

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



28 July 2022

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on **28 July 2022**, in the Mandu Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth Commencing at 4.00 pm.



Ben Lewis
Chief Executive Officer
28 July 2022

Disclaimer

The advice and information contained herein is 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 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.

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.](#)

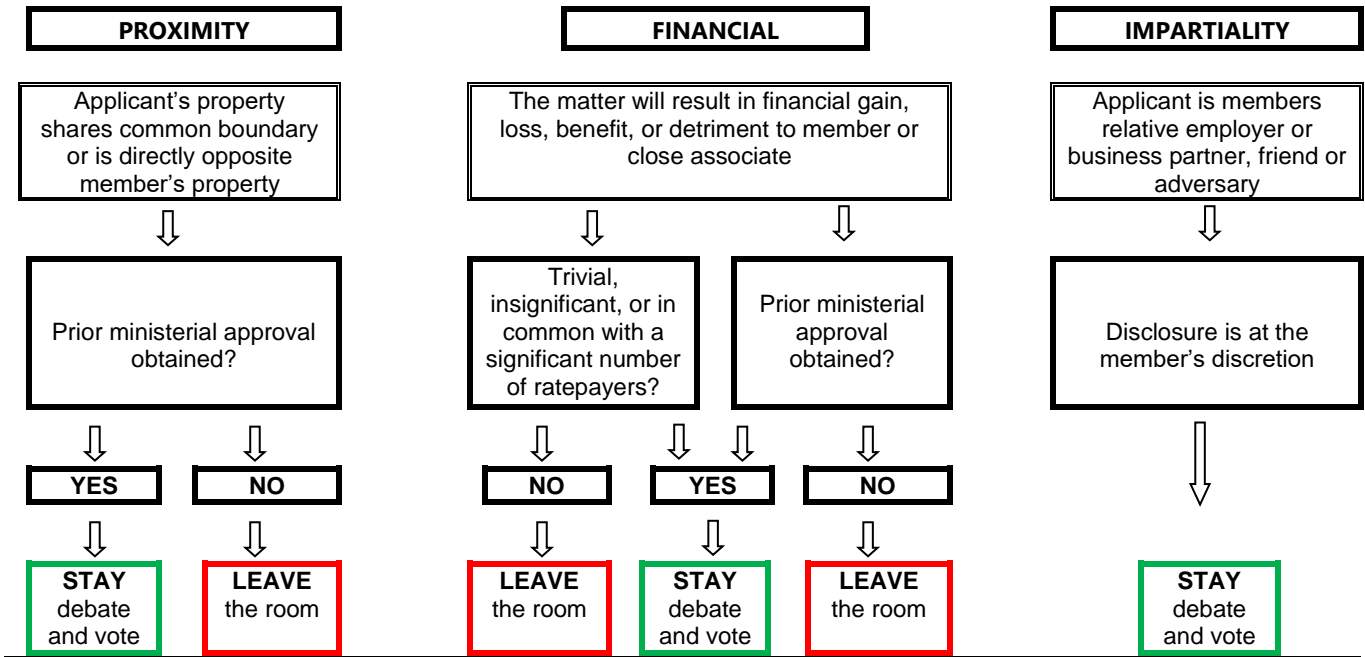
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2**: For Ordinary meetings of the Council, elected members and employees are requested to submit this completed 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 association.

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4. PUBLIC QUESTIONS 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 Presidents 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 President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on 30 June 2022 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

In accordance with section 2.29 of the *Local Government Act 1995* and Regulation 13 of the *Local Government (Constitution) Regulations 1998* a person elected to the position of a Councillor, must make a declaration of office prior to being able to act in that office.

A Councillor making such declaration will be provided with a *Form 7 – Declaration by Elected Member of Council*.

Declarations required are to be made before an authorised person. In accordance with regulation 13(5) of the *Local Government (Constitution) Regulations 1998*, an authorised person means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

The election results of the Extraordinary Election closing on 22 July 2022 were:

Candidate	No of Votes
Matthew NIIKKULA	
Zayden WILKIE-BOOGAARD	
Kai BROEDNER	

The Shire President will invite the newly elected Councillor to make their Declaration of Office of Councillor before the Justice of the Peace, Mr Timo Niikkula.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

File Reference:	GV.AU.2
Reporting Officer:	Chief Executive Officer
Responsible Officer:	As above
Date of Report:	7 July 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. To advise Council of the documents that have had the Shire of Exmouth's common seal affixed under delegated authority.

BACKGROUND

2. There have been 3 document/s that have had the Shire's common seal affixed under delegated authority since February 2022.

COMMENT

3.

Date	Document	Details	Parties
17/02/22	Easement in Gross	Lot 1403 & 1404 on DP 192085 & Lot 1020 on DP 216750 Truscott Crescent Exmouth	Shire of Exmouth, Minderoo, and Department of Planning Lands and Heritage.
29/06/22	Notification Section 70A	Lot 135 Young Street (DP 48983)	Shire of Exmouth and property owner.
15/07/22	Notification Section 70A	Lot 131 Young Street	Shire of Exmouth and property owner.

CONSULTATION

4. Nil

STATUTORY ENVIRONMENT

5. *Local Government Act 1995*, Part 9, Division s, s9.49A Execution of Documents

POLICY IMPLICATIONS

6. Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

7. Nil

RISK MANAGEMENT

8. Identified risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) – That executed documents would be void if the common seal was not affixed in accordance with the requirements of the <i>Local Government Act 1995</i>	Almost certain	Major	High	Council to endorse the use of the common seal

ALTERNATE OPTIONS

9. Nil

STRATEGIC ALIGNMENT

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

VOTING REQUIREMENTS

11. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council ACCEPTS the Common Seal has been affixed under delegated authority to the following documents:

Date	Document	Details	Parties
17/02/2022	Easement in Gross	Lot 1403 & 1404 on DP 192085 & Lot 1020 on DP 216750 Truscott Crescent Exmouth	Shire of Exmouth, Minderoo, and Department of Planning Lands and Heritage.
29/06/2022	Notification Section 70A	Lot 135 Young Street (DP 48983)	Shire of Exmouth and property owner.
15/07/2022	Notification Section 70A	Lot 131 Young Street	Shire of Exmouth and property owner.

DEVELOPMENT SERVICES

12.2.1 PROPOSED SCHEME AMENDMENT NO.10 (OMNIBUS) TO LOCAL PLANNING SCHEME NO.4 – INITIATION AND ADOPTION FOR ADVERTISING

File Reference:	LP.PL.4.10
Reporting Officer:	Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	14 June 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Scheme Amendment Report

PURPOSE

1. That Council resolves to prepare Amendment 10 (Omnibus) to Local Planning Scheme No.4 as shown in Attachment 1.
2. That pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council RESOLVES that, Local Planning Scheme No.4 Amendment No.10 is a Standard Amendment for reasons outlined below.

BACKGROUND

3. On 12 March 2019, the Shire of Exmouth Local Planning Scheme No.4 (LPS4) was published in the Government Gazette. LPS4, which includes the Scheme Text and Scheme Maps, provides the overarching planning framework for development within Exmouth; controlling and guiding development, growth and land use within the Shire of Exmouth.
4. Since its gazettal, LPS4 has been amended a number of times to achieve specific planning outcomes, usually, for specific sites or areas. In the day-to-day administration of LPS4, the Shires officers keep a list of minor updates that are required, however, do not justify an amendment to the Scheme on their own. As such, when a sufficient number of minor modifications are noted, an 'omnibus' amendment to the Scheme can be prepared.
5. In this regard, an omnibus amendment is now proposed for the Shire's LPS4. The intent of the omnibus amendment is to generally 'tidy' the document and to provide greater clarity on provisions which have generated confusion or difficulty when being applied.

COMMENT

6. The proposed modifications, along with an explanation of why the modifications are required, are detailed in Attachment 1.
7. The key recommended changes are outlined in simplified form below:
 - Update the aims of the LPS4 to facilitate public art within the built environment;
 - Insert the land use 'Residential Aged Care' into the zoning table;
 - Provide clarity on the location of ancillary dwellings within lots and their connection to infrastructure services;

- Provide clarity on the location of parking bays associated with Bed and Breakfast businesses;
- Provide clarity and consistency in the terms of reference used, as well as the application of, provisions across the Special Use 6 (Marina) zone;
- Insert additional figures relating to the Special Use 6 zone to provide clarity in the application of the relevant provisions; and
- Update Scheme Maps where minor changes have occurred and are required.

8. The *Planning and Development Act 2005* (Act) and *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme.
9. In addition, the resolution must specify whether the amendment is a complex, standard or basic amendment as defined by the Regulations, including reasons for the specification. The different amendment types incur different statutory timeframes for the following processes to occur. The proposed amendment is considered a 'standard amendment'.
10. Regulation 35(2) and 47(1) of the Regulations allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
11. Should Council resolve to proceed, the amendment is required to be forwarded to the Western Australian Planning Commission (WAPC) and Minister for Planning for final approval.
12. It is recommended that Council resolves to proceed to advertise the amendment without modification, as outlined in the Officers Recommendation.

CONSULTATION

13. If Amendment No.10 is initiated, consultation will be required in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.
14. Section 81 of the *Planning and Development Act 2005* requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.
15. If Council resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment in accordance with regulation 47(1).

STATUTORY ENVIRONMENT

16. *Planning and Development Act 2005*
17. *Planning and Development (Local Planning Schemes) Regulations 2015*
18. Local Planning Scheme No.4
19. *Environmental Protection Act 1986*

POLICY IMPLICATIONS

20. Nil

FINANCIAL IMPLICATIONS

21. Nil

RISK MANAGEMENT

22. Identified risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – the proposal may attract objections from members of the public or other public authorities.	Possible	Moderate	Low	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary,

				further information can be provided as part of the amendment process.
Reputational – the proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning	Unlikely	Moderate	Low	In the unlikely event the request is not supported by the DPLH the Shire may be required to make modifications. Alternate options will need to be explored.

ALTERNATE OPTIONS

23. Council may consider alternative options in relation to this item, such as:

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

STRATEGIC ALIGNMENT

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

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

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

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

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

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

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

VOTING REQUIREMENTS

25. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.2.1

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

1. To PREPARE and adopt Amendment No. 10 to amend the Shire of Exmouth *Local Planning Scheme No. 4* as outlined in Attachment 1.
2. To classify the amendment as a ‘Standard amendment’ under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment is consistent with the objectives identified in the scheme for the relevant zones and reserves;
 - The amendment is consistent with the Shire of Exmouth *Local Planning Strategy*;
 - The amendment will have minimal impact on land in the scheme area;

- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - The amendment is not a basic or complex amendment.
3. To refer the amendment to the Environmental Protection Authority to determine if a formal environmental assessment is required.
 4. To ADVERTISE the amendment in accordance with Part 5, r.47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

12.2.2 DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 1151 (14) KOOLINDA WAY, EXMOUTH

File Reference:	A1005 (DA13/22)
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	20 July 2022
Applicant/Proponent:	D Park - Ventia
Disclosure of Interest:	Nil
Attachment(s):	1. Planning Report including Development Plans 2. Schedule of Submissions and Recommendations

PURPOSE

1. That Council considers a development application for Telecommunications Infrastructure (Telstra tower) at Lot 1551 (14) Koolinda Way, Exmouth.

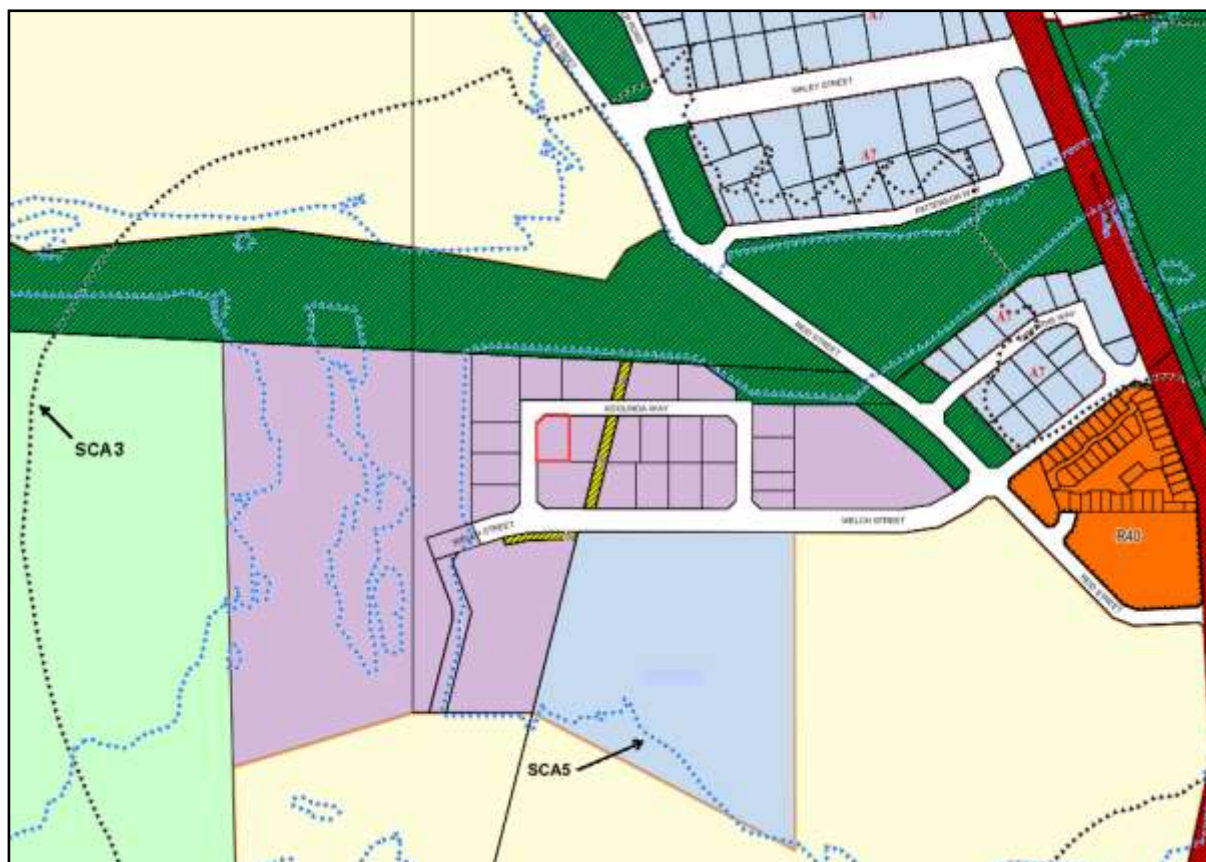
BACKGROUND

2. The Shire of Exmouth has received a development application (DA13/22) for a Telstra Tower and associated infrastructure at Lot 1551 (14) Koolinda Way (the subject site). The subject site is shown below.



3. The subject site is located approximately 1.5km south of the Exmouth Town Centre.
4. The subject site is currently cleared and includes three (3), 108m² factory/storage units.

5. The subject site is 2260m² in area and zoned 'Light Industry' under Local Planning Scheme No.4 (LPS 4). The site is surrounded by light industrial land, which includes a number of caretaker's residences. The Exmouth Power Station is located approximately 100m to the south of the subject site.
6. The figure below shows the zoning of the land and the location of the special control areas under LPS 4.



7. As shown above, surrounding the light industrial area to the north and south is undeveloped land zoned 'Urban Development'. A diamond shaped area of undeveloped Service Commercial land is located to the east of the Power Station.
8. The closest residential property is located 860m to the north west of the subject site. A caretaker's residence is located directly to the east of the subject site.
9. The telecommunication infrastructure is for Telstra, to provide improved coverage and network quality in the southern areas of Exmouth.

COMMENT

10. The proposal consists of;
 - 1 x monopole measuring 31.3m high
 - 6 x panel antennas attached to a triangular headframe
 - 1 x GPS Antenna
 - Equipment shelter, with ancillary equipment
 - 80m² compound area which is proposed to be enclosed by security chain-mesh fencing

Development plans are included in Attachment 1 (pages 56 – 60).

11. The proposed infrastructure and compound were originally setback a minimum of 12.5m from the western boundary and 16m from the eastern boundary. The compound was proposed on the southern edge of the lot. The proposal was compliant with the relevant site requirements under LPS 4.
12. Under LPS4, Telecommunication Infrastructure is a use listed within LPS 4 and is an 'A' use (discretionary use subject to advertising) within the Light Industry zone. As such, the application was initially advertised to surrounding landowners for a period of twenty-seven (27) days, from 24 March to 19 April 2022. During the advertising period a total of 6 submissions were received, all objecting to the proposal. A late submission was received after the advertising period, also raising concerns.
13. Following the initial advertising period, revised plans from the proponents were submitted. The location of the proposed compound changed from 12.5m to 4.5m from the front (western) boundary whilst the setback to eastern boundary was increased to 24m. The monopole measured 7m from the front boundary. It is noted that the acceptable front setback listed under LPS 4 for the site is 7.5m.
14. Additionally, an alternate site was explored on Crown Land (Lot 505 on Plan 64832) 360m to the west of the subject site. Horizon Power are going through the planning and tenure stages to potentially use Lot 505 for a renewable energy and a thermal power facility. However, the proponent advised that for the following reasons Lot 505 is not suitable, and they wish to proceed with the subject site:
 - Adequate coverage will not be provided to the marina area and surrounds.
 - Although not a valid planning consideration, the cost of fiber haulage would make the site commercially unfeasible.
 - There are a number of studies and requirements to complete at Lot 505 which will take at least 12 – 18 months to complete. A large driver for the facility is not only permanent coverage but capacity during and around the Ningaloo Eclipse on 20 April 2023.
15. The application was re-advertised for nineteen (19) days, from 27 May to 15 June 2022. A total of 6 submissions were received, all objecting to the proposal. 5 of the 6 submissions also provided comments in the initial advertising period.
16. The application was also referred to Horizon Power; however, no response was received.
17. The matters raised in the submissions, including the proponents and officer comments are detailed in the attached schedule of submissions (Attachment 2). However, the concerns were mainly in respect to:
 - Front setback variation
 - Electromagnetic energy (EME)
 - Property values
 - Construction requirements and structural integrity
 - Questioning the proposed location
 - Visual impacts

Each of these matters are addressed below.

Front setback

18. Following the second advertising period revised plans have since been submitted. The compound remains setback 4.5m from the western boundary, however the monopole is now setback approximately 8.5m and the equipment shelter approximately 10.5m. The only development within the setback area is a 1.8m high fence surrounding the compound, which is necessary to restrict access to these facilities. Front fences are permitted in the area but are generally along the boundaries.

19. Shire officers have recommended that the facility be located further to the east and at the rear of the subject site. The proponents have raised the following concerns with this:
- The location of the facility on the site respects the future development potential of the site, as the landowner's wish is to construct a fourth workshop in this area.
 - It would place the compound closer to the caretaker's residence on the adjoining property to the east and potentially create issues with future maintenance and upgrades.
 - The development is not considered to create a precedent or issue with respect to standard buildings and uses within the zone.

Electromagnetic Energy (EME)

20. The potential for detrimental health effects from the proposed tower was raised. It is necessary to note that the Shire is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the [Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz](#). The EME report submitted by the applicant states that the maximum calculated EME level from the site will be 0.78% of the maximum public exposure level, 134m from the proposed location. Within 50-100m the maximum calculated EME level is 0.39%.
21. It is important to note that ARPANSA and other government agencies have found that telecommunication infrastructure such as that proposed, do not emit levels of EME recognised as being harmful to human health.

Devaluing property values

22. Property values and potential devaluing are not valid planning considerations. The proponents have advised that research in the area indicates that there is not credible evidence to suggest telecommunication facilities cause a reduction in property prices.

Construction requirements

23. The infrastructure would need to be appropriately designed and built in accordance with the relevant construction standards for the region, including wind loading during extreme events.

Proposed location and alternate sites

24. The notion of relocating the proposed infrastructure to an alternative location within the area was raised in a number of submissions. The applicant has advised that a number of sites and matters were reviewed as part of the pre-application process, including nearby Crown Land. However, they have confirmed they wish to proceed with the site selected.

Visual Impact

25. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within wider the locality. A response to the concerns relating to visual impacts, along with a photo montage is included with the planning report on pages 44 - 49 (Attachment 1).
26. It is acknowledged that the proposal will be visible from properties in the surrounding area. It is necessary to consider the overall public benefit of the proposal against any amenity impacts. The surrounding environment also contains numerous light poles and a 30m high radio antennae tower at the Shires Depot 340m to the east of the subject site. The visual impacts of the proposed infrastructure are, therefore not considered to be so great as to outweigh the benefits of the telecommunication coverage to the public at large, particularly noting it is within an industrial area and the existence of the existing tower at the Shires Depot. The proponent proposed to leave the monopole unpainted in order to reduce the visual impact of the development.

State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2)

27. SPP 5.2 provides guiding principles for the location, siting and design of telecommunications infrastructure. The proposal has been assessed against the Western Australian Planning Commission's *State Planning Policy 5.2 - Telecommunications Infrastructure (SPP 5.2)*.
28. The objectives of SPP 5.2 are:
- 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.*
29. It is important to note that SPP 5.2 provides the direction that telecommunication infrastructure should not be prohibited in any zone, hence why it is discretionary within all zones throughout the Shire of Exmouth. Furthermore, buffer zones and or setback distances are not included in planning schemes or policies. There is a clear direction in SPP 5.2 to facilitate the rollout of an efficient telecommunications network, unless the location and siting unreasonably affects places of cultural or environmental significance, or the visual impact on balance has not been mitigated to outweigh the community benefit of the service it will provide the community.
30. Comment in reference to the guiding principles for the location, siting and design of telecommunications infrastructure are as follows;

Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:

- 1. be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;**
 - 2. 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;**
 - 3. not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised; and**
 - 4. display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;**
31. While it is noted that there are no formal scenic routes in the area, the proposal will be visible from the surrounding area.
32. Desktop studies have identified that the site does not contain any environmental or cultural heritage significance. The proposed facility will not require the removal of any trees.
33. There are at least 12 caretakers' dwellings in the immediate area, and the concerns received are noted.
34. Under LPS 4, caretaker's dwellings may only be permitted where the existing industrial/commercial business continues. As specified in LPS 4, an occupier of a caretakers' dwellings *"is not entitled to the same enjoyment, health standards and noise levels as would normally be associated with an area designated and/or zoned for residential purposes"*.

35. Shire officer's note that the proposal will have an impact on the amenity of the caretaker's dwellings. However, it is important to consider the impacts of the existing uses and the range of industrial uses that are permitted under the current zoning.
36. As mentioned above, it is also proposed to leave the infrastructure unpainted in a grey colour which is the preferred finish for telecommunication infrastructure as it blends as far as practical against lighter background such as the sky. The equipment shelter is proposed to be in a Mist Green colour, and the colour of the compound can be treated in any colour.

Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and

37. The site has been chosen to address and improve the existing coverage issues in the locality.

Telecommunications infrastructure should be co-located and whenever possible:

- a) **Cables and lines should be located within an existing underground conduit or duct; and**
b) **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.**

38. There are three existing facilities within the surrounding area:
- 28 Maidstone Crescent (behind the post office) – Telstra Tower
 - 183 Murat Road - Broadcast Australia
 - 17 Welch Street (Shire Depot) – Radio Antennae
39. 28 Maidstone has existing Telstra infrastructure and is not able to provide coverage to the targeted area. Broadcast Australia advised that there is no available space on the tower at 183 Murat Road. 17 Welch Street was not further explored due to potential interference between the proposal and existing radio antennae, along with potential impacts on the current and future use of the site caused by the required compound area.
40. The proposal demonstrates compliance with the policy measures and objectives of SPP 5.2.
41. The specific site location is identified as being partially within a declared Bushfire Prone Area by the Fire and Services Commissioner. The subject site is predominantly cleared and not adjoining any large vegetated areas which could cause a high bushfire risk. Accordingly, a BAL Assessment was not required in this instance.
42. The existence of the caretaker's residences in the area and the concerns received are noted. However, State Planning Policies are consistent in acknowledging that unsubstantiated concerns for public health cannot form the basis for refusal of the application for telecommunications facilities.

CONSULTATION

43. The application was initially referred to Horizon Power and surrounding landowners and advertised on the Shires website for comment for a period of twenty-seven (27) days. Horizon Power did not provide a response. A total of seven (7) public submissions were received during the first round of advertising (one of which was after the expiration of the advertising period) all objecting to the proposal.
44. As mentioned, and for those reasons outlined in the comment section above, the application was re-advertised for nineteen (19) days, from 27 May to 15 June 2022. A total of 6 submissions were received, all objecting to the proposal.

45. A ‘Schedule of Submissions and Recommendations’ has been prepared to summarise and respond to the matters raised including a response from the proponents (Attachment 2). The matters raised are broadly addressed above in the comment section of this report.

STATUTORY ENVIRONMENT

46. *Shire of Exmouth Local Planning Scheme No.4*
 47. *Planning and Development (Local Planning Schemes) Regulations 2015.*
 48. *Planning and Development Act 2005*
 49. *Telecommunications Act 1997*
 50. *Environment Protection and Biodiversity Conservation Act 1999*

POLICY IMPLICATIONS

51. *State Planning Policy 5.2 – Telecommunications Infrastructure*
 52. *Statement of Planning Policy 5.2 – Telecommunications Infrastructures (WAPC)*
 53. *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*
 54. *State Planning Policy 6.3 – Ningaloo Coast*

FINANCIAL IMPLICATIONS

55. Nil.

RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: The approval may generate unacceptable impacts on the amenity of the area.	Possible	Moderate	Moderate	The application has been assessed against and complies with the relevant statutory framework.
Service Interruption and Reputational: Refusing the proposal would not improve the coverage and network issues for existing and future areas	Likely	Minor	Moderate	If refused the proponents could refer the matter to the State Administrative Tribunal for review. Or alternatively they could explore options for a different site.

ALTERNATE OPTIONS

57. Council has the following alternate options in relation to this item, which are:
- To resolve to refuse the proposal; or
 - To resolve to approve the proposal subject to additional conditions.

STRATEGIC ALIGNMENT

58. Council has identified a number of key future projects to improve the liveability, town amenities, and facilities in the Shire of Exmouth. Included in its Infrastructure Project Priorities is the theme ‘Digital Connectivity Telecommunications’, which is listed as a high priority to:

- *Improve congestion issues and footprint coverage.*
- *Improvement of public communications.*

59. The proposal would ultimately assist with the delivery of this theme and improve coverage during peak times of the year and the Ningaloo Eclipse event in 2023.

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

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

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

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

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

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

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

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

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

VOTING REQUIREMENTS

61. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council resolves to ISSUE a notice of determination granting development approval for the Telecommunications Infrastructure at lot 1151 (14) Koolinda Way, Exmouth (DA13/22) subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (DA13/22), and the Shire of Exmouth Local Planning Scheme Number 4, including any annotations detailed thereon by the Shire.
2. Prior to the commencement of development, a Construction Management Plan shall be submitted to the Shire of Exmouth for approval in writing and implemented to the satisfaction of the Shire of Exmouth.
3. Prior to commencement of development, a final schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval and implemented to the satisfaction of the Shire of Exmouth.
4. Unless otherwise agreed in writing with the Shire of Exmouth, no additional lighting is permitted on the telecommunications tower.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2022

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 July 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 June 2022

PURPOSE

1. That Council accepts the financial report for the financial period ending 30 June 2022.

BACKGROUND

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

COMMENT

3. As at 30 June 2022, the operating revenue is below target by \$126,945 (0.78%). Variances are mainly due to the timing of the Financial Assistance Grant and Ningaloo Visitor Centre commissions. The Airport Security Screening Grant also affected the timing of airport fees & charges.
4. Operating expenditure is under budget by \$1,521,916 (8.65%). Variances are mainly due to the timing of various operational projects and the aviation lease payment.
5. A total of \$5,098,554 has been spent for capital projects within the Financial Year 2021/2022. This includes the purchase of executive housing, Murat Road and Yardie Creek road edge repairs, as well works for the Town Beach upgrade, the building of staff housing, and the plant replacement program. The Youth Park Precinct and Bike Park projects are completed.
6. Rate notices were issued on 30 July 2021. Rates collected as at 30 June 2022 were 95.2% compared to 93.9% for the same period last year.

CONSULTATION

7. Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

10. Nil

FINANCIAL IMPLICATIONS

11. Nil

RISK MANAGEMENT

12. Risks implications

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

ALTERNATE OPTIONS

13. Nil

STRATEGIC ALIGNMENT

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

- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
 - 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

15. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the financial report for the financial period ending 30 June 2022.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 JUNE 2022

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 July 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 June 2022

PURPOSE

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

BACKGROUND

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

COMMENT

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement (Attachment 2).

Payments	
Municipal Fund	totalling \$780,417.95 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$NIL Incorporating electronic payments.
Total Payments:	\$780,417.95

CONSULTATION

5. Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT

9. Risk implications

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

ALTERNATE OPTIONS

10. Nil

STRATEGIC ALIGNMENT

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

- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
 - 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

12. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of June 2022 (*totalling \$780,417.95*).

- 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**