



MINUTES  
ORDINARY COUNCIL MEETING  
HELD ON  
WEDNESDAY  
25 MAY 2022  
COMMENCING AT 5 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.**

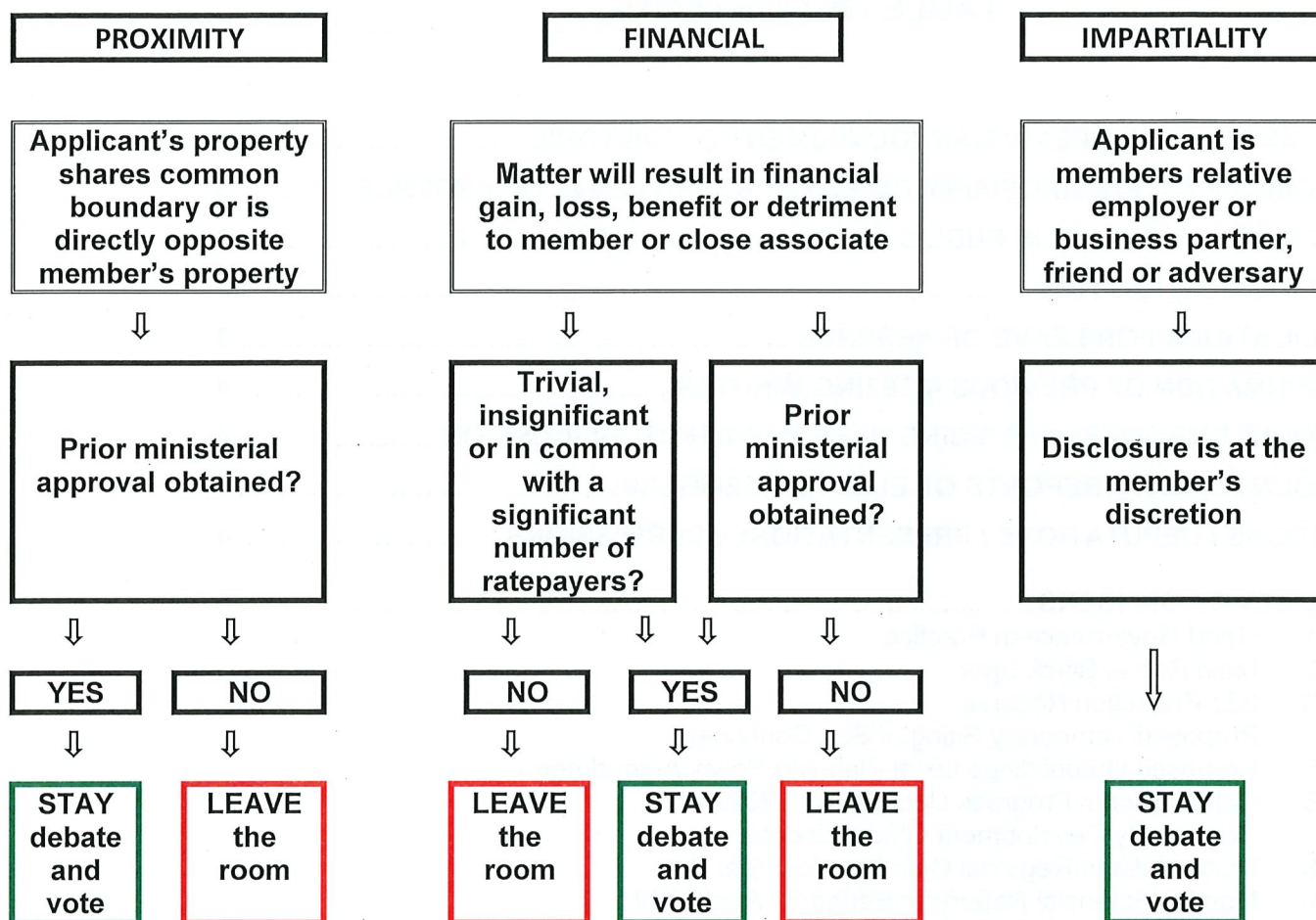
OFFICE USE ONLY

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.

## TABLE OF CONTENTS

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	3
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE .....	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
4. PUBLIC QUESTION TIME .....	3
5. APPLICATIONS FOR LEAVE OF ABSENCE .....	3
6. CONFIRMATION OF PREVIOUS MEETING MINUTES.....	4
7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....	4
8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS.....	4
9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	4
10. REPORTS OF OFFICERS .....	5
10.1 Good Governance in Practice	
10.2 Main Roads Black Spot	
10.3 Silo Projection Reserve	
10.4 Proposed Temporary Siting of Sea Container	
10.5 Proposed Outbuildings Local Planning Policy Amendment	
10.6 Capital Works Progress Update 2021-2022	
10.7 Community Development Officer Update	
10.8 North Midland Regional Club Development Plan	
10.9 Monthly Financial Report for Period 30 April 2022	
10.10 Accounts for Payments as at 30 April 2022	
11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	52
12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	52
12.1. ELECTED MEMBERS .....	52
12.2. STAFF.....	52
13. QUESTIONS BY MEMBERS WITHOUT NOTICE .....	53
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	53
15. TIME AND DATE OF NEXT MEETING .....	53
16. CONFIDENTIAL ITEMS .....	53
17. MEETING CLOSURE.....	33



## AGENDA

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5.06pm

#### **Acknowledgement of Country:-**

The Shire of Three Springs acknowledges the traditional owners of this land – the 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			25.05.2022
Councillor Heal	Present		
Councillor Mutter	Present		
Councillor Mills		Apology	
Councillor Ennor	Present		
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Acting Manager of Works	Present		
Community Development Officer			
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.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

### 6. CONFIRMATION OF PREVIOUS MEETING MINUTES

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

		Date	Moved	Seconded	Vote
6.1	OCM	27/04/2022	Cr. Ennor	Cr. Eva	5/0
6.2	Annual Electors Meeting	27/04/2022	Cr. Ennor	Cr. Eva	5/0

### 7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

President Chris Lane acknowledged the recent passing of two former Three Springs Residents, Mr. Roger Haeusler, brother of former Shire President, Vic Haeusler and also Mr. Rufus Thomas, brother of former Shire President, Anthony Thomas.

President Lane expressed her condolences to their families.

President Chris Lane also thanked Shire Deputy President, Chris Connaughton for presiding over the April Ordinary Council meeting due to her absence with Covid-19.

## 8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	02 April – Dominican Park opening 22 April – Tourist radio recording 29 April – Audit entry meeting via Teams CEO catch ups
Cr. Connaughton	02 April – Dominican Park opening 27 April - OCM & Annual Electors meeting
Cr. Heal	22 April – Tourist radio recording
Cr. Mutter	02 April – Dominican Park opening 27 April - OCM & Annual Electors meeting
Cr. Mills	02 April – Dominican Park opening
Cr. Ennor	27 April - OCM & Annual Electors meeting
Cr. Eva	02 April – Dominican Park opening 22 April – Tourist Radio recording 25 April – Anzac Day service 27 April – OCM & Annual Electors meeting

## 9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 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:	25 May 2022
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 April 2022.
2. Actions Performed under Delegated Authority for April 2022.

### 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 April 2022

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
<b>Monthly Financial Report</b> 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	April 2022 reports were submitted to the May 2022 OCM. Reference Minutes.	
<b>Emergency Services Levy - Option A Remittance Due by: 21st of the month</b> 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	
<b>Primary Returns - Request</b> Primary Return from any new employee who is a Designated Employee. Return must be received by CEO within 3 months of the person's start day	Local Government Act 1995	s.5.75	<b>WALGA</b> - Governance Subscription - Guideline - Primary and Annual Returns Management <b>DLGSC</b> Operational Guideline No.21 Disclosure of Financial Interests in Returns	Yes	
<b>Financial Interests Register - Review</b> Review register to remove Primary and Annual Returns (no other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles) or for Elected Members who have resigned. Returns that are removed are to be kept by the CEO as LG Record for at least 5 years after the person ceased to be a Designated Employee.	Local Government Act 1995	s.5.88(3)(4)		Yes Register is up to date.	
<b>Emergency Services Levy - Option B Payment Due by: 21 March</b> and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures		DFES -ESL Manual of Operating Procedures	22 February Creditors -Invoice from DFES received, and the Shire made payment.	
<b>Compliance Audit Return - Report to Audit Committee</b> Compliance Audit Return, report considered by Audit Committee, with recommendations to Council. <b>Note</b> - Schedule Committee / Council consideration with sufficient time to enable submission to DLGSCI by 31 March	Local Government Act 1995	s.7.13(1)(i) Audit Regs. 13, 14 and 15		Audit Committee Meeting 23 March 2022. Submitted to Council OCM 23 March 2022.	



<b>Compliance Audit Return - Report to DLGSCI</b> Compliance Audit Return certified by CEO and President / Mayor. Copy of Compliance Audit Return and Council report/minutes provided to Executive Director of DLGSCI DUE: 31 March	Local Government Act 1995	s.7.13(1)(i) Audit Regs. 13, 14 and 15		Submitted to DLGSCI on 24 March 2022.	
<b>Valuer General Information</b> 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		Completed by the City of Geraldton	

### **Execution of Delegation for April 2022**

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
4-Apr-22	PMT ID: F204045778118	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licensing A/C	CBA	Chief Executive Officer	Transfer \$9,811.33 from CBA Muni A/C to CBA Licensing A/C due to a large cheque being direct debited from the licensing account causing a debit due to not enough funds in the account. PMT ID: F204045778118
12-Apr-22	PMT ID: F204126273734	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licensing A/C to CBA Muni A/C	CBA	Chief Executive Officer	Transfer \$9,811.33 from CBA Licensing A/C to CBA Muni A/C return of funds transferred to Cover Cheque due to a large cheque being direct debited from the licensing account causing a debit due to not enough funds in the account. PMT ID: F204126273734
12-Apr-22	PMT ID: F204126283414	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Maximiser A/C	CBA	Chief Executive Officer	Transfer \$1,021,293.00 from CBA Muni A/C to CBA Maximiser A/C - Forward Payment for the 2022-2023 F.A.G's PMT ID: F204126283414
12-Apr-22	PMT ID: F204126303268	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Chief Executive Officer	Fortnightly Payroll PPE 12/04/22 - \$37,552.70 PMT ID: F204126303268
13-Apr-22	PMT ID: F204136389134	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds from the Maximiser to Municipal Account	CBA	Chief Executive Officer	Transfer of Funds from the Maximiser Account to the Muni Account for Creditor Payments \$30,000.00 PMT ID: F204136389134
12-Apr-22	PMT ID: F204126303268	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Deputy Chief Executive Officer	Fortnightly Payroll PPE 12/04/22 - \$37,552.70 PMT ID: F204126303268
29-Apr-22	PMT ID: F204287138527	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive Officer	Transfer from CBA Maxi A/C to CBA Muni A/C for Creditors Payments \$250,000.00 PMT ID: F204287138527

29-Apr-22	Chq11664	CS002 - Payments from Municipal Fund	Weekly Payment - Creditors Cheque Payment	CBA	Deputy Chief Executive Officer	Creditors Payment - Three Springs Engineering # 11664 - \$236.00
4-Apr-22	PMT ID: F204045778118	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licensing A/C	CBA	Finance Officer	Transfer \$9,811.33 from CBA Muni A/C to CBA Licensing A/C due to a large cheque being direct debited from the licensing account causing a debit due to not enough funds in the account. PMT ID: F204045778118
12-Apr-22	PMT ID: F204126273734	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licensing A/C to CBA Muni A/C	CBA	Finance Officer	Transfer \$9,811.33 from CBA Licensing A/C to CBA Muni A/C return of funds transferred to Cover Cheque due to a large cheque being direct debited from the licensing account causing a debit due to not enough funds in the account. PMT ID: F204126273734
12-Apr-22	PMT ID: F204126283414	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Maximiser A/C	CBA	Finance Officer	Transfer \$1,021,293.00 from CBA Muni A/C to CBA Maximiser A/C - Forward Payment for the 2022-2023 F.A.G's PMT ID: F204126283414
12-Apr-22	PMT ID: F204126303268	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Finance Officer	Fortnightly Payroll PPE 12/04/22 - \$37,552.70 PMT ID: F204126303268
13-Apr-22	PMT ID: F204136389134	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds from the Maximiser to Municipal Account	CBA	Finance Officer	Transfer of Funds from the Maximiser Account to the Muni Account for Creditor Payments \$30,000.00 PMT ID: F204136389134
4-Apr-22	PMT ID: F204045778118	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licensing A/C	CBA	Customer Service Officer 2	Transfer \$9,811.33 from CBA Muni A/C to CBA Licensing A/C due to no a large cheque being direct debited from the licensing account causing a debit due to not enough funds in the account. PMT ID: F204045778118
6-Apr-22	PMT ID: F204065924510	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licensing A/C	CBA	Customer Service Officer 2	Transfer \$374.35 from CBA Muni A/C to CBA Licensing A/C due to a cheque being direct debited from the licensing account causing a debit due to not enough funds in the account. PMT ID: F204065924510
7-Apr-22	PMT ID: F204076008213	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licensing A/C	CBA	Customer Service Officer 2	Transfer \$7,167.60 from CBA Muni A/C to CBA Licensing A/C due to a cheque being direct debited from the licensing account causing a debit due to not enough funds in the account PMT ID: F204076008213
12-Apr-22	PMT ID: F204126273734	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licensing A/C to CBA Muni A/C	CBA	Customer Service Officer 2	Transfer \$9,811.33 from CBA Licensing A/C to CBA Muni A/C return of funds transferred to Cover Cheque due to a large cheque being direct debited from the licensing account causing a debit due to not enough funds in the account. PMT ID: F204126273734
12-Apr-22	PMT ID:	CS002 -	Transfer Funds	CBA	Customer Service	Transfer \$1,021,293.00 from

	F204126283414	Payments from Municipal Fund and Trust Fund	from CBA Muni A/C to CBA Maximiser A/C		Officer 2	CBA Muni A/C to CBA Maximiser A/C - Forward Payment for the 2022-2023 F.A.G's PMT ID: F204126283414
12-Apr-22	PMT ID: F204126303268	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Customer Service Officer 2	Fortnightly Payroll PPE 12/04/22 - \$37,552.70 PMT ID: F204126303268
13-Apr-22	PMT ID: F204136389134	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds from the Maximiser to Municipal Account	CBA	Customer Service Officer 2	Transfer of Funds from the Maximiser Account to the Muni Account for Creditor Payments \$30,000.00 PMT ID: F204136389134
13/04/2022	PMT ID: F204136392303	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditor Payments	CBA	Customer Service Officer 2	Creditor Payments \$25,312.72 EFT PMT ID: F204136392303
26-Apr-22	PMT ID: F204266929534	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds from the Maximiser to Municipal Account	CBA	Customer Service Officer 2	Transfer of Funds from the Maximiser Account to the Muni Account for Payroll \$50,000.00 PMT ID: F204266929534
26-Apr-22	PMT ID: F204266929649	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Customer Service Officer 2	Fortnightly Payroll PPE 26/04/2022 - \$36,919.69 PMT ID: F204266929649

## **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.

<b>Strategic Community Plan 2018 - 2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
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.

<b>Corporate Business Plan 2020 - 2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Simple Majority.



**Officer's Recommendation:**

036/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.1
<div data-bbox="790 322 1080 398"><p><u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Eva</p></div> <p data-bbox="97 421 392 454">That Council Accepts:</p> <ol data-bbox="153 488 987 589" style="list-style-type: none"><li data-bbox="153 488 987 521">1. The Governance Compliance Calendar report for April 2022.</li><li data-bbox="153 555 847 589">2. The Execution of Delegation report for April 2022.</li></ol> <div data-bbox="783 622 970 687"><p><b>CARRIED:</b> <b>VOTED: 5/0</b></p></div>	

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.2. Main Roads Black Spot</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0171
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Keith Woodward-Chief Executive Officer
Attachment (s):	Council Minutes 26 May 2021-Midlands Road Blackspot and the associated attachments.

### 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 approves the payment of \$23,158 to Main Roads Western Australian from account GL 121202870.2100 (ROADM - Other Expenses).

### Background:

At the May 2021 Council meeting Council passed the following resolution:

<b>OFFICER'S RECOMMENDATION:</b>	<b>10.6</b>
<p><i>That Council approve:</i></p> <p>1. <i>Withdraw from the Main Roads State Black Spot project 'Midland Road' Arrino.</i></p> <p>2. <i>In accordance with the Black Spot Program Development and Management Guideline section 6.4.1 'Withdrawals and Terminating</i></p>	

**Moved: Cr Eva**  
**SECONDED: CR Mills**

*Projects' request that the Shire retains the 2019 expenditure of \$96,639.*

**CARRIED:  
VOTED: 5/0**

**Officer's Comment:**

In response to the May 2021 Council resolution Main Roads Western Australia has responded:

*"I refer to Councils' request to retain the expenditure associated with the Black Spot project on Midlands Rd, Arrino and please accept my apologies for the delay in responding.*

*The total project cost is broken down in the below table, which was considered by Main Roads WA, Budget and Investment Planning Director.*

<b>Costs Incurred by</b>	<b>Amount</b>	<b>\$ associated with</b>
Shire of Three Springs	\$23,158	Survey and Telstra works
Main Roads MWG	\$79,868	Survey and design works
Total actual cost to date	\$103,026	

*After consideration, Council's request to retain costs related to this project has been partly agreed to, in that Main Roads WA will absorb the \$79,868, which means Three Springs Shire will be required to return the \$23,158. Main Roads Western Australia 4 May 2022".*

**Consultation:**

Shire of Three Springs Council  
Main Roads Western Australia

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial/Resources Implications:**

The 2021-2022 Shire budget does not include \$23,158 for this project. It is recommended to Council that payment be made out of GL 121202870.2100 and the payment be regarded as an unbudgeted expenditure.

**Strategic Implications:**

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

<b>Strategic Community Plan 2018 - 2028</b>	
<b>Council Objectives</b>	<b>Outcome</b>
This project is not referenced in the SCP	

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

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
This project is not referenced in the CBP	

**Voting Requirements:**

Absolute Majority

**Officer's Recommendation:**

037/2022 OFFICER'S RECOMMENDATION	10.2
<b>Recommendation adopted without change</b>	
<div style="text-align: right;"><u>MOVED: Cr. Heal</u> <u>SECONDED: Cr. Ennor</u></div>	
That Council approves the payment of \$23,158 to Main Roads Western Australia.	
<div style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 5/0</b></div>	
<b>Recommendation changed</b>	
<div style="text-align: right;"><u>MOVED: Cr. Lane</u> <u>SECONDED: Cr. Mutter</u></div>	
That Council:	
<ol style="list-style-type: none"><li>1. Approves the payment of \$23,158 to Main Roads Western Australia.</li><li>2. Continue to investigate appropriate changes and funding opportunities to the South of Arrino Road network to improve access to Midlands Road.</li></ol>	
<div style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 5/0</b></div>	
<b>Note: The changed recommendation is self explanatory.</b>	



## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.3. Silo Projection Reserve</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0163
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Three Springs Project Supporting Documents-Silo Projection. Lotterywest correspondence

### Council Role:

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

### Report Purpose:

The Shire has successfully acquired a Silo Projection grant worth \$132,376 from Lotterywest. The Lotterywest conditions require the Shire to contribute \$33,094 towards the project. The total project budget is \$165,470.

To fund the Shire's contribution, it is recommended that:

1. The Shire re-purposes of the Daycare Centre Reserve, to Silo Projection Reserve.
2. The Shire advertise via public notice the re-purposing of the Daycare Centre Reserve.
3. Should the Shire receive no public comment regarding the Reserves re-purposing, Shire management transfers \$37,581 from the Day Care Centre Reserve to the new Silo Projection Reserve.

**Background:**

The Silo Projection Project has been reported to Council since 2020; the Council is well versed in these matters. The associated Council reports are dated November 2020 Tourism Policy, April 2021 Duffys Store and February 2022 Duffys Store.

**Officer's Comment:**

The Shire applied for a Lotterywest grant, and the application was successful. Refer to attached Lotterywest correspondence.

**Consultation:**

In developing the Shire of Three Springs Tourism Business Case, (which included the Silo Projection), a range of stakeholder engagements and consultations were conducted. These included workshops, community surveys and numerous meetings with local community members and businesses, state government departments, peak bodies, and other key stakeholders.

- Honourable David Alan Templeman MLA Minister for Local Government; Heritage; Culture and The Arts
- Honourable Paul Papalia CSC MLA Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests
- Honourable Melissa Price M.P. Minister for Defence Industry
- Honourable Darren Legh West MLC
- Parliamentary Secretary to the Minister for Regional Development; Agriculture and Food; Ports; Minister assisting the Minister for State Development, Jobs and Trade - representative for Hon Alannah MacTiernan M.L.C.
- Hon Shane Love M.L.A. Deputy Leader of the Nationals WA
- CBH Board and Directors • Coral Coast Chief Executive Officer
- Australia's Golden Outback Chief Executive Officer
- North Midlands Project (Regional Arts W.A.)
- Tourism Council Western Australia, Evan Hall, Chief Executive Officer
- Regional Arts WA-Chief Executive Officer
- Lotterywest
- Three Springs Shire Council.
- Media-attached story

**Statutory Environment:**Local Government Act 1995:

## 6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
  - (a) changes\* the purpose of a reserve account; or
  - (b) uses\* the money in a reserve account for another purpose,it must give one month's local public notice of the proposed change of purpose or proposed use.

*\* Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
  - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
  - (b) in such other circumstances as are prescribed.

**Policy Implications:**

Shire of Three Springs Tourism Policy 121

*The Council will in relation to tourism in the Shire of Three Springs:*

- a) Recognise tourism as a social and economic force within the diverse economy of the Shire of Three Springs.*
- b) Foster and create community awareness of the benefits of tourism within the Three Springs district.*
- c) Support the development of tourism in the Three Springs district and on a regional and state level.*
- d) Provide the infrastructure sufficient to encourage development.*
- e) Ensure that facilities within the Three Springs area are adequate to cater for visitors.*

*To achieve these objectives, the Council will:*

- 1. Recognise the importance of our Regional and State affiliations as a means to further develop tourism as an economic and social stimulus.*
- 2. Assist to foster and create community awareness of the role and value of tourism within Three Springs.*
- 3. Encourage tourist organisations or events which have the potential to develop tourism in the Three Springs Region.*
- 4. Provide a budget allocation for tourism expenditure.*
- 5. In the formulation and review of its planning instruments, take into consideration policies on tourism and other leisure-related issues and requirements of tourism development.*
- 6. Ensure the welfare of the community when supporting tourism development and the provision of facilities.*

**Financial/Resources Implications:**

The Silo Projection capital expense is \$165,470. The Lotterywest has provided \$132,376. The Shire is required to contribute \$33,094.

In the 2021/22 Adopted Statutory Budget, the Day Care Centre Reserve has a purpose *“to be used to fund for future building works or re-purpose to another reserve.”* The works have been completed at the Day Care Centre. These funds are no longer required for this purpose.

The adopted budget included a transfer from the Day Care Centre Reserve of \$37,581. This was to close this Reserve. The money was allocated to partially fund Housing Capital Works in the 2021/22 year. The original adopted budget for Housing Capital works was \$163,424. At the March Budget Review, this was amended to \$42,322. The current actual Year to Date spend on Housing Capital works is \$65,598, which is significantly lower than the original budget. The \$101,941 to be transferred from the Housing & Development Reserve is sufficient to cover the amended Housing Capital works program for this year. The Housing Capital Projects not completed this year will carry over to the next financial year.

The balance of funds from the Day Care Reserve are therefore not required to fund Housing projects this year. However, these funds can be used to create a *“Silo Projection Reserve”* for the purpose of funding the Silo Projection project. The Shire was successful in receiving funding for the project but has a shortfall of \$33,094.

If Council approves the use of the money for this alternative purpose, in this financial year, the Shire must give one month’s local public notice for the proposed use.

#### **Strategic Implications:**

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

<b>Strategic Community Plan 2018-2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Economic Development	<p>1.1 Develop tourism infrastructure and increase the length of stay.</p> <p>2.4.2 Work closely with CBH to identify future opportunities for alternative uses of the silos.</p>

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

<b>Corporate Business Plan 2020-2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
1. Economic Development	<b>2021/22:</b>
2. Environment: To have a sustainable natural and built environment balanced with the needs of the community.	<p>Outcome 1.1 Develop tourism infrastructure and increase length of stay.</p> <p>Outcome 1.3 Increase the diversity of the existing business base.</p>
3. Community Wellbeing: A healthy, cohesive and safe community.	Outcome 1.4 Maintain and improve business infrastructure.
4. Civic Leadership: A collaborative and forward-thinking community that is	Outcome 2.3 Three Springs is a comfortable and welcoming place to live



guided by strong leadership	<p>and visit, and reflects our lifestyle values.</p> <p>Outcome 2.4 Preservation of local heritage and the unique character of our built environs.</p> <p>Outcome 3.1 People are motivated, work together and have an increased pride and participation in the community.</p> <p>Outcome 4.5 Work in partnership with all community, government and corporate stakeholders.</p>
-----------------------------	---

**Voting Requirements:**

Absolute Majority

**Officer's Recommendation:**

**038/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3**

**MOVED: Cr. Eva**  
**SECONDED: Cr. Mutter**

**That Council approve:**

1. The Shire re-purposes of the Daycare Centre Reserve, to Silo Projection Reserve.
2. The Shire advertise via public notice the re-purposing of the Daycare Centre Reserve.
3. Should the Shire receive no public comment regarding the Reserves re-purposing, the Shire management transfers \$37,581 from the Day Care Centre Reserve to the new Silo Projection Reserve.

**CARRIED:**  
**VOTED: 5/0**

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.4. Proposed Temporary Siting of Sea Container</b>	
Agenda Reference:	A491
Location/Address:	66 (Lot 186) Carter Street, Three Springs
Name of Applicant:	Marilyn Keogh
File Reference:	A491
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Keith Woodard, Chief Executive Officer & Simon Lancaster, Planning Advisor
Attachment:	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 is in receipt of a request to temporarily site a sea container upon 66 (Lot 186) Carter Street in the Three Springs townsite. This report recommends that Council grant approval for a period of 12 months. Alternative wording is provided in the comments section of this report in the event that Council consider that the application should be refused.

### Background:

Lot 186 is a 1,105m<sup>2</sup> property located on the western side of Carter Street, close to the Water Street intersection. There is an existing single storey residence on the property with a shed to the rear and the sea container has already been placed on-site.

The applicant is seeking approval to site the '20 foot' (2.4m wide, 6.1m long, 2.6m high) sea container upon the property for the purpose of storing a family member's personal belongings. The applicant has advised that the sea container is not intended to become a permanent fixture upon the property, stating that:

*"this is only a temporary measure, however, not sure as to how long. Our father is now in permanent residence at the hospital and we are going to be storing some things in there. The length of time will be dependent upon his demise".*

**Figure 10.4(a) – Location map of 66 (Lot 186) Carter Street, Three Springs**



**Figure 10.4(b) – Aerial photo of 66 (Lot 186) Carter Street, Three Springs**



**Officer's Comment:**

A family member made initial enquiry on 17/8/21 in regards to the temporary siting of a sea container upon Lot 186 for a 6-12 month period and the Shire advised on 2/9/21 that a planning application would be required to be lodged.



The sea container was subsequently placed on-site and another family member has now made contact with the Shire seeking approval for the sea container to be sited temporarily upon Lot 186.

Whilst it is noted that an application should have been lodged, and approval been obtained, prior to the sea container being sited upon the property, Council might consider this matter warrants some consideration on the following basis:

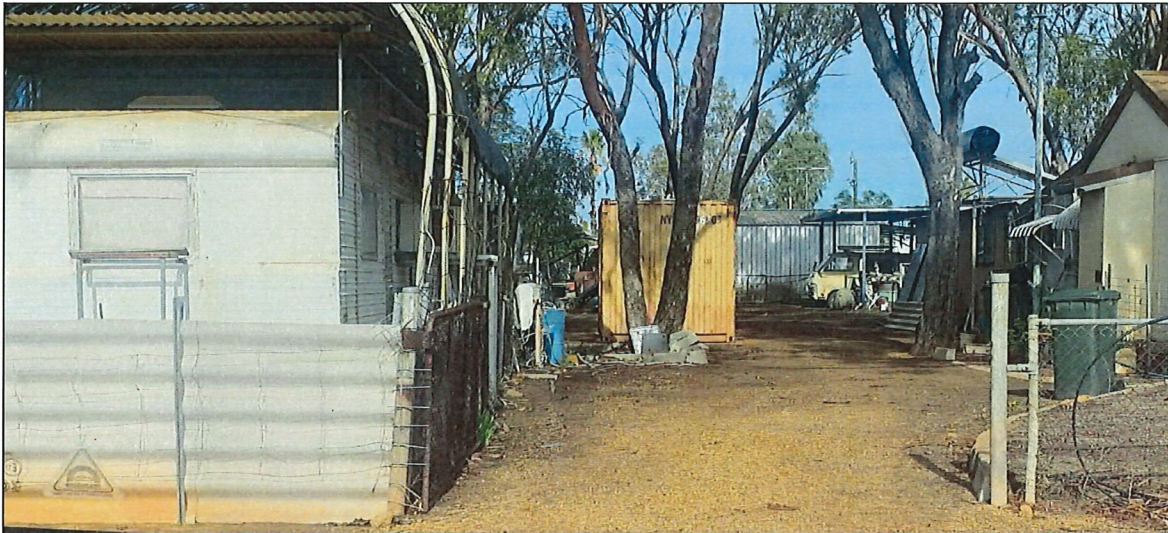
- the applicant is seeking to site the sea container upon the property temporarily, not permanently, and Council has the ability to impose condition on the period of approval;
  - the subject property contains a number of trees which assist in screening the sea container to some extent from Carter Street;
  - the neighbouring property to the south is also owned by the owners of Lot 186 and also contains existing trees which assist in screening the sea container to some extent from Water Street;
  - the sea container being sited approximately 30m back from the property's front boundary, and its relatively low 2.6m sea height, ensure that it does not dominate the streetscape;
- the sea container is required for compassionate purposes and would be used to store a family member's personal belongings whilst they are ill and would not be used for habitation, industrial or commercial purposes.

**Figure 10.4(c) – View of Lot 186 from Carter Street prior to siting of sea container**



**Figure 10.4(d) – View of Lot 186 from Carter Street following siting of sea container**





**Figure 10.4(e) – View of Lot 186 from Water Street prior to siting of sea container**



**Figure 10.4(f) – View of Lot 186 from Water Street following siting of sea container**





The staff recommendation is for approval for a period of 12 months, however, should Council determine that the sea container should not be supported the following wording might instead be considered:

*"That Council:*

- 1 Refuse the siting of a sea container upon 66 (Lot 186) Carter Street, Three Springs for the following reasons:*
  - (a) The application does not meet the objectives of the Residential zone;*
  - (b) The application does not comply with Schedule 2 Clause 9 matters including (m), (n) and (x) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
  - (c) Sea containers are not considered an appropriate form of development within a residential area;*
  - (d) Support for the siting of a sea container within a residential area will create an undesirable precedent for the Three Springs townsite;*
  - (e) The application does not meet Objective 4.4 of the Three Springs Townsite Local Planning Strategy.*
- 2 Give written direction to the landowners of 66 (Lot 186) Carter Street, Three Springs requiring the removal of the sea container from their property within 60 days of the serving of the direction."*

#### **Consultation:**

No consultation has been undertaken in relation to this application. However, should Council wish to advertise the application for comment this can occur under 34(4) of the Shire of Three Springs Local Planning Scheme No.2 with correspondence sent to surrounding landowners for a period of not less than 14 days seeking their comment. Council may also wish to display a sign onsite advising of the opportunity to make comment. At the conclusion of the advertising period any received submissions would be presented to a future meeting of Council for determination.

It is noted that the immediately adjoining property to the south (68 Carter Street) is also owned by the landowners of 66 Carter Street (Marilyn Bardoe, Irene Conner & Stephen

Keogh). The immediately adjoining property to the north (64 Carter Street) is owned by the Australian Postal Commission.

#### **Statutory Environment:**

66 (Lot 186) Carter Street is zoned 'Residential R10' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme'). The objectives listed in Schedule 1 Part 3 Clause 16 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the 'Residential' zone are as follows:

- “• To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high-quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”

Lot 186 is also located within the 'Special Control Area No. 3 - Waste Water Treatment Plant Separation' zone which has the following Scheme provisions:

Purpose	Objectives	Additional provisions
To ensure that the development and use of land is compatible with the Three Springs Wastewater Treatment Plant.	To determine suitable nominal separation distances around existing and proposed industrial uses prior to further detailed investigations in order to protect the amenity of sensitive land uses.	In determining proposals, the local government is to have due regard to the provisions of relevant State government policies including State Planning Policy 4.1 State Industrial Buffer Policy

The development is not considered to be inconsistent with the provisions of Special Control Area 3 as it is a non-habitable and temporary land use.

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;...
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;
- (g) any local planning policy for the Scheme area...
- ...(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (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;...*
- ...(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.*

Schedule 2 Part 9 clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for Council to issue temporary development approval:

*"72 Temporary development approval  
The local government may impose conditions limiting the period of time for which development approval is granted."*

Section 164 of the *Planning and Development Act 2005* provides for Council to consider a matter where the development has commenced, in this case being the siting of a sea container upon the property.

*"164 Development commenced or carried out, subsequent approval of*  
 (1) *A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out.*  
 (2) *The Commission may grant its approval under section 116 for development already commenced or carried out in a planning control area.*  
 (3) *Subsections (1) and (2) do not affect the operation of the provisions of Part 13 in respect of development commenced or carried out before approval has been granted.*  
 (4) *Development which was unlawfully commenced or carried out is not rendered lawful by the occurrence of any subsequent event except the approval by the relevant responsible authority of that development.*  
 (5) *The continuation of development unlawfully commenced is to be taken to be lawful upon the grant of approval for the development."*

The State Administrative Tribunal has on several occasions set precedent establishing that the siting of a sea container upon a residential property constitutes a development or use of land and therefore requires an application to be made and approval to be issued by the local government.

The Magistrates Court has also set precedent that a local government may issue written direction requiring removal of a sea container from a property.

Section 214(3) of the *Planning and Development Act 2005* provides for Council to issue a written direction and Sections 214(7) and 223 establishes the maximum penalty for failing to comply with a written direction is \$200,000 and in the case of a continuing offence, a further maximum fine of \$25,000 for each and every day during which the offence continues.



### Policy Implications:

Whilst a sea container is not considered to meet the definition of an 'Outbuilding' as defined by the Residential Design Codes of Western Australia which is "an enclosed non-habitable structure that is detached from the dwelling" the Shire of Three Springs Outbuildings Local Planning Policy does provide some general guidance to Council in its assessment of this matter.

#### Objectives:

- (1) To provide development standards for outbuildings specific to the Shire of Three Springs, as appropriate.
- (2) To provide a clear definition of what constitutes an "outbuilding".
- (3) To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
- (4) To limit the visual impact of outbuildings.
- (5) To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
- (6) To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

#### General

- (1) Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m<sup>2</sup> in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.
- (2) Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
- (3) The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.

#### Height, Size and Setbacks

Outbuildings within the Residential zone shall;

- (a) be single storey;
- (b) be located behind any dwelling on site;
- (c) meet all setback requirements set out in the Local Planning Scheme and this policy;
- (d) not be approved by the local government on a lot not containing a dwelling"

### Financial/Resources Implications:

This matter contains no implications to the Shire of Three Springs Adopted Budget 2021-2022.

### Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:

4.3.2	Ensure compliance with all relevant legislation	It is considered that with appropriate conditions that the proposed structure could be modified and improved to meet with this objective.
-------	---	---

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

This item is not considered relevant to the Council's Corporate Business Plan 2020-2024.

The Three Springs Townsite Local Planning Strategy identifies 66 (Lot 186) Carter Street as being within 'Precinct 4 – Residential West' and lists the following objectives and provisions:

Objectives	Planning Provisions
4.4 Provide for a built form that maintains the general residential appearance of the area.	<p>P4.8 In the case of residential redevelopment new buildings and development proposals shall respect the predominant orientation, scale and size of buildings and regular street pattern. New development is not to be sited in a way that would create an undesirable pattern of development for the area.</p> <p>P4.9 The development of second-hand transportable dwellings is discouraged.</p> <p>P4.10 Where there is an existing pattern of uniform setbacks, any new buildings, residential or commercial, shall be sympathetic to this continuity. Where adjoining buildings abut the street frontage, new development should preferably also abut the street frontage.</p> <p>P4.11 Roof materials for residential areas should include corrugated galvanised iron, zincalume coated steel and other material that are in keeping with the surrounding pattern of residential development.</p> <p>P4.12 Ancillary buildings or outbuildings should generally be located to the rear of allotments.</p>

The Three Springs Townsite Strategy also noted the following as a Consultation Outcome in its summary of workshop outcomes (page 35):

*"The community didn't want specific building constraints in terms of urban design as the Town Planning Scheme is considered to cover most broad specifications. It was noted that poor second hand transportables are not desirable within the townsite."*

Council previously did not support an application at its 23 February 2022 to permanently site 2 sea containers and construct a roof between them to create an outbuilding upon 17 (Lot 11) Williamson Street, Three Springs. To maintain consistency it is recommended that any support for this current application at 66 (Lot 186) Carter Street, Three Springs make clear that is on the basis of the approval being temporary.

#### **Voting Requirements:**

Simple majority.

**Officer's Recommendation:**

**039/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4**

**MOVED: Cr. Eva**

**SECONDED: Cr. Ennor**

That Council approve the temporary siting of a sea container upon 66 (Lot 186) Carter Street, Three Springs subject to the following conditions:

- (1) The approval is for a period of 12 months only, and should the landowners seek an extension of this time period a new application must be lodged with the Shire.
- (2) The sea container is only to be used for general storage purposes associated with the predominant use of the land and must not be used for habitation, industrial or commercial purposes.
- (3) The sea container must be maintained in a condition and appearance to the approval of the Shire.
- (4) The existing vegetation shall be maintained for the purpose of providing visual screening to the approval of the Shire.

Note:

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**

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.5. Proposed Outbuildings Local Planning Policy Amendment</b>	
Agenda Reference:	ADM0364
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	CEO
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Keith Woodard, Chief Executive Officer & Simon Lancaster, Planning Advisor
Attachment:	Attachment 10.5 – Draft Shire of Three Springs Outbuildings Local Planning Policy

### 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 presented with a proposed modification to its Outbuildings Local Planning Policy to assist in the more efficient processing of farm sheds. This report recommends that Council adopt the revised Outbuildings Local Planning Policy as contained in **separate Attachment 10.5**.

### Background:

Council requested at its 20/2/19 Council meeting that Shire staff prepare a draft Outbuildings policy, and this was received at the 17/7/19 Council meeting, before being advertised for comment and then adopted by Council at its 18/9/19 meeting.

The Outbuildings policy was introduced to improve efficiency in the processing of shed applications, particularly within the Three Springs townsite.

Prior to the introduction of the Outbuildings policy, the state-wide Residential Design Codes of Western Australia (the 'R-Codes') set the criteria by which planning applications were not required to be lodged (i.e. could proceed straight to the lodgement of the building permit application stage) and also by which Shire staff could

approve applications for sheds under delegated authority upon the 'Residential' zoned lots within the Three Springs townsite.

The R-Codes required that outbuildings should collectively be not more than 60m<sup>2</sup> or 10% in aggregate of the site area whichever is the lesser. The R-Codes also established that the outbuildings should not exceed a wall height of 2.4m and a ridge height of 4.2m.

The R-Codes criteria were considered to be metro-centric and not adequately addressing the requirements for general domestic storage in a rural townsite where residents may often own, and seek to store out of the elements, larger items such as 4WD's, trailers, caravans, campervans, boats, crapyots, ride-on mowers, motor/quadbikes and stock keeping/feeding items.

The adoption of the Outbuildings policy allowed for sheds in the Three Springs townsite of greater area and height than prescribed by the R-Codes, thereby better meeting with community needs, reflecting localised planning issues and streamlining the processing of applications.

The Outbuildings policy also established the procedure by which the Shire would process applications for outbuildings. Applications that complied with the policy provisions would either not require a planning application to be lodged or could be approved by staff under delegated authority and applications that proposed variation would be advertised for comment and presented to Council for its determination.

**Officer's Comment:**

The 2020 review of the *Planning & Development (Local Planning Schemes) Regulations 2015* (that came into effect on 1/7/21) introduced further amendments to planning legislation intended to streamline processes.

However, the majority of these changes were relevant to the 'Residential' zone only, and many rural/regional local governments have subsequently sought to introduce provisions into their Local Planning Schemes that exempt outbuildings in the 'Rural' zone from the requirement to make planning application.

This issue has particularly come to the fore following Cyclone Seroja as Midwest local governments have received applications for replacement farm sheds and have sought to process them in as timely a manner as possible to assist farmers in the recovery process.

The neighbouring Shire of Mingenew Scheme (gazetted in 2020) and Shire of Perenjori Scheme (gazetted in 2021) introduced provisions that exempted outbuildings in the 'Rural' zone from the requirement to make planning application, subject to them not being in vicinity of a heritage protected place or in an area identified as bushfire prone upon the Department of Fire & Emergency Services (DFES) State Map of Bushfire Prone Areas in which case a planning application is required to be lodged.

Without wanting to make undue assumptions it is considered likely that the Shire of Three Springs Local Planning Scheme review process would seek to introduce a similar clause in its new Scheme.

However, the review of a Local Planning Scheme is a lengthy process that requires the local government to gain consent from the Environmental Protection Authority, Western Australian Planning Commission and Minister of Planning at various stages, and the timeframes for these consents are beyond the control of the local government, resulting

in even the simplest local government Scheme Reviews (i.e. reviews that do not propose rezoning large tracts of land or introducing notable text amendments) taking at least 2 years to negotiate the process from start to finish.

It is noted that the review of the *Planning & Development (Local Planning Schemes) Regulations* did make allowance for a local government to specify within a local planning policy that a use does not require development approval, and it is through this bridging mechanism that it is recommended that Council modify its Outbuildings policy to exempt farm sheds under certain compliant circumstances.

Shire staff have prepared a draft modification to the Outbuildings policy which is provided as **separate Attachment 10.5** to this agenda report. The proposed modification is shown in **red text** and reflects the clauses contained in the recently gazetted Shire of Mingenew and Shire of Perenjori Local Planning Schemes.

The additional policy text would exempt farm sheds from the requirement to make application for planning approval (and be able to proceed straight to the lodgement of building permit stage) so long as they met the minimum Shire of Three Springs Local Planning Scheme requirements i.e. be located more than 20m from the front and rear property boundary, and more than 10m from the side property boundary (as per Scheme Schedule 2) and not upon a site containing environmentally significant remnant vegetation (Scheme Table 7(11)).

The additional policy text would also require a planning application to be lodged if the outbuilding were to be in immediate vicinity to, or proposed the demolition and replacement of, a heritage listed place, or was proposed to be sited in an area deemed to be bushfire prone on the DFES State Map of Bushfire Prone Areas:

<https://maps.slip.wa.gov.au/landgate/bushfireprone/>

The heritage and bushfire clauses are now standard requirements of the Western Australian Planning Commission in Local Planning Schemes and their introduction in the Outbuildings policy would ensure that a subsequent Shire of Three Springs Local Planning Scheme and Outbuildings policy were aligned.

In these instances it does not necessarily preclude the outbuilding from being considered for approval by the local government it does however require an application to be lodged for planning approval that would contain the additional supporting detail from the applicant to enable assessment to occur by the local government.

#### **Consultation:**

Schedule 2 Part Division 2 Clauses 4 & 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council advertise a proposed Local Planning Policy for a minimum period of 21 days with a notice being placed in a locally circulating newspaper. At the conclusion of the advertising period Council can then review any submissions received and proceed with the policy with/without modification, or not proceed with the policy.

Council may therefore wish to advertise the proposed modification to its Outbuildings Policy, and consider this matter again at a future meeting.

However, the Officer's Recommendation does not suggest that consultation be undertaken, as the proposed modification is considered minor, given that it is seeking to streamline its processing of outbuildings in the 'Rural' zone, and would retain the ability for Council to determine applications that may cause concern (e.g. overly close to property boundaries, within a bushfire prone area or in proximity to a heritage place).

### **Statutory Environment:**

Table 7(10) of the Shire of Three Springs Local Planning Scheme No.2 addresses outbuildings as follows:

- "1) No outbuilding shall be erected on any land zoned Residential where there is no dwelling located on the lot.*
- 2) Outbuildings appurtenant to any dwelling shall be of single storey construction and shall be located behind the setback to the street or streets of any existing or proposed dwelling on a lot."*

These provisions are reiterated in the Outbuildings Policy to ensure consistency and assist applicants who may seek guidance from the policy in preparing their application and do not refer to the Scheme.

The Outbuildings policy refers to sheds in the residential and rural residential areas and does not address sheds within the industrial areas as these are covered by the Scheme provisions which set a maximum site coverage (or plot ratio) of 0.6 in the 'Light Industrial' zone and 0.5 in the General Industrial' zone.

Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') provides Council with the ability to prepare Local Planning Policies.

#### *"3 Local planning policies*

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) A local planning policy —*
  - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
  - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) The local government may amend or repeal a local planning policy.*
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

#### *4 Procedure for making local planning policy*

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
  - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
    - (i) the subject and nature of the proposed policy; and*
    - (ii) the objectives of the proposed policy; and*
    - (iii) where the proposed policy may be inspected; and*
    - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;*



- (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
  - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).
- (3) After the expiry of the period within which submissions may be made, the local government must —
  - (a) review the proposed policy in the light of any submissions made;
  - and
  - (b) resolve to —
    - (i) proceed with the policy without modification; or
    - (ii) proceed with the policy with modification; or
    - (iii) not to proceed with the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government —
  - (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of each of those local planning policies on the website of the local government.

#### 5 Procedure for amending local planning policy

- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

#### 6 Revocation of local planning policy

A local planning policy may be revoked —

- (a) by a subsequent local planning policy that —
  - (i) is prepared in accordance with this Part; and
  - (ii) expressly revokes the local planning policy;
- or
- (b) by a notice of revocation —
  - (i) prepared by the local government; and
  - (ii) published in a newspaper circulating in the Scheme area."

It is suggested that the proposed modifications to the Outbuilding policy are minor in nature and are not introducing a new level of compliance or procedural requirement and could therefore be considered under Schedule 2 Part 2 Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (i.e. without advertising) however, should Council wish to advertise the draft policy for comment it has the ability to do so.



**Policy Implications:**

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between a Policy and the Scheme.

Where Council wishes to establish its own development guidelines and assessment criteria a Local Planning Policy can be more suited than Scheme provisions and allow for more local planning considerations than the state-wide R-Codes. A policy is still considered as reasonable basis for Council to make determinations, and is an instrument that must be given due regard in instances where a development decision is appealed to the State Administrative Tribunal, but a policy also has an improved, more responsive ability to be modified by Council where it considers that a policy is no longer in-line with its planning, or Council considers that an individual application should be supported based upon its displayed merits.

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of policies aids in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire and provide a consistent approach to approving land use and development.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the policy is designed to achieve before making its determination.

**Financial/Resources Implications:**

This matter contains no implications to the Shire of Three Springs Adopted Budget 2021-2022.

**Strategic Implications:**

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

<b>Strategic Community Plan 2018-2028</b>		
<b>Council Objectives:</b>		<b>Outcome:</b>
4.3.2	Ensure compliance with all relevant legislation	It is considered that with appropriate conditions that the proposed structure could be modified and improved to meet with this objective.

<b>Corporate Business Plan 2020 - 2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	

This item is not considered relevant to the Council's Corporate Business Plan 2020-2024.

The Three Springs Townsite Strategy (2014) notes the following in relation to the issue of outbuildings:

*"In keeping with the rural nature of the community many homes have larger sheds and outbuildings, rainwater tanks and other modern improvements."*  
(page 21)

The Strategy also recommends for both the residential and rural-residential precincts that:

*"Roof materials for residential areas should include corrugated galvanised iron, zincalume coated steel and other material that are in keeping with the surrounding pattern of residential development.  
Ancillary buildings or outbuildings should generally be located to the rear of allotments."* (pages 43 & 46)

The Outbuildings Policy is intended to balance the expectations of the community on what is an appropriate standard of amenity, and the requirements for general domestic storage in a regional and rural-residential setting. This can often include larger items that the landowner seeks to have stored securely, and out of the elements, and it may also be preferable from an amenity viewpoint to have them stored within a shed rather than scattered about the yard.

It is always good practice for Council to review its policies be they procedural, financial or planning on a regular basis to ensure they are current, address changing circumstances, current and evolving development trends, community demands and meet Council's expectations.

#### **Voting Requirements:**

Simple majority.

#### **Officer's Recommendation:**

040/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.5
<p style="text-align: right;"><b><u>MOVED: Cr. Lane</u></b> <b><u>SECONDED: Cr. Ennor</u></b></p> <p>That Council resolve, pursuant to Schedule 2 Part 2 Clause 5(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to adopt the Shire of Three Springs Outbuildings Local Planning Policy as contained in Attachment 10.6 and proceed to give notice to this effect.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 5/0</b></p>	

## 10. REPORTS OF OFFICERS

Works and Services	
<b>10.6 Capital Works Progress Update 2021-2022</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Capital Works Report 2021-2022

### 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 April 2022.

### Background:

This report provides Council with the 2021-2022 Capital Works progress update.

### Officers Comment:

Refer to the attached status report.

### Consultation:

Nil

### Statutory Environment:

Nil

### Policy Implications:

Purchasing Policy 3007.1

### Financial/Resources Implications:

## Shire of Three Springs Adopted Budget 2021-2022

### 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:

041/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.6
<p style="text-align: right;"><b><u>MOVED: Cr. Mutter</u></b> <b><u>SECONDED: Cr. Heal</u></b></p> <p>That Council accepts the Capital Works Report for April 2022.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 5/0</b></p>	

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.7. Community Development Officer Update</b>	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Raman S Viridi, 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 April 2022.

### Background:

This report provides Council with the Community Development update.

### Officer's Comment:

Dominican Park - Information Panel	<p>New South Wales (NSW) based manufacturing company has informed Kulbardi Hill that the Dominican Park Interpretative Panel have been dispatched on Friday, 13 April 2022 and will be delivered in two to three weeks.</p> <p>The temporary corflute panel will be donated to the Dominican Nuns in Perth.</p> <p>Cr. Connaughton and Community Development Officer will hand-deliver the panel to Dominican Sisters in Perth.</p>
------------------------------------	---

CCTV Map Coverage	<p>CCTV Cameras were installed by IP Cameras Australia Pty Ltd.</p> <p>Zed Elect has been contacted to diagnose the service interruption between the transmitters and receivers of the CCTV network.</p> <p>Zed Elect will provide a quote to correct the line of sight between the Shire Hall and the Aquatic centre.</p>
Official Communication - Facebook page and the Shire website.	<p>Official communication is managed by Council Policy 1.7.</p> <p>The Shire has updated its Facebook Page and website about ongoing activities accordingly.</p>
Tourist Radio and Silos Projection Ad	<p>Chris Lewis from ABC Radio conducted interviews for the Tourist Radio on Friday, 22 April 2022, at the Council Chambers.</p> <p>Shire council members, staff and a few community members participated in the interview process.</p> <p>Chris Lewis will visit the Shire to conduct another interview and capture video footage to produce Silos Projection Ad.</p>
Community Gym Activation Classes (CGAC)	<p>Three Springs Community Gym is managed by the Shire.</p> <p>The Shire is organising a 12-week fitness program to promote health and wellbeing to the Three Springs community members.</p> <p>KM fitness from Mingenew and FRF fitness from Three Springs were contacted for quotes to conduct CGAC at Three Springs Community gym.</p> <p>Both applications were assessed based on the cost of classes and their availability &amp; locality.</p> <p>The Shire will use funding from the ARCI grant to fund this program.</p>

#### Events:

Astrotourism Event	<p>The Astrotourism event is organised by the Shire of Three Springs and Astrotourism WA.</p> <p>The event was held at the Three Springs Golf club on Friday, 22 April 2022, from 6:30 PM to 8:00 PM.</p> <p>There were 20 attendees at the event.</p> <p>Mike Whait from Astrotourism WA gave a presentation and assisted community members in looking at galaxies and stars through the telescope.</p>
Thank a Volunteer Week Celebration	<p>Thank a Volunteer Week Celebration event is sponsored by Lotterywest and Volunteer WA.</p> <p>The event will be held at the Red Room, Shire Community Hall, on Sunday, 22 May 2022.</p> <p>The Shire will also present an Active Volunteer Award (AVA) to a community member for their contribution to the Three Springs community. The recipient of an AVA will be selected according to the AVA guidelines.</p>

**Grants:**

Local Road and Community Infrastructure Program - 3 (LRCI-3)	<p>LRCI-3 is managed by the Department of Infrastructure, Transport, Regional Development and Communications.</p> <p>The Shire has been allocated \$658,208 under the LRCI-3 grant.</p>
Cultural Tourism Accelerator Program (CTAP)	<p>CTAP is managed by Regional Art Australia.</p> <p>The Shire of Three Springs has successfully received the Experience Initiative grant worth \$10,000. CTAP - Experience Initiative Grant will be used to produce Tourist Radio.</p>
National Volunteer Week Grant (NVWG)	<p>NVWG is managed by Lotterywest and Volunteer WA.</p> <p>The Shire of Three Springs has successfully received the NVWG worth \$800.</p>
Silos Projection Grant (SPG) - LotteryWest	<p>The Shire of Three Springs submitted a grant application to fund the Silos Projection project.</p> <p>The Shire has successfully received the 80% of the total fund required for Silos Projection from Lotterywest.</p>
Active Communities (ARCI) Grant	<p>ARCI Grant is managed by the Department of Local Government, Sports and Cultural Industries.</p> <p>The Shire of Three Springs applied for \$3,700 to fund 12-week 'Community Gym Activation Classes' at the Shire Community Gym.</p>

**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.

<b>Strategic Community Plan 2018-2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Develop tourism infrastructure and increase the length of stay	<p>1.1.2 Participate in the "Wildflower Way" Tourist Drive</p> <p>1.1.6 Rebrand and promote Three Springs as an attractive place to live and work</p>
People are motivated, work together and have an increased pride and participation	3.1.6 Actively facilitate, support and participate

in the community	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.

<b>Corporate Business Plan 2020-2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
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:**

<b>042/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION</b>	<b>10.7</b>
<p style="text-align: right;"><b><u>MOVED: Cr. Ennor</u></b> <b><u>SECONDED: Cr. Mutter</u></b></p> <p>That Council accepts the Community Development Report for April 2022.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 5/0</b></p>	



## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.8 North Midland Regional Club Development Plan</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CDO
File Reference:	ADM0441
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Raman S Viridi, Community Development Officer
Attachment (s):	Draft North Midlands Regional Club Development Plan

### 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 goal of the North Midlands Regional Club Development Plan is to help deliver regional outcomes to sporting associations and clubs in the North Midlands area. The Plan seeks to identify areas for collaboration in the region and provide leverage for regional funding opportunities to assist in areas such as training and governance for clubs in the North Midlands.

### Background:

In April 2021, an Every Club Grant Scheme from the Department of Local Government, Sport and Cultural Industries (DLGSC) was funded to assist with developing a North Midlands Club Development Plan. The funding was also supplemented by contributions from the six shires, including direct and in-kind support.

### Officer's Comment:

Sport is an essential part of the social fabric of the North Midlands Area. The North Midlands Regional Club Development Plan seeks to work on a regional level with sporting groups and organisations to work towards common outcomes. The North

Midlands Regional Club Development Plan will provide a framework for the six North Midlands Local Governments to initiate programs within the sports and Recreational on a regional basis and apply for future funding for these programs.

Consultation with the North Midlands community groups has occurred, and the North Midlands Regional Club Development Plan is a collaboration of the feedback from each community regarding challenges they face within their sporting groups.

The Council will allow the North Midlands Regional Club Development Plan to be distributed to the public for consultation by approving the Draft Plan. Giving the Shire President the Authority to adopt the Plan after public comment will assist with the collaboration with the other Local Governments in the North Midlands area and assist with the timelines of the Every Club Grant Scheme.

**Consultation:**

Mike Pforr – Gather Consultancy

Shire of Coorow

Shire of Mingenew

Shire of Morawa

Shire of Perenjori

Shire of Three Springs

Community Consultation of Local Sporting Group through Visioning Workshops

Community Survey

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial/Resources Implications:**

None beyond the contracted fee

**Strategic Implications:**

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

<b>Strategic Community Plan 2018-2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
People are motivated, work together and have an increased pride and participation in the community	3.1.5 Continue to support community organisations

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

<b>Corporate Business Plan 2020-2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Three Springs is a comfortable and welcoming place to live and visit, and reflects our lifestyle values	Lead by example and improve and maintain community infrastructure

**Voting Requirements:**

Simple Majority

**Officer's Recommendation:**

043/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.8
<div data-bbox="823 398 1102 465"><p><b><u>MOVED:</u> Cr. Mutter</b> <b><u>SECONDED:</u>Cr. Eva</b></p></div> <p data-bbox="103 488 277 519">That Council:</p> <ol data-bbox="151 555 1209 766" style="list-style-type: none"><li data-bbox="151 555 1209 622">1. Adopts the Draft North Midlands Regional Club Development Plan to allow for it to be advertised for public comment; and</li><li data-bbox="151 660 1209 766">2. Authorise the Shire President to endorse the Plan on behalf of the Council, providing no major changes are required, following the closure of the public comment period.</li></ol> <div data-bbox="807 801 967 869"><p><b>CARRIED:</b> <b>VOTED: 5/0</b></p></div>	

## 10. REPORTS OF OFFICERS

Corporate Services	
<b>10.9. Monthly Financial Report for Period 30 April 2022</b>	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Bob Waddell, Bob Waddell & Associates, Consultant
Attachment (s):	10.9 Monthly Financial Report 30 April 2022

### 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 April 2022.

### 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:

Refer 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 April 2022 is \$3,431,188. Cash available is made up of Unrestricted cash \$1,310,002 and Restricted cash of \$2,121,185 being primarily made up of various reserves.

Rates Debtors balance as at 30 April 2022 is \$78,509 Rates Notices for 2021-22 were issued in September 2021. Rates collected as at end of April 2022 was \$2,310,030 – 96.71%.

**Mar 2022:**

**Operating Revenue** – Operating revenue of \$4,374,412 is made up of Rates - 75%, Grants - 14%, Fees and Charges - 8%, Other Revenue - 3% and Interest Earnings – 0%.

**Operating Expenses** – Operating expenses of \$4,795,497 is made of Depreciation - 43%, Employee Costs – 27%, Materials and Contracts – 19%, Insurance – 5% and Utilities – 5% and Other Expenditure – 1%.

**Strategic Implications:**

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

**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:**

<b>044/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION</b>	<b>10.9</b>
---	-------------

**MOVED: Cr. Mutter**

**SECONDED: Cr. Heal**

That Council accepts the monthly financial report for the period ending 30 April 2022.

**CARRIED:**

**VOTED: 5/0**

## 10. REPORTS OF OFFICERS

Corporate Services	
<b>10.10 Accounts for Payments as at 30 April 2022</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	25 May 2022
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 30 April 2022

### 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 2020-2021.

**Strategic Implications:**

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

<b>Strategic Community Plan 2018-2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Nil	Nil

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

<b>Corporate Business Plan 2020-2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

<b>045/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.10</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Heal</b> <b><u>SECONDED:</u>Cr. Mutter</b></p> <p>That Council accepts:</p> <ol style="list-style-type: none"> <li>1. The accounts for payment as presented for <i>April</i> 2022 from the CBA Municipal Fund totalling \$381,728.92 represented by Cheque no. 11664, Electronic Fund Transfers No's 17943 – 18019 and Direct Debits 13679.1– 13717.1, 13731.1 - 13745.1, 13750.1 - 13755.1, 13777.1 - 13777.6 and 13787.1</li> <li>2. Licensing Fund totalling \$27,272.76 represented by Direct Debit No. 13730.1, 13746.1 - 13747.1, 13756.1 - 13770.1, 13778.1 - 13783.1 and 13793.1 - 13795.1.</li> </ol> <p><b>Total Payments for April 2022 is \$409,001.68</b></p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 5/0</b></p>

**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 – Nil

**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, 22 June 2022 @ 5pm.

**16. CONFIDENTIAL ITEMS**

Nil

**17. MEETING CLOSURE**

There being no further business the Presiding Officer closed the meeting at 5.23pm.

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

Signed: \_\_\_\_\_

Presiding Officer

Date: 22 June 2022

