



# Agenda

## Special Council Meeting

4 August 2025

### Notice of Meeting

Notice is hereby given that the next Special Council Meeting of the Shire of Exmouth will be held on 4 August 2025, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.

A handwritten signature in black ink, appearing to be 'Ben Lewis', with a long horizontal stroke extending to the right.

Ben Lewis  
CHIEF EXECUTIVE OFFICER

## Disclaimer

---

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

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

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

---

**SNAPSHOT**

# Strategic Community Plan 2023-2033



**Your Choice. Our Future.**

**VISION**

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

**GOALS**

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

## SOCIAL

Nurture a friendly, safe and inclusive community spirit.

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



## GOVERNANCE & LEADERSHIP

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

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



## ECONOMY

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

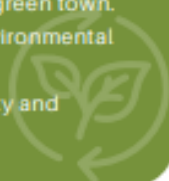
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



## NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

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



## BUILT ENVIRONMENT

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

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



## Disclosure of Interest Form

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

To: Chief Executive Officer

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

Elected Member     Committee Member     Employee     Contractor

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

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

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

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

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

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

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

Proximity     Financial     Impartiality

Nature of Interest

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

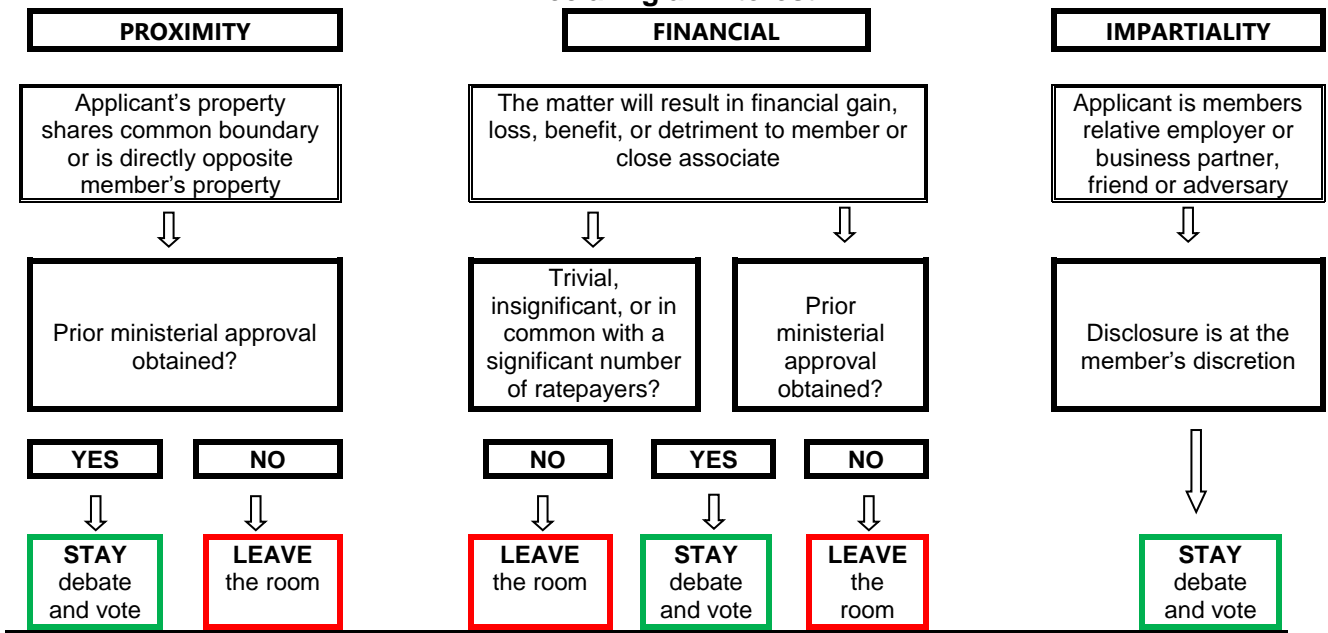
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2:** For Ordinary meetings of the Council, elected members and employees are requested to submit this completed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

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

### OFFICE USE ONLY

Particulars recorded in Minutes     Particulars recorded in Register

**\* Declaring an Interest**



**Local Government Act 1995 – Extract**  
**s.5.60A - Financial Interest**

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

**s.5.60B – Proximity Interest**

A person has a proximity interest in a matter if the matter concerns —  
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or  
(b) a proposed change to the zoning or use of land that adjoins the person's land; or  
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:  
(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know: (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

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

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:  
(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

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

- (1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.
- (2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).
- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

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

## AGENDA INDEX

1.	DECLARATION OF OPENING AND ANNOUNCEMENTS.....	7
2.	ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE .....	7
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	7
4.	PUBLIC QUESTION TIME .....	7
5.	DECLARATIONS OF INTEREST.....	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE .....	7
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	7
8.	ANNOUNCEMENTS/ REPORTS OF ELECTED MEMBERS.....	7
9.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION .....	7
10.	PETITIONS/ DEPUTATION/PRESENTATIONS/ SUBMISSIONS .....	8
11.	MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	8
12.	REPORTS OF OFFICERS.....	9
12.1.1	APPLICATION FOR SUBDIVISION – LOT 9510 MURAT ROAD EXMOUTH .....	9
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	17
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING ...	17
15.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	17
16.	CLOSURE OF MEETING .....	17

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

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

Shire President M (Matthew) Niikkula	
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor D (Darlene) Allston	
Councillor D (David) Gillespie	
Councillor K (Kristy) Devereux	
Ben Lewis	Chief Executive Officer
Ziggy Wilk	Chief Operations Officer
Vikki Lauritsen	Chief Financial Officer
Michelle Head	Minute Taker

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

### **4. Public Question Time**

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

Council Consideration Towards Public

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

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

## **5. Declarations of Interest**

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

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

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

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

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

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

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

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

## 12. Reports of Officers

### EXECUTIVE SERVICES

#### 12.1.1 APPLICATION FOR SUBDIVISION – LOT 9510 MURAT ROAD EXMOUTH

File Reference	LP.SU.0.4
Reporting Officer	Strategic Planning Officer
Responsible Officer	Chief Executive Officer
Date of Report	9 July 2025
Applicant/Proponent	Exmouth Superlot Pty Ltd
Disclosure of Interest	Nil
Attachment(s)	<ol style="list-style-type: none"><li>1. Western Australian Planning Commission: Application for Subdivision</li><li>2. Appendix A (i &amp; ii) – letter of landowner consent and Certificate of Title;</li><li>3. Appendix B (i &amp; ii) – Plan of Subdivision – Freehold – TBB Plan: 24/049/008E, and Density Code Plan TBB Plan: 24/049/010C, both submitted for WAPC approval;</li><li>4. Appendix C (i &amp; ii) – Environmental Technical Notes by Western Environmental and Nocterra;</li><li>5. Appendix D – Bushfire Management Plan;</li><li>6. Appendix E – Local Water Management Strategy;</li><li>7. Appendix F – POS Schedule;</li><li>8. Appendix G – Landscape Concept;</li><li>9. Appendix H – Transport Impact Assessment;</li><li>10. Appendix I – Servicing Strategy Report</li></ol>

#### Purpose

1. That Council consider an Application for Subdivision as requested by the Western Australian Planning Commission (WAPC) on Lot 9510 Murat Road, Exmouth commonly known as Super Lot D.
2. Whilst the WAPC is the determining authority for subdivisions, the local government is considered a referral agency for the recommending of certain subdivision conditions.

#### Background

3. The subject site is 17.89Ha and the subdivision proposes to create 173 lots. (See Application).
4. The proposed plan of subdivision (refer Appendix B) seeks approval for 158 residential lots, 15 non-residential lots (including nine composite live-work lots), four public open space/drainage sites, and nine road reserves. Two areas of road widening relate to Mortiss Street.
5. At its Ordinary Council meeting on 29 May 2025, Council considered Shire of Exmouth Local Planning Scheme Amendment No. 13 and resolved (Council resolution No: 04-0525) the following:

*That Council, pursuant to section 75 of the Planning and Development Act 2005 and Part 5, the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:*

- a) *Support Amendment No. 13, to amend Shire of Exmouth Local Planning Scheme No. 4 by; 1. Rezoning Lot 9510 on Deposited Plan 55557 Exmouth from the Special Use Zone 7 to Urban Development Zone, 2. Deleting SU7 from Schedule 4 – Special Use Zones, 3. Deleting Lot 9510*

*on DP 5557 from A8 in Schedule 2-Additional Uses, and 4. Amending the scheme maps accordingly.*

- b) Receive the schedule of submissions and support the officer recommendations as detailed in Attachment 2.*
- c) Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.*
  
- d) Advise the Western Australian Planning Commission, Department Planning Lands and Heritage and the Proponent that it will require the preparation and endorsement of a Local Development Plan, for the development of Lot 9510 on Deposited Plan 5557, in accordance with the Shires Local Planning Scheme No.4 Urban Development zone provisions, prior to supporting subdivision of the land.*

6. Whilst the scheme amendment has been forwarded to the Department Planning, Lands and Heritage (DPLH) for Ministerial approval or otherwise, the Shire has now received a referral from the WAPC to consider the subdivision of the land.

### **Comment**

- 7. Shire staff advise that the matter is presented to Council as the Delegation for the consideration of WAPC subdivision application can only be achieved if the proposal is consistent with the Shires Local Planning Scheme No 4.
- 8. The land is presently Special Use Zone for which development conditions prevail in the schedule.
- 9. The scheme amendment proposed the land be Urban Development Zone for which has not yet been approved.
- 10. In this regard, Shire staff is of the view that the WAPC subdivision application is premature however in the interests of facilitating the development the recommendation is to apply local government conditions that would apply to the development in anticipation of the scheme amendment approval.
- 11. Previously, Council resolved not to support such a WAPC application until the proponent had prepared a Local Development Plan (LDP).
- 12. The LDP is considered essential in the planning process to provide a reliable statutory framework to administer the land use and development particularly by identifying residential design codes and stipulating standards for lots fronting canals.
- 13. An alternate way to implement an LDP can be through the WAPC subdivision process, applied as a condition for which must be given local government (and in some cases WAPC) approval/clearance prior to new lot entitlement. This is reflected now as a condition of subdivision.
- 14. A Public Open Space (POS) schedule is provided for the subdivision application area (refer Appendix F) which confirms that the provision of POS is the equivalent of 6.17% of the subdivision area.
- 15. It is proposed the POS will include four lots with drainage basins and low level recreational areas, with the POS to be irrigated with mains water supply.
- 16. Shire staff note that the location of POS directly adjacent Murat Road (regional distributor road) is not optimal from a safety perspective and that it may be appropriate to require a fence.

17. Nine roads are included in the development and will consist of;
- Neighbourhood Connector B – 18m-20m, being proposed Road 1;
  - Access Road B – 17.5m, being proposed Road 3 (unique dimension to achieve a tree arbor); and
  - Access Road C – 15m-12.5m, being proposed Roads 2 and Roads 4-9.
18. With regard to the level of the site, the Proponent states in the attachments that;  
*As a result, to deliver necessary levels, its anticipated and likely that 0.8m of clean fill will be delivered across the site.*
- The lowest finished floor levels for habitable buildings within the subdivision application area will be set at 5.95mAHD, to account for the 500-year ARI ocean inundation level that includes future sea level rise, and addresses flood protection*
19. The application area is partially classified as Bush Fire Prone. This has previously been discussed and is addressed in the BMP, which commits to certain measures by the developer including to;
- Ensure that APZs are cleared around each stage of subdivision if the entirety of the development depicted in Figure 9 is not developed in a single stage.
  - Place Section 165 Notification on Title for all lots within Bushfire Prone Areas.
  - Construct road network as per plan in Figure 9.
  - Provide reticulated water supply to all lots and hydrants in accordance with Figure 9 and Water Corporation Design Standard DS 63.
  - Landowner/Builder responsibilities - Ongoing
  - Construct dwellings to relevant construction standard in AS 3959: 2018.

### **Consultation**

20. The local government is a referral agency for the WAPC subdivision process whereby the local government is requested to provide a list of WAPC model conditions to the development to ensure the land is subdivided in a responsible manner.
21. The Local Development Plan may or may not be advertised and this will be determined once the LPD has been received and reviewed by the Shire.

### **Statutory Environment**

#### **22. Planning and Development Act 2005**

The SCA 5 – Floodplain requires building levels to achieve the minimum floor level of at least 0.5m above the 100-year ARI flood level for the location. Notably, the subdivision application exceeds the 100-year ARI level as it addresses the more stringent SPP 2.6 requirement, for consideration of 500-year ARI flood levels, and proposing all building floor levels at a minimum of 5.95mAHD to account for the 500year ARI ocean inundation level that includes future sea level rise. This is documented in the accompanying Local Water Management Strategy, refer Appendix E.

### **Policy Implications**

23. Refer to the Western Australian Planning Commission Model Subdivision Conditions.

### **Financial Implications**

24. The development will result in freehold lot creation for which will attract local government rates. The Shire will need to ensure that the development is undertaken in the correct manner and that all civil infrastructure being delivered is to an appropriate standard. The Shire will become the land manager of those civil assets including public open space, drainage, roads and pathways and therefore will incur ongoing maintenance obligations in the future.

## Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance	possible	moderate	moderate	Shire to ensure the subdivision is supervised by consulting civil engineer.
Financial	possible	major	high	Ensure appropriate inputs by developer.
Environmental	possible	moderate	moderate	Ensure drainage design caters appropriately for the land and that the land is geotechnically suitable for development ie stabilised appropriately.
Reputational	Possible	minor	moderate	This parcel of land is proposed to be removed from the Special Use zone and development will then be in accordance to the provisions of the Urban Development zone. The Shire will have less input on the design of built form which will be guided by the RCodes.

## Risk Matrix

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

## Alternate Options

25. Council may refuse to support the WAPC referral request however there is nothing to gain by doing so.

## Strategic Alignment

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

Built Environment	<p><b>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</b></p> <p>3.1 Infrastructure and assets are well-managed and maintained</p> <p>3.2 Plan and cater for increased population growth</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>

## Voting Requirements

27. Simple Majority

### Officers Recommendation

### Item 12.1.1

That Council support the subdivision of Lot 9510 Murat Road, Exmouth, subject to the successful approval of Shire of Exmouth Local Planning Scheme No.13 and subject to the following conditions:

1. Uniform open fencing constructed at the Public Open Space Area adjacent to Murat Road to the satisfaction of the local government for safety purposes. (B2)
2. Engineering drawings and specifications are to be submitted, approved and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision for grading and or stabilisation of the site to ensure that;
  - a) Lots can accommodate their intended use and
  - b) Finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and or proposed finished ground levels of the land abutting. (D1)
3. Engineering drawings and specifications are to be submitted and approved and works undertaken in accordance with the approved engineering drawings and specifications and approves plan of subdivision for the filling and or draining of the land, including ensuring that stormwater is contained on site or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site or to the satisfaction of the Western Australian Planning Commission if an UWMP does not exist.  
Advice; Da1  
Note that all development levels will be required to be a minimum of at least 5.95AHD. (D3)
4. Prior to the commencement of subdivision works the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development and in the event that remediation works are required the landowner/applicant is to provide a post geotechnical reports certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (D5)
5. Suitable arrangements being made with the local government for connection of the land to the comprehensive district drainage system at the landowner/applicants cost. (D7)
6. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost and vest in the local government under Sections 152 and 167 of the Planning and Development Act 2005. (D8)
7. A management plan detailing how risk of drainage, erosion and sedimentation or other environmental impacts into nearby water bodies/reserves will be minimised during subdivision is to be;
  - a) Prepared by the landowner/applicant
  - b) Implemented during subdivisional works. (D9)
8. Information is to be provided to demonstrate that the measures contained in Section 6; Table 7 of the Bushfire management plan have been implemented during subdivisional works. This should include a completed Compliance Certificate prepared by the bushfire planning practitioner. (F1)
9. A notification pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate of title of the proposed lots with a BAL rating of 12.5 or above advising of the existence of a hazard. Notice of this notification is to be included on the diagram or plan of survey. (F2)

10. Local Development Plan being prepared and approved for the lots on the plan that address the following;

- a) Residential design codes
- b) Land use restrictions/conditions for land fronting the marina/canal waters
- c) Noise buffering if required (composite lots)
- d) Response to canal revetment and ongoing land holder maintenance (possibly by covenant)
- e) Clarification on retaining walls and fencing

Note- The Applicant has suggested the below list of LDP inclusions at this time;

Non-Residential Lots (Lots 159, 169-173)

- Site access, parking and storage arrangements
- Proposed zoning

Composite Lots (160-168)

- Residential to Road 7 (north), non-residential to Mortiss Street.
- R-Code densities.

Residential Lots:

- R-Code densities (refer main plan for details)

Residential Lots - specific details where required.

- Garage locations and site access: lots that may benefit from coordination of garages and driveways, particularly near key intersections - i.e. Lots 140-143;
- Setback requirements, if any modify the R-Codes, i.e. Lots 31-47;
- Lots abutting POS: surveillance of the POS and fencing treatments - i.e. Lots 8-9, 40-41, 47, 143, 173;
- Canal frontages: canal setbacks, retaining wall, and relevant requirements - i.e. Lots 31-47;
- Addressing local community requirements: for example, on-site storage of boat trailers, caravans, etc. and built form requirements for outbuildings / carports / garages / parapet walls (if applicable).
- Based on current DoT advice - no boat moorings allowed for Lots 35-47 (within the industrial waterway to the immediate east of the properties). Jetty and boat moorings permissible for Lots 31-35 (within the north waterway). (L3)

11. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply. (L4)

12. The proposed reservations shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserves and vested in the Crown under Sections 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (R2)

13. The landowner/applicant shall make a payment to the local government for the sum equivalent to the value of 3.83% being portion of the land that would otherwise be provided as open space in accordance with Section 153 and 155 of the Planning and Development Act 2005. Advice Note code; Ra1 (R3)

14. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscaping plan providing for the development and maintenance

of the proposed public open space in accordance with the principles of Liveable Neighbourhoods and dark sky principles. Advice Note code; Ra2 (R4)

15. Engineering drawing and specifications are to be submitted, approved and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that those lots not fronting an existing road are provided with frontage to a constructed road connected by a constructed road to the local road system and such roads are constructed and drained at the landowner/applicant costs. Add Advice Note Code Ta2, Ta3 (T1)
16. Engineering drawings and specifications are to be submitted and approved and subdivisional works undertaken for construction of roads in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that;
  - a) Street lighting in accordance with dark sky principles is installed on all new subdivisional roads to the standards of the licensed service provider or
  - b) demonstrate how the developer will ensure that it can (as advised in Application) educate purchasers and building designers in perpetuity of the below commitments;
    - Reduced colour temperature on external lighting (2700K or lower).
    - Mounting of lights as low as reasonably practicable to reduce light spill.
    - Use low intensity lighting.
    - Turn off unnecessary lights to reduce sky glow and light spill, particularly during turtle nesting season.
    - Tint windows that face Town Beach and are unobstructed.
    - Further implementation of best practise lighting design where appropriate.
  - c) Roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly. Add Advice Condition Code Ta6 (T2)
17. Engineering drawings and specifications are to be submitted, approved and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications for the provision of shared paths through and connecting to the application area either in accordance with the local development plan or to the satisfaction of the local government. A shared path on Mortiss Street will be required. The approved shared paths are to be constructed by the landowner/applicant. (T3)
18. All local streets within the subdivision being truncated in accordance with the WAPC Liveable Neighbourhoods Policy and DC1.7 General Road Planning. (T11)
19. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for all earthworks, retaining walls, revetments, path works and tie ins to existing rock revetment walls, for all lots fronting the existing canal/waterway to ensure that:
  - a) The interface between individual lots and the canal/waterway is consistent;
  - b) All lots are adequately protected against tidal surge;
  - c) Direct run-off from all lots to waterway is appropriately contained and minimised; and
  - d) All waterway revetment and edge walls are completely contained within the residential lots for future maintenance purposes.
20. S165 Planning and Development Act 2005 "Notification of Hazard"-reiteration of previous canal provisions;
  - a) A notification pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate of title of the proposed lots advising of the existence of a hazard or

other factor. Notice of this notification is to be included in the diagram or plan of survey deposited plan. The notification should at a minimum state:

- b) The lots are located within an area affected by cyclonic events, tidal surge and stormwater discharge into the canals. Any buildings and structures on the lot must be certified by a suitable qualified structural engineer at the property owners cost to withstand a Wind Region D and Terrain Category 2 cyclonic events and any development below 5.95AHD and forward of the canal setback line must be certified as being located above the tidal surge, astronomical tide and stormwater discharge associated with a 1 in 100 year storm event.
- c) The marina canals receive stormwater discharge, which may affect the lot. Prior to the issuing of approval for boat mooring or jetty structures the property owner must engage a suitably qualified engineer at their own cost to certify that the structure is capable of withstanding stormwater discharge velocity flows and tidal surge for a 1 in 100 year storm event.
- d) Vessels using the canals and outer boat harbour must obey the Standard Operating Procedures and the Exmouth Marina Cyclone Contingency Plan (and any amendments thereto) produced by the Department of Planning and Infrastructure and the Shire of Exmouth.
- e) Masters and owners of vessels using the canals are advised that jetties and bollards may not have sufficient strength to accommodate loadings created by moored craft during cyclone events and it is not advisable to leave craft moored to jetties during a cyclone.
- f) Lot owners are required to maintain a drainage depression or swale behind the top of the revetment wall edge to capture any runoff from the batters and to assist with reducing the potential for nutrient discharge into the canals.

21. Transfer of Land Act S70 Notification on Title

- a) Notice of this notification is to be included in the diagram or plan of survey deposited plan. The notification should at a minimum state:
- b) Lot owners are responsible for the ongoing maintenance of the revetment/canal walls, private moorings/jetties in a structurally sound condition.
- c) The canal walls are not to be altered, extended or removed without prior written approval of the Shire of Exmouth.
- d) Lot owners are responsible for the stability of the interface between the lot and the water of the canal which is required to be maintained to the satisfaction of the waterway's manager, being the Shire of Exmouth.

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

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

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

**16. Closure of Meeting**