



Minutes

Special Council Meeting

4 August 2025

Confirmation of Minutes

I hereby certify that the Minutes and Attachments of the Special Council Meeting held on 4 August 2025 are a true and accurate record of the proceedings contained therein.

Shire President

Date

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.

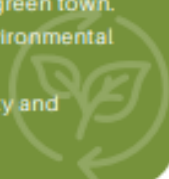
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

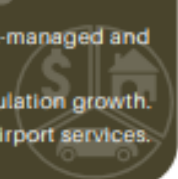
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



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.



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1. Declaration of Opening and Announcements

The Shire President declared the meeting open at 4.30 pm.

The Shire President acknowledged the Traditional Owners of the land on which we meet, and paid respect to Elders past, present, and emerging.

The Shire President advised the gallery in adhering to the *Local Government (Administration) Regulations 1996* all Council meetings will be recorded and the audio recording will be published on the Shires website with the publication of the meeting minutes.

2. Attendance, Apologies and Approved Leave of Absence

Shire President M (Matthew) Niikkula

Councillor J (Jackie) Brooks Deputy Shire President (via Microsoft Teams)

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

Nil

4. Public Question Time

Nil

5. Declarations of Interest

Name	Report	Type and Nature of Interest	Extent of Interest
President Matthew Niikkula	12.1.1 – Application for Subdivision – Lot 9510 Murat Road	Financial Interest	Financial dealings with the proponent

6. Applications for Leave of Absence

Nil

7. Confirmation of Minutes of Previous Meetings

Nil

8. Announcements/ Reports of Elected Members

Nil

9. Announcements by the Presiding Person without Discussion

Nil

10. Petitions/ Deputation/Presentations/ Submissions

Nil

11. Matters Arising from Committees of Council

Nil

12. Reports of Officers

EXECUTIVE SERVICES

President Niikkula declared a financial interest in the following report and handed presiding of the meeting to Deputy Shire President Brooks and left the room at 4.32pm.

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">1. Western Australian Planning Commission: Application for Subdivision2. Appendix A (i & ii) – letter of landowner consent and Certificate of Title;3. Appendix B (i & ii) – Plan of Subdivision – Freehold – TBB Plan: 24/049/008E, and Density Code Plan TBB Plan: 24/049/010C, both submitted for WAPC approval;4. Appendix C (i & ii) – Environmental Technical Notes by Western Environmental and Nocterra;5. Appendix D – Bushfire Management Plan;6. Appendix E – Local Water Management Strategy;7. Appendix F – POS Schedule;8. Appendix G – Landscape Concept;9. Appendix H – Transport Impact Assessment;10. Appendix I – Servicing Strategy Report

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 5.95m AHD, 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 5.95m AHD to account for the 500-year 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>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</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>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</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 approved 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.

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 01-0825

MOVED: Cr Gillespie

SECONDED: Cr Devereux

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 approved 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.**

President Niikkula returned to the meeting at 4.39pm and was advised by Deputy Shire President Brooks the motion was carried unanimously (4/0). Presiding of the meeting was returned to President Niikkula.

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 4.40 pm and thanked everyone for their attendance and advised the next Ordinary Council meeting is scheduled for Thursday 28 August 2025.