in a manner that considers surrounding land uses;*
 - *Measures to manage visual amenity impacts (screening, fencing and landscaping etc.);*
 - *Decommissioning/transitioning plans;*
 - *Time limited approvals;*
 - *Rubbish disposal;*
 - *On-site carparking;*
 - *Stormwater drainage and impacts on the floodplain, including the requirement for an Urban Water Management Plan;*
 - *Provision of a full-time on-site manager or caretaker;*
 - *Development to be of a high standard and capable of being adapted and used for future residential and/or tourism purposes;*
 - *Development to be a maximum of 2 storeys and less than 9m overall;*
 - *Requirement to connect to reticulated sewer;*
 - *Remove the need for permanent residential accommodation to be limited to 40%, and a tourist development to be constructed initially;*
 - *No limit on each workforce accommodation unit to contain no more than one (1) bedroom; and*
 - *Workforce accommodation subject to the R40 Density Code.*
37. It is recommended that Council resolve to support proposed Scheme Amendment 5, subject to modifications and forward the amendment to the WAPC, with the request for the Minister for planning to grant final consent.

CONSULTATION

38. As mentioned above, Scheme Amendment No.5 was advertised in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
39. In addition to public consultation, the proposal was also referred to the following state agencies and utility providers:
- Department of Biodiversity, Conservation and Attractions (DBCA)
 - Department of Fire and Emergency Services (DFES)
 - Department of Water and Environmental Regulation (DWER)
 - Horizon Power
 - Water Corporation
 - Department of Health (DoH)
40. A response was received from DoH, DFES, DWER and the Water Corporation.
41. A 'Schedule of Submissions and Recommendations' has been prepared to summarise and respond to the matters raised during the public advertising and consultation period (refer Attachment 3). The matters raised are broadly addressed above in the comment section of this report. A copy of each government agency submissions is also available (refer Attachment 2).
42. Modifications to the proposed scheme amendment are recommended as a result of the consultation process (refer Attachment 4).

STATUTORY ENVIRONMENT

43. *Planning and Development Act 2005*
44. *Planning and Development (Local Planning Scheme) Regulations 2015*
45. *Local Planning Scheme No. 4*
46. *Environmental Protection Act 1986*
47. *Exmouth Townsite Structure Plan*
48. *Land Administration Act 1997*
49. *Fire and Emergency Services Act 1998*
50. *Dividing Fences Act 1961*
51. *Environmental Protection (Noise) Regulations 1997*

POLICY IMPLICATIONS

52. State Planning Policy 3.0 – *Urban growth and settlement*
53. State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*
54. State Planning Policy 6.3 - *Ningaloo Coast Government Sewerage Policy*
55. *Government Sewerage Policy 2019*

FINANCIAL IMPLICATIONS

56. Nil

RISK MANAGEMENT

57. The risk identification and categorisation rely on the Shires Policy 2.13 – Risk Management Policy.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|-------------|---------------|--|
| Reputational – The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning. | Unlikely | Moderate | Moderate | The amendment has been assessed against the relevant statutory framework. If the request is not supported by the DPLH the matter will not be progressed and the Shire may be required to make modifications. |

ALTERNATE OPTIONS

58. Council may consider alternate options in relation to this item, such as:

- To resolve to support the scheme amendment with additional modifications; or
- To resolve not to support the scheme amendment and advise the WAPC, in writing, of the reasons for doing so.

STRATEGIC IMPLICATIONS

59. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Economic: Diversify and grow our economy in a manner that provides year-round employment opportunities

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

Environment: To protect and value our unique natural and built environment as we grow our economy.

2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

VOTING REQUIREMENTS

60. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. SUPPORT with modifications Scheme Amendment No. 5 to amend Shire of Exmouth Local Planning Scheme No. 4 by:

- (i) Inserting 'Additional Use (A8)' into Schedule 2 – Additional Uses.
- (ii) Amending the Scheme Map accordingly by applying 'Additional Use (A8)' to Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and to portion of Lot 1419 on Plan 219750 (Reserve 50807) Murat Road, Exmouth.
- (iii) Adding conditions relating to development within Additional Use A8.

| No | Address Description of Land | Additional Use | Conditions |
|----|---|--|--|
| A8 | Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and portion of Lot 1419 on Deposited Plan 219750 (Reserve 50807) Murat Road, Exmouth. | <p>As an 'A' use</p> <ul style="list-style-type: none"> • Workforce Accommodation | <ol style="list-style-type: none"> 1. The Local Government may require a Local Development Plan to be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to address the following: <ul style="list-style-type: none"> • Landform and topography; • Vehicular access arrangements; • Internal vehicle and pedestrian movements; • Indicative site layout, including provision of suitable setbacks and siting of development in a manner that considers surrounding land uses; • Servicing, including sewer, water, drainage and power; • A bushfire management plan to address State Planning Policy 3.7 – <i>Planning in Bushfire Prone Areas</i>; and • Such other information as may be required by the local government. 2. In considering an application for development approval, the local government shall consider the following matters in addition to those which it may have regard to under the Scheme and any approved Local Development Plan: <ul style="list-style-type: none"> • The need, considering the capacity in local housing and supply markets; • Numbers of units; • Occupancy limitations – number of persons occupying the site and employer; • Measures to manage visual amenity impacts (screening, fencing and landscaping etc.); |

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| | | | <ul style="list-style-type: none"> Decommissioning/transitioning plans; Time limited approvals; Rubbish disposal; On-site carparking; and Stormwater drainage and impacts on the floodplain. <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures, such as fencing and landscaping.</p> <p>4. All development shall be connected to the Water Corporations reticulated sewerage network.</p> <p>5. An Urban Water Management Plan shall be prepared to the specifications and satisfaction of the local government and relevant government authority.</p> <p>6. Development shall not exceed 2 storeys and a total overall height of 9m above natural ground level.</p> <p>7. Provision of a full-time on-site manager or caretaker.</p> <p>8. Development is to be of a high standard and be compatible with the overall landscape, colours and textures of the area.</p> <p>9. Development should be designed so that it is capable of being adapted and used for future tourism and/or residential purposes.</p> <p>10. All development shall be in accordance with the local government's adopted colour palette.</p> <p>11. Notwithstanding other Scheme provisions, there are no limitations on:</p> <ul style="list-style-type: none"> The gross floor area being limited to 40% for permanent residential accommodation, or |
|--|--|--|---|

| | | | |
|--|--|--|--|
| | | | <ul style="list-style-type: none"> Each workforce accommodation unit to contain no more than one (1) bedroom, or The need to initially approve and construct new or refurbished tourist development where associated with workforce accommodation. <p>12. Workforce accommodation shall comply with the minimum and average lot sizes as per the R40 Density Code.</p> |
|--|--|--|--|

- Note the submissions received as detailed in the Schedule of Submissions and Recommendations (Attachment 3).
- Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.

AND:

- THAT Council, agree to relinquish Reserve 45539, being Lot 1423 on Deposited Plan 219750 and portion of Reserve 50807 being Lot 1419 on Deposited Plan 219750, Exmouth zoned 'Tourism' as shown in Figure 2 above.

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 04-1121

MOVED: Cr McCarrol

SECONDED: Cr Gillespie

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- SUPPORT with modifications Scheme Amendment No. 5 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:**
 - Inserting 'Additional Use (A8)' into Schedule 2 – Additional Uses.
 - Amending the Scheme Map accordingly by applying 'Additional Use (A8)' to Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and to portion of Lot 1419 on Plan 219750 (Reserve 50807) Murat Road, Exmouth.
 - Adding conditions relating to development within Additional Use A8.

| No | Address Description of Land | Additional Use | Conditions |
|----|--|--|---|
| A8 | <p>Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and portion of Lot 1419 on Deposited Plan 219750 (Reserve 50807) Murat Road, Exmouth.</p> | <p>As an 'A' use</p> <ul style="list-style-type: none"> • Workforce Accommodation | <ol style="list-style-type: none"> 1. The Local Government may require a Local Development Plan to be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to address the following: <ul style="list-style-type: none"> • Landform and topography; • Vehicular access arrangements; • Internal vehicle and pedestrian movements; • Indicative site layout, including provision of suitable setbacks and siting of development in a manner that considers surrounding land uses; • Servicing, including sewer, water, drainage and power; • A bushfire management plan to address State Planning Policy 3.7 – <i>Planning in Bushfire Prone Areas</i>; and • Such other information as may be required by the local government. 2. In considering an application for development approval, the local government shall consider the following matters in addition to those which it may have regard to under the Scheme and any approved Local Development Plan: <ul style="list-style-type: none"> • The need, considering the capacity in local housing and supply markets; • Numbers of units; • Occupancy limitations – number of persons occupying the site and employer; • Measures to manage visual amenity impacts (screening, fencing and landscaping etc.); • Decommissioning/transitioning plans; • Time limited approvals; • Rubbish disposal; • On-site carparking; and |

| | | | |
|--|--|--|--|
| | | | <ul style="list-style-type: none"> • Stormwater drainage and impacts on the floodplain. <ol style="list-style-type: none"> 3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures, such as fencing and landscaping. 4. All development shall be connected to the Water Corporations reticulated sewerage network. 5. An Urban Water Management Plan shall be prepared to the specifications and satisfaction of the local government and relevant government authority. 6. Development shall not exceed 2 storeys and a total overall height of 9m above natural ground level. 7. Provision of a full-time on-site manager or caretaker. 8. Development is to be of a high standard and be compatible with the overall landscape, colours and textures of the areas. 9. Development should be designed so that it is capable of being adapted and used for future tourism and/or residential purposes. 10. All development shall be in accordance with the local government's adopted colour palette. 11. Notwithstanding other Scheme provisions, there are no limitations on: <ul style="list-style-type: none"> • The gross floor area being limited to 40% for permanent residential accommodation, or |
|--|--|--|--|

| | | | |
|--|--|--|---|
| | | | <ul style="list-style-type: none"> • Each workforce accommodation unit to contain no more than one (1) bedroom, or • The need to initially approve and construct new or refurbished tourist development where associated with workforce accommodation. <p>12. Workforce accommodation shall comply with the minimum and average lot sizes as per the R40 Density Code.</p> |
|--|--|--|---|

- 2. Note the submissions received as detailed in the Schedule of Submissions and Recommendations (Attachment 3).**
- 3. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.**

AND:

- 4. THAT Council, agree to relinquish Reserve 45539, being Lot 1423 on Deposited Plan 219750 and portion of Reserve 50807 being Lot 1419 on Deposited Plan 219750, Exmouth zoned 'Tourism' as shown in Figure 2 above.**

CARRIED 5/0

Councillor Lucas returned to the chambers at 4.13 pm.

12.2.2 PROPOSED SCHEME AMENDMENT NO.6 TO LOCAL PLANNING SCHEME NO.4 – ADOPTION FOR ADVERTISING

| | |
|-------------------------|--|
| File Reference: | LP.PL.4.6 |
| Reporting Officer: | Senior Planning Officer |
| Responsible Officer: | Executive Manager – Development Services |
| Date of Report: | 15 November 2021 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. Scheme Amendment Report |

PURPOSE

1. That Council consider adopting Scheme Amendment No.6 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4) for public advertising, pursuant to the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. Council and the Department of Planning, Lands and Heritage (DPLH) have prepared a scheme amendment request to LPS 4 which seeks to insert 'Major Event' as a definition into Schedule 1, insert 'Local Reserve Additional Use (AR1)' into Section 2.3 (additional Uses in Local Reserves), insert 'Additional Use (A9)' into Schedule 2 and amend the scheme maps accordingly.
3. The Amendment is intended to provide temporary options in and around the Exmouth townsite to cater for and facilitate the Total Solar Eclipse (TSE) event in 2023.
4. The proposed new definition, 'Major Event', is intended to be applied temporarily (2 weeks either side of the Solar Eclipse event) into both section 2.3 'Additional uses in local reserves' (AR1) and into Schedule 2 – 'Additional Uses' (A9).
5. The proposed Amendment will allow for the 'Major Event' land use to be applied to strategic and relatively unconstrained land parcels, as outlined below;

Additional Use (A9) sites include:

Lot 9510 on DP5557, Lot 1 on DP47770, Lot 848 on DP175175, Lot 715 on DP173019, Lot 112 on DP182633, Lot 220 on DP192031, Lot 101 on DP180602, Lot 1403 on DP192085, Part Lot 1419 on DP219750, Lot 1586 on DP72986, Lot 166 on DP238089, Lot 1 on DP 85354, Lot 389 on DP 210127, Lot 1 on DP 77755, Lot 392 on DP210127, Lot 393 on DP 210127, Lot 2 on SP 12562, Lot 388 on DP210127, Lot 2 on DP 92275, Lots 376, 377, 378, 379, 380, 382,383 on DP 210127, Lot 1381 on DP 408201, Lot 1375 on DP 408201, Lot 374 on DP 210127, Part Lot 5000 on DP 55568, Lot 1436 on DP 220338, 510 on DP 408201, Lot 20 on DP 209501

Additional Use (AR1) sites include:

Lot 1455 and 1456 on DP32358, Lot 300 on DP40872, Part Lot 1419 on DP 219750, Lot 303 on DP408720, Lot 1493 on DP39344, Part Lot 1586 on DP272986, Lot 1391 on DP217782, Lot 1030 on DP 188475, Lot 500 on DP 76589, Lot 1400 on DP 191674, Lot 102 on DP 180508, Lot 77 on DP 174803 (R 50740), Lot 98 and 99 on DP 180507, Lot 66 on DP 173147, Lot 49 and 50 on DP 169590, Lot 60 on DP 172891, Lot 84, 85 & 86 on DP 212281, Lot 30 on DP 205429, Lot 115 on DP 183578, Lot 32 on DP 161583, Lot 37 & 38 on DP 166410, Lot 39 on DP 208441, Lot 31 on DP 161582, Lot 28 and 29 on DP 205429, Lot 500 on DP 69582

(Refer Attachment 1 for more detail).

6. The lots were identified through discussions between the Shire of Exmouth and DPLH in conjunction with other relevant State agencies. The majority of those lots nominated are vested as either Shire or Crown land.

COMMENT

7. LPS 4 was gazetted on 12 March 2019 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
8. The *Planning and Development Act 2005* (Act) and *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme.
9. In addition, the resolution must specify whether the amendment is a complex, standard or basic amendment as defined by the Regulations, including reasons for the specification. The different amendment types incur different statutory timeframes for the following processes to occur. The proposed amendment is considered a 'complex amendment'.
10. Regulation 37 of the Regulations allows Council to adopt a complex scheme amendment for advertising and referral to relevant public authorities. The local government is required to submit 2 copies of the proposed amendment to the Western Australian Planning Commission (WAPC).
11. Should Council resolve to proceed, the amendment is required to be forward to the WAPC and Minister for Planning for final approval.

State Planning Policy 6.3 – Ningaloo Coast

12. *State Planning Policy 6.3 – Ningaloo Coast* (SPP 6.3) sets out a number of guiding principles for the development of the Ningaloo Coast which aim to '*integrate environmental protection, social advancement and economic prosperity in the interests of sustainable development*'.
13. SPP 6.3 discusses the need for proactive planning to ensure managed, staged development for tourism whilst actively assisting in the creation of regional wealth.
14. SPP 6.3 also identifies 'Significant Environmental Areas' in which no application is to be approved where it is inconsistent with the objectives of the policy.

15. The proposed amendment is consistent with SPP 6.3 as it supports the controlled facilitation of the TSE event; supporting protection of the environment and bringing significant economic benefit to the area. All of the proposed locations are outside of the 'Significant Environmental Areas' outlined in SPP 6.3.

Shire of Exmouth Local Planning Strategy

16. The purpose of the Local Planning Strategy (the Strategy) is to provide strategic planning direction over a 10-year period within the municipality. Further, it provides the rationale for the zoning and reservation of land and the rationale for land use and development controls.
17. The Local Planning Strategy sets out a number of objectives which includes to encourage the sustainable growth of tourism and tourism related opportunities throughout the Shire and balance growth against the conservation values of the environment upon which the area's tourism industry is based.
18. The proposed Amendment is intended to enable the Shire to cater for the expected tourist numbers resulting from the TSE, whilst managing the impact on the environment. It is therefore consistent with the Strategy.

Shire of Exmouth Local Planning Scheme No.4 (LPS 4)

19. The following aim of LPS 4 is relevant to the proposal:
 - *To facilitate planning for the appropriate balance between economic and social development, public health, conservation of the natural environment, and improvements in lifestyle and amenity.*
20. The proposal supports the balance of the above considerations by enabling the economic growth of Exmouth whilst ensuring that public health and the natural environment are not compromised.
21. The lots nominated for inclusion within the proposal are covered by a range of zones and reserves. As such, they may be subject to other provisions of LPS4, however, as the Amendment is for temporary uses, it will not have any material impact on other provisions.

Proposal and Justification

22. The proposed amendment seeks to:
 - Insert 'Major Event' as a term into Schedule 1 in LPS 4, being:
 - **Major event**– means an event and/or activity that attract more visitors than the settlement and/or its surrounds can normally cater for. The use includes the temporary approval of camping, caravan parks, bed and breakfast, car parks, civic use, community purpose, fast food outlet, lunch bar, holiday accommodation, holiday house and market. Other uses may be considered by the local government if they facilitate the major event."
 - Insert an 'Additional Use' (A9) in Schedule 2 of LPS4 for the following lots:
 - Lot 9510 on DP5557, Lot 1 on DP47770, Lot 848 on DP175175, Lot 715 on DP173019, Lot 112 on DP182633, Lot 220 on DP192031, Lot 101 on DP180602, Lot 1403 on DP192085, Part Lot 1419 on DP219750, Lot 1586 on DP72986, Lot 166 on DP238089, Lot 1 on DP 85354, Lot 389 on DP 210127, Lot 1 on DP 77755, Lot 392 on DP210127, Lot 393 on DP 210127, Lot 2 on SP 12562, Lot 388 on DP210127, Lot 2 on DP 92275, Lots 376, 377, 378, 379, 380, 382,383 on DP

210127, Lot 1381 on DP 408201, Lot 1375 on DP 408201, Lot 374 on DP 210127, Part Lot 5000 on DP 55568, Lot 1436 on DP 220338, 510 on DP 408201, Lot 20 on DP 209501 (**see proposed scheme amendment maps**)

- Insert an 'Local Reserve Additional Use' (AR1) for the following lots:
 - Lot 1455 and 1456 on DP32358, Lot 300 on DP40872, Part Lot 1419 on DP 219750, Lot 303 on DP408720, Lot 1493 on DP39344, Part Lot 1586 on DP272986, Lot 1391 on DP217782, Lot 1030 on DP 188475, Lot 500 on DP 76589, Lot 1400 on DP 191674, Lot 102 on DP 180508, Lot 77 on DP 174803 (R 50740), Lot 98 and 99 on DP 180507, Lot 66 on DP 173147, Lot 49 and 50 on DP 169590, Lot 60 on DP 172891, Lot 84, 85 & 86 on DP 212281, Lot 30 on DP 205429, Lot 115 on DP 183578, Lot 32 on DP 161583, Lot 37 & 38 on DP 166410, Lot 39 on DP 208441, Lot 31 on DP 161582, Lot 28 and 29 on DP 205429, Lot 500 on DP 69582 (**see proposed scheme amendment maps**)

23. Under proposed Additional Use 9 (A9) and Additional Use for Local Reserves (AR1), the land use permissibility for 'Major Event' will be a 'D' use. This means that the use is not permitted unless the Local Government has exercised its discretion by granting development approval.

24. A number of conditions are also proposed for both A9 and AR1 (see proposed amendment text). These conditions broadly cover requiring development to facilitate the TSE, as well as measures to address servicing, occupancy management, and strategies to managed the interaction between surrounding areas. Given that the TSE will take place on the 20th April at 11.30am and is only expected to last around 3 hours, the amendment proposes to limit approvals to the period of time between the 6th of April 2023 and the 4th of May 2023. Once this period has passed, the Additional Uses and Local Reserve Additional Uses will cease.

25. The TSE is an extraordinary and rare astronomical event and it is anticipated that the North West Cape and surrounding towns will experience extremely high visitation numbers.

26. Past eclipse events have indicated that the population of centres within the totality path can swell past usual peaks. This proposed amendment will provide options for accommodating the requirements for facilitating the TSE by:

- Providing a variety of site options across the townsite and surrounds;
- Providing certainty in regards to allowable uses on proposed sites; and
- Using temporary additional use provisions to provide development control and ensure that any development is of a temporary nature.

27. Given the impact of the 2021 season with regard to increased numbers of visitors, reduced accommodation opportunities (i.e. closure of the Lighthouse Caravan Park), and the occurrence of illegal camping; providing opportunity for the TSE event to be managed and controlled is beneficial to the Shire and community of Exmouth.

28. Based on the above, it is considered that the proposal achieves consistency with the state and local planning framework. Therefore, it is recommended that Council resolves to proceed to advertise the amendment without modification as outlined in the Officers Recommendation.

CONSULTATION

29. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
30. 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.
31. 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 37(1).

STATUTORY ENVIRONMENT

32. *Planning and Development Act 2005*
 33. *Planning and Development (Local Planning Scheme) Regulations 2015*
 34. *Local Planning Scheme No. 4*
 35. *Environmental Protection Act 1986*

POLICY IMPLICATIONS

36. State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*
 37. State Planning Policy 6.3 - *Ningaloo Coast*
 38. *Government Sewerage Policy*

FINANCIAL IMPLICATIONS

39. Nil

RISK MANAGEMENT

40. The risk identification and categorisation rely on the Shires Policy 2.13 – *Risk Management Policy*.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|----------------|-------------|---------------|--|
| Financial – An unmanaged TSE event could result in the Shire being financially responsible for required clean ups and rehabilitation of the environment. | Likely | Moderate | High | Approving Scheme Amendment No.6 will enable the TSE event to be controlled and for financial burden to be minimised. It will also provide financial opportunity through transactions with event providers. |
| Environmental – An unmanaged TSE event is likely to result in wide spread environmental damage due to illegal camping amongst other activities. | Almost certain | Minor | High | Approving Scheme Amendment No.6 will enable the TSE event to be controlled and managed and will mitigate likely environmental damage. |
| Reputational – The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning. | Unlikely | Moderate | Moderate | If the request is not supported by the DPLH the matter will not be progressed and the Shire may be required to make modifications. |
| Reputational – The proposal may attract objections from members of the public or other public authorities. | Possible | Moderate | Moderate | Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be provided or modifications made as part of the amendment process. This includes removing sites/areas from the amendment. |

ALTERNATE OPTIONS

41. Council may consider alternate options in relation to this item, such as:

- To resolve to adopt the amendment to the local planning scheme with modifications; or
- To resolve not to adopt the amendment to the local planning scheme.

STRATEGIC ALIGNMENT

42. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
- 1.2 Facilitate the strengthening and growth of our visitor experience.
- 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

Environment: To protect and value our unique natural and built environment as we grow our economy.

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

43. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. PREPARE and adopt Amendment No. 6 to amend Shire of Exmouth Local Planning Scheme No. 4 by:
 1. Inserting the following definition for 'Major Event' into Schedule 1 – Terms referred to in

Scheme:

Major event – means an event and/or activity that attract more visitors than the settlement and/or its surrounds can normally cater for. The use includes the temporary approval of camping, caravan parks, bed and breakfast, car parks, civic use, community purpose, fast food outlet, lunch bar, holiday accommodation, holiday house and market. Other uses may be considered by the local government if they facilitate the major event

2. Inserting 'Additional Use (A9)' into Schedule 2 – Additional Uses.

| No | Description of Land | Additional Use | Conditions |
|----|---|--|--|
| A9 | Lot 9510 on DP5557, Lot 1 on DP47770, Lot 848 on DP175175, Lot 715 on DP173019, Lot 112 on DP182633, Lot 220 on DP192031, Lot 101 on DP180602, Lot 1403 on DP192085, Part Lot 1419 on DP219750, Lot 1586 on DP72986, Lot 166 on DP238089, Lot 1 on DP 85354, Lot 389 on DP 210127, Lot 1 on DP 77755, Lot 392 on DP210127, Lot 393 on DP 210127, Lot 2 on SP 12562, Lot 388 on DP210127, Lot 2 on DP 92275, Lots 376, 377, 378, 379, 380, 382,383 on DP 210127 Lot 1381 on DP 408201, Lot 1375 on DP 408201, Lot 374 on DP 210127, Part Lot 5000 on DP 55568, Lot 1436 on DP 220338 and 510 on DP 408201, Lot 20 on DP 209501 | As a 'D' use: <ul style="list-style-type: none"> Major Event | <ol style="list-style-type: none"> The purpose of the additional use is to facilitate a 'major event' within the Shire. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme: <ul style="list-style-type: none"> Whether the use is connected to and will facilitate the major event within the Shire; The need, considering the capacity in local housing and current tourism accommodation; Vehicular access arrangements and internal vehicle and pedestrian movements; Occupancy limitations; Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses; Measures to manage visual amenity impacts; Transitioning plans; Rubbish disposal; Servicing including wastewater disposal, water, drainage and power; and Toilet and other facilities. |

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| | | | <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing.</p> <p>4. The additional use shall effectively start from 06 April 2023.</p> <p>5. The additional use shall cease on after the 04 May 2023.</p> <p>6. Any development approval issued by the local government for the additional use shall be no later than 04 May 2023.</p> <p>7. Non-conforming use rights do not apply to the additional use.</p> <p>8. After 04 May 2023, any buildings and/or structures that had been used for the additional use shall be remove unless development approval is granted for uses consistent with the zoning.</p> |
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3. Modifying Section 2.3 'Additional Uses for Local Reserves' to the following:

2.3 Additional Uses for local reserves

2.3.1 The below table sets out –

- (a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- (b) the conditions that apply to that additional use.

Specified additional uses for land in local reserves in Scheme area:

| No | Description of Land | Additional Use | Conditions |
|-----|------------------------------|---|---|
| AR1 | Lot 1455 and 1456 on DP32358 | As a 'D' use: <ul style="list-style-type: none"> Major Event | 1. The purpose of the additional use is to facilitate a 'major event within the Shire.' |

| | | |
|--|--|---|
| <p>(LR3128/451 & LR3128/452), Lot 300 on DP40872 (R52730), Part Lot 1419 on DP 219750 (R50807), Lot 303 on DP408720 (R 50807), Lot 1493 on DP39344 (R51970), Lot 1391 on DP217782 (Reserve 51970), Lot 1030 on DP 188475, Lot 500 on DP 76589, Lot 1400 on DP 191674, Lot 102 on DP 180508 Lot 77 on DP 174803 (R 50740) Lot 98 and 99 on DP 180507 Lot 66 on DP 173147 Lot 49 and 50 on DP 169590 Lot 60 on DP 172891 Lot 84, 85 & 86 on DP 212281 Lot 30 on DP 205429 Lot 115 on DP 183578 Lot 32 on DP 161583 Lot 37 & 38 on DP 166410 Lot 39 on DP 208441 Lot 31 on DP 161582 Lot 28 and 29 on DP 205429 Lot 500 on DP 69582</p> | | <p>2. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme:</p> <ul style="list-style-type: none"> • Whether the use is connected to and will facilitate the major event within the Shire; • The need, considering the capacity in local housing and current tourism accommodation; • Vehicular access arrangements and internal vehicle and pedestrian movements; • Occupancy limitations; • Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses; • Measures to manage visual amenity impacts; • Transitioning plans; • Rubbish disposal; • Servicing including wastewater disposal, water, drainage and power; and • Toilet and other facilities. <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing.</p> <p>4. The additional use shall effectively start from 06 April 2023.</p> <p>5. The additional use shall cease on after the 04 May 2023.</p> <p>6. Any development approval issued by the local government for the</p> |
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| | | | <p>additional use shall be no later than 04 May 2023.</p> <p>7. Non-conforming use rights do not apply to the additional use.</p> <p>8. After 04 May 2023, any buildings and/or structures that had been used for the additional use shall be remove unless development approval is granted for uses consistent with the zoning.</p> |
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2.3.2 Despite anything contained in clause 2.2, land that is specified in the Table to subclause 2.3.1 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

2.3.3 Despite anything contained within clause 2.2, a reserve may be used by the local government for the purpose of developing or maintaining public infrastructure.

4. Amending the Scheme Maps accordingly.
5. The amendment is a 'Complex' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment is not addressed by the Shire of Exmouth Local Planning Strategy; and
 - The amendment is not a basic or standard amendment.
6. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
7. Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to determine if any modifications to the amendment is required prior to advertising.
8. In accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the Shire is to advertise the amendment.
9. ADVERTISE the amendment in accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL RESOLUTION

ITEM 12.2.2

Res No: 05-1121

MOVED: Cr Brooks

SECONDED: Cr Gillespie

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. PREPARE and adopt Amendment No. 6 to amend Shire of Exmouth Local Planning Scheme No. 4 by:

1. Inserting the following definition for 'Major Event' into Schedule 1 – Terms referred to in Scheme:

Major event – means an event and/or activity that attract more visitors than the settlement and/or its surrounds can normally cater for. The use includes the temporary approval of camping, caravan parks, bed and breakfast, car parks, civic use, community purpose, fast food outlet, lunch bar, holiday accommodation, holiday house and market. Other uses may be considered by the local government if they facilitate the major event

2. Inserting 'Additional Use (A9)' into Schedule 2 – Additional Uses.

| No | Description of Land | Additional Use | Conditions |
|----|--|--|--|
| A9 | Lot 9510 on DP5557, Lot 1 on DP47770, Lot 848 on DP175175, Lot 715 on DP173019, Lot 112 on DP182633, Lot 220 on DP192031, Lot 101 on DP180602, Lot 1403 on DP192085, Part Lot 1419 on DP219750, Lot 1586 on DP72986, Lot 166 on DP238089, Lot 1 on DP 85354, Lot 389 on DP 210127, Lot 1 on DP 77755, Lot 392 on DP210127, Lot 393 on DP 210127, Lot 2 on SP 12562, Lot 388 on DP210127, Lot 2 on DP 92275, Lots 376, 377, 378, 379, 380, 382,383 on DP 210127 Lot 1381 on DP 408201, Lot 1375 on DP 408201, Lot 374 on DP 210127, | As a 'D' use: <ul style="list-style-type: none"> Major Event | <ol style="list-style-type: none"> The purpose of the additional use is to facilitate a 'major event' within the Shire. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme: <ul style="list-style-type: none"> Whether the use is connected to and will facilitate the major event within the Shire; The need, considering the capacity in local housing and current tourism accommodation; Vehicular access arrangements and internal vehicle and pedestrian movements; Occupancy limitations; Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses; |

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| | <p>Part Lot 5000 on DP 55568, Lot 1436 on DP 220338 and 510 on DP 408201, Lot 20 on DP 209501</p> | | <ul style="list-style-type: none"> • Measures to manage visual amenity impacts; • Transitioning plans; • Rubbish disposal; • Servicing including wastewater disposal, water, drainage and power; and • Toilet and other facilities. <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing.</p> <p>4. The additional use shall effectively start from 06 April 2023.</p> <p>5. The additional use shall cease on after the 04 May 2023.</p> <p>6. Any development approval issued by the local government for the additional use shall be no later than 04 May 2023.</p> <p>7. Non-conforming use rights do not apply to the additional use.</p> <p>8. After 04 May 2023, any buildings and/or structures that had been used for the additional use shall be remove unless development approval is granted for uses consistent with the zoning.</p> |
|--|--|--|---|

3. Modifying Section 2.3 'Additional Uses for Local Reserves' to the following:

2.3 Additional Uses for local reserves

2.3.1 The below table sets out –

(a) classes of use for specified land located in local reserves that are additional

- to classes of use determined in accordance with the objectives of the reserve;
and
(b) the conditions that apply to that additional use.

Specified additional uses for land in local reserves in Scheme area:

| No | Description of Land | Additional Use | Conditions |
|-----|---|---|--|
| AR1 | Lot 1455 and 1456 on DP32358 (LR3128/451 & LR3128/452), Lot 300 on DP40872 (R52730), Part Lot 1419 on DP 219750 (R50807), Lot 303 on DP408720 (R 50807), Lot 1493 on DP39344 (R51970), Lot 1391 on DP217782 (Reserve 51970), Lot 1030 on DP 188475, Lot 500 on DP 76589, Lot 1400 on DP 191674, Lot 102 on DP 180508 Lot 77 on DP 174803 (R 50740) Lot 98 and 99 on DP 180507 Lot 66 on DP 173147 Lot 49 and 50 on DP 169590 Lot 60 on DP 172891 Lot 84, 85 & 86 on DP 212281 Lot 30 on DP 205429 Lot 115 on DP 183578 Lot 32 on DP 161583 Lot 37 & 38 on DP 166410 | As a 'D' use: <ul style="list-style-type: none"> Major Event | <p>9. The purpose of the additional use is to facilitate a 'major event within the Shire.'</p> <p>10. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme:</p> <ul style="list-style-type: none"> Whether the use is connected to and will facilitate the major event within the Shire; The need, considering the capacity in local housing and current tourism accommodation; Vehicular access arrangements and internal vehicle and pedestrian movements; Occupancy limitations; Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses; Measures to manage visual amenity impacts; Transitioning plans; Rubbish disposal; Servicing including wastewater disposal, water, drainage and power; and Toilet and other facilities. <p>11. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding</p> |

| | | | |
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| | <p>Lot 39 on DP 208441 Lot 31 on DP 161582 Lot 28 and 29 on DP 205429 Lot 500 on DP 69582</p> | | <p>existing and proposed land uses; and providing adequate screening measures such as fencing.</p> <p>12. The additional use shall effectively start from 06 April 2023.</p> <p>13. The additional use shall cease on after the 04 May 2023.</p> <p>14. Any development approval issued by the local government for the additional use shall be no later than 04 May 2023.</p> <p>15. Non-conforming use rights do not apply to the additional use.</p> <p>16. After 04 May 2023, any buildings and/or structures that had been used for the additional use shall be remove unless development approval is granted for uses consistent with the zoning.</p> |
|--|--|--|---|

2.3.2 Despite anything contained in clause 2.2, land that is specified in the Table to subclause 2.3.1 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

2.3.3 Despite anything contained within clause 2.2, a reserve may be used by the local government for the purpose of developing or maintaining public infrastructure.

4. Amending the Scheme Maps accordingly.

5. The amendment is a 'Complex' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- **The amendment is not addressed by the Shire of Exmouth Local Planning Strategy; and**
- **The amendment is not a basic or standard amendment.**

6. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.

7. Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to determine if any modifications to the amendment is required prior to advertising.

8. In accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the Shire is to advertise the amendment.
9. ADVERTISE the amendment in accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 6/0

Councillor Lake expressed her thanks to Taylor Gunn, Senior Town Planner and the Planning team for facilitating this scheme amendment.

12.2.3 PROPOSED SCHEME AMENDMENT NO.7 TO LOCAL PLANNING SCHEME NO.4 – ADOPTION FOR ADVERTISING

| | |
|-------------------------|--|
| File Reference: | LP.PL.4.7 |
| Reporting Officer: | Senior Planning Officer |
| Responsible Officer: | Executive Manager – Development Services |
| Date of Report: | 15 November 2021 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. Scheme Amendment Report |

PURPOSE

1. That Council consider adopting Scheme Amendment No. 7 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4) for public advertising, pursuant to the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. Council and the Department of Planning, Lands and Heritage (DPLH) have prepared a scheme amendment request to LPS 4 which seeks to apply an 'Additional Use' (A10) in Schedule 2 of LPS 4 on a number of residential areas in the municipality.
3. Similar to proposed Scheme Amendment No.6, the amendment is intended to provide temporary options in and around the Exmouth townsite to cater for and facilitate the Total Solar Eclipse (TSE) event which is set to occur on 20 April 2023.
4. The key areas that this amendment applies to can be broadly described as:
 - Area 1, 'Residential' zoned land north-west and south-west of Maidstone Cres.
 - Area 2, 'Residential' area abutting Crevalle Way.
 - Area 3, 'Special Use 6' zoned area adjacent Murat Rd and Madaffari Drive.
 - Area 4, 'Rural Residential' zoned area connecting to Preston Street.
 - Area 5, 'Special Use 9' zoned area adjacent to Minilya-Exmouth Road.

(Refer Attachment 1 for more detail).

5. The temporary use is proposed to apply for four weeks in total between 6 April 2023 and 4 May 2023, being either side of the TSE.
6. The 'Additional Use (A10)' seeks to temporarily allow holiday house, holiday accommodation, camping ground, caravan park and car park uses as a discretionary ('D') in the areas noted above and conditions to guide assessment of proposals on the subject land.

COMMENT

7. LPS 4 was gazetted on 12 March 2019 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses

and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.

8. The *Planning and Development Act 2005* (Act) and *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme.
9. In addition, the resolution must specify whether the amendment is a complex, standard or basic amendment as defined by the Regulations, including reasons for the specification. The different amendment types incur different statutory timeframes for the following processes to occur. The proposed amendment is considered a 'complex amendment'.
10. Regulation 37 of the Regulations allows Council to adopt a complex scheme amendment for advertising and referral to relevant public authorities. The local government is required to submit 2 copies of the proposed amendment to the Western Australian Planning Commission (WAPC).
11. Should Council resolve to proceed, the amendment is required to be forward to the WAPC and Minister for Planning for final approval.

Local Planning Strategy

12. The purpose of the Local Planning Strategy (the Strategy) is to provide strategic planning direction over a 10-year period within the municipality. Further, it provides the rationale for the zoning and reservation of land and the rationale for land use and development controls.
13. Although the purpose of the proposed amendment is not specifically addressed through the Shire's Local Planning Strategy (Strategy), it does broadly align with the following main objective.

"Encourage the sustainable growth of tourism and tourism related opportunities throughout the Shire and balance growth against the conservation values of the environment upon which the area's tourism industry is based".

Local Planning Scheme No.4

14. The amendment will apply to areas zoned 'Residential', 'Rural Residential', 'Special Use 6' and 'Special Use 9' under LPS 4. Some of these areas are also subject to other provisions in LPS4, however as this amendment is proposed for temporary uses, it is considered to have minimal impact on the other scheme provisions. The other provisions include:
 - Additional Use A5 - The Additional use allows for an Office to be a 'D' use;
 - Special Control Area 4 – Exmouth Aerodrome Special Control Area 4;
 - Special Control Area 5 – Floodplain Special Control Area 5; and
 - Special Control Area 6 – Minilya – Exmouth Road Special Control Area
15. An additional use also makes provision for inclusion of specific conditions that need to be considered when assessing development proposals on the specific sites. In this instance, the conditions relating to the following matters that are over and above the standard provisions of the Scheme, including:

- The need, considering the capacity in local housing and supply markets.
 - Whether the use is connected to and will facilitate the major event within the Shire;
 - The need, considering the capacity in local housing and current tourism accommodation;
 - Occupancy limitations;
 - Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses;
 - Measures to manage visual amenity impacts;
 - Transitioning plans;
 - Rubbish disposal;
 - Servicing including wastewater disposal, water, drainage and power; and
 - Toilet and other facilities.
16. The conditions include the period for which the additional use is applicable for, being from 6 April 2021 and ending on 4 May 2021.
17. It is envisaged that a local planning policy (LPP) will be prepared to further guide proposals. A LPP can also list exemptions from the requirement to obtain development approval.
18. This amendment seeks to provide temporary options to address the expected demands from increased visitation due to the 2023 TSE. The proposed amendment enables the consideration of multiple site options and temporary permissibility for uses that will facilitate additional short stay accommodation for the event across the townsite and surrounds.
19. Therefore, it is recommended that Council resolves to proceed to advertise the amendment without modification as outlined in the Officers Recommendation.

CONSULTATION

20. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
21. 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.
22. 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 37(1).

STATUTORY ENVIRONMENT

23. *Planning and Development Act 2005*
24. *Planning and Development (Local Planning Scheme) Regulations 2015*
25. *Local Planning Scheme No. 4*
26. *Environmental Protection Act 1986*

POLICY IMPLICATIONS

27. State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*
28. State Planning Policy 6.3 - *Ningaloo Coast*
29. *Government Sewerage Policy 2019*

FINANCIAL IMPLICATIONS

30. Nil

RISK MANAGEMENT

31. The risk identification and categorisation rely on the Shires Policy 2.13 – Risk Management Policy.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|----------------|-------------|---------------|--|
| Financial – An unmanaged TSE event could result in the Shire being financially responsible for required clean ups and rehabilitation of the environment. | Likely | Moderate | High | Approving Scheme Amendment No.6 will enable the TSE event to be controlled and for financial burden to be minimised. It will also provide financial opportunity through transactions with event providers. |
| Environmental – An unmanaged TSE event is likely to result in wide spread environmental damage due to illegal camping amongst other activities. | Almost certain | Minor | High | Approving Scheme Amendment No.6 will enable the TSE event to be controlled and managed and will mitigate likely environmental damage. |
| Reputational – The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning. | Unlikely | Moderate | Moderate | If the request is not supported by the DPLH the matter will not be progressed and the Shire may be required to make modifications. |
| Reputational – The proposal may attract objections from members of the public or other public authorities. | Possible | Moderate | Moderate | Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be provided or modifications made as part of the amendment process. This includes removing sites/areas from the amendment. |

ALTERNATE OPTIONS

32. Council may consider alternate options in relation to this item, such as:

- To resolve to adopt the amendment to the local planning scheme with modifications; or
- To resolve not to adopt the amendment to the local planning scheme.

STRATEGIC IMPLICATIONS

33. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Economic: Diversify and grow our economy in a manner that provides year-round employment opportunities

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities.

1.2 Facilitate the strengthening and growth of our visitor experience.

Environment: To protect and value our unique natural and built environment as we grow our economy.

2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

34. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.3

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. PREPARE and adopt Amendment No. 7 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:
 - (i) Inserting 'Additional Use (A10)' into Schedule 2 – Additional Uses.
 - (ii) Amending the Scheme Maps accordingly.
 - (iii) Adding conditions relating to development within Additional Use A10.

| No | Description of Land | Additional Use | Conditions |
|-----|--------------------------|--|---|
| A10 | Areas as per scheme maps | As a 'D' use: <ul style="list-style-type: none"> • Holiday house • Holiday Accommodation • Camping ground • Caravan park • Car Park | <ol style="list-style-type: none"> 1. The purpose of the additional use is to facilitate a 'major event within the Shire. 2. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme: <ul style="list-style-type: none"> • Whether the use is connected to and will facilitate the major event within the Shire; • The need, considering the capacity in local housing and current tourism accommodation; • Occupancy limitations; • Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses; • Measures to manage visual amenity impacts; • Transitioning plans; |

| | | | |
|--|--|--|--|
| | | | <ul style="list-style-type: none"> • Rubbish disposal; • Servicing including wastewater disposal, water, drainage and power; and • Toilet and other facilities. <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing.</p> <p>4. The additional use shall effectively start from 06 April 2023.</p> <p>5. The additional use shall cease on after the 04 May 2023.</p> <p>6. Any development approval issued by the local government for the additional use shall be no later than 04 May 2023.</p> <p>7. Non-conforming use rights do not apply to the additional use.</p> <p>8. After 04 May 2023, all structures that had been used for the additional use shall be removed unless development approval is granted for uses consistent with the zoning.</p> |
|--|--|--|--|

2. The amendment is a 'Complex' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment is not addressed by the Shire of Exmouth Local Planning Strategy; and
 - The amendment is not a basic or standard amendment.
3. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.
4. Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to determine if any modifications to the amendment is required prior to advertising.

5. In accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the Shire is to advertise the amendment.
6. ADVERTISE the amendment in accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL RESOLUTION

ITEM 12.2.3

Res No: 06-1121

MOVED: Cr Brooks

SECONDED: Cr Lucas

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35(2) and 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. PREPARE and adopt Amendment No. 7 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:**

- (i) Inserting 'Additional Use (A10)' into Schedule 2 – Additional Uses.
- (ii) Amending the Scheme Maps accordingly.
- (iii) Adding conditions relating to development within Additional Use A10.

| No | Description of Land | Additional Use | Conditions |
|-----|--------------------------|--|--|
| A10 | Areas as per scheme maps | As a 'D' use: <ul style="list-style-type: none"> Holiday house Holiday Accommodation Camping ground Caravan park Car Park | <ol style="list-style-type: none"> The purpose of the additional use is to facilitate a 'major event within the Shire. In considering an application for development approval, the local government may, consider the following matters in addition to those which it may have regard to under the Scheme: <ul style="list-style-type: none"> Whether the use is connected to and will facilitate the major event within the Shire; The need, considering the capacity in local housing and current tourism accommodation; Occupancy limitations; Provision of suitable setbacks and siting of development in the |

| | | | |
|--|--|--|--|
| | | | <p>manner that considers surrounding land uses;</p> <ul style="list-style-type: none"> • Measures to manage visual amenity impacts; • Transitioning plans; • Rubbish disposal; • Servicing including wastewater disposal, water, drainage and power; and • Toilet and other facilities. <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing.</p> <p>4. The additional use shall effectively start from 06 April 2023.</p> <p>5. The additional use shall cease on after the 04 May 2023.</p> <p>6. Any development approval issued by the local government for the additional use shall be no later than 04 May 2023.</p> <p>7. Non-conforming use rights do not apply to the additional use.</p> <p>8. After 04 May 2023, all structures that had been used for the additional use shall be removed unless development approval is granted for uses consistent with the zoning.</p> |
|--|--|--|--|

- 2. The amendment is a 'Complex' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - **The amendment is not addressed by the Shire of Exmouth Local Planning Strategy; and**
 - **The amendment is not a basic or standard amendment.**
- 3. Refer the amendment to the Environmental Protection Authority to determine if formal environmental assessment is required.**

4. Refer the amendment to the Commission in accordance with Part 5, r. 37 (2) & (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to determine if any modifications to the amendment is required prior to advertising.
5. In accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the Commission advise that it is satisfied that the Complex amendment is suitable to be advertised, the Shire is to advertise the amendment.
6. ADVERTISE the amendment in accordance with Part 5, r.38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 6/0

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 OCTOBER 2021

| | |
|-------------------------|---|
| File Reference: | FM.FI.0 |
| Reporting Officer: | Manager Finance |
| Responsible Officer: | Executive Manager Corporate Services |
| Date of Report: | 16 November 2021 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. Monthly Financial Report as at 31 October 2021 |

PURPOSE

1. That Council accepts the financial report for the financial period ending 31 October 2021.

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 (refer Attachment 12.4.1).

COMMENT

3. As at 31 October 2021, the operating revenue is above target by \$111,536 (1.34%). The variance is mainly due to the 'Airport Security Screening' grant.
4. Operating expenditure is under budget by \$272,660 (4.74%). Variances are mainly due to material and contracts being under budget and current vacant positions. Applications for the building stimulus package have been received and some are yet to be claimed.
5. A total of \$1,213,406 has been spent to date for capital projects within the Financial Year 2021/2022. This includes the purchase of executive housing, building of staff housing is in progress and various preparation works for the Town Beach upgrade have been conducted. The Aviation Screening Point Upgrade and Aviation Check-In Air-conditioning work have started.
6. Rate notices were issued on 30 July 2021. Rates collected as at 31 October 2021 were 74% compared to 67% for the same period last year.
7. General Debtors is \$2,451,194 with \$1,162,207 being for aviation operations.

CONSULTATION

8. Nil

STATUTORY ENVIRONMENT

9. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
10. 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

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

RISK MANAGEMENT

13. Risks implications

| 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 | Very Low | That Council receives the financial activity statements as required by legislation. |

ALTERNATE OPTIONS

14. Nil

STRATEGIC ALIGNMENT

15. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

16. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 31 October 2021.

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 07-1121

MOVED: Cr Brooks

SECONDED: Cr Lake

That Council RECEIVES the Financial Report for the financial period ending 31 October 2021.
CARRIED 6/0

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2021

| | |
|-------------------------|---|
| File Reference: | FM.FI.0 |
| Reporting Officer: | Manager Finance |
| Responsible Officer: | Executive Manager Corporate Services |
| Date of Report: | 16 November 2021 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. List of Accounts for period ending 31 October 2021 |

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. (refer Attachment 12.4.2).
5. Payments

| | |
|-----------------|---|
| Municipal Fund | totalling \$1,777,834.26 Incorporating cheques, direct debits, electronic payments and credit cards. |
| Trust Fund | totalling \$NIL Incorporating electronic payments. |
| Total Payments: | \$1,777,834.26 |

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. 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

8. Staff are required to ensure that they comply under Council Policy 2.7 – Procurement and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments

FINANCIAL IMPLICATIONS

9. 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

10. Risk implications

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

ALTERNATE OPTIONS

11. Nil

STRATEGIC ALIGNMENT

12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

13. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of October 2021 (*totalling \$1,777,834.26*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 08-1121

MOVED: Cr Gillespie

SECONDED: Cr McCarrol

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of October 2021 (*totalling \$1,777,834.26*).

CARRIED 6/0

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President closed the meeting at 4.23pm.