Heart of North Midlands

AGENDA
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
26 FEBRUARY 2025
COMMENCING AT 5.30 PM

WILDFLOWER COUNTRY

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 26 February 2025, in the Council Chambers, Railway Road, Three Springs commencing at 5.30pm.

Keith Woodward PSM
Chief Executive Officer

20 February 2025

Shire of Three Springs
PO Box 117, Three Springs
WA 6519

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

- ☐ **Ordinary Council Meeting held on** ____________________
- ☐ **Special Council Meeting held on** ____________________
- ☐ **Committee Meeting held on** ____________________
- ☐ **Other** ____________________

Report No ____________________

Report Title ____________________

Name ____________________

☐ **Elected Member** ☐ **Committee** ☐ **Employee** ☐ **Contractor**

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

☐ **Proximity** ☐ **Financial** ☐ **Impartiality**

Nature of Interest

____

____

____

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

____

____

Name:__________________ **Signed:**__________________ **Date:** ____________

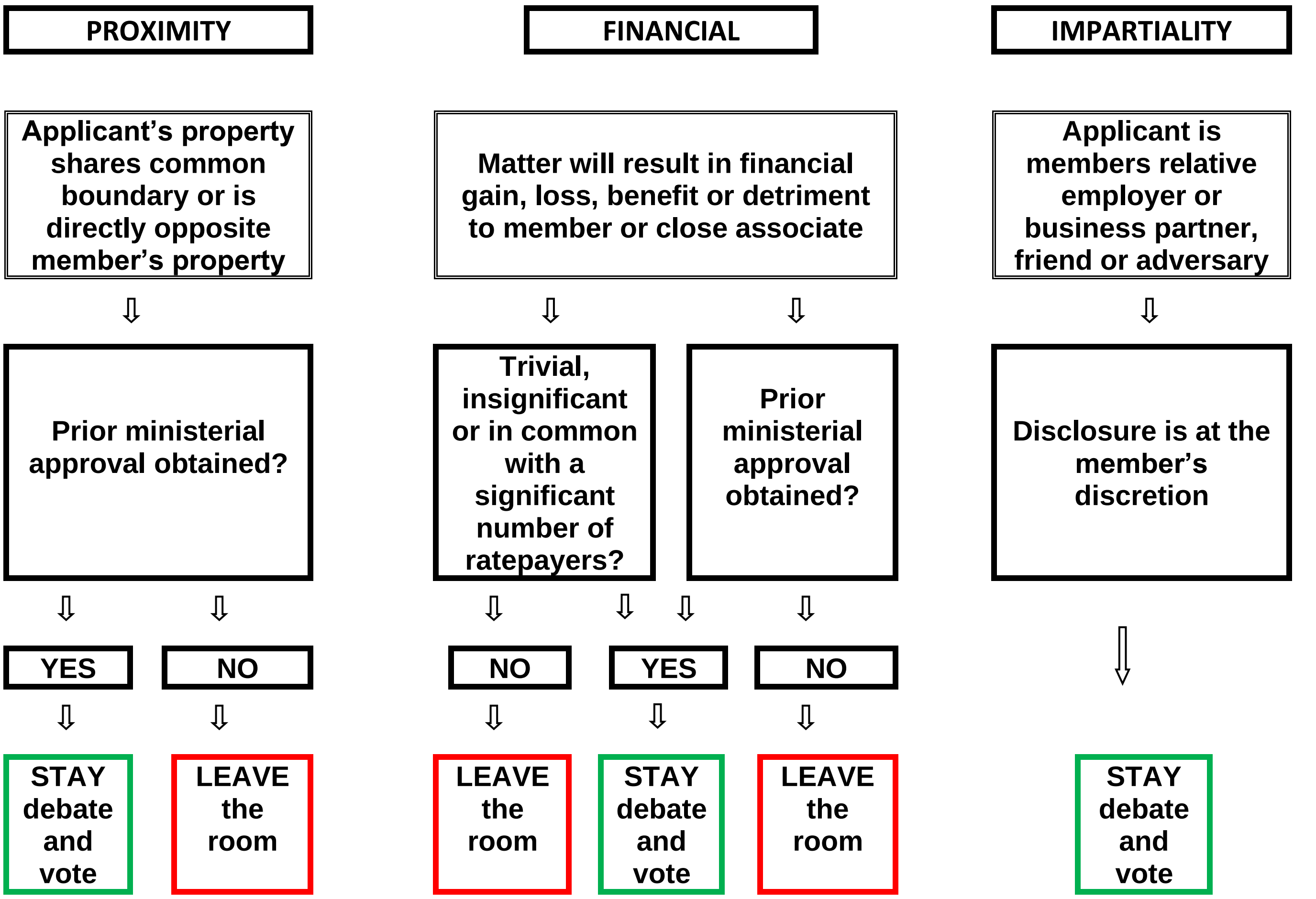
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: 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.

OFFICE USE ONLY

CEO: ________________ **Signed:** ________________ **Date:** ____________

Declaring an Interest



Local Government Act 1995 **- Extract**

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)

'Local Government (Administration) Regulations 1996 **– Extract**

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Deputy Shire President declared the meeting open at:

Acknowledgement of Country: -
The Shire of Three Springs acknowledges the traditional owners of this land – the Southern Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging**.**

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

	Attendance	**Approved Leave of Absence**	**Absent**
Councillor Lane			
Councillor Eva			
Councillor Heal			
Councillor Mutter			
Councillor Ennor			
Councillor Connaughton			
Councillor Mills			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager of Infrastructure			
Executive Secretary			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	**Moved**	**Seconded**	**Vote**	**Date**
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting is confirmed as true and accurate record of proceedings.					
		Date	**Moved**	**Seconded**	**Vote**
6.1	Ordinary Council Meeting	11.12.2024	Cr.	Cr.	
6.2	Annual Electors Meeting	03.02.2025	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The Shire President reminds Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting prior to the matter being discussed.

Members of the public are cautioned against taking any action on Council decisions, on items in which they may have an interest, until such time as they have seen a copy of the Minutes of the meeting or have been advised in writing by Shire of Three Springs staff.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Eva	
Cr. Heal	
Cr. Mutter	
Cr. Ennor	
Cr. Connaughton	
Cr. Mills	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Executive Services	
10.1. Town Planning Scheme Review	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0488
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Keith Woodward, Chief Executive Officer & Simon Lancaster, Planning Advisor
Attachment (s):	**Attachment 10.1.1** – Shire of Three Springs Local Planning Scheme No.3 **Attachment 10.1.2** – Schedule of Submissions **Attachment 10.1.3** – Copy of submissions **Attachment 10.1.4** – Draft Schedule of Modifications **Attachment 10.1.5** – Scheme Review Process Flowchart

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
Council resolved at its 28 September 2022 meeting to initiate the preparation of Shire of Three Springs Local Planning Scheme No.3 and subsequently resolved to seek consent to advertise draft Scheme No.3 at its 28 July 2023 meeting. The advertising period has now been completed and this report recommends that Council resolve to adopt the reviewed Scheme subject to modifications arising from the submissions received during the advertising period, and forward it to the Western Australian Planning Commissions (‘WAPC’) seeking final approval.

Background:
Local governments are involved in planning for local communities by ensuring appropriate planning controls exist for land use and development. They do this by, amongst other things, preparing and administering their Schemes and Local Planning

Strategies. Schemes contain planning controls such as designation of appropriate land-uses, residential densities and development standards. Local governments must base their planning decisions on the provisions and controls in their Scheme. All Schemes and policies are required to be consistent with State Government planning objectives and requirements.

Officer's Comment:
The current Shire of Three Springs Local Planning Scheme No.2 was gazetted on 27 January 2017 and requires review to ensure the Shire's statutory planning document is consistent with the recent updates to the *Planning and Development (Local Planning Schemes) Regulations* ('the Regulations').

The Regulations introduced a standardised state-wide template for the layout of Schemes and the review and updates to the Regulations means that the Shire's current Scheme No.2 requires updating to ensure it is consistent with legislation. The review of the Scheme will ensure it remains contemporary and is also more robust to challenge in the event that Council finds itself subject to appeal.

A copy of the advertised draft Shire of Three Springs Local Planning Scheme No.3 (text and maps) has been provided as **separate Attachment 10.1.1**.

For comparative purposes the current Shire of Three Springs Local Planning Scheme No.2 text and maps can be viewed at the following link to the Department of Planning, Lands & Heritage website:
https://www.wa.gov.au/government/document-collections/shire-of-three-springs-planning-information

Draft Scheme No.3 does not represent a major overhauling of the existing Scheme No.2, rather a fine-tuning exercise with changes generally limited to the following:
- Updating the Scheme Text provisions to reference those as contained in the Regulations to ensure consistency and assist Council in statutory matters.
- Inserting into the Zoning Table the updated and standardised land use definitions as contained in the Regulations and the current Regulations review.
- Standardise the zonings upon the Scheme Map and their corresponding objectives in the Scheme Text with those in the Regulations.
- Reconciling omissions and anomalies in the Scheme Text provisions.
- Minor modifications to the Scheme Maps around the Three Springs townsite to correct land use anomalies.
- Modifications to the Scheme Maps to correct minor anomalies where privately owned land has been identified for public purposes and where Crown Land has not been identified as Reserves and ensuring also that their Reserve zonings match the assigned (or Council sought) management purpose.

The main focus area for the Scheme Review has been the zoning map within the Three Springs townsite to ensure that Council's statutory planning document reflects Council's previously adopted strategic planning directions as contained in the Three Springs Townsite Local Planning Strategy and Strategic Community Plan. These changes are as follows:
- Rezoning an 85ha area of land from 'Rural' to 'Rural Residential' on the eastern edge of the Three Springs townsite. Currently people looking to move to Three Springs have 2 predominant types of property choice, either a 1,000m² townsite lot or a broadacre farm of several hundred hectares. The latter is obviously too large an undertaking in terms of expense, time commitment, expertise and land management ability for many people, and the former will not appeal to people who wish to keep a small amount of stock and/or are looking for a 'tree change'. The

’Rural Residential’ zone allows for lots of 1ha-4ha that will cater for residents who seek the ability to keep small numbers of stock and grow their own food whilst having the benefit of being located close to the community, recreational, education and health services of the Three Springs townsite.

- Rezoning a 4½ha area on the northern side of Water Street from ‘Public Purposes/Public Open Space’ to ‘Light Industry’ to provide further opportunity for repair, manufacturing, storage and transport businesses servicing the farming economy to be based in Three Springs.
- Rezoning the area between Slaughter Street, Williamson Street and Christie Street from ‘Residential’ to Rural Townsite’ to provide the ability for some low-impact home-based businesses to operate in an area where there is an existing legacy of mixed uses on-ground.
- Rezoning the unsubdivided area north of Gooch Street from ‘Residential R10’ to ‘Residential R40’ to provide greater flexibility in the future subdivision of this area and to address the limited housing choice in the Three Springs townsite. R10 allows for lots of 800m² whereas R40 allows for lots of 220m² (or greater) should Council wish to explore this. The R40 zoning does not mean that Council has to create lots down to the minimum size but provides the flexibility to consider unit development that may be sought by seasonal workers and aged accommodation.
- Rezoning the property on the corner of Maley & Carter Streets from ‘Public Open Space to ‘Commercial’ to provide greater flexibility to Council should it wish to explore future development of the site.

Council resolved at its 26 July 2023 meeting as follows:

That Council resolve to:

1 *Adopt Shire of Three Springs Local Planning Scheme No.3 pursuant to Part 5 of the Planning and Development Act 2005 and forward, in accordance with Part 5 Division 3 Section 81 of the Planning and Development Act 2005, notice of the resolution to adopt and a copy of the Scheme to the Environmental Protection Authority to determine whether the Scheme should be formally assessed.*

2 *Forward the Shire of Three Springs Local Planning Scheme No.3, in accordance with Part 4 Division 2 Section 21 of the Planning and Development (Local Planning Schemes) Regulations 2015, to the Western Australian Planning Commission seeking its consent to advertise.*

3 *Delegate to the Chief Executive Officer to undertake minor modifications to the Shire of Three Springs Local Planning Scheme No.3 that do not significantly alter the intent of the Scheme (including but not limited to; changes to format, spelling, grammar, numbering; Model or Deemed provisions; updates necessitated by Scheme Amendments, Structure Plans, Policies or other Strategies that have been given approval in the interim period etc.) as may be required by the Western Australian Planning Commission or otherwise prior to its advertising consent being granted.*

4 *Upon receipt of the Western Australian Planning Commission’s advice that the Shire of Three Springs Local Planning Scheme No.3 can be advertised, and compliance with Part 5 Division 3 Section 82 of the Planning and Development Act 2005, proceed to advertise the Scheme in accordance with Part 4 Division 2 Section 22 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

5 *At the conclusion of the advertising period return the draft Shire of Three Springs Local Planning Scheme No.3, and any received submissions, to Council for its further consideration.”*

The Environmental Protection Authority (‘EPA’) advised on 6 December 2023 that draft Scheme No.3 should not be assessed under Part IV of the *Environmental Protection Act*

1986 and the Shire advised the WAPC of the EPA's determination and requested the WAPC's consent to advertise draft Scheme No.3.

The WAPC advised on 8 May 2024 of its consent to advertise Scheme No.3 subject to a number of modifications, these modifications were minor in nature and intended to align the draft Scheme with the WAPC's current Regulations Review. The duly modified Scheme No.3 was therefore returned to the WAPC and confirmation that advertising may commence was received on 10 July 2024.

Consultation:
The draft Scheme No.3 was advertised as per Section 84 of the Act and Regulation 22 for a period of 93 days, commencing on 24 July 2024 and concluding on 25 October 2024, and the advertising included the following actions:

- display of the Scheme at the Shire office;
- display of the Scheme at the WAPC office in Perth;
- display of the Scheme on the Shire website;
- notice inviting comment in the Mid West Times on 24 July 2024;
- correspondence inviting comment being sent to the following:

  - ATCO Gas;
  - Australian Gas Infrastructure Group;
  - Department of Biodiversity, Conservation and Attractions;
  - Department of Communities;
  - Department of Education;
  - Department of Finance;
  - Department of Fire & Emergency Services;
  - Department of Health;
  - Department of Jobs, Tourism, Science and Innovation;
  - Department of Local Government, Sport and Cultural Industries;
  - Department of Energy, Mines, Industry Regulation and Safety;
  - Department of Planning, Lands and Heritage;
  - Department of Primary Industries and Regional Development;
  - Department of Transport;
  - Department of Water and Environment Regulation;
  - Development WA;
  - Horizon Power;
  - Housing Authority;
  - Land Information Authority Western Australia (Landgate);
  - Shire of Carnamah;

- Shire of Irwin;
- Shire of Mingenew;
- Shire of Morawa;
- Shire of Perenjori;
- Main Roads WA;
- Mid West Development Commission;
- Synergy Energy;
- Telstra;
- Water Corporation;
- Western Power.

At the conclusion of the advertising period 13 submissions had been received, with 12 of these from government agencies expressing technical comment/seeking some minor modifications to the Scheme, and 1 from a private landowner in objection to an aspect of the Scheme.

A Schedule of Submissions has been provided as **separate Attachment 10.1.2** that identifies the respondents, the nature of their submissions, and provides individual comment and recommends a modification to the Scheme based upon the submissions (if considered required). Regulation 28(1)(a) requires that the Schedule of Submissions is forwarded to the WAPC with Council's resolution.

Copies of the received submissions have been provided as **separate Attachment 10.1.3**.

A Schedule of Modifications is also required to be prepared by the Shire following Council's determination. The Schedule of Modifications will draw upon the individual recommendations of the Schedule of Submissions, and any required Council modifications and will list the suggested changes to the Scheme. Regulation 28(1)(c) requires that the Schedule of Modifications is forwarded to the WAPC with Council's resolution.

A copy of the draft Schedule of Modifications has been provided as **separate Attachment 10.1.4**.

Statutory Environment:
Section 88 of the *Planning and Development Act 2005* ('the Act') requires Local Governments to review their planning scheme every 5 years. Schemes are prepared and adopted under Part 5 of the Act and in compliance with the Regulations.

Part 5 (Local Planning Schemes) of the Act and Part 4 (Preparation or adoption of Local Planning Scheme) of the Regulations provide the procedure by which a Local Planning Scheme is required to be reviewed. A flowchart illustrating the Scheme Review process has been provided as **Attachment 10.1.5**.

Following the 26 July 2023 meeting where Council resolved to adopt draft Scheme No.3, it was required to be forwarded to the EPA for assessment in accordance with Section 81 of the Act and Section 48 of the *Environmental Protection Act 1986*.

On 6 December 2023 the EPA determined that Scheme No.3 did not warrant assessment under Part IV of the *Environmental Protection Act 1986* and on 10 July 2024 confirmation was received from the WAPC advising that advertising may commence.

With the conclusion of the advertising period Council can now consider the submissions received and, if satisfied, subsequently forward the Scheme to the WAPC, with or without request for modification to the advertised version. The WAPC and Minister for Planning may then resolve to either:

- approve Scheme No.3; or
- require modification to Scheme No.3; or
- refuse Scheme No.3.

Policy Implications:
Nil.

Financial/Resources Implications:
Nil.

Strategic Implications:
The draft Scheme No.3 seeks to implement the recommendations of the Shire of Three Springs Local Planning Strategy and Townsite Strategy which can be viewed at the following link to the Department of Planning, Lands & Heritage website:
https://www.wa.gov.au/government/document-collections/shire-of-three-springs-planning-information

The Scheme Review also seeks to assist Council in meeting the following as contained within its Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028			
Outcome	**Strategy**	**Priority**	**Timeframe**
1.2 - Increase the availability of land and improve services for housing and industry	1.2.1 & 3.2.1 - Review the town planning scheme and develop a town planning strategy	Medium	<2 years
3.2 - Managed population growth across a range of demographics, particularly aged and families			
1.3 - Increase the diversity of the existing business base	1.3.1 - Promote existing and new industry opportunities to increase employment	High	Ongoing
1.6 - Attract and maintain a stable workforce	1.6.3 - Develop a new Light Industrial Area	Medium	Ongoing
3.2 - Managed population growth across a range of demographics, particularly aged and families	3.2.3 - Identify land use options such as special rural in the new Town Planning Scheme	High	<1 year
4.3 - Continue to provide quality local government services and facilities	4.3.2 - Ensure compliance with all relevant legislation	High	Ongoing

This item is relevant to the Council's Corporate Business Plan 2020-2024 in that it will assist on delivering outcomes relating to the key strategic goals identified within the document.

Voting Requirements:
Absolute Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	**10.1**

That Council resolve to:

1 Note the submissions received during the formal advertising period of the draft Shire of Three Springs Local Planning Scheme No.3 as outlined in the Schedule of Submissions pursuant to Regulation 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2 Adopt Shire of Three Springs Local Planning Scheme No.3 pursuant to Regulation 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the modifications as outlined in the recommendations of the Schedule of Submissions and instruct Shire staff to accordingly prepare the Schedule of Modifications pursuant to Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3 Forward to the Western Australian Planning Commission the following, pursuant to Section 87 of the *Planning and Development Act 2005* and Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
   (a) Notice of Council's resolution to adopt Shire of Three Springs Local Scheme No.3;
   (b) Schedule of Submissions made on Shire of Three Springs Local Scheme No.3;
   (c) Schedule of Modifications made to Shire of Three Springs Local Scheme No.3.

4 Request the Honourable Minister for Planning, Lands & Heritage grant final approval to Shire of Three Springs Local Planning Scheme No.3.

10. REPORTS OF OFFICERS

Executive Services	
10.2. Proposed Amendment of Approval – Solar Farm	
Agenda Reference:	to be inserted
Location/Address:	Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs
Name of Applicant:	Blue Diamond Australia Pty Ltd
File Reference:	A219
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Keith Woodward, Chief Executive Officer & Simon Lancaster, Planning Advisor
Attachment (s):	**Attachment 10.2.1** – Amendment Application **Attachment 10.2.2** – DAP 14/12/17 Agenda **Attachment 10.2.3** – DAP 14/12/17 Minutes

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
■	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

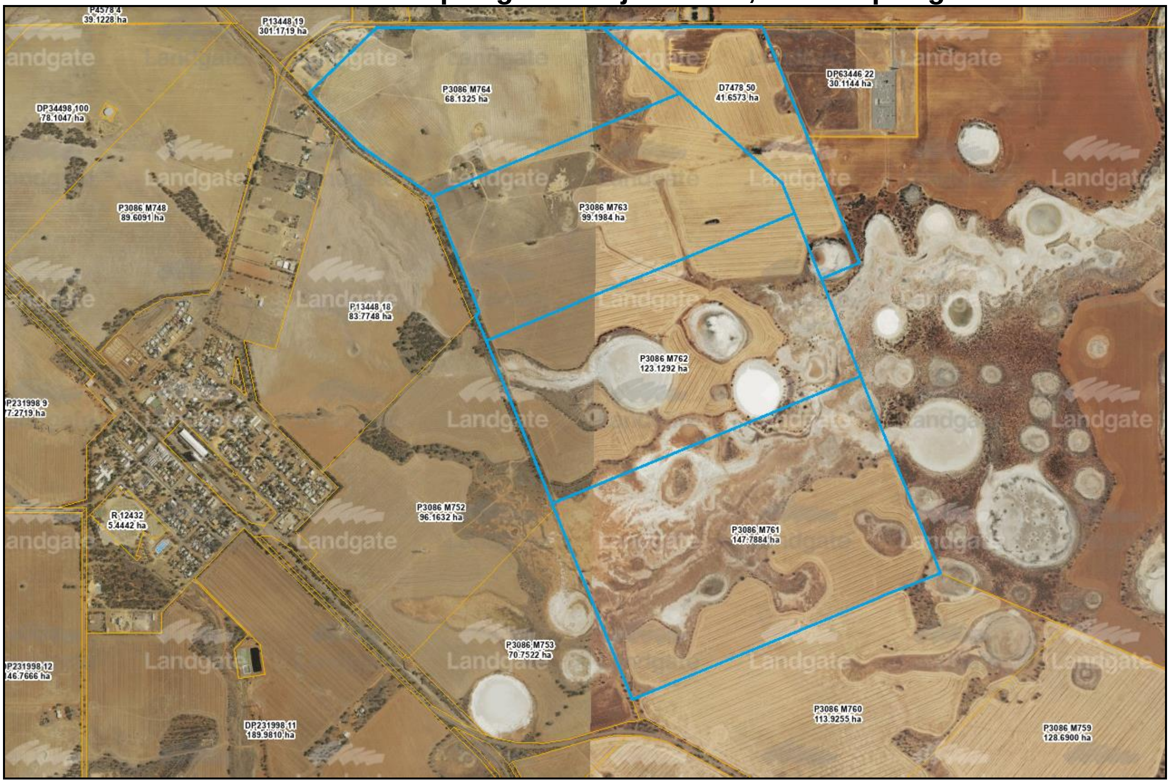
Report Purpose:
Council is in receipt of correspondence provided **as separate Attachment 10.2.1** seeking an amendment to the previously approved Solar Farm upon Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs. The applicant is seeking Council approval to include a Battery Energy Storage System (BESS) within the existing approved development layout. This report recommends that Council request further information before making its determination.

Background:
Council first received the solar farm application at its 18 October 2017 meeting and a copy of the Council Minutes from this meeting can be viewed at the following link:
1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The application (being a project with a cost in excess of $10 million) was required to be forwarded to a Development Assessment Panel ('DAP') for determination rather than Council being able to fulfill this role.

The application was approved by the DAP on 30 November 2017, subject to conditions, including that the development must be substantially commenced by 30 November 2019. The DAP Agenda, which also contains details of the application, including site plans and supporting material, is provided as **separate Attachment 10.2.2**. The DAP Minutes that outline the conditions of approval have been provided as **separate Attachment 10.2.3.**

Figure 10.2.1 – Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs



The applicant wrote to the Shire on 17 March 2021 seeking an extension of the original approval period due to delays in commencing their project relating to COVID and a change in the legislative arrangement for connection into the WA power network. Council resolved at its 21 April 2021 meeting to grant an extension of the approval period for a further 5 years, and a copy of the 21 April 2021 Council Minutes can be viewed at the following link:
1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

On 26 June 2024 the applicant again wrote to the Shire seeking a further 2 year extension of the approval period. Council approved the extension request at its 24 July 2024 meeting, setting a new date for requirement of substantial commencement of 30 November 2026. Council also resolved to advise the Western Australian Planning Commission that it supported the applicant's request for an extension of their approval for the amalgamation of Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs into 1 lot. A copy of the 24 July 2024 Council Minutes can be viewed at the following link: 2._OCM_24.07.24.pdf

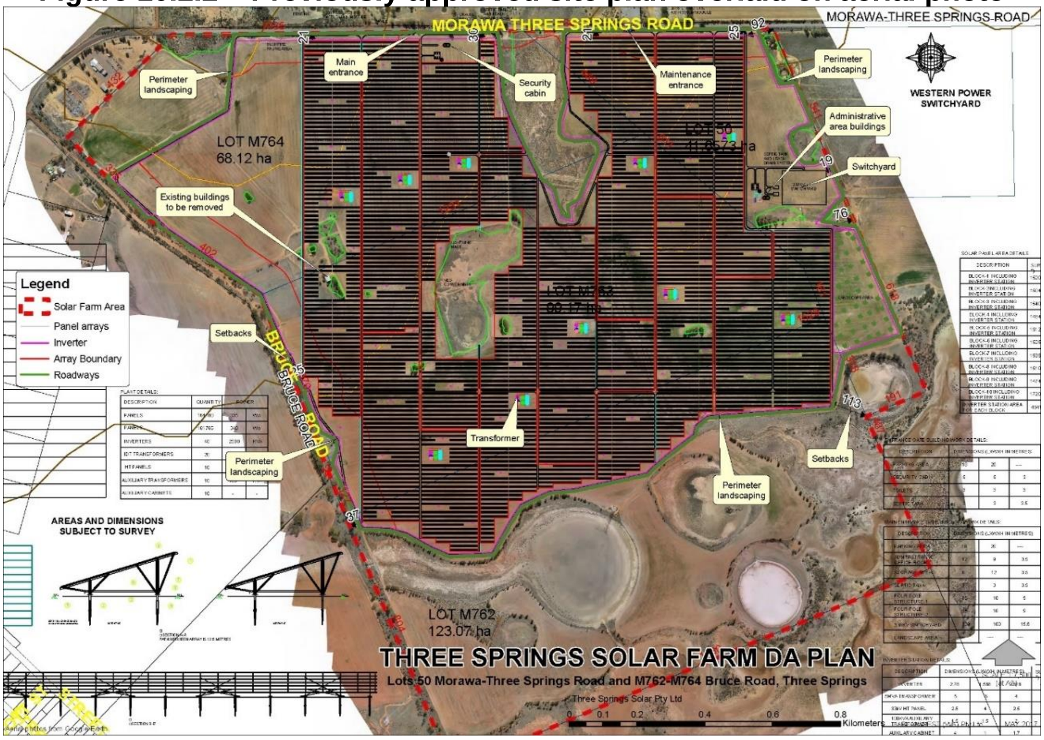
On both occasions it was considered reasonable to grant an extension of the approval period given that delays are common for projects of this size due to a wide range of factors including financing requirements, applicant restructuring, Commonwealth and State Government policy changes, regulatory reforms, negotiating access to power networks, project costings and other matters. Further to this, many projects were significantly delayed due to factors relating to COVID including workplace and travel restrictions and associated delays across the professional, production, supply, contractor and transport/logistic sectors.

The applicant again wrote to the Shire on 30 January 2025 seeking its approval to include a Battery Energy Storage System (BESS) within the previously approved development layout, advising that:

> *"The proposed addition of a battery storage system is now becoming an essential component of a renewable energy facility as it can even out the power generation and supply. The consequence of adding the BESS results in a 15ha parcel being allocated for the facility that is within the approved footprint for the solar panels. The facility is located over half a kilometre from Perenjori-Three Springs Road as shown on the revised site plan attached. It is unlikely to be visible from the road (the nearest public place) and is therefore not considered to be a substantial change to the development already approved.*
>
> *The actual footprint of the solar panels will also be slightly reduced due to more efficient technology resulting in a net reduction in the overall area of the project. With the addition of the BESS, we are now confident that the project will now finally be able to commence construction."*

Officer's Comment:
The proposed battery storage area would be located in the south-eastern corner of the development site in place of an area that was previously approved for the siting of rows of solar panels i.e. the proposed amendment would not expand the development area rather it represents a modification of the layout within the previously approved development footprint.

Figure 10.2.2 – Previously approved site plan overlaid on aerial photo



The BESS area would be approximately 15ha and comprise 4 x 5MVA inverter duty transformers around which would be sited 312 x 4421kW inverters. The inverters would be housed in containers measuring 8.799m x 1.8m (15.8382m²) each with a total height of 3.786m. As technology continues to advance it would be reasonable to expect some further fine-tuning of the solar panel rows layout and the BESS configuration but the overall development footprint would not be anticipated to be expanded, and more likely reduced as further efficiencies arise to market.

Figure 10.2.3 – Previously approved site plan

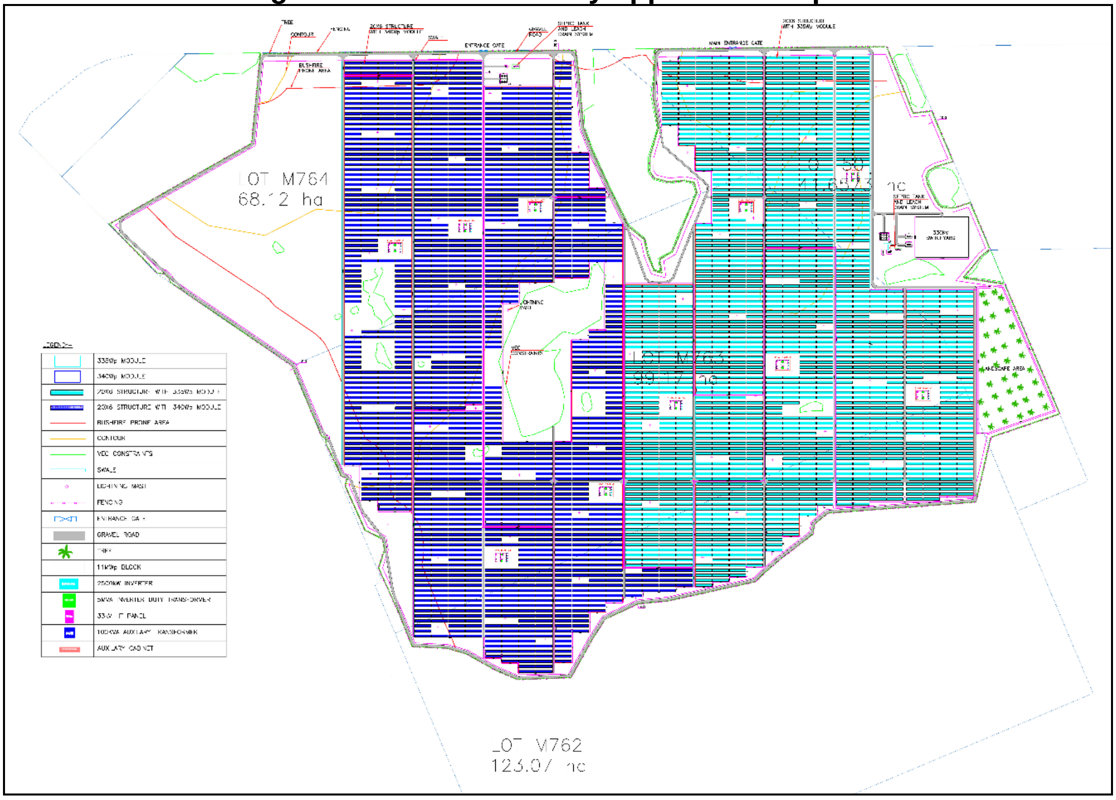


Figure 10.2.4 – Proposed amended site plan

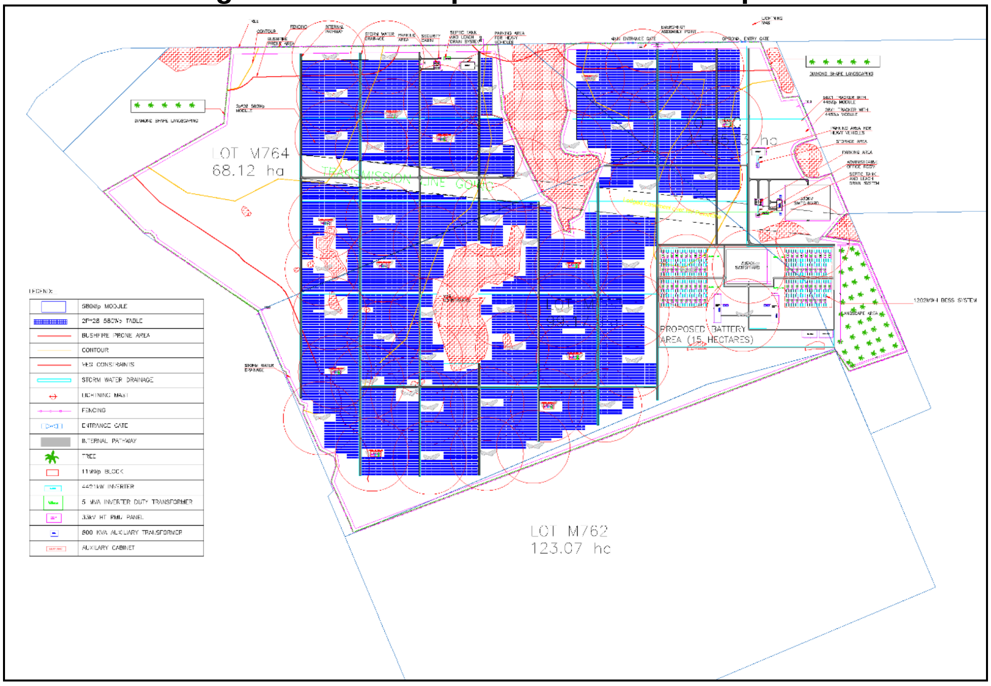


Figure 10.2.5 – Proposed amended site plan (BESS enlargement)

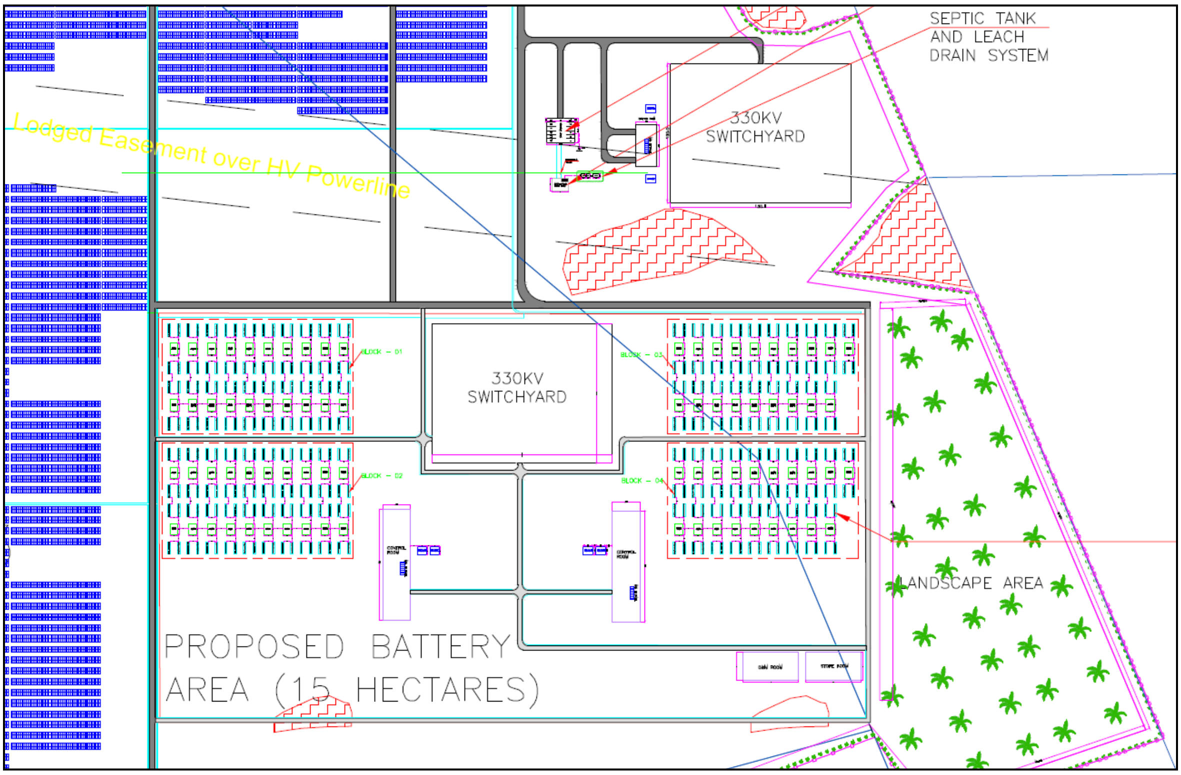
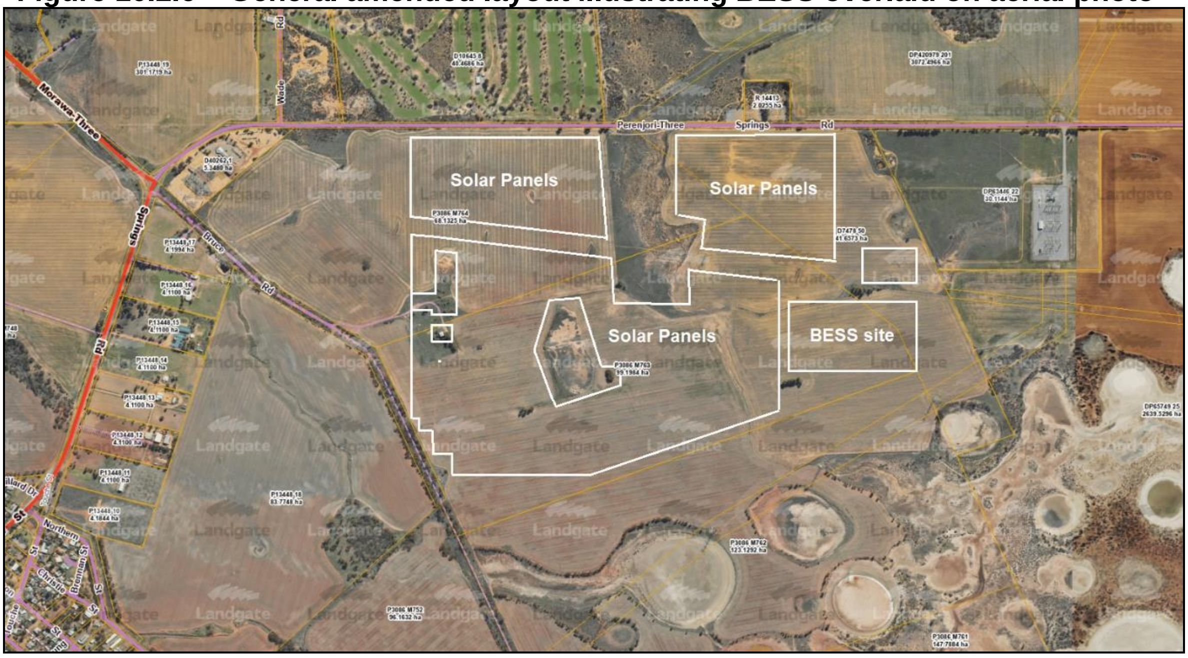


Figure 10.2.6 – General amended layout illustrating BESS overlaid on aerial photo



The BESS site would be upon an area of cleared land in proximity to the 330kV transmission line and it would not require any clearing of remnant vegetation and is located away from watercourses/tributary lines.

The BESS site is also outside of any areas identified by the Department of Fire and Emergency Services as bushfire prone on their State Map of Bushfire Prone Areas: [Map of Bush Fire Prone Areas]

It is considered that onsite battery storage of electricity is incidental to a solar farm development and with emerging renewable technologies and efficiencies this form of associated development will become more commonplace as solar farm and network operators seek to store and distribute power more effectively.

It may also noted that irrespective of any determination that Council makes relevant to this application, the applicant must still obtain additional approvals as required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health; the Department of Energy, Mines, Industry Regulation & Safety; the Department of Planning, Lands & Heritage; the Department of Water & Environment Regulation; Main Roads WA and Western Power.

It might also considered that the existing DAP conditions of approval and accompanying advice notes adequately address the overall development and the amendment does not warrant the imposition of further conditions of approval. The solar farm approval has the current conditions and advice notes applied to it:

Conditions:

1. *This decision constitutes planning approval only and is valid until 30 November 2026. If the subject development is not substantially commenced within this time, the approval shall lapse and be of no further effect.*
2. *Prior to the issue of a building permit the Applicant is to provide an updated site plan for the approval of the local government which demonstrates the following:*
    - *(a) a new access arrangement to Perenjori-Three Springs Road which is outside the 700m extent of the road verge containing Declared Rare Flora;*
    - *(b) the location of the Water Main Easement within Lot M764; and*
    - *(c) No development is to be shown within the Water Main Easement or so as to impede access to the Water Main Easement (i.e. boundary fencing) to the satisfaction of the local government.*
3. *The development shall be undertaken in accordance with the stamped approved plans, including any amendments and additional plans and information arising from the approval conditions.*
4. *Prior to the commencement of development a Landscape Plan shall be submitted to the local government for approval detailing landscaping and fencing to be provided along the perimeter of the site.*
5. *Prior to the commencement of the use the landowner must implement the landscaping shown on the approved landscape plan. The landowner must thereafter maintain the landscaping to the satisfaction of the local government.*
6. *A Construction Management Plan shall be submitted by the landowner to the local government for approval and approved prior to commencement of works. The Construction Management Plan should address noise, traffic and vehicle movements and parking, storage of materials, dust or any other matters considered relevant by the local government.*
7. *The development shall be completed in accordance with the approved Construction Management Plan to the satisfaction of the local government.*
8. *A Stormwater Management Plan is to be submitted by the landowner to the local government for approval and approved prior to the commencement of works.*

9 *Prior to the commencement of use the recommendations of the Drainage Management Plan shall be implemented to the satisfaction of the local government.*

10 *The design and location of on-site effluent systems is to be in accordance with Council requirements and any requirements of Local Planning Scheme No. 2.*

11 *Prior to the commencement of the use the 12 car parking bays shall be constructed and marked out in accordance with Council requirements.*

12 *Prior to the issue of a building permit the Applicant is to submit for the approval of the local government a Light Reflection and Emissions Management Plan and a Visual Impact Assessment as per the Western Australian Planning Commission guidelines. The Light Reflection and Emissions Management Plan shall demonstrate how the proposed solar panels and lighting will not cause adverse off-site visual impacts to the surrounding properties and locality to the satisfaction of the local government.*

13 *The development shall be completed in accordance with the approved Light Reflection and Emissions Management Plan to the satisfaction of the local government.*

14 *The Applicant is required to give at least 3 months notice to the local government if the proposed development is to cease operations and all solar panels and ancillary structures and infrastructure must be decommissioned and removed within two years of giving this notice, unless the local government agrees otherwise.*

Advice Notes:

1 *The Applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.*

2 *The Applicant should be made aware that the proposed works are near an area of high risk. It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets (including those listed above) act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).*

3 *As there are Aboriginal sites within the proposed solar energy facility, the Applicant is advised that they may have to submit a Section 18 under the Aboriginal Heritage Act 1972.*

4 *All people working and visiting the development are to have access to a sufficient supply of potable water that is of the quality specified under the Australian Drinking Water Quality Guidelines 2004.*

5 *The Applicant is advised that approval from the Department of Health is required for any on-site waste water treatment processes.*

6 *No work should be undertaken within the Perenjori-Three Springs road reserve between the Declared Rare Flora markers (approximately from the corner of Morawa-Three Springs Road and extending 700m east along Perenjori-Three Springs Road), including the installation of access points to the subject site.*

7 *If operations are proposed to cease, the landowner shall rehabilitate the site to the satisfaction of the local government to ensure that land can be used for rural purposes.*

8 *The development sites lots should be amalgamated prior to use.*

9	*The applicant is advised the Storm Water Management Plan should demonstrate that adequate flood protection from a 1 in 100 year ARI event is in place and that the concentration of run off generated by the solar panels can be appropriately managed.*

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011."

Figure 10.2.7 – General examples of BESS alongside solar farm

However, it is considered that the information in **Attachment 10.2.1** provides insufficient basis for Council to make a determination. Whilst the BESS would be sited in the south-eastern corner of the solar farm development and 1.8km from the nearest Three Springs townsite residences, there is no accompanying noise assessment to demonstrate whether the BESS would meet with the requirements of the *Environmental Protection (Noise) Regulations 1997*. it is recommended that Council advise the applicant it requires this noise assessment work to be undertaken to enable it to make an informed decision that has regards for the well-being of its community. In the event that the noise assessment does not demonstrate the project's compliance with the statutory noise levels then the noise assessment report should also outline what works (e.g. earth bunding, landscaping, acoustic louvre treatments, fan modifications etc.) are to be undertaken to achieve compliance.

In the event that Council is satisfied with the received application, and does not require the prior lodgement of a Noise Assessment report then it may wish to adopt the below alternative wording, that would still have regard for noise aspects as follows:

"That Council:

1	*Approve the applicant's request to amend the development layout of Development Approval (DAP File No: DAP/17/01181) to include a Battery Energy Storage System (BESS) within the previously approved development footprint for the proposed Solar Farm upon Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs as shown upon the submitted plans provided as Attachment 10.2.1.*

2	*Advise the Development Assessment Panel of this amendment.*

3	*Advise the applicant that the existing approval was subject to their preparation and submission of an Emissions Management Plan and requirement that the development shall be completed in accordance with the Emissions Management Plan to the satisfaction of the local* *government. Council requires this Emissions Management Plan to include detailed assessment of noise emissions (this shall include the noise emissions of the BESS component) and measures to ensure compliance with the Environmental Protection (Noise) Regulations 1997.*

4 Advise the applicant that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health; the Department of Energy, Mines, Industry Regulation & Safety; the Department of Planning, Lands & Heritage; the Department of Water & Environment Regulation; Main Roads WA and Western Power and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences."

Consultation:
The solar farm application was advertised for comment to surrounding landowners and government agencies in September-October 2017 and details of the consultation period and submissions received can be found in pages 6-9, the Public Consultation section, of the DAP Agenda provided as **separate Attachment 10.2.3**.

Statutory Environment:
On 1 July 2011 the *Planning and Development (Development Assessment Panel) Regulations 2011* were gazetted requiring that applications in excess of $10million must be presented to a DAP for consideration. The application for a Solar Farm upon Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs, having an estimated project cost of $80million, was therefore referred to a DAP by Council.

The applicant can apply for an amendment to a development approval under Regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Shire is required to notify the DAP of its determination in regards to a request for amendment.

Policy Implications:
Nil

Financial/Resources Implications:
Nil

Strategic Implications:
The Shire of Three Springs Strategic Community Plan 2024-2034 identifies the community's visions and is the Shire's principal strategic guide for future planning and activities, and it is considered that the solar farm application aligns with the following identified objectives:
2.1 Attract investment and industry.
9.1 Natural resources are protected and used effectively.

Voting Requirements:
Simple Majority

OFFICER'S RECOMMENDATION:	**10.2**
That Council advise the applicant that it requires the lodgement of a Noise Assessment report that models the noise emissions from the proposed Battery Energy Storage System (BESS) for the Solar Farm upon Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road with regard to the surrounding area given the site's proximity to the Three Springs townsite. In the event that the modelling does not indicate the development would achieve compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997* then the report should also outline what additional works are to be undertaken to achieve compliance.	

10. REPORTS OF OFFICERS

Executive Services	
10.3. Local Government Elections 2025	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0166
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Western Australian Electoral Commission Correspondence

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
Council to appoint the Western Australian Electoral Commission (WAEC) to run the 2025 Ordinary Election for the Shire of Three Springs as a Postal Voting Election, and to approve the associated expenditure of $11,788.70.

Background:
Council has received correspondence from the WAEC requesting that Council appoint the WAEC under section 4.20(4) of the Local Government Act 1995 and also to declare the annual election as a Postal Election under section 4.61(2) of the Local Government Act 1995.

Officer's Comment:
Postal elections are convenient and independently run which is more appealing to electors as opposed to having to attend a polling booth in person on a particular day.

The 2021 and 2023 Shire of Three Springs Ordinary Elections were managed by the WAEC as well as the 2024 Extraordinary Elections.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Part 4, Division 7, section 4.20 — Provisions about electoral officers and the conduct of elections

4.20. CEO to be returning officer unless other arrangements made

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

4.61. Choice of methods of conducting election

(1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide to conduct the election as a postal election.*

** Absolute majority required.*

Local Government Act 1995, Part 6, Division 4, Section 6.8 (1) (B)

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy Implications:
Nil

Financial/Resources Implications:
The WAEC cost to manage the 2025 elections is $11,788.70. These costs are included in the 2024/2025 Shire budget.

Strategic Implications:
This item is relevant to the Council's approved Strategic Community Plan 2024-2034.

Strategic Community Plan 2024-2034	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's approved Corporate Business Plan 2020 – 2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.3
That Council authorise: 1. In accordance with section 6.8 (1) (B) in advance include $11,788.70 in the 2025/2026 Shire Budget for the purpose of Election. 2. In accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary elections together with any other elections or polls which may be required. 3. In accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.	

10. REPORTS OF OFFICERS

Executive Services	
10.4 Awards Tender Request for Tender RFT24.25-03, Supply One (1) New motor grader	
Agenda Reference:	
Location/Address:	Shire of Three Springs
Name of Applicant:	Manager of Infrastructure
File Reference:	ADM0523
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Seeko Johnson, Manager of Infrastructure
Attachment (s):	Confidential tender assessment report

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	Legislative	Includes adopting local laws, local planning schemes and policies.
■	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
This report recommends awarding Tender RFT24.25-03 for the supply of a motor grader, obtained through the WALGA Preferred Supply Panel, with assessment completed by the Manager of Infrastructure. The purpose is to support road construction and maintenance operations within the Shire's 2024/25 capital works program.

Background:
The Shire of Three Springs initiated a procurement process to acquire a new motor grader to support road construction and road maintenance operations. The procurement was budgeted under the Shire's 2024/25 capital works program.

Local Government can acquire a new motor grader through the WALGA Preferred Supply Panel. The Shire used this system to obtain tender rates for the supply of a motor grader.

Current Fleet and Replacement Rationale:
The Shire currently has two graders in its depot:

- CAT 12M (2019 model, 14-foot blade): Used for road construction and re-sheeting at 3600 hours.
- CAT 120M (2015 model, 12-foot blade): Nearing 11,000 operating hours, requiring increased maintenance and significant expenditure on parts and supplies.

To maintain efficiency in road construction and maintenance operations, the Shire plans to replace the CAT 120M with a new grader equipped with a 14-foot blade. The existing CAT 120M was manufactured three years earlier than the CAT 12M, making it the more suitable candidate for replacement. As it has exceeded 10,000 operating hours, it will require more maintenance parts and supplies.

Advantages of a 14-Foot Blade in Maintenance:

A 14-foot blade offers several advantages in road maintenance operations:

- Increased Coverage: The longer blade allows for wider grading passes, reducing the number of passes required to maintain roads and improving operational efficiency.
- Better Surface Finish: A longer blade provides a smoother and more even grading result, enhancing road quality and longevity.
- Enhanced Stability: The additional length improves balance and stability, especially when working on uneven or soft surfaces.
- Cost Efficiency: By matching the blade size with the existing CAT 12M grader, the Shire can standardize parts and supplies, reducing inventory costs and simplifying maintenance logistics.

The new grader will be equipped with a 14-foot blade, matching the existing CAT 12M grader. This compatibility will allow the Shire to use the same supplies and parts for both graders, providing cost savings and operational efficiencies. The existing CAT 120M will be sold upon the arrival of the new grader at the depot.

Officer's Comment:
Local Government can purchase new motor grader through the WALGA Preferred Supply Panel. This acquisition process is permitted in the Local Government Act 1995 (Functions and General) Regulation (s.3.57) “(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”. Under the Local Government (Functions and General) Regulations, a tender exemption applies to WALGA’s Preferred Supplier Contracts.

WALGA Preferred Supplier Program

- The WALGA preferred Supplier Program complies with the Local Government Regulation 1996 (Function and General).
- Purchasing through WALGA means that you do not have to tender. A tender exemption applies to all of our Preferred Supplier Contracts. This saves on time, money and risks associated with tendering.
- All of the WALGA contract/tender suppliers are established by procurement specialists using a rigorous public and compliant market process. WALGA preferred suppliers are pre-qualified to provide Members with the safeguard of a

quality-assured process, legal compliance, probity, risk mitigation and security of supply.

The Shire requested three companies to tender with three tender submissions received via the WALGA Preferred Supplier Program.

Consultation:
The tenders were obtained through WALGA, but the assessment and application of the weighted criteria were conducted by manager of infrastructure.

Statutory Environment:
Local Government Act 1995, Part 3, Division 3 s. 3.57.
Local Government (Function and General) Regulation 1996, Part 4, Division 5, r.11 to 24G.

Policy Implications:
Procurement Policy 1.4

Financial/Resources Implications:
Shire of Three Springs Budget 2024/25

1. Shire of Three Springs: $490,000

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2024-2034.

Strategic Community Plan 2024-2034	
Council Objectives:	**Outcome:**
Safe, efficient and connected transport network	Improved road infrastructure through the purchase of reliable plant and equipment, including graders
Excellence in operations	Enhanced operational efficiency and service delivery with well-maintained and modern fleet
Strong relationships with community and partners	Demonstrated commitment to quality infrastructure and services for the community
Caring for the natural environment. The procurement of a new motor grader is part of the Shire’s asset renewal strategy, ensuring reliable road maintenance operations. The grader will replace aging equipment, reduce maintenance costs, and enhance operational efficiency.	Sustainable management of resources through efficient equipment use

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
The procurement of a new motor grader is part of the Shire's Plant Replacement Program (4.4.8.1), ensuring reliable road maintenance operations. The grader will replace aging equipment, reduce maintenance costs, and enhance operational efficiency.	Acquisition of a new, high-performance motor grader.

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION: 10.4
That Council: **1.** Award *Tender* RFT24.25-03 Tender Package for New Motor Grader to: Company:…………………………………………………………………………….. **2.** Should negotiations with the preferred tenderer not progress, the Chief Executive Officer is authorised to award the second ranked Tenderer, as per the Confidential Tender Assessment Report – RFT24.25-03, subject to the same stipulated agreement of terms. Company:…………………………………………………………………………….

10. REPORTS OF OFFICERS

Executive Services	
10.5. Shire of Three Springs Community Small Grant Program	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	
Disclosure of Interest:	Nil
Date:	26 February 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Community Small Grant Application – Three Springs Changemakers

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
The Council endorses the recommendation of the Shire of Three Springs Community Fund Assessment Committee and approves the Three Springs Changemakers request for $5,000.00.

Background:
The Shire of Three Springs received a Community Small Grants request from the Three Springs Changemakers on Friday, 13 December 2024. The request was to fund the March 2025 Monster Music Afternoon event.

The Three Springs Changemakers are not an incorporated group. They do not have an official bank account or an Australian Business Number. They requested that the Shire process the event payments through its accounts. On Wednesday, 08 January 2025, the group sought retrospective payment of 50% of the total invoice to secure the booking of Benny Mayhem Band for the March Monster Music Afternoon event.

Officer's Comment:
The Community Small Grants application was submitted to the Community Small

Grants Fund Committee. The Committee assessed the application against the criteria in Council Policy 2.7 – Community Small Grants Fund. The application met the policy requirements. The Committee recommended approval of the funding request.

Assessment:

Assessment Criteria	Weighting	Assessment (%) and Comments		
		Cr. Connaughton	Cr. Lane	Keith Woodward
Social / Community Well-being	**50%**	50	50	50
Economic Benefit (Local Spending)	**10%**	10	10	10
Strategic Plan Alignment	**40%**	40	40	40

Consultation:
Community Small Grants Fund Committee.

Statutory Environment:
Nil

Policy Implications:
Shire of Three Springs Council Policy 2.7 Community Small Grants Fund.

Financial/Resources Implications:

Members Donations to Community Groups Balance	$39,330.00
Three Springs Changemakers	-$5,000.00
Balance	$34,330.00

Strategic Implications:
This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2024-2034	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	**10.5**

That Council endorses the recommendation from the Shire of Three Springs Community Fund Assessment Committee and approves the allocation of $5,000.00 for the March Monster Music Afternoon event as follows:

1. Approval of a retrospective payment of $2,745.00.

2. Approval for payment of the remaining $2,255.00 is to be processed through the Shire's accounts on behalf of the Three Springs Changemakers.

10. REPORTS OF OFFICERS

Corporate Services	
10.6 Monthly Financial Report for Period 31 December 2024	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 31 December 2024

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
That Council accepts the monthly financial report for the period ending 31 December 2024.

Background:
The Provision of the FM Regulations 1996 and associated regulations requires a monthly financial report to be presented at an ordinary council meeting within 2 months of the period end date.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:
The 2024-2025 Budget was adopted at the Special Council Meeting held on 15 August 2024.

Further information can be found by referring to Financial/Resources Implications.

Consultation:
Nil

Statutory Environment:

The preparation of Monthly Financial reports is prepared under Section 6.4 of the Local Government Act 1995.

In accordance with FM regulation 34 (5), a report must be complied on variances greater than the materiality threshold adopted by the council of $10,000 or 10%. As this report is composed at a program level, variances commentary considers the most significant items that comprise the variance.

34. *Financial activity statement required each month (Act s. 6.4)*

(1A) In this regulation —

***committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the **relevant month**) in the following detail —*

- *(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- *(b) budget estimates to the end of the relevant month; and*
- *(c) actual amounts of expenditure, revenue and income to the end of the relevant month; and*
- *(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- *(e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.*

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

(2) Each statement of financial activity is to be accompanied by documents containing —

- *[(a) deleted]*
- *(b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
- *(c) such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity must be shown according to nature classification.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*

(a) *presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and*

(b) *recorded in the minutes of the meeting at which it is presented.*

(5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*
[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]

Policy Implications:
Nil

Financial/Resources Implications:

The total Cash Available as of 31 December 2024 is $6,426,300. Cash available comprises Unrestricted cash of $4,291,014 and Restricted cash of $2,135,286, primarily made up of various reserves.

Rates Debtors balance as at 31 December 2024 is $621,044. Rates Notices for 2024-25 were issued on 26 August 2024. The rates collected as at end of December 2024 was $2,481,371 – 79.98%

October 2024:

Operating Revenue – Operating revenue of $3,611,014 comprises Rates – 43%, Grants - 52%, Fees and Charges - 3%, Other Revenue - 1% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of $3,344,047 are made of Depreciation - 40%, Employee Costs –31%, Materials and Contracts – 17%, Insurance – 8%, Utilities – 3%, Loss on Disposal of Assets – 0% and Other Expenditure – 1%.

Strategic Implications:
This item is relevant to the Council’s approved Strategic Community Plan 2024-2034.

Strategic Community Plan 2024-2034	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2024-2034	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	**10.6**
That Council accepts the monthly financial report for the period ending 31 December 2024.	

10. REPORTS OF OFFICERS

Corporate Services	
10.7 Monthly Financial Report for Period 31 January 2025	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 31 January 2025

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
That Council accepts the monthly financial report for the period ending 31 January 2025.

Background:
The Provision of the FM Regulations 1996 and associated regulations requires a monthly financial report to be presented at an ordinary council meeting within 2 months of the period end date.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:
The 2024-2025 Budget was adopted at the Special Council Meeting held on 15 August 2024.

Further information can be found by referring to Financial/Resources Implications.

Consultation:
Nil

Statutory Environment:
The preparation of Monthly Financial reports is prepared under Section 6.4 of the Local Government Act 1995.

In accordance with FM regulation 34 (5), a report must be complied on variances greater than the materiality threshold adopted by the council of $10,000 or 10%. As this report is composed at a program level, variances commentary considers the most significant items that comprise the variance.

34. *Financial activity statement required each month (Act s. 6.4)*

(1A) In this regulation —

***committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the **relevant month**) in the following detail —*

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the relevant month; and

(c) actual amounts of expenditure, revenue and income to the end of the relevant month; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

(2) Each statement of financial activity is to be accompanied by documents containing —

[(a) deleted]

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity must be shown according to nature classification.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]

Policy Implications:
Nil

Financial/Resources Implications:

The total Cash Available as of 31 January 2025 is $6,111,084. Cash available comprises Unrestricted cash of $3,975,683 and Restricted cash of $2,135,401, primarily made up of various reserves.

Rates Debtors balance as at 31 January 2025 is $597,652. Rates Notices for 2024-25 were issued on 26 August 2024. The rates collected as at end of January 2025 was $2,505,057 – 80.74%

January 2025:

Operating Revenue – Operating revenue of $3,64,294 comprises Rates – 42%, Grants - 52%, Fees and Charges - 4%, Other Revenue - 1% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of $3,938,591 are made of Depreciation - 40%, Employee Costs –31%, Materials and Contracts – 19%, Insurance – 6%, Utilities – 3%, Loss on Disposal of Assets – 0% and Other Expenditure – 1%.

Strategic Implications:
This item is relevant to the Council’s approved Strategic Community Plan 2024-2034.

Strategic Community Plan 2024-2034	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2024-2034	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	**10.7**

That Council accepts the monthly financial report for the period ending 31 January 2025.

10. REPORTS OF OFFICERS

Corporate Services	
10.8 Accounts for Payments 31 December 2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 31 December 2024

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
That Council accepts the payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:
Financial regulations require a schedule of payments made through the Council's bank accounts, be presented to Council for their inspection. The list includes details for each account paid, incorporating the payee's name, amount of the payment, date of payment and sufficient information to identify the transaction.

Officer's Comment:
Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Consultation:
Nil

Statutory Environment:
Local Government Act 1995 Section 6.4.
Local Government (Financial Management) Regulations 1996 Section 12 and 13.

12. Payments from municipal fund or trust fund, restrictions on making

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub regulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications:
Nil

Financial/Resources Implications:
Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2023-2024.

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION: 10.8

That Council accepts:

1. The accounts for payment as presented for *December* 2024 from the CBA Municipal Fund totalling $541,958.68

2. Represented by Cheque 11684-11684 and Electronic Fund Transfers No's 20245 - 20570 and Direct Debits 16561.1 – 16561.8, 16590.1 – 16606.1, 16612.1 – 16635.1, and 16639.1 – 16644.1

3. Licensing Fund totalling $10,794.65 represented by Direct Debit No. 16563.1 – 16570.1, 16607.1 – 16609.1, and 16636.1 – 16638.1.

Total Payments for December 2024 $552,753.33

10. REPORTS OF OFFICERS

Corporate Services	
10.9 Accounts for Payments 31 January 2025	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	26 February 2025
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 31 January 2025

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
That Council accepts the payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:
Financial regulations require a schedule of payments made through the Council's bank accounts, be presented to Council for their inspection. The list includes details for each account paid, incorporating the payee's name, amount of the payment, date of payment and sufficient information to identify the transaction.

Officer's Comment:
Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Consultation:
Nil

Statutory Environment:
Local Government Act 1995 Section 6.4.
Local Government (Financial Management) Regulations 1996 Section 12 and 13.

12. Payments from municipal fund or trust fund, restrictions on making

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub regulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications:
Nil

Financial/Resources Implications:
Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2023-2024.

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION: 10.9

That Council accepts:

1. The accounts for payment as presented for *January* 2025 from the CBA Municipal Fund totalling $239,126.40.
2. Represented by Cheque 11685-11685 and Electronic Fund Transfers No’s 20571 - 20627 and Direct Debits 16666.1, 16668.1 – 16669.7, 16682.1 – 16683.1, 16690.1 – 16701.7, and 16714.1 – 16716.1.
3. Licensing Fund totalling $18,915.95 represented by Direct Debit No. 16665.1, 16667.1, 16673.1 – 16681.1, 16685.1 – 16687.1, 16702.1 – 16705.1, and 16717.1.

Total Payments for January 2025 $258,042.35

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1. Elected Members
12.2 Staff

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 26 March 2025 @ 5.30pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: ____
Presiding Officer

Date: 26 March 2025