SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Agenda

Tuesday 10 November 2026

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Members of the public, please note that this meeting is being broadcast live and a video record will be made of these proceedings and published on the Shire's website.

Signed on behalf of Council

VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES:

1. **Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**

2. **Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING
AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 10 NOVEMBER 2026 AT 5:00PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS

2.1. ANNOUNCEMENTS BY THE PRESIDING MEMBER

2.2. DELEGATE'S REPORTS FROM COMMITTEES OF COUNCIL

3. ATTENDANCE / APOLOGIES

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

5.1. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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6. APPLICATIONS FOR LEAVE OF ABSENCE

7. CONFIRMATION OF MINUTES

8. PRESENTATIONS

8.1. PETITIONS

8.2. PRESENTATIONS

8.3. DEPUTATIONS

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. OFFICER REPORTS

10.1. MATTERS CONSIDERED BY COMMITTEES OF COUNCIL

10.1.1. EAST KIMBERLEY REGIONAL AIRPORT COMMITTEE HELD 7 OCTOBER 2026

AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	N/a
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

COMMITTEE RECOMMENDATION 1

That Council notes the passenger and aircraft information in Attachment 1 and the EKRA Quarterly analysis in attachment 2.

COMMITTEE RECOMMENDATION 2

That Council notes the Interim Financial Report for the period ended 30 June 2026

COMMITTEE RECOMMENDATION 3

That Council:

1. **Endorses the revised reporting framework for East Kimberley Regional Airports Committee agendas, comprising the following three reports: Airport Performance Report; Commercial Development and Strategic Initiatives; and Compliance, Safety and Key Risks; and**

2. **Notes that MOR-1011 East Kimberley Regional Airports Committee Terms of Reference is under separate review and will be updated to align with the endorsed reporting framework, where required.**

PURPOSE

To consider the recommendations from the East Kimberley Regional Airport Committee made at its meeting held on 7 October 2026.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The background and details supporting the recommendations are contained within the Minutes of the 7 October 2026 East Kimberley Regional Airport Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the East Kimberley Regional Airport Committee meeting made held on 22 July 2026.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the East Kimberley Regional Airport Committee meeting made held on 7 October 2026.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the East Kimberley Regional Airport Committee meeting made held on 7 October 2026.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033:*

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Various - detailed within the Minutes of the East Kimberley Regional Airport Committee meeting made held on 7 October 2026.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the East Kimberley Regional Airport Committee meeting made held on 7 October 2026.

Current and Future Asset Considerations

Various - detailed within the Minutes of the East Kimberley Regional Airport Committee meeting made held on 7 October 2026.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the East Kimberley Regional Airport Committee meeting made held on 7 October 2026.

ATTACHMENTS

1. Unconfirmed Minutes - EKRA Committee [**10.1.1.1.**]

10.2. OFFICE OF THE CEO

10.2.1. STANDING ITEM - USE OF THE COMMON SEAL

AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 27 March 2026 to 24 April 2026.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the up to 25 April 2026 to 23 October 2026.

COMMENTS

There were 2 documents during the time period of 25 April 2026 to 23 October 2026 where the Shire of Wyndham East Kimberley Common Seal was applied, as per the table below:

Date of Use	Document
25-Aug-26	Grant Agreement Wyndham Historical Port Precinct Revitalisation Plan - Phase 1 Business Cases
25-Aug-26	Section 70A Notification - Lot 41 Teal Road

STATUTORY IMPLICATIONS

Local Government Act 1995 9.49A. Execution of documents

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033:*

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently embraces good governance practices

Control: Maintain a formal policy and procedure for the use of the Common Seal, including a register.

FINANCIAL IMPLICATIONS

Nil

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No Community engagement is required

ATTACHMENTS

Nil

10.2.2. STANDING ITEM - OUTSTANDING ACTIONS FROM PREVIOUS COUNCIL RESOLUTIONS

AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report Outstanding Actions from Previous Council Resolutions.

PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

COMMENTS

Attachment 1 - Details completed actions relating to Council resolutions & summarises actions that are outstanding from previous Council resolutions.

STATUTORY IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

POLICY IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

STRATEGIC IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

RISK IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

FINANCIAL IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

Current and Future Asset Considerations

Various, as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Council Actions Register October 2026 [**10.2.2.1**]

10.2.3. REVIEW OF DELEGATION REGISTER 2026

AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	PL.02.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council

1. **Notes the completion of the 2026 annual review of the Shire of Wyndham East Kimberley Delegations Register and the Chief Executive Officer's review of sub-delegations to employees.**

2. **Adopts the revised Shire of Wyndham East Kimberley Delegations Register, Version 15.0, as provided at Attachment 1, incorporating amendments arising from the organisational structure review, associated staffing arrangements and relevant legislative requirements, including the removal of the delegation relating to the Audit, Risk and Improvement Committee.**

PURPOSE

To present the outcomes of the 2026 annual review of the Shire of Wyndham East Kimberley Delegations Register and seek Council's adoption of the revised Register.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The *Local Government Act 1995* provides for Council to delegate certain powers and duties to the Chief Executive Officer and committees, subject to legislative requirements. The Delegations Register documents these arrangements and supports accountability, operational efficiency and appropriate decision-making.

Section 5.46(2) of the *Local Government Act 1995* requires delegations to the Chief Executive Officer and employees to be reviewed at least once every financial year.

The Shire ordinarily undertakes its annual Delegations Register review during April or May to ensure completion before the end of the financial year.

During the 2025/26 financial year, a review of the Shire's organisational structure was underway. The Delegations Register review was deferred to allow this process to progress and ensure any resulting changes to organisational responsibilities and staffing arrangements could be appropriately reflected in the Register.

The review also needed to consider legislative changes affecting the Audit, Risk and Improvement Committee (ARIC), including the Committee's statutory functions and advisory role.

Consequently, the review was completed following the conclusion of the 2025/26 financial year.

COMMENTS

The 2026 annual review of the Delegations Register has been completed, with consideration given to the Shire's organisational structure, staffing arrangements and applicable legislative requirements.

The review incorporated relevant changes arising from the organisational structure review to ensure the Register accurately reflects current positions, responsibilities and operational requirements.

The Chief Executive Officer has also completed a review of sub-delegations to employees to ensure they remain appropriate and consistent with the Shire's organisational structure, operational responsibilities and legislative requirements. Adjustments to employee sub-delegations were also made throughout the 2025/26 financial year as required.

The review also considered legislative changes relating to the Audit, Risk and Improvement Committee (ARIC). The Committee operates in an advisory capacity, considering matters within its statutory functions and making recommendations to Council. As the Committee does not exercise delegated decision-making authority, the delegation previously recorded for the Committee has been identified for removal from the Register.

The previous annual review of Council's delegations was undertaken in April 2025. The scheduled 2026 review was deferred to allow the organisational structure review to progress and relevant legislative changes to be considered, reducing the likelihood of successive amendments to the Register.

Although the Council review was not completed within the 2025/26 financial year as required under section 5.46(2) of the Local Government Act 1995, the review has now been completed and the circumstances of the delay are documented in this report. The matter will also be appropriately addressed through the Shire's 2026 Compliance Audit Return, as applicable.

The Shire will return to its established April/May review schedule to ensure future reviews are completed within the prescribed financial year.

The revised Delegations Register is provided at Attachment 1 for Council's consideration and adoption.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.16 provides for Council to delegate certain powers and duties to committees, while section 5.18 requires a register of committee delegations to be maintained and reviewed at least once every financial year.

Section 5.42 provides for Council to delegate certain powers and duties to the Chief Executive Officer, subject to the limitations prescribed under section 5.43.

Section 5.44 provides for the Chief Executive Officer to delegate certain powers and duties to employees.

Section 5.46 requires the Chief Executive Officer to maintain a register of delegations to the Chief Executive Officer and employees. Subsection 5.46(2) requires these delegations to be reviewed by the delegator at least once every financial year.

The review was completed after 30 June 2026 and therefore did not satisfy the annual review requirement for the 2025/26 financial year. This non-compliance will be appropriately disclosed in the Shire's 2026 Compliance Audit Return.

An absolute majority is required for Council to make, amend or revoke relevant delegations under sections 5.16, 5.42 and 5.45 of the Act.

Local Government (Audit) Regulations 1996

Legislative amendments commencing on 1 January 2026 introduced revised requirements for Audit, Risk and Improvement Committees, including expanded functions relating to risk management, internal controls, legislative compliance and continuous improvement.

These amendments have been considered as part of the review to ensure the Delegations Register reflects the Committee's statutory responsibilities and advisory role.

POLICY IMPLICATIONS

There are no direct policy implications arising from the recommendation. The revised Delegations Register supports the consistent implementation of Council policies by maintaining clear and appropriate decision-making responsibilities.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033:*

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.3: Advocacy - Strong and consistent advocacy for local needs and priorities

Strategy 10.3: The Shire will influence decisions of others in a way that recognises and prioritises the needs of our local community

RISK IMPLICATIONS

Risk: Failure to undertake the annual review of delegations within the prescribed financial year or maintain delegations consistent with legislative requirements and the Shire's organisational structure may result in statutory non-compliance, inappropriate exercise of delegated authority and reduced governance accountability.

Control: Completion of the annual review, including the Chief Executive Officer's review of sub-delegations, incorporation of relevant organisational and legislative changes, Council's consideration of the revised Register and disclosure of the delayed review through the 2026 Compliance Audit Return provide governance oversight and accountability. Reinstating the established April/May review schedule will support future compliance with statutory requirements.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendation. The review has been undertaken within existing operational resources.

Current and Future Asset Considerations

There are no direct asset implications arising from the recommendation. Delegations relating to asset management, acquisition and disposal will continue to be exercised in accordance with the revised Register and applicable legislative requirements.

COMMUNITY ENGAGEMENT

No community engagement was undertaken as the review relates to the Shire's internal governance and statutory decision-making arrangements.

ATTACHMENTS

1. REG-1001 Delegations Register - Draft [**10.2.3.1**]

10.3. CHIEF OPERATING OFFICER REPORTS

10.3.1. DEVELOPMENT APPLICATION 17.26 TELECOMMUNICATION TOWER WYNDHAM

AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Allen, Chief Operating Officer
ASSESSMENT NO:	A5286P
FILE NO:	Nil
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. **Approves DA 17/26 for Telecommunications Infrastructure at 34 Durack Road, Wyndham (Reserve 33852 Lot 1252 on DP20977171), subject to the following conditions:**
   a. **Development must be in line with the attached approved plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans must not be changed without prior written approval of the local government.**
   b. **A schedule of paint colours for the proposed monopole must be provided to the local government for approval and endorsement prior to the commencement of works.**
   c. **Prior to commencement of the development, plans and specifications must be submitted to the Local Government for approval to show all works within Durack Road and to ensure that appropriate drainage is installed in line with relevant Australian Standards and Shire of Wyndham East Kimberley specifications.**
   d. **Prior to the commencement of the development, a plan must be submitted to the Local Government for approval to outline all matters related to the construction of the facility, including:**
      - **How materials and equipment will be stored on the site.**
      - **The disposal of construction waste.**
      - **Details of cranes, large trucks or similar equipment, which may block access on Durack Road.**
      - **Rectification for any damage to the balance of the site and to Durack Road and a timeframe for these works to be undertaken.**
      - **Any matters that may impact on nearby properties, including any communication to those properties to provide information about the construction particulars and timeframes.**

2. **Notes the contents in the report and in particular the comments relating to community consultation and the comments relating to the rationale that the Officer Recommendation to Council is based on planning grounds.**

PURPOSE

For Council to consider an application for development approval to construct a telecommunications facility in Wyndham.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

On 24 June 2025 (Minute no.24/06/2025 – 119219), Council agreed to excise a portion of 34 Durack Road, Wyndham for the purposes of being developed for a new telecommunications facility for NBN Co. and to authorise the CEO to negotiate relevant terms. Since then, an application for development approval for *Telecommunications Infrastructure* has been lodged by Service Stream Limited, on behalf of NBN Co.

Council's previous resolution relating to the proposed excision and potential use of the land was a separate land administration matter and did not constitute development approval. The current application must be considered on its planning merits, having regard to the relevant statutory framework, supporting documentation and submissions received during public consultation.

<u>The proposal</u>

The subject application seeks consent for the construction of an NBN fixed wireless base station comprising a 40m high monopole, foundation, circular headframe, panel and parabolic antennas, equipment cabinets, fencing and site access. The application is supported by a detailed planning report, construction drawings, along with survey plans and an EME (Electromagnet Energy) report.

Components of the proposal include:

- 40m monopole.
- 1.8m chain link fence – 8m x 10m to define the proposed lease area.
- 3m wide access gate.
- New 35m access, partially impacting Durack Road.
- Two equipment cabinets – one containing a back-up generator.

The planning report provides detailed information regarding the nature of the fixed wireless system, as well as site selection and summarises assessment of radio frequency and transmission requirements. The report indicates that the preferred site (Candidate ‘F’) had been selected because it was farthest from sensitive residential and community land uses and best capable of meeting NBN Co.’s needs. The applicant has indicated that the purpose of the new facility is to improve internet availability in Wyndham.

Construction of the facility is proposed to take 10 weeks.

A copy of the application and supporting documentation is provided at Attachment 1.

<u>Site context</u>

The subject land is described as Reserve 33852 Lot 1252 on DP20977171 and is accessed via Durack Road, where it connects to Sharpe and Ord Streets.

The site adjoins industrial zoned and vacant properties on Ord and Kimberley Streets. A review of historical planning approvals has not identified approvals for single dwellings on these properties. However, several properties have previously received approval for caretaker dwellings, although it

is unclear whether these uses remain operational. Directly opposite the site is the Wyndham wastewater treatment ponds.

The subject land is cleared and with some grass cover and trees (generally between 12m to 17m), and has an area of 4,185m², however, the application is to develop a small 80m² portion nearest the road.

The land is reserved for Infrastructure Services under Local Planning Scheme 9 and is also affected by Special Control Area 3 (SCA3) – Sewer Treatment Buffer Areas. The property immediately to the south is similarly reserved and undeveloped.

The selection of Site F has been considered having regard to the technical and operational requirements of the proposed facility, the surrounding land uses and the relevant provisions of State Planning Policy 5.2 – Telecommunications Infrastructure.

CONSIDERATION OF ALTERNATIVE SITE K

In response to Council's request for further clarification regarding Site K, NBN Co. has confirmed that its decision not to progress this alternative was based on a combination of factors, rather than access constraints alone.

In particular, NBN Co. identified the proximity of Site K to the local school as a consideration. Based on its previous experience with telecommunications infrastructure near sensitive land uses, NBN Co. considered that this location could present additional challenges.

While Site K was identified as a potential alternative, the applicant has demonstrated that Site F better satisfies its site selection requirements, including the technical requirements for network coverage and the planning considerations associated with surrounding land uses.

Officers acknowledge the concerns raised by nearby landowners regarding the selection of Site F. However, having considered the additional information provided by NBN Co., the surrounding land-use context and the relevant planning framework, officers are satisfied that the selection of Site F is appropriately justified.

The additional clarification provided by NBN Co. addresses Council's request for further consideration of Site K and supports the officer recommendation to approve the proposed development at Site F, subject to appropriate conditions.

Application processing

The application was referred internally, as well as to CASA (Civil Aviation Safety Authority). No issues or conditions have been recommended, and CASA did not recommend any lighting or marking requirements. This was also verified in consultation with the Wyndham Airport Manager.

The application was advertised on 9 July 2026, in line with Clause 6.3 of *State Planning Policy 5.2 Telecommunications Infrastructure* (SPP5.2), and four objections were received from properties close to the site. Issues of concern raised in the submissions, include:

- Site selection and that more suitable locations were available for the facility.
- Flood risk.
- Bushfire risk.
- Environmental concerns.

- Lack of community consultation.
- Visual impacts – attributable to the height of the proposed monopole.
- Safety with respect to radio frequency.
- Decrease in property values.
- Non-compliance with legislative requirements.
- Lack of procedural fairness with respect to the processing of the application and a 'pre-determined' decision of Council to agree to the excision of part of the land for the facility.

Copies of submissions are provided under separate cover (Attachment 2) and a response to the submissions from the applicant is provided at Attachment 3.

A public meeting was held at Wyndham Council Chambers on 10 September 2026. At that meeting, only two new issues of concern were raised, namely noise from the generator and the tower impeding pedestrian access to the salt flats.

<u>Planning assessment</u>

The proposal has been assessed against Local Planning Scheme 9 as well as relevant State Planning Policy and the Planning and Development (Local Planning Schemes) regulations.

Shire of Wyndham East Kimberley Local Planning Scheme 9 (LPS9)

The land use applied for is defined as *Telecommunications infrastructure*, meaning *premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.*

Clause 15(2) of LPS9 establishes the trigger for development approval, being:

> *(2) Despite anything contained in clause 14, land that is specified in the Table to subclause (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.*

The Telecommunications Infrastructure is being considered as an additional class of use in respect of the site and includes development, being the construction of the monopole tower, equipment shelters, fencing and access.

The reserve objective for the Infrastructure Services Reserve is to provide a range of essential infrastructure services.

In line with SCA3, development within 500m of the Kununurra and Wyndham sewer treatment infrastructure may not be approved by the local government if such development includes a permanent residential or temporary residential component, including tourist accommodation, in the event that the local government considers that such development may be affected by the odour buffer area.

No other development requirements in the Local Planning Scheme are relevant to the proposal.

State Planning Policy 5.2 - Telecommunications infrastructure (SPP 5.2)

SPP 5.2 applies throughout Western Australia in respect to above and below ground telecommunications infrastructure other than those facilities exempted under the Commonwealth Telecommunications Act 1997 (Telecommunications Act).

Under the relevant provisions of the Telecommunications (Low-impact Facilities) Determination 1997 (Cth) the proposed development has been determined not to fall within the parameters for 'low-impact' and therefore requires an application for development approval.

The policy objectives of SPP 5.2 are specified as follows: cl 4:

a. facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
b. manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
c. ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and
d. promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

Clause 5 of SPP 5.2 set out policy measures in respect to visual impacts and specifies that visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure:

5.1.1 The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.

i. Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case-by-case basis.

ii. Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:
   d) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.
   d) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.
   d) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
   d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.

iv. Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and
v. Telecommunications infrastructure should be co-located and whenever possible:
   b) Cables and lines should be located within an existing underground conduit or duct.
   b) and Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.

Clause 6.3 of SPP 5.2 provides that in considering a development application, the local government should give consideration to:

   b) The extent to which the proposal adheres to the policy measures outlined in Section 5 of this policy;

b) The need for services to be located to optimise coverage; and documentation to be submitted under Section 6.3.1.

Clause 6.3 also specifies an advertising period (for development applications) of 21 days, although Council routinely receives submissions up until a decision is made.

Planning and Development (Local Planning Schemes) Regulations

Clause 67 of the Deemed Provisions provides that in considering an application for development approval, the local government is to have due regard to a range of specified matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The pertinent matters relating to this application are as follows:

- the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area (subclause (a));
- the requirements of orderly and proper planning (subclause (b));
- any approved State planning policy (subclause (c));
- any local planning policy for the Scheme area (subclause (g));
- the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development (subclause (m));
- the amenity of the locality including the character of the locality (subclause (n));
- the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals (subclause (x)); and
- any submissions received on the application (subclause (y)).

In addition to subclause 67(c) of the Deemed Provisions, the local government is required to have due regard to any State planning policy which may affect the subject application, being State Planning Policy 5.2.

COMMENTS

The proposal meets relevant requirements under LPS9. The use of the land for Telecommunications Infrastructure is considered to align with the reserve objective, and the proposal conforms with SCA3 in that no permanent or temporary residential, or tourist accommodation forms part of the application.

It is considered that the proponent has appropriately addressed the relevant matters under SPP 5.2 through the supporting planning report and subsequent response to submissions, particularly in demonstrating that the selected location minimises potential impacts on significant landscape and heritage views. It is acknowledged that the proposed monopole will be highly visible from adjoining properties. However, having regard to the surrounding land uses, the nature of the infrastructure and the proposed mitigation measures, the visual impact is considered acceptable in the context of the relevant planning framework.

The site selection is also well reasoned with respect to meeting NBN Co.'s frequency and network coverage needs.

The proposal is not in conflict with the aims and provisions of LPS9 and is considered to be consistent with the concept of orderly and proper planning, being within land reserved for infrastructure services, and away from residential and other sensitive land uses.

The proposal is compatible with industrial type development, similar to that adjoining and within this section of the Three Mile Township and the nature of the use means that there are unlikely to be any amenity impacts, noting that the site is proposed to be visited just three times a year and that the proposed generator would only operate in the instance of a power outage. The proposal also is likely to contribute to community benefit through improved internet services.

Nevertheless, to protect the interests of the Shire and surrounding properties, it is recommended that a condition of approval require the proponent to submit a construction management plan addressing the proposed 10-week construction period, potential impacts on surrounding properties and relevant communication arrangements.

Based on the available planning information, the site has not been identified as being subject to mapped flood or bushfire hazards. Given the nature of the proposed infrastructure and the absence of residential accommodation, no significant planning constraints associated with these matters have been identified.

The new monopole will be highly visible from the rear of adjoining properties but has been selected as a site which has the least dominant impact on landscape. The applicant agrees, nevertheless, to paint the monopole so that it is less visually dominant and addresses any concerns with regard to glare, similar to the photographs provided at Attachment 4, and this be conditioned on approval of the proposal.

By virtue of its height relative to its surroundings, the new monopole will be a prominent element viewed from adjacent properties as well as from Ord and Kimberley Streets. However, the monopole would be a relatively benign structure and is separated by approximately 50m with partial screening from the trees on site and on the reserve adjoining. It contains no moving parts or lights and measures are available to subdue the finish to deal with glare, as previously discussed. There will not be people regularly coming and going from the compound. Although the monopole will be visually prominent due to its height, its overall impact is considered acceptable within the surrounding industrial setting, particularly where appropriate colours and finishes are applied to minimise visual intrusion. As such, it is a feature that would readily be absorbed as part of the utilitarian setting, being the main industrial section of Three Mile.

The applicant has provided expert evidence for the purposes of ensuring that there are no harmful health impacts attributable to electromagnetic radiation and the application has been processed in line with relevant legislation.

The application is recommended for approval, subject to conditions that address requirements for the endorsement of plans, paint colours for the proposed monopole, construction details as they may impact Durack Road, and for construction management.

STATUTORY IMPLICATIONS

Planning and Development Act 2005
Planning and Development (Local Planning Scheme) Regulations 2015
Shire of Wyndham East Kimberley Local Planning Scheme No. 9
State Planning Policy 5.2 – Telecommunications Infrastructure

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033:*

Focus Area: CONNECTION

Goal 7: Connecting to the world - Creating access and turning our remoteness into a positive experience

Goal Outcome 7.2: Communications connections - Everyone in the Shire has access to high-speed, resilient and secure internet access

Strategy 7.2: Advocate for investment in telecommunication infrastructure in the East Kimberley

RISK IMPLICATIONS

Risk: Failure to make Council decisions that allow for efficient and effective use of operational resources to deliver services which meet the needs of the community and region, comply with statutory requirements and promote economic and social development.

Control: Ensure Council decisions facilitate and support improvements to essential infrastructure and services, including mobile communication, in accordance with statutory requirements and community benefit.

FINANCIAL IMPLICATIONS

Nil

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

Engagement was undertaken in accordance with the Community Engagement Guidelines and included:

The application was advertised on 9 July 2026 and closed 30 July 2026 and included:

- Writing to owners and occupiers of nearby properties.
- Erecting a sign on site.
- Publishing the proposal through the Shire's public consultation channels.
- Making the application plans and supporting documents available for inspection.

A "meet and greet" was held with the Wyndham community before the August Ordinary Council Meeting on 25 August 2026 where this matter was discussed extensively with the members of the

community in attendance. A public meeting was also held together with the applicant for the purpose of identifying issues of concern and any new matters not raised in the previous submissions.

ATTACHMENTS

1. DA17-26 Application [**10.3.1.1**]
2. Submissions Received for Wyndham Tower Proposal [**10.3.1.2**]
3. NBN Co Response to submissions [**10.3.1.3**]
4. DA17-26 Examples of tower structure [**10.3.1.4**]

10.4. CHIEF FINANCIAL OFFICER REPORTS

10.4.1. LIST OF ACCOUNTS PAID FROM MUNICIPAL FUND AND TRUST FUND

AUTHOR:	Finance Coordinator
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	FM.09.36
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the List of Accounts Paid for the period 1 to 30 September 2026 totalling $3,760,222.74 as presented at Attachment 1.

PURPOSE

To present the List of Accounts Paid and payments made by employees using purchasing cards in accordance with Regulations 13 and 13A of the *Local Government (Financial Management) Regulations 1996 (WA).*

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

In accordance with the Shire's Delegations Register, the Chief Executive Officer has delegated authority to make payments from the municipal fund and trust fund, subject to compliance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996 (WA)*, Council Policy POL-2004 Purchasing and applicable internal purchasing and payment authorisation procedures.

COMMENTS

A list of accounts paid is prepared each month for presentation to Council. The list identifies the payee, payment amount, payment date and sufficient information to identify each transaction. Payments made by employees using purchasing cards are also included in the report.

The payments for capital works comprise $1,329,881.74 of the total payments made.

STATUTORY IMPLICATIONS

- Section 5.42 of the *Local Government Act 1995 (WA)* provides that a local government may delegate to the CEO the exercise of its powers or the discharge of its duties, other than powers and duties listed in section 5.43.

- Regulation 5 of the *Local Government (Financial Management) Regulations 1996 (WA)* requires the CEO to undertake duties relating to the efficient systems and procedures for the proper collection, custody, control and management of local government money.

- Regulation 11 of the *Local Government (Financial Management) Regulations 1996 (WA)* requires a local government to develop procedures for the authorisation and payment of accounts.

- Regulation 12 of the *Local Government (Financial Management) Regulations 1996 (WA)* restricts payments from the municipal fund or trust fund unless the local government has delegated authority to the CEO to make the payment or the payment is otherwise authorised by Council.

- Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (WA)* requires a list of accounts paid by the CEO to be prepared each month and presented to Council at the next ordinary Council meeting after the list is prepared.

- Regulation 13A of the *Local Government (Financial Management) Regulations 1996 (WA)* requires a list of payments made by employees using credit, debit or other purchasing cards to be prepared and presented to Council.

POLICY IMPLICATIONS

The Shire of Wyndham East Kimberley Delegation Register sub-delegation 1.2.25 Payments from the Municipal Fund and Trust Fund applies, subject to compliance with Council Policy POL-2004 Purchasing.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033:*

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Non-compliance with Regulations 13 and 13A of the *Local Government (Financial Management) Regulations 1996 (WA)*.

Controls: Monthly presentation of the List of Accounts Paid to Council in accordance with Regulation 13 and 13A.

FINANCIAL IMPLICATIONS

Payments totalling $3,760,222.74 were made during the reporting period and are included in the adopted annual budget and relevant approved expenditure accounts.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. September 2026 List of Accounts Paid [**10.4.1.1**]

10.4.2. MONTHLY FINANCIAL REPORT

AUTHOR:	Finance Coordinator
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. **receives the Monthly Financial Report for the period ended 30 September 2026, as presented in Attachment 1, and**
2. **notes the Statement of Financial Activity and Statement of Financial Position for the period ended 30 September 2026.**

PURPOSE

To present the Monthly Financial Report for the period ended 30 September 2026 in accordance with Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996.*

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Council is required to prepare monthly financial statements in accordance with Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996*. Council adopted materiality thresholds of 10% or $75,000 for reporting variances at the Ordinary Council Meeting held on 23 June 2026 (Minute Number 23/06/2026 - 119483).

COMMENTS

The Monthly Financial Report includes the Statement of Financial Activity and Statement of Financial Position prepared in accordance with Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996.* In accordance with Regulations 34 and 35, the Monthly Financial Report is to be presented to Council within two months after the end of the reporting period and recorded in the minutes.

Material variances between actual and budget are disclosed in Note 3 – Explanation of Material Variances.

Note: the 30 September 2026 figures are subject to change as the 2025/2026 EOFY journals are not yet finalised and the audit has not yet commenced. The figures for Work in Progress, Capitalisation, Reserve movements, contract liabilities and other balance day adjustments have not been finalised.

STATUTORY IMPLICATIONS

Section 6.4(1) of the *Local Government Act 1995* (WA) requires a local government to prepare an annual financial report for the preceding financial year and any other financial reports as are prescribed.

Section 6.4(2) of the *Local Government Act 1995* (WA) requires financial reports to be prepared in the manner and form prescribed.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996 (WA)* requires a local government to prepare a monthly statement of financial activity and present it to Council within two months after the end of the relevant month.

Regulation 35 of the *Local Government (Financial Management) Regulations 1996 (WA)* requires a local government to prepare a monthly statement of financial position and present it to Council within two months after the end of the relevant month.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033:*

Focus Area: Sustainability

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Non-compliance with section 6.4 of the *Local Government Act 1995 (WA) and* Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996 (WA).*

Controls: Monthly preparation and presentation of the Monthly Financial Report to Council within the prescribed timeframe.

FINANCIAL IMPLICATIONS

Nil

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

ATTACHMENTS

1. September 26 Financial Report [**10.4.2.1**]

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13. URGENT BUSINESS (BY DECISION OF THE MEETING)

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

14.1. CEO PERFORMANCE REVIEW 2026

AUTHOR:	Executive Manager Human Resources and Safety
RESPONSIBLE OFFICER:	Executive Manager Human Resources and Safety
FILE NO:	PL.1673
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Absolute Majority

MATTER IS BEING CONSIDERED BEHIND CLOSED DOORS

This item is to be considered behind closed doors as per the *Local Government Act 1995*: ***Section 5.23. (2) (b)***

14.2. WYNDHAM BOAT LAUNCHING FACILITY – DISPOSAL OF EXISTING PONTOONS

AUTHOR:	Manager Special Projects
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	CM.02.301
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Partner - Collaboration with external stakeholders to deliver service and projects.
VOTING REQUIREMENT:	Absolute Majority

MATTER IS BEING CONSIDERED BEHIND CLOSED DOORS

This item is to be considered behind closed doors as per the *Local Government Act 1995*: ***Section 5.23. (4) (c)***

15. CLOSURE