



MINUTES
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
26 JULY 2023
COMMENCING AT 5.30 PM



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.

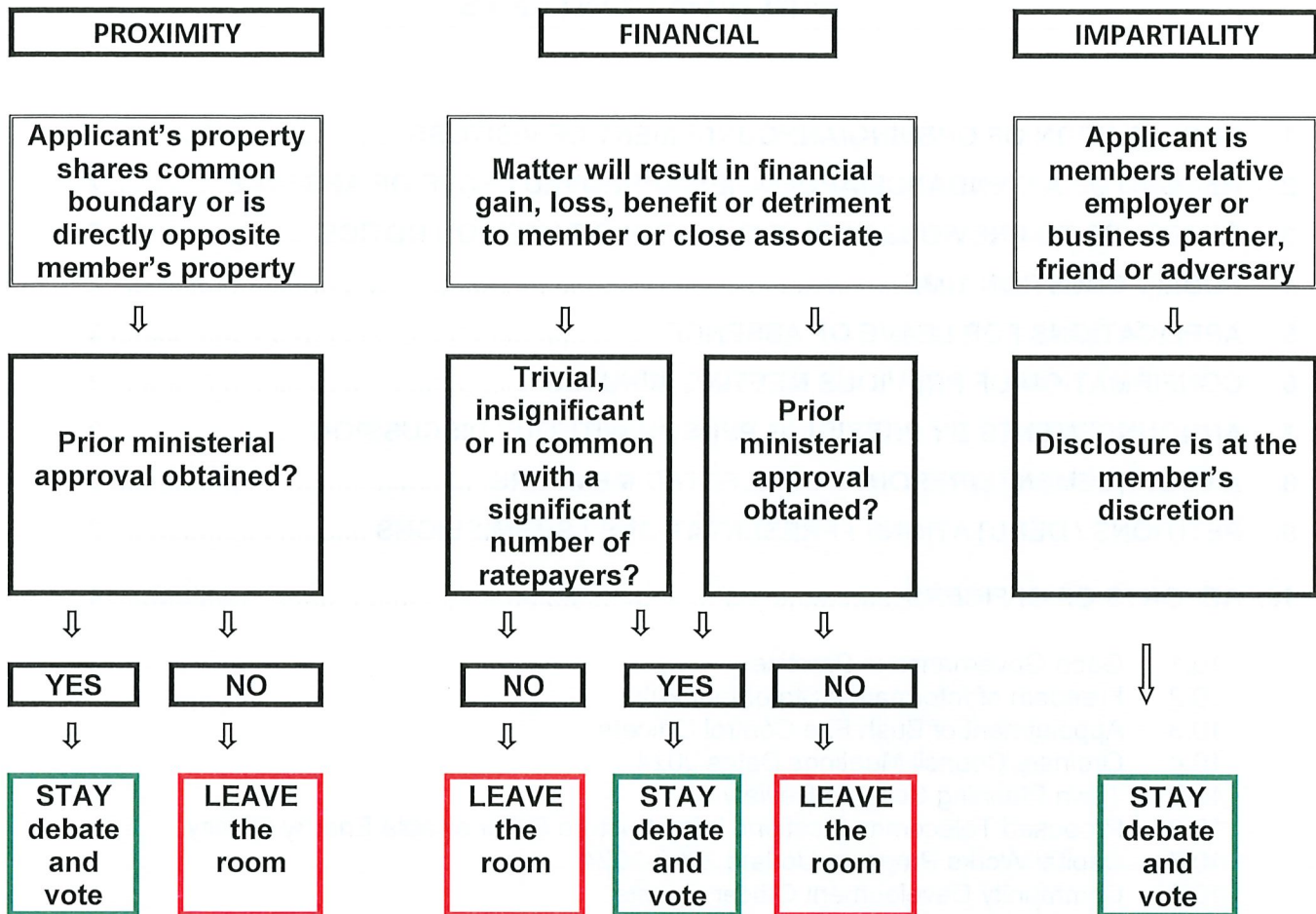
OFFICE USE ONLY

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 Shire President declared the meeting open at: 5.32pm

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	Apologies	Approved Leave of Absence
Councillor Lane	Present		
Councillor Connaughton	Present		
Councillor Heal	Present		
Councillor Mutter	Present		
Councillor Mills	Present		
Councillor Ennor			Approved Leave
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Community Development Officer		Apology	
Executive Secretary	Present		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr. Heal	August	Cr. Lane	Cr. Mutter	6/0	23.08.23

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.

	Date	Moved	Seconded	Vote
6.1 OCM	28.06.2023	Cr. Lane	Cr. Connaughton	6/0

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.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	26 June – NCZ meeting 28 June – Australian Citizenship ceremony 28 June – OCM
Cr. Connaughton	28 June – Australian Citizenship ceremony 28 June – OCM
Cr. Heal	28 June – Australian Citizenship ceremony 28 June – OCM
Cr. Mutter	28 June – Australian Citizenship ceremony 28 June – OCM
Cr. Mills	
Cr. Ennor	28 June – OCM
Cr. Eva	28 June – Australian Citizenship ceremony 28 June 23 – OCM

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Written Deputation from Rise Urban to Shire of Three Springs Council – Item 10.6 – 26 July 2023 – Telecommunications Infrastructure and Renewable Energy Facility – Lot 2 Midlands Road, Arrino.

10. REPORTS OF OFFICERS

Executive Services	
10.1. Good Governance in Practice	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

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:

1. The Governance Compliance Calendar report for June 2023.
2. Actions Performed under Delegated Authority for June 2023.

Background:

Local Governments are required to fulfil duties and functions prescribed in legislation.

This expectation is prescribed in the *Local Government Act 1995* through the Office of the CEO.

Officer's Comment:

Compliance Table for June 2023

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.34	DLGSC WA Local Government Accounting Manual	May 2023 Report submitted to the June 2023 OCM. Reference Minutes	
Emergency Services Levy - Option A Remittance DUE by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES -ESL Manual of Operating Procedures	N/a	
Emergency Services Levy - Option B Payment Due by: 21 June and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures		DFES -ESL Manual of Operating Procedures	Option B Payment made 21/05/2023 – EFT18658	
Decision Objection and Review Rights - Internal Audit Review the LG's template permits, licences, notices and approval letters issued under the Act and Local Laws to ensure they include advice to the recipient of their objection and review rights.	Local Government Act 1995	s.9.4			The Shire has not received any Objection as prescribed under Part 9, Division 1 s. 9.1 of the LG ACT in 2022-2023.
FOI Annual Statistical Data - Response to Information Commissioner Due by: 30 June	Freedom of Information Act 1992	s.111(3)		FOI Annual Statistical Data – Completed and submitted to OIC on 04.07.2023	Associated Report to July OCM 2023. Submission to the FOI Commissioner following adoption by Council.
Appoint Bush Fire Control Officers - Review appointments and update if necessary	Bush Fires Act 1954	s.38		July 2023 OCM	
Financial Reporting - Material Variances Each Financial Year, a LG is to adopt a percentage or value, calculated in accordance with AAS, to be used in statements of financial	Local Government Act 1995	s.6.4 FM.Reg.34(5)		To be adopted as part of the Budget Adoption – August 2023	

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activity for reporting material variances. (adopt and apply in the following Financial Year)					
Elections - Council Report required determine if Electoral Commission will conduct the Election. Electoral Commission agreement to conduct the election required by: 80th day before Election Day	Local Government Act 1995	s.4.20(2)(3)(4) s.4.61(2)(4)	DLGSC Elections Timetable DLGSC Returning Officer Manual	OCM February 2023 – Electoral Commission to conduct the Elections in 2023	
Revaluation of Assets - Plant and Equipment LG must revalue all assets within the Plant and Equipment Class by the expiry of each 3-yearly interval after 30 June 2016	Local Government Act 1995	FM.Reg.17A(4)	Plant & Equipment Revaluation last carried out in May 2016	The Local Government (Financial Management) Amendment Regulations 2020 have been published in the Government Gazette (6 November 2020).	The requirement to revalue has been removed. Local governments are now required to use the cost model for plant and equipment
Revaluation of Assets - Land, Buildings and Infrastructure LG must revalue all assets within the Land Building and Infrastructure Class by the expiry of each 3-yearly interval after 30 June 2017	Local Government Act 1995	FM.Reg.17A(4)	Revaluation of Assets- Land and Infrastructure carried out in March 2020	Report received from Griffin Valuation Advisory on February 2021	
Revaluation of Assets - All Other Classes of Assets LG must revalue all other classes of assets (other than, Plant and Equipment and Land Building and Infrastructure classes) by the expiry of each 3-yearly interval after 30 June 2018	Local Government Act 1995	FM.Reg.17A(4)	Road Infrastructure Asset carried out in June 2021.	Report received from Talis Consultants June 2021.	
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985	Valuation of Land Act 1978	s.37		Carried out by the City of Geraldton	

Execution of Delegation for June 2023

Date	File Ref	Delegation Number	Decision Detail	Applicant	Initiating Officer	1 st Auth.	2 nd Auth.	Comment
6-Jun-23	PMT ID: F306060779532	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$29,197.79 PMT ID: F306060779532

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6-Jun-23	PMT ID: F306060 797810	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	FO	DCEO	CEO	Fortnightly Payroll through the CBA Muni Bank \$44,959.15 PMT ID: F306060797810
8-Jun-23	PMT ID: F306080 947442	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$22,615.25 PMT ID: F306080947442
15-Jun-23	PMT ID: F306151 373592	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	CEO	Funds Transfer form the Maximiser Account to the muni Account for Creditor Payments totalling \$100,000 PMT ID: F306151373592
16-Jun-23	PMT ID: F306161 406954	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$85,142.58 PMT ID: F306161406954
20-Jun-23	PMT ID: F306201 621516	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	FO - Erin	FO	CEO	Fortnightly Payroll through the CBA Muni Bank \$44,959.15 PMT ID: F306201621516
26-Jun-23	PMT ID: F306261 989469	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$4,062.89 PMT ID: F306261989469
30-Jun-23	PMT ID: F306302 402197	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	FO	Funds Transfer form the Maximiser Account to the muni Account for Creditor Payments totalling \$10,000 PMT ID: F306302402197
30-Jun-23	PMT ID: F306302 400829	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	FO	Funds Transfer form the Maximiser Account to the muni Account for Creditor Payments totalling \$291,953.98 PMT ID: F306302400829
30-Jun-23	PMT ID: F306302 430680	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$25,878.35 PMT ID: F306302430680

Statutory Environment:

Local Government Act 1995, Administration Part 5, Division 4, S.5.40

5.41. *Functions of CEO*

The CEO's functions are to —

- (a) advise the Council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the Council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government (Audit) Regulations 1996

17. *CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.*
- (2) The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) The CEO is to report to the audit committee the results of that review.*

Policy Implications:

Council Policy 1100 Risk Management. The risk management objectives of this policy are:

- 1. *Optimise the achievement of our vision, mission, strategies, goals and objectives.*
- 2. *Provide transparent and formal oversight of the risk and control environment to enable effective decision making.*
- 3. *Enhance risk versus return within our risk appetite.*
- 4. *Embed appropriate and effective controls to mitigate risk.*
- 5. *Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.*
- 6. *Enhance organisational resilience.*

7. *Identify and provide for the continuity of critical operations*

The Good Governance in Practice Principles ‘compliance and reporting’ align with Council policy and legislation reducing organisation’s risk.

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved Strategic Community Plan 2018-2028.

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
A long term, strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

This item is relevant to the Councils approved Corporate Business Plan 2020–2024.

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

Voting Requirements:

Simple Majority.

Officer’s Recommendation:

0562023 OFFICER’S RECOMMENDATION and COUNCIL RESOLUTION 10.1	
<u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Eva That Council Accepts: 1. The Governance Compliance Calendar report for June 2023. 2. The Execution of Delegation report for June 2023. CARRIED: VOTED: 6/0	

10. REPORTS OF OFFICERS

Executive Services	
10.2 Freedom of Information Statement	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Draft Freedom of Information Statement 2023

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 the council endorse Shire of Three Springs Freedom of Information Statement 2023 and forward a copy to the Office of the Information Commissioner.

Background:

The Shire of Three Springs is required to produce its Information Statement in accordance with section 96(2) of the Freedom of Information Act and to either publish a 'stand-alone' information statement or include the prescribed information in its annual report. Council is required to make a copy of its Information Statement available for inspection and/or purchase at its office of administration.

Officer's Comment:

The Freedom of Information Statement 2023 for Shire of Three Springs has been prepared and updated and on endorsement by Council will be forwarded to the Office of the Information Commissioner as required (at intervals of not more than 12 months).

Consultation:

Chief Executive Officer

Statutory Environment:

Freedom of Information Act 1992 Part 5 s.96 and 97

96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act-
 - a) Within 12 months after the commencement of this Act; and
 - b) At subsequent intervals of not more than 12 months.
- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

(Section 96 amended by No. 47 of 1999 s. 13)

97. Information statement and internal manual, each agency to make available etc.

- (1) An agency (other than a Minister or an exempt agency) has to cause copies of –
 - a) its most up-to-date information statements; and
 - b) each of its internal manuals,
- (2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.
- (3) A subcontractor does not have to comply with subsection (1) and (2) if the relevant contractor has complied with those subsections on behalf of the subcontractor.

Policy Implications:

Shire of Three Springs Freedom of Information Statement to be published on Council website.

Financial/Resources Implications:

Fees as determined by the Freedom of Information Act.

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:

057/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.2
<u>MOVED: Cr. Mills</u> <u>SECONDED: Cr. Mutter</u> That the council endorse Shire of Three Springs Freedom of Information Statement 2023 and forward a copy to the Office of the Information Commissioner. CARRIED: VOTED:6/0

10. REPORTS OF OFFICERS

Executive Services	
10.3 Appointment of Bush Fire Control Officers	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0146
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- ☒ 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 considers appointing persons to the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers for the Shire of Three Springs, and the associated Shire of Three Springs Volunteer Bush Fire Brigade.

Background:

These appointments are statutory appointments under the provisions of the *Bush Fire Act 1954* and are typical.

Officer's Comment:

In accordance with the *Bush Fire Act 1954*, Section 38(1), the local government must appoint individuals to be Bush Fire Control Officers.

Consultation:

Shire of Three Springs Bush Fire Brigades.

Statutory Environment:

The *Bush Fires Act 1954*, Part IV, Division 1, Section 38.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
People are motivated, work together and have an increased pride and participation in the community.	Maintain and improve the provision of emergency services. Support and acknowledge volunteers Continue to support community organisations.

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:

Simple Majority

Officer's Recommendation:

058/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3
<u>MOVED: Cr. Heal</u> <u>SECONDED: Cr. Eva</u> That Council appoint the following persons to the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Bush Fire Control Officer: Shire of Three Springs Volunteer Bush Fire Brigade: 1. Craig Morgan to the position of Chief Bush Fire Control Officer 2. Christian Haeusler to the position of Deputy Chief Bush Fire Control Officer Town Brigade: 3. Rod Ennor to the position of Captain 4. Julia Ennor to the position of Vice-Captain

East Brigade:

5. Christian Haeusler to the position of Captain
6. Robbie Weir to the position of Vice-Captain
7. Mick Verrall to the position of Bush Fire Control Officer

Arrino Brigade:

8. Ash Bone to the position of Captain
9. Liam Mutter to the position of Vice-Captain

West Brigade:

10. Jim Heal to the position of Captain
11. Chad Eva to the position of Vice-Captain
12. Adam Thomas to the position of Bush Fire Control Officer

Bush Fire Control Officers Appointed as Permit Issuing Officers:

Emergency and Ranger Services	Matthew Sharpe Deb Walker Katrina Curtis
Chief Executive Officer	Keith Woodward
Chief Bush Fire Control Officer	Craig Morgan
Deputy Bush Fire Control Officer	Christian Haeusler

Fire Weather Reader

Fire Weather Reader	Craig Morgan
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**CARRIED:
VOTED:6/0**

10. REPORTS OF OFFICERS

Executive Services	
10.4 Ordinary Council Meetings Dates 2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

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 endorses:

1. The Ordinary Council Meeting dates and starting times for 2024.

Background:

The proposed meeting dates for 2024, being the fourth Wednesday of the month (except December when it will be held on the second Wednesday) commencing at 5.30pm are as follows:

- There will be no Ordinary Council meeting in January 2024
- 28 February
- 27 March
- 24 April
- 22 May
- 26 June

- 24 July
- 28 August
- 25 September
- 23 October
- 27 November
- 11 December

Council are required to give local public notice of the proposed dates as per Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

Officers Comment:

Nil

Consultation:

Nil

Statutory Environment:

Local Government (Administration) Regulations 1996

12. *Meetings, public notice of (Act s. 5.25(1)(g))*

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
- are to be held in the next 12 months.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.
Working in partnership with all community, government and corporate stakeholders.	4.3.2. Ensure compliance with all relevant legislation.
To be strong advocates representing the community's interest.	

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

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Continue to lobby and advocate for key government and infrastructure services, and solve community issues and act on opportunities.	Advocacy on key issues.

Voting Requirements:

Simple Majority

Officer's Recommendation:

059/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4
<u>MOVED: Cr. Connaughton</u> <u>SECONDED: Cr. Heal</u> That Council endorses: The following dates for Ordinary Council meetings for 2024 commencing at 5.30pm: • There will be no Ordinary Council meeting in January 2024 • 28 February • 27 March • 24 April • 22 May • 26 June • 24 July • 28 August • 25 September • 23 October • 27 November • 11 December CARRIED: VOTED:6/0

10. REPORTS OF OFFICERS

Executive Services	
10.5. 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:	17 July 2023
Author:	Keith Woodward, CEO & Simon Lancaster, Planning Advisor
Attachment (s):	Attachment 10.5(a) – draft Shire of Three Springs Local Planning Scheme No.3 text and maps Attachment 10.5(b) – draft and current zoning maps for Three Springs townsite Attachment 10.5(c) – 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 the Shire of Three Springs Local Planning Scheme No.3. Draft Scheme No.3 has now been prepared and this report recommends that Council resolve to forward the draft Scheme to the Environmental Protection Authority ('EPA') and the Western Australian Planning Commission ('WAPC') seeking consent to advertise.

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* 2015 ('the Regulations').

The Regulations introduced a standardised state-wide template for the layout of Schemes and the 2020 review and update 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 draft Shire of Three Springs Local Planning Scheme No.3 (text and maps) has been provided as **separate Attachment 10.5(a)**.

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.

A copy of the draft zoning maps for the Three Springs townsite alongside the current townsite zoning have been provided as **separate Attachment 10.5(b)** for comparative purposes.

Consultation:

The consultation process required for the Scheme Review, and subsequent advertising, of a Local Planning Scheme is set by the Act and Regulations.

Following its resolution to prepare a new Local Planning Scheme at the 28 September 2022 meeting, Council was required as per Part 4 of the Regulations to provide notification of the resolution to stakeholders that may be affected by the Scheme. The Shire therefore wrote to 25 government agencies and service authorities and the 5 surrounding local governments, inviting any comments and issues for consideration in the drafting of Scheme No.3.

At the conclusion of this initial submissions period 7 submissions had been received from various government agencies offering technical comment, and their feedback has been given regard in the preparation of draft Scheme No.3. These agencies, along with other relevant parties (including landowners) will be provided with opportunity to make further comment during the advertising of draft Scheme No.3.

The presented Scheme No.3 is a draft for advertising purposes. In the event that draft Scheme No.3 is adopted by Council it would be subject to a lengthy advertising/consultation process that is set by the Regulations. At the conclusion of this process Scheme No.3 must be returned to Council for its consideration of the received submissions and further deliberation as to whether it wishes to undertake further modifications to the Scheme Text and Maps.

In the event that Council, the EPA and the WAPC are satisfied with draft Scheme No.3, the consultation process required for the advertising of a Local Planning Scheme is set by the Regulations. It is proposed that Scheme No.3 would be advertised for a period of 3 months, and the advertising would include the following actions:

- display of Scheme No.3 at the Shire office;
- display of Scheme No.3 at the WAPC office;

- display of Scheme No.3 on the Shire website;
- notice inviting comment to be published in a newspaper circulating in the district;
- notice inviting comment being sent to all relevant government agencies and landowners that have property proposed to be rezoned by the Scheme.

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 10.5(c)**.

Should Council be satisfied with draft Scheme No.3, then Section 81 of the Act and Section 48 of the *Environmental Protection Act 1986* require the Scheme to be forwarded to the EPA for assessment, and the EPA have the authority under these Acts to call in the Scheme for Environmental Review. Given that the Scheme essentially responds to the Regulations and does not propose any significant change to the zoning of land, it is not anticipated that the EPA would require an Environmental Review of draft Scheme No.3. In the event that an Environmental Review was requested by the EPA this matter would be returned to Council for its further consideration.

Should the EPA not require the preparation of an Environmental Review, then Scheme No.3 can then be forwarded to the WAPC seeking its consent to advertise.

Policy Implications:

Nil.

Financial/Resources Implications:

The 22/23 Shire budget contained allocation of \$20,000 for a review of its Local Planning Scheme, this was amended to \$27,000 during the mid-financial year budget review process.

Strategic Implications:

The draft Scheme No.3 seeks to implement the recommendations of the Shire of Three Springs Local Planning Strategy (2014) 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
11. 1.2 - Increase the availability of land and improve services for housing and industry	12. 1.2.1 & 3.2.1 - Review the town planning scheme and develop a town planning strategy	Medium	<2 years
13. 3.2 - Managed population growth across a range of demographics, particularly aged			

and families			
14. 1.3 - Increase the diversity of the existing business base	15. 1.3.1 - Promote existing and new industry opportunities to increase employment	High	Ongoing
16. 1.6 - Attract and maintain a stable workforce	17. 1.6.3 - Develop a new Light Industrial Area	Medium	Ongoing
18. 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
19. 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:

060/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		10.5
		<u>MOVED: Cr. Eva</u> <u>SECONDED: Cr. Connaughton</u>
That Council resolve to:		
1	Adopt Shire of Three Springs Local Planning Scheme No.3 pursuant to Part 5 of the <i>Planning and Development Act 2005</i> and forward, in accordance with Part 5 Division 3 Section 81 of the <i>Planning and Development Act 2005</i> , 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 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , 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.

CARRIED:
VOTED:6/0
By Absolute Majority

**Cr. Connaughton declared a Proximity Interest in the following item 10.6 and left the meeting at 5.39pm*

**Cr. Eva declared an Impartiality Interest in the following item 10.6 and remained in the meeting.*

10. REPORTS OF OFFICERS

Executive Services	
10.6 Proposed Telecommunications Infrastructure & Renewable Energy Facility	
Agenda Reference:	CEO
Location/Address:	Lot 2 (DP231998) Midlands Road, Arrino
Name of Applicant:	Rise Urban for AAR Net Pty Ltd
File Reference:	A138
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Simon Lancaster, Planning Advisor Keith Woodward, Chief Executive Officer
Attachment (s):	Attachment 10.6(a) – received application Attachment 10.6(b) – Schedule of Submissions

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 an application to develop telecommunications infrastructure supported by a renewable energy facility upon Lot 2 (DP231998) Midlands Road, Arrino. This report recommends that Council approve the application subject to conditions.

Background:

Lot 2 Midlands Road, Arrino is a 253.8743ha property, owned by L & R Morgan, located 5km north-west of the Three Springs townsite. The property is largely cleared and used for farming purposes with some pockets of remnant vegetation upon outcrops. Lot 2 has a 974.65m frontage to Midlands Road along its northern-eastern boundary.

Figure 10.6(a) – Location map for Lot 2 Midlands Road, Arrino

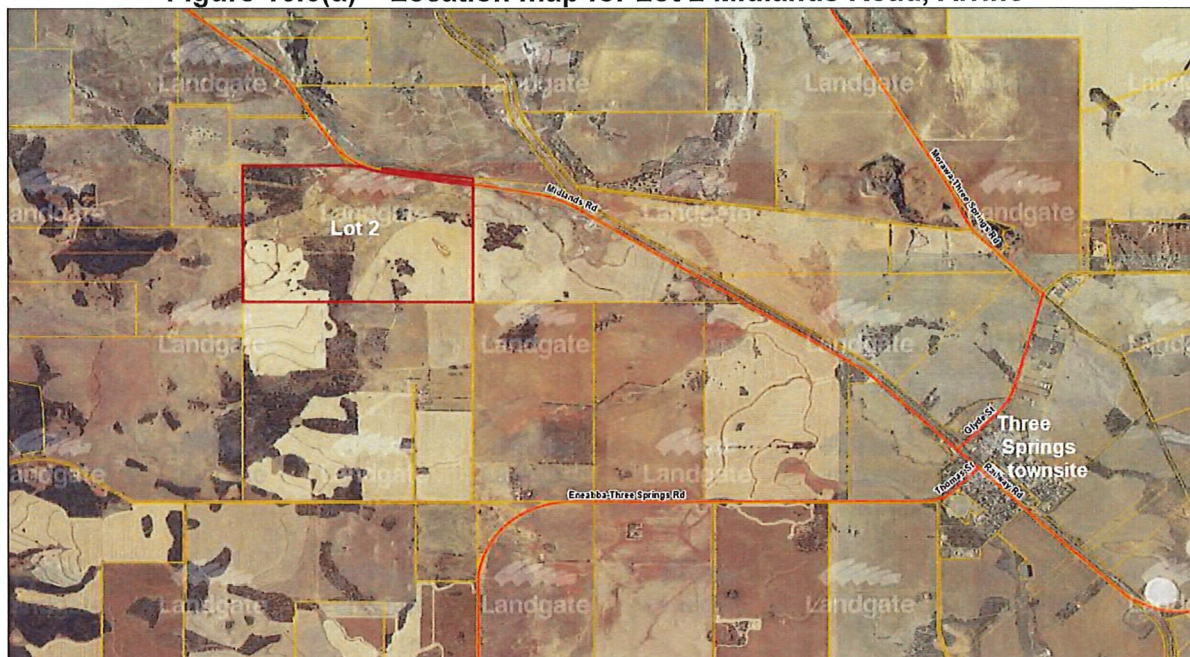
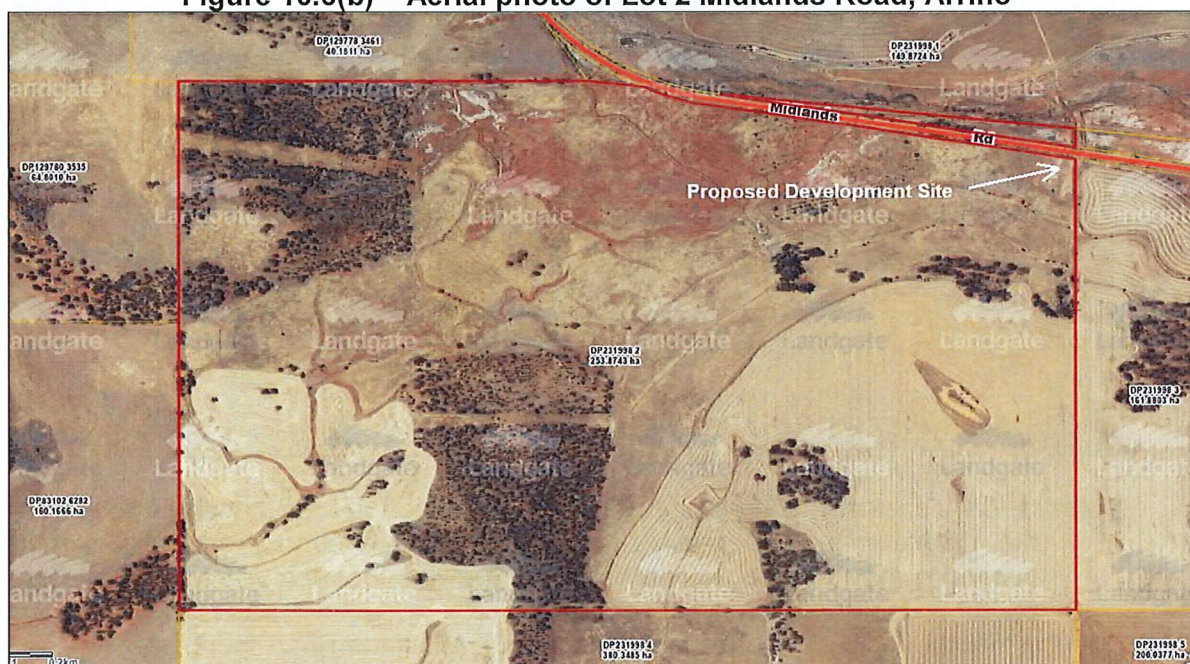


Figure 10.6(b) – Aerial photo of Lot 2 Midlands Road, Arrino



Officer's Comment:

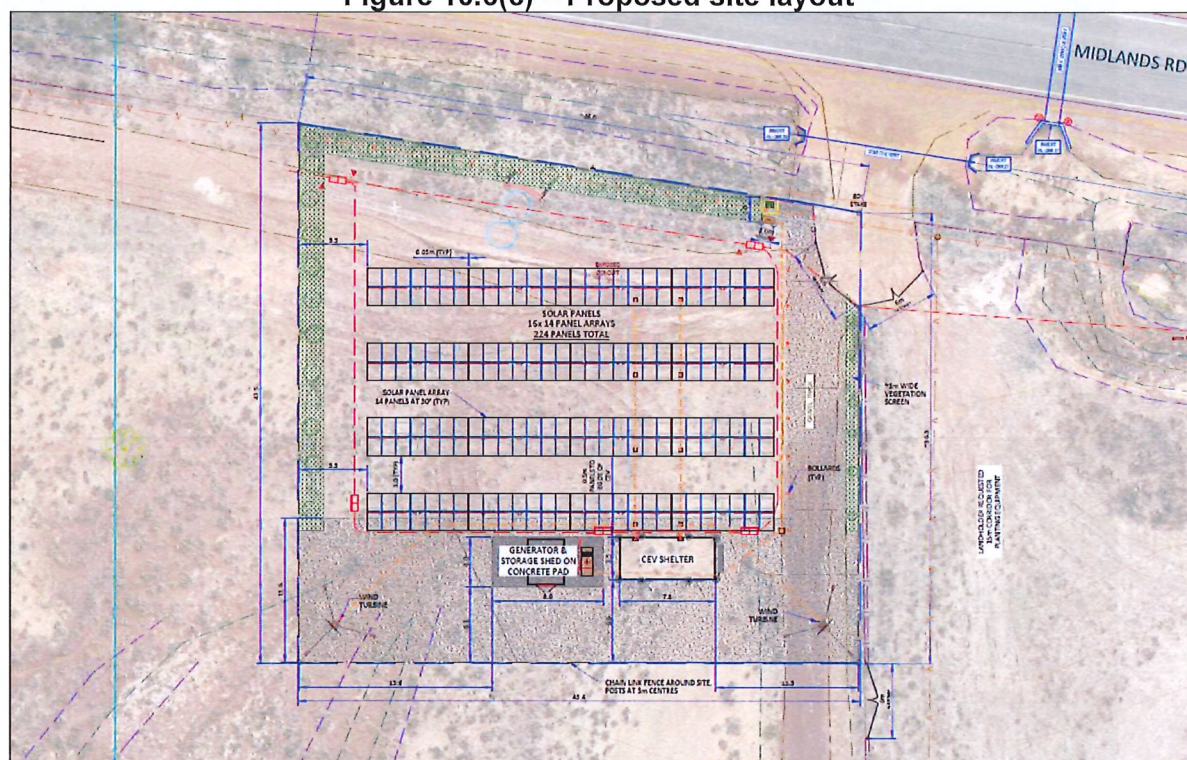
The applicant seeks to lease an 1,814m² area in the north-eastern corner of Lot 2 to develop a telecommunications and internet services facility that would consist of the following:

- 27.3m² (3.2m high) building containing the controlled environment vault to house the internet service provider hardware that would act as a relay/repeater station to boost the signal of the broadband as it travels along the fibre optic network. Solar panels would be mounted atop the building to take the total structure height to 4.84m;
- 11m² (2.48m high) storage building;
- 224 solar panels arranged in 4 rows to provide power to the facility. The solar panels would be the closest component of the facility to Midlands Road and be setback approximately 18m at their closest point to the road;

- 2 x 8m high wind turbines located in the rear (south-western & south eastern) corners of the leased area (approximately 45m back from Midlands Road at the closest point);
- backup generator in the event of a power outage.
- 2.4m high chain-link perimeter fence around the leased area.
- 2m wide landscaping strip along the northern and western perimeter of the leased area, and a 1m landscaping strip along the eastern perimeter of the leased area;
- crossover (with culvert) onto Midlands Road and internal gravel driveway.

A copy of the submitted application which includes the site and elevation plan is provided as **separate Attachment 10.6(a)**.

Figure 10.6(c) – Proposed site layout



Council may consider that the application can be supported based on the following:

- the development will provide assistance to economic productivity, emergency communication and social interaction by allowing for improved access to the mobile phone and internet networks;
- whilst the facility will have visual impact on Midlands Road there is ability to reduce this to some degree through imposition of a landscaping/screening condition;
- there are other examples of radio, phone, internet and television masts sited in prominent locations throughout the Mid West and in proximity to rural townsites that serve a community need;
- post-construction phase the traffic impact of the facility would be minimal given it would be unmanned with routine maintenance likely to occur on a monthly cycle;
- the 2 closest residences are both approximately 1km (north and north-east) from the proposed facility and on the opposite side of Midland Road (these are owned by parties other than the lessee) the lessee's own residence is approximately 2km south of the proposed facility. There is limited ability for further encroachment of residences towards the facility due to the large surrounding lot sizes and general disinclination of the Western Australian Planning Commission to support subdivision of rural land. The 161.8803ha Lot 3 immediately to the east of the proposed facility is

- a vacant property with ability for habitable buildings to be developed upon it, although it is noted that this is owned by the lessee;
- the proposed development site is outside of the area identified as bushfire prone by the Department of Fire & Emergency Services and not impacted by any Aboriginal or European heritage sites identified by the Department of Planning, Lands & Heritage.

Figure 10.6(d) – View of Lot 2 looking west from Midlands Road towards proposed development site



Figure 10.6(e) – View looking north (left) and south (right) from Lot 2 entrance onto Midlands Road



Consultation:

The application was advertised for comment from 22 June 2023 until 14 July 2023 with the Shire undertaking the following actions:

- Copy of the application being placed on the Shire website;
- Correspondence inviting comment being sent to the landowners within 1km of the proposed development site;
- Correspondence inviting comment being sent to the following government agencies and service authorities:
 - Australian Gas Infrastructure Group;
 - ATCO Gas
 - Department of Jobs, Tourism, Science & Innovation
 - Department of Mines, Industry Regulation & Safety

- Department of Planning, Lands & Heritage
 - Department of Primary Industries & Regional Development
 - Department of Water & Environment Regulation
 - Main Roads WA
 - Telstra
 - Water Corporation
 - Western Power
- Display of the application at the Shire office.

At the conclusion of the advertising period the Shire had received 6 submissions, with all of these being from government agencies either offering no objection or technical comment. A copy of the received submissions can be provided to Councillors upon request.

A Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 10.6(b)**.

The applicant was provided with a copy of the received submissions and their responses to the raised issues have been incorporated into the Schedule of Submissions.

Statutory Environment:

Lot 2 Midlands Road, Arrino is zoned 'Rural' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme').

The Scheme lists the objective of the 'Rural' zone as being:

"To provide for the sustainable use of land for the agricultural industry and other uses complementary to sustainable agricultural practices, which are compatible with the capability of the land and retain the rural character and amenity of the locality."

The controlled environment vault component of the development meets with the land use definition of 'Telecommunications Infrastructure' which is classified as a 'D' use (i.e. discretionary) within the 'Rural' zone.

The solar panel/wind turbine aspects of the development meet with the land use definition of 'Renewable Energy Facility' which is classified as an 'A' use within the 'Rural' zone which is a use that must be advertised for comment prior to consideration.

'Telecommunications Infrastructure' is defined under the Scheme and Schedule 1 Part 6 Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

"means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network."

'Renewable Energy Facility' is defined under the Scheme as follows:

"means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers."

The proposed development does not meet with the front boundary setback requirements under Schedule 2(1) of the Scheme which requires that development shall be setback 40m where it fronts Midlands Road outside of a gazetted townsite.

The entire proposed development would be within the 40m front boundary setback area with the front east-west orientated row of solar panels being the closest development component with a front setback distance of 5.5m in the north-eastern corner (this setback would increase to 10.5m at its north-western end as the boundary (and Midlands Road) angle away.

Council may give consideration to the proposed lesser front boundary setback distance under Section 35 of the Scheme which allows for variations to site and development requirements in the following circumstances:

- "(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.*
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.*
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —*
 - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.*
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —*
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

The application has been advertised for comment as outlined in the Consultation section of this report.

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides further guidance to Council in its assessment of this application, listing the following relevant matters to be considered:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved state planning strategy;...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- ...(s) the adequacy of –*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

The staff recommendation includes condition that screening landscaping shall be installed along the Midlands Road boundary to lessen the visual impact of the proposed development. However, if Council consider that the proposed lesser setback would create an unacceptable visual impact and unwelcome precedent it may wish to include additional condition 14 as follows:

- “14 The proposed development must be setback a distance of not less than 40m from the front (Midlands Road) property boundary) at its closest point to the approval of the local government.*

The Commonwealth *Telecommunications Act 1997* exempts telecommunications equipment from environmental and planning legislation except where the facility does not meet the definition of a ‘low impact’ facility, in this case requiring the lodgement of a planning application and assessment by Council of this matter.

Policy Implications:

The Western Australian Planning Commission (WAPC) have prepared Statement of Planning Policy 5.2 ‘Telecommunications Infrastructure’ (2015) for applications for above and below ground telecommunications infrastructure other than those facilities exempted under the *Telecommunications Act 1997*. The policy has the following objectives:

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

Section 5.1 of the policy recognises that in many instances the primary impact of a mobile phone tower is a visual one and provides the following guidance:

“For telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public.

The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure. Visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure.

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

- i) Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;
- ii) Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:
 - a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
 - b) 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;
 - c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
 - d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;
- iii) In addition to the existing exemptions under the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement for development approval where:
 - a) The infrastructure has a maximum height of 30 metres from finished ground level;
 - b) The proposal complies with the policy measures outlined in this policy; and
 - c) The proponent has undertaken notification of the proposal in a similar manner to ‘low impact facilities’ as defined and set out in the Mobile Phone Base Station Deployment Industry Code (C564:2011);

- iv) *Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and*
- v) *Telecommunications infrastructure should be collocated 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."*

The applicant has addressed key criteria of SPP5.2 within their submitted application provided as **separate Attachment 10.6(a)** to this report.

A copy of the WAPC's SPP2.5 can be viewed at the following link:

[State Planning Policy 5.2 - Telecommunications infrastructure \(www.wa.gov.au\)](http://www.wa.gov.au)

The WAPC have also prepared a Position Statement upon Renewable Energy Facilities that can be viewed at the following link:

[Position statement renewable energy facilities \(www.wa.gov.au\)](http://www.wa.gov.au)

The Position Statement is intended to provide assessment measures to ensure renewable energy facilities are sited in areas that minimise potential impact whilst maximising operational efficiency. The Position Statement does note that the minimum recommended distance between noise sensitive land uses (i.e. a habitable building) and a wind turbine is 1.5km. However, this would typically be the separation distance associated with wind turbines found in a larger wind farm e.g. the 100 x 100m tower height/152m overall (blade) height turbines found in the Warradarge Wind Farm 50km south-west of the Three Springs townsite rather than the 2 x 8m mast height/8.888m overall (blade) height turbines proposed at the Arrino facility.

Nevertheless it is recommend that a condition of approval be applied to the development (in the event that Council approve it) requiring that the development must meet with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Financial/Resources Implications:

Nil

Strategic Implications:

The approval of this development would assist in addressing the following as identified in the Council's Strategic Community Plan 2018-2028:

"Improved internet access across the Shire would encourage online and remote education and further training as technology reduces the need for classroom learning." (page 9)

Strategic Community Plan 2018-2028				
Ref	Strategy	Still Relevant	Priority	Time frame
4.6.1	Continue to lobby government and corporate entities to ensure adequate service and facilities are available for the community.	Yes	High	Ongoing

Voting Requirements:

Simple majority

Officer's Recommendation:

061/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.6
<u>MOVED: Cr. Heal</u> <u>SECONDED: Cr. Lane</u> That Council grant planning approval for the development of telecommunications infrastructure supported by a renewable energy facility upon Lot 2 (DP231998) Midlands Road, Arrino subject to the following: Conditions: 1 Development shall generally be in accordance with the approved plans as contained within Attachment 10.6(a) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government. 2 Any additions to or change of use of any part of the development or land (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition. 3 The location, design, construction and ongoing maintenance of the access point onto Midlands Road shall be to the requirements of Main Roads WA. 4 The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point onto the road network and relating to the development shall be to the requirements of Main Roads WA. 5 All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve. 6 The applicant shall be responsible for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, to the requirements of Main Roads WA (or where agreed to by Main Roads WA the applicant may instead arrange payment to Main Roads WA for such repair, reinstatement or replacement works to be undertaken). 7 The installation and ongoing maintenance of screening landscaping for the purpose of reducing the visual impact of the development as viewed from Midlands Road to the approval of the local government. 8 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, reflective glare, light, vibration, stormwater or otherwise. 9 The development shall comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. 10 The development shall comply with the requirements of the Civil Aviation Safety	

Authority.

- 11 The applicant shall manage an Asset Protection Zone in a low threat state, in accordance with the Western Australian Planning Commission's 'Guidelines for Planning in Bushfire Prone Areas'.
- 12 The applicant must obtain any necessary consents of the landowners relevant to the site and the access to the site.
- 13 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government.

Advice Notes:

- (a) All operations must be carried out in accordance with the separate requirements of the Australian Communications and Media Authority, and Australian Radiation Protection and Nuclear Safety Agency pertaining (but not limited) to electromagnetic energy.
- (b) In regards to condition 10 proponents of wind turbine proposals should refer to the National Airports Safeguarding Framework (NASF) Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installation (Wind Farms) / Wind Monitoring Towers to determine any potential aviation safety risks and possible mitigation measures. Any potential aviation safety risks identified require consultation with Civil Aviation Safety Authority (CASA), Air Services Australia and/or the Commonwealth Department of Defence
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (d) The applicant is required to consult with the Main Roads WA Heavy Vehicle Services branch prior to mobilisation to site to ascertain any approval requirements that may be required for their proposed construction phase of operations (inclusive of heavy vehicle combinations and transport routes).
- (e) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

CARRIED:
VOTED:5/0

**Cr. Connaughton returned to the meeting at 5.42pm*

10. REPORTS OF OFFICERS

Works and Services	
10.7 Capital Works Progress Update 2023-2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Malcolm Elliot, Works Supervisor
Attachment (s):	Capital Works Report 2022-2023 Grade Map

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 Capital Works Report for June 2023.

Background:

This report provides Council with the 2022-2023 Capital Works progress update.

Officers Comment:

Construction:

- Install second culvert floodway Hydraulic rd and upgrade drainage works
- Re-sheet Strutton rd
- Gravel pushed up Pitfield

Maintenance Grader:

Maintenance grading completed on:

Verrall Rd, Sheppard Rd, Campbell Rd, Phillips Rd, Simpson Rd, Strutton Rd, Thomas Rd, Wilton, Well Rd and First North Rd.

Drainage/Blowout repairs completed on Bunney Rd
Culvert repair on First North Rd.

Contractor Works:

- Painter-Slaughter St (Roger Toy)
- Community Hall –kitchen/toilets upgrade (Coral Coast)
- Push up gravel –PitField (Dudawa)

General Parks and Gardens:

- This month we have had a great response to work on the parks and gardens.
- Regular maintenance schedules for this month are up to date, we have also being working at the aquatic Centre with new signs and maintain the lawns.
- Planting new roses bushes to the memorial gardens and replaced dead ones has enhanced the appearance from the way it had been.
- We have been in contact with the sporting clubs and closely worked with them to provide a quality service from the shire.
- We have quotes from companies to provide new kitchens to shire houses.
- Meeting requests from residents in a timely manner has been a priority and the response has been a good one.

Plant Vehicles and machinery:

- P5002 returned from CJD –clutch actuator/service/exhaust repairs
- P5003 starter motor failed
- Reel mower returned from Geraldton –service/repair
- Zero turn Toro dropped Geraldton –service/repair
- Fire Appliances returned Geraldton –service

Waste Landfill site:

- General maintenance works/burn green waste
- Extinguish fire in general waste

Staff Recruitment and Training:

- Plant operator/general Hand positions advertised
- Nil staff training

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Purchasing Policy 3007.1

Financial/Resources Implications:

Shire of Three Springs Adopted Budget 2023-2024

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
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:

Simple Majority.

Officer's Recommendation:

062/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.7
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Connaughton That Council accepts the Capital Works Report for June 2023. CARRIED: VOTED: 6/0	

10. REPORTS OF OFFICERS

Executive Services	
10.8 Community Development Officer Update	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Raman S Virdi, Community Development Officer
Attachment (s):	Nil

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 Community Development Report for June 2023.

Background:

This report provides Council with the Community Development update.

Officer's Comment:

Australian Event Awards and Symposium (AEAS) – September 2023	The Australian Event Awards and Symposium is the national awards program and conference for the Australian events industry, fostering continued excellence, innovation and unity. Shire of Three Springs submitted an application for Silo Projection Grand Opening Event held on Saturday, 15 April 2023, under the Best Community Event category of AEAS. The Best Community Event category recognises the benefits through community building and community engagement achieved by an event.
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Ordinary Council Meeting Minutes – 26 July 2023

	Award nominees for AEAS will be announced on Wednesday, 09 August 2023 The anticipated event award ceremony dates are 11-13 September 2023.
Showcase in Pixels 2023	Showcase in Pixels is managed by Western Australia Local Government Association. Shire of Three Springs submitted an expression of interest to enter the e Professional/Digital category. Shire received an invite to enter the Showcase in Pixels 2023 - Exhibition at WALGA Local Government Convention 2023. A video of the Silo Projection Project will be sent for the exhibition.
Tidy Towns Sustainable Communities Awards 2023 (TTSCA)	The TTSCA is managed by Keep Australia Beautiful Western Australia. Shire submitted an expression of interest to enter the TTSCA 2023 awards and was invited to submit the award entry by Monday, 21 August.
Official Communication - Facebook page and the Shire website.	The Shire has updated its Facebook Page and website about ongoing activities.

Grants:

Regional Event Scheme 2023-24 (RES 2023-24)	RES 2023-24 is managed by Tourism WA. The Shire submitted an application to fund the 'Re-imagining Three Springs' Event in October 2023. An outcome notification was received with approved funding of \$5,000.00.
Saluting Their Service Commemorations Grant (STSCG)	STSCG is managed by the Department of Veterans Affairs. The Shire received a successful outcome to produce the World War 1 and World War 2 banners for Main Street.
Local Roads and Community Infrastructure Program – (LRCIP) Phase 4	LRCIP Grant is managed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The Shire received a notification advising Councils will be able to access \$329,104.00 Phase 4 funding allocations from July, with projects to be delivered by June 2025. Ordinary Council Meeting (Wednesday, 22 March 2023), item no. 10.4 Tender 22/23-02 Three Springs Multi-Purpose

	Hall, section Officer Comments, “4. Approve the resubmission of the Community Netball Courts project into the Australian Government Local Roads and Community Infrastructure Program Phase Four.”
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Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
People are motivated, work together and have an increased pride and participation in the community.	3.1.6 Actively facilitate, support and participate in community events.
A well engaged and informed community that actively participates.	4.1.6 Actively facilitate, support and participate in community events.

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

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
A prosperous, thriving and innovative local economy.	1.1 Develop tourism infrastructure and increase the length of stay.
A collaborative and forward-thinking community that is guided by strong leadership.	4.1 A well engaged and informed community that actively participates.

Voting Requirements:

Simple Majority.

Officer's Recommendation:

063/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.8
<u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Connaughton That Council accepts the Community Development report for June 2023. CARRIED: VOTED:6/0	

10. REPORTS OF OFFICERS

Corporate Services	
10.9. 2023/2024 - Setting Of The Annual Rate In The Dollar	
Agenda Reference:	
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	26 July 2023
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Nil

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 approve combining UV Rural and UV Arrino Town into one category and category by modifying both the Rate in the Dollar (RID) and the minimum amount applicable to the UV Arrino Town in order to create one category.

Background:

After the conclusion of the Special Council meeting on May 30, 2023, an irregularity concerning the proposed UV Arrino Town rate was noted when entering the rates into a compliance spreadsheet. Council took the action of resolving to amend the RID and minimums in order to achieve compliance, which required notifying ratepayers within the UV Arrino townsite.

At the OCM held on 28 June 2023, Council resolved to:

1. *acknowledge no submissions were received in response to letters to the individual UV Arrino Town ratepayers advising of the proposed increase in the rate in the dollar from \$0.012917 to \$0.042000 and a reduction in the minimum amount to \$200.*
2. *resolve to proceed with application to seek ministerial approval under Section 6.33(3) of the Local Government Act to impose a differential rate on the unimproved value of Mining that is more than twice the lowest unimproved value rate in the Shire.*

Officers Comment:

Following our application to the Minister for Ministerial approval, we engaged in a productive dialogue with the Department of Local Government. They provided useful insight on our classification of the UV Rural and UV Arrino Town site categories, which were primarily differentiated based on geographical locations, a methodology not typically favoured by the Act.

The Department helpfully pointed out that if two rate categories have identical valuation methods, namely, the Rate in the Dollar (RID) and the minimum, they are effectively considered as a single rate category under the Act.

In view of this insightful feedback and to ensure compliance with the Act, we propose merging the two categories into one by standardising their RID and minimum rates. This action aligns with the Council's recent decision to adjust the RID of the UV Rural category to \$0.011500, which was made during the Special Council Meeting on May 30, 2023. Therefore, we suggest matching the RID of the UV Arrino Town with this adjusted figure and setting a minimum of \$500 for both categories.

This proactive modification not only aligns our approach with the Act but also significantly improves our likelihood of receiving Ministerial approval. This process underscores a fruitful collaboration with the Department of Local Government and our dedication to refining our practices in accordance with their expert advice.

No further advertising is required; however, ratepayers will be notified of the change between advertised rates and imposed rates by a note in the 2023/24 Statutory Budget and a statement included in the rate bills of any ratepayer falling into a rate category where a modified RID is being applied.

Consultation:

Council
Staff
Department of Local Government

Statutory Environment:

Local Government Act 1995 – Section 6.33 Differential general rates

“6.33. *Differential general rates*

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*

- (b) *a purpose for which the land is held or used as determined by the local government; or*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
 - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*
- (5) *A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation¹ is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.*

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]”

Policy Implications:

Nil

Financial/Resources Implications:

2023-24 Budget discussions

Rate revenue will be increased by \$800.

Strategic Implication

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

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

Voting Requirements:

Simple majority

Officer's Recommendation:

064/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.9
<u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Eva Council approve the adaptation of UV Rural and UV Arrino Town into a single combined UV Rural & Arrino Town category. The UV Rural & Arrino Town rate in the dollar is set at \$0.011500 with a minimum of \$500. Staff are to continue the process of seeking Ministerial authorisation for the proposed differential rates. CARRIED: VOTED: 6/0	

10. REPORTS OF OFFICERS

Corporate Services	
10.10 Monthly Financial Report for Period 30 June 2023	
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 July 2023
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 30 June 2023

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 30 June 2023.

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 2022-2023 Budget was adopted in August 2022.

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 compiled on variances greater than the materiality threshold adopted by the council of \$10,000 and 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 that 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 month to which the statement relates; and*
- © *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- © *the net current assets at the end of the month to which the statement relates.*

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

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
- © *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown —*

- (a) *according to nature and type classification; or*
- (b) *by program; or*
- © *by business unit.*

(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.

- (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.

Policy Implications:

Nil

Financial/Resources Implications:

Total Cash Available as at 30 June 2023 is \$6,165,992. Cash available is made up of Unrestricted cash \$4,005,151 and Restricted cash of \$2,160,840 being primarily made up of various reserves.

Rates Notices for 2022-23 were issued in August 2022. Rates Debtors balance as at 31 May is \$80,834. Rates collected as at end of June 2023 was \$2,389,822 (96.73%).

June 2023:

Operating Revenue – Operating revenue of \$5,021,470 is made up of Rates – 50%, Grants - 40%, Fees and Charges - 6%, Other Revenue - 1% and Interest Earnings – 3%.

Operating Expenses – Operating expenses of \$5,529,493 is made of Depreciation - 45%, Employee Costs – 26%, Materials and Contracts – 16%, Insurance – 3%, Utilities – 5%, Loss on Disposal of Assets – 4% and Other Expenditure – 1%.

Strategic Implications:

This item is relevant to the Council's approved 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:

065/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.10
<u>MOVED: Cr. Mutter</u> <u>SECONDED: Cr. Eva</u> That Council accepts the monthly financial report for the period ending 30 June 2023. CARRIED: VOTED:6/0	

10. REPORTS OF OFFICERS

Corporate Services	
10.11 Accounts for Payments 30 June 2023	
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 July 2023
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 30 June 2023

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 2022-2023.

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:

066/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.11
<u>MOVED: Cr. Mills</u> <u>SECONDED: Cr. Mutter</u> That Council accepts: 1. The accounts for payment as presented for <i>June</i> 2023 from the CBA Municipal Fund totalling \$235,920.95. 2. Represented by Cheque no. 11671, Electronic Fund Transfers No's 18931 – 18997 and Direct Debits 14936.1 – 14944.1, 14972.1 – 14985.1 and 15001.1. 3. Licensing Fund totalling \$8,999.45 represented by Direct Debit No. 14936.1 – 14944.1, 14972.1 – 14985.1 and 15001.1. Total Payments for June 2023 \$244,920.40 CARRIED: VOTED:6/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12.1. Elected Members – Nil

12.2 Staff - Change to September 2023 Ordinary Council Meeting Date

Officer's Recommendation:

067/2023	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	12.2
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Mutter That the following item, namely: <i>12.2.1 " Change to September 2023 Ordinary Council Meeting Date"</i> Is accepted as a late item onto this Agenda. CARRIED: VOTED: 6/0		

10. REPORTS OF OFFICERS

Executive Services	
12.2.1 Change to September 2023 Ordinary Council Meetings Date	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	27 July 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

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:

Changing the Ordinary Council Meeting date from 27 September 2023 to 4 October 2023.

Background:

At the July 2022 Ordinary Council meeting the following resolution was passed.

<i>061/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.5</i>	
<u>MOVED: Cr. Connaughton</u> <u>SECONDED: Cr. Eva</u> <i>That Council endorses:</i>	

- *The following dates for Ordinary Council meetings for 2023 commencing at 5.00pm*
 - *There will be no Ordinary Council meeting in January 2023*
 - *22 February*
 - *22 March*
 - *26 April*
 - *24 May*
 - *28 June*
 - *26 July*
 - *23 August*
 - *27 September*
 - *25 October*
 - *22 November*
 - *13 December*
- *The Ordinary Council Meeting scheduled for 13 December 2022 is changed to 14 December 2022.*

Recommendation changed:

MOVED: Cr. Connaughton

SECONDED: Cr. Eva

The start times for Ordinary Council meetings for 2023 to commence at 5.30pm

CARRIED:

VOTED: 5/0

Reason for change in time: To give Councillors extra time when they finish their working day to prepare the Council Meeting.

Officers Comment:

The adjustment in meeting dates is required to facilitate the activities related to the Community Strategic Planning, the Chief Executive Officers' Performance assessment, and accommodate the annual leave of the staff.

Consultation:

Shire of Three Springs Council.

Statutory Environment:

Local Government (Administration) Regulations 1996

12. *Meetings, public notice of (Act s. 5.25(1)(g))*

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
- are to be held in the next 12 months.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.
Working in partnership with all community, government and corporate stakeholders.	4.3.2. Ensure compliance with all relevant legislation.
To be strong advocates representing the community's interest.	

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

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Continue to lobby and advocate for key government and infrastructure services, and solve community issues and act on opportunities.	Advocacy on key issues.

Voting Requirements:

Simple Majority

Officer's Recommendation:

068/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 12.2.1

MOVED: Cr. Mutter

SECONDED: Cr. Eva

The Council endorses:

Changing the Ordinary Council Meeting date from 27 September 2023 to 4 October 2023.

CARRIED:

VOTED: 6/0

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil

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

Nil

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 23 August 2023 @ 5.30pm.

16. CONFIDENTIAL ITEMS

Nil

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 5.48pm.

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

Signed: _____

Presiding Officer

Date: 23 August 2023

