



MINUTES
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
24 JULY 2024
COMMENCING AT 5.30 PM



Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on _____

☐ Special Council Meeting held
on _____

☐ Committee Meeting held on _____

☐ Other _____

Report No _____

Report Title _____

Name _____

☐ Elected
Member

☐ Committee

☐ Employee

☐ Contractor

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

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

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

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

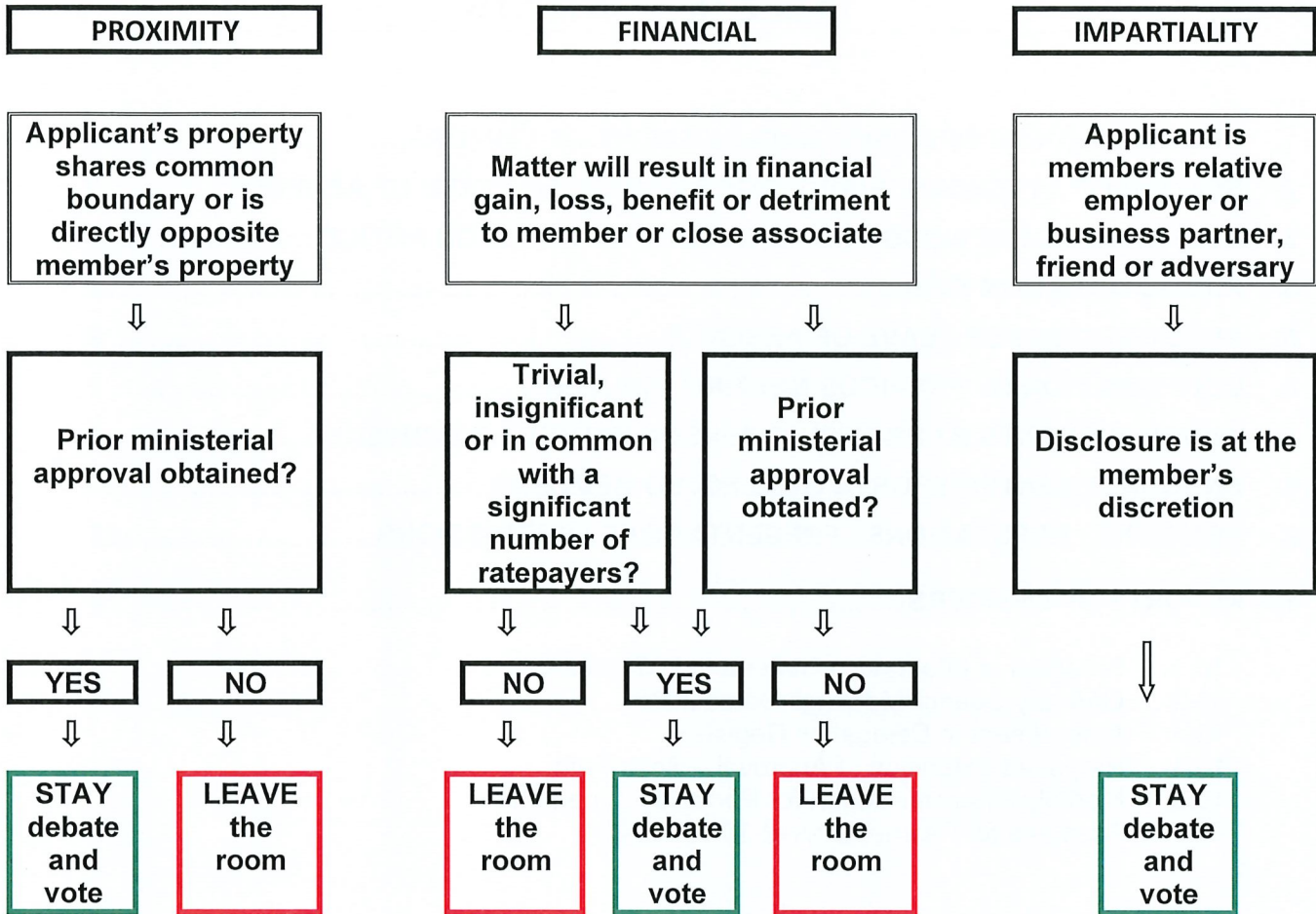
OFFICE USE ONLY

CEO
:

Signed: _____

Date: _____

Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
- (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
- (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

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

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

TABLE OF CONTENTS

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	2
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	2
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4. PUBLIC QUESTION TIME.....	2
5. APPLICATIONS FOR LEAVE OF ABSENCE	2
6. CONFIRMATION OF PREVIOUS MEETING MINUTES	2
7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....	2
8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS.....	3
9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	3
10. REPORTS OF OFFICERS	4
10.1 Freedom of Information Statement 2023-2024	
10.2 Ordinary Council Meetings Dates 2025	
10.3 Amendment to Delegation Register	
10.4 Proposed Extension of Approval – Solar Farm	
10.5 Monthly Financial Report for Period 30 June 2024	
10.6 Accounts for Payments as at 30 June 2024	
11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	26
12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	26
12.1. ELECTED MEMBERS	26
12.2. STAFF.....	26
13. QUESTIONS BY MEMBERS WITHOUT NOTICE.....	26
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	26
15. TIME AND DATE OF NEXT MEETING.....	26
16. CONFIDENTIAL ITEMS.....	26
17. MEETING CLOSURE.....	26

MINUTES

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5.56pm

Acknowledgement of Country: -

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

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

	Attendance	Approved Leave of Absence	Absent
Councillor Lane	Present		
Councillor Eva	Present		
Councillor Heal			Absent
Councillor Mutter			Absent
Councillor Ennor	Present		
Councillor Connaughton	Present		
Councillor Mills	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Manager of Infrastructure	Present		
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	Ordinary Council Meeting	26.06.2024	Cr. Eva	Cr. Connaughton	5/0
6.2	Special Council Meeting	16.07.2024	Cr. Lane	Cr. Ennor	5/0

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

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

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

The Shire President acknowledged the recent passing of Ashley Taylor, long-term sports contributor to Three Springs.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	Mon 20 May – Agenda Briefing Wed 22 May – TSPS Student Voice meeting Wed 22 May – OCM Thurs 6 June – TSPS Yr 4, 5 & 6 visit to Chambers Wed 19 June – Budget discussion Wed 19 June – SCM – setting of the rate in the dollar
Cr. Eva	Thurs 6 June – TSPS Yr 4, 5 & 6 visit to Chambers Wed 19 June – Budget discussion Wed 19 June – SCM – setting of the rate in the dollar
Cr. Heal	Thurs 6 June – TSPS Yr 4, 5 & 6 visit to Chambers Wed 19 June – Budget discussion Wed 19 June – SCM – setting of the rate in the dollar
Cr. Mutter	Thurs 6 June – TSPS Yr 4, 5 & 6 visit to Chambers Wed 19 June – Budget discussion
Cr. Ennor	Wed 19 June – SCM – setting of the rate in the dollar
Cr. Connaughton	Thurs 6 June – TSPS Yr 4, 5 & 6 visit to Chambers Wed 19 June – Budget discussion Wed 19 June – SCM – setting of the rate in the dollar
Cr. Mills	Thurs 6 June – TSPS Yr 4, 5 & 6 visit to Chambers Wed 19 June – Budget discussion Wed 19 June – SCM – setting of the rate in the dollar

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10. REPORTS OF OFFICERS

Executive Services	
10.1 Freedom of Information Statement 2023-2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	24 July 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Draft Freedom of Information Statement 2024

Council Role:

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

Report Purpose:

That the Shire of Three Springs (SoTS) council endorse SoTS Freedom of Information Statement 2024 and forward a copy to the Office of the Information Commissioner.

Background:

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

Officer's Comment:

The Freedom of Information Statement 2024 for SoTS has been prepared and updated and on endorsement by the SoTS Council will be forwarded to the Office of the Information Commissioner as required (at intervals of not more than 12 months).

Consultation:

SoTS Chief Executive Officer

Statutory Environment:

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

96. Information statement, each agency to publish annually

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

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

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

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

Policy Implications:

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

Financial/Resources Implications:

Fees as determined by the Freedom of Information Act.

Strategic Implications:

This item is relevant to the SoTS Strategic Community Plan 2024-2034.

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

This item is relevant to the SoTS Corporate Business Plan 2020-2024.

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

Voting Requirements:

Simple Majority

Officer's Recommendation:

050/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.1

MOVED: Cr. Mills
SECONDED: Cr. Eva

That the Shire of Three Springs council endorse Shire of Three Springs Freedom of Information Statement 2024 and forward a copy to the Office of the Information Commissioner.

	FOR ✓	AGAINST
Cr. Lane	✓	
Cr. Eva	✓	
Cr. Heal		
Cr. Mutter		
Cr. Ennor	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

10. REPORTS OF OFFICERS

Executive Services	
10.2 Ordinary Council Meetings Dates 2025	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	24 July 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

Council Role:

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

Report Purpose:

That Shire of Three Springs (SoTS) Council endorses:

1. The Ordinary SoTS Council Meeting dates and starting times for 2025.
2. The April SoTS Ordinary Council Meeting to be held on the fifth Wednesday of April 2025 as the fourth Wednesday of April 2025 has the Easter public holiday at the beginning of the week and Anzac Day at the end of the week.

Background:

The SoTS proposed ordinary council meeting dates for 2025, being the fourth Wednesday of the month (except December when it will be held on the second Wednesday) commencing at 5.30pm are as follows:

- There will be no SoTS Ordinary Council meeting in January 2025
- 26 February
- 26 March
- 30 April
- 28 May
- 25 June
- 23 July
- 27 August
- 24 September
- 22 October
- 26 November
- 10 December

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

Officers Comment:

Nil

Consultation:

Nil

Statutory Environment:

Local Government (Administration) Regulations 1996

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

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

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the SoTS Strategic Community Plan 2024-2034.

Strategic Community Plan 2024-2034	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.

Working in partnership with all community, government and corporate stakeholders.	4.3.2. Ensure compliance with all relevant legislation.
To be strong advocates representing the community's interest.	

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

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

Voting Requirements:

Simple Majority

Officer's Recommendation:

051/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.2

MOVED: Cr. Eva
SECONDED: Cr. Ennor

That Shire of Three Springs Council endorses:

1. The following dates for SoTS Ordinary Council meetings for 2025 commencing at 5.30pm.
2. The April SoTS Ordinary Council Meeting to be held on the fifth Wednesday of April 2025 as the fourth Wednesday of April 2025 has the Easter public holiday at the beginning of the week and Anzac Day at the end of the week.
 - There will be no SoTS Ordinary Council meeting in January 2025
 - 26 February
 - 26 March
 - 30 April
 - 28 May
 - 25 June
 - 23 July
 - 27 August
 - 24 September

- 22 October
- 26 November
- 10 December

	FOR	AGAINST
Cr. Lane	✓	
Cr. Eva	✓	
Cr. Heal		
Cr. Mutter		
Cr. Ennor	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED:5 /0

10. REPORTS OF OFFICERS

Executive Services	
10.3. Amendment to Delegation Register	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0199
Disclosure of Interest:	Nil
Date:	24 July 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	2023/2024 Delegation Register

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 of Three Springs (SoTS) Council endorses the CS008 – Authorised Purchasing Officers to include the Manager of Infrastructure with authority to purchase up to \$10,000 within their area of responsibility.

Background:

Local Governments are empowered under several sections of State Government legislation (Acts and Regulations) to perform specific duties and exercise certain powers.

In many instances, legislation empowers the SoTS Chief Executive Officer (CEO) or another officer of the Local Government to perform duties, but often, the Act or Regulations (particularly the Local Government Act 1995) default to the Local Government Council, which can delegate some of its powers and duties to the SoTS CEO or to SoTS Committees to expedite the effective operations and implementation of the SoTS functions.

Officer's Comment:

The delegation manual:

1. Ensures clarity and consistency in decision-making processes.
2. Helps in efficient and effective administration by empowering staff to act within defined limits.
3. Ensures accountability and transparency in the exercise of delegated powers.
4. Meets statutory requirements for delegation under the Local Government Act 1995, ensuring legal compliance.
5. Facilitates annual reviews and updates to maintain current and relevant delegations.

Overall, it helps streamline operations while maintaining oversight and control.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995:

1. Section 5.42: Allows a local government to delegate some of its powers and duties to the CEO, who may then sub-delegate to other employees.
2. Section 5.43: Specifies limits on what powers and duties cannot be delegated to the CEO, such as those involving amounts exceeding \$250,000.
3. Section 5.44: Empowers the CEO to delegate their powers to other local government employees, with such delegations required to be in writing.
4. Section 5.46: Requires that all delegations are reviewed by the local government at least once every financial year.

Policy Implications:

SoTS Purchasing Policy

Financial/Resources Implications:

Aa per adopted SoTS Budget.

Strategic Implications:

This item is relevant to the SoTS approved 'Strategic Community Plan 2024-2034'.

Strategic Community Plan 2024 - 2034	
Council Objectives:	Outcome:
Objective 7.1: High standard of governance	Ongoing long-term financial planning and transparent financial management.

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

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

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

052/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3

MOVED: Cr. Connaughton

SECONDED: Cr. Eva

The Shire of Three Springs Council endorses the CS008 – Authorised Purchasing Officers to include the Manager of Infrastructure with authority to purchase up to \$10,000 within their area of responsibility.

	FOR	AGAINST
Cr. Lane	✓	
Cr. Eva	✓	
Cr. Heal		
Cr. Mutter		
Cr. Ennor	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

**CARRIED:
VOTED: 5/0**

10. REPORTS OF OFFICERS

Executive Services	
10.4. Proposed Extension of Approval – Solar Farm	
Agenda Reference:	A219
Location/Address:	Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs
Name of Applicant:	CEO
File Reference:	A219
Disclosure of Interest:	Nil
Date:	10 July 2024
Author:	Planning Advisor & Chief Executive Officer
Attachment (s):	Attachment 10.4.1 – Request for extension of approval <i>(provided as separate attachment)</i> Attachment 10.4.2 – Council 18/10/17 Minutes extract <i>(provided as separate attachment)</i> Attachment 10.4.3 – Development Assessment Panel 14/12/17 Agenda <i>(provided as separate website link)</i> Attachment 10.4.4 – Development Assessment Panel 14/12/17 Minutes <i>(provided as separate attachment)</i> Attachment 10.4.5 – Council 28/1/21 Minutes extract <i>(provided as separate attachment)</i>

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 of Three Springs (SoTS) Council is in receipt of correspondence provided **as separate Attachment 10.4.1** seeking an extension to the approval period for a Solar Farm upon Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-

Perenjori Road, Three Springs. This report recommends that SoTS Council extend the approval period.

Background:

SoTS Council first received the application at its 18 October 2017 meeting and the relevant extract from the SoTS Council Minutes has been provided as **separate Attachment 10.4.2**.

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

The application was approved by the DAP on 30 November 2017, subject to conditions, including that the development must be substantially commenced by 30 November 2019. The DAP Agenda, which also contains details of the application, including site plans and supporting material, is provided as **separate Attachment 10.4.3**. The DAP Minutes that outline the conditions of approval have been provided as **separate Attachment 10.4.4**.

Figure 10.4.1 – Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs



The applicant wrote to the SoTS on 17 March 2021 seeking an extension of the original approval period due to delays in commencing their project relating to COVID and a change in the legislative arrangement for connection into the WA power network. The SoTS Council resolved at its 21 April 2021 meeting to grant an extension of the approval period for a further 5 years, meaning that the new date of expiry became 30 November 2024. A copy of the relevant extract from the 21 April 2021 SoTS Council Minutes has been provided as **separate Attachment 10.4.5**.

On 26 June 2024 the applicant again wrote to the SoTS Shire seeking a further extension of the approval period and this correspondence is provided as **separate Shire of Three Springs Minutes for Council Meeting held 24 July 2024**

Attachment 10.4.1. The applicant is seeking a further 2 year extension of the approval period in which time the project must be substantially commenced on-ground, advising as follows:

“As of 13 June 2024 (2 weeks ago) Western Power finally provided an Access Offer...This Access Offer has taken 8 years to achieve from Western Power. Although the DA approval is valid until November this year, we respectfully request a further extension of 2 years in accordance with clause 77 (1) (a) of the Planning and Development (Local Planning Schemes) Regulations 2015 (deemed provisions). This will take the approval period to 30 November 2026. This will ensure that all the agreements and legal matters can be put in place prior to the commencement of construction. It is uncertain whether the term ‘substantially commenced’ can be achieved by this November. We can confirm that the project itself remains unchanged from that previously assessed by the Council and the DAP, and that the application is seeking an extension of time only and not to the project scale, location or approval conditions. Concurrent with this request for an extension period of the DA, a similar request has been lodged with the WA Planning Commission, to extend the period for the approval to subdivide (amalgamation of the lots) for another 2 years. We are now confident that the project will now finally be able to commence construction.”

Officer's Comment:

It is considered that extension of the approval period is reasonable given that delays are not unknown for projects of this size due to a wide range of factors including financing requirements, applicant restructuring, Commonwealth and State Government policy changes, regulatory reforms, negotiating access to power networks, project costings and other matters. Further to this, many projects were significantly delayed due to factors relating to COVID including workplace and travel restrictions and associated delays across the professional, production, supply, contractor and transport/logistic sectors.

It is also noted that the applicant is not seeking to modify any aspect of the development other than the timeframe for commencement, and on this basis the sought amendment is considered minor.

In 2021 the landowner also applied to the Western Australian Planning Commission (WAPC) seeking to amalgamate the 5 lots, across which the solar farm project is spread, into 1 lot. The WAPC sought comment upon this lot amalgamation application from the SoTS, and the SoTS resolved at its 28 April 2021 meeting to advise the WAPC of its support, considering that the amalgamation of the 5 lots into 1 lot would be of benefit by ensuring that no later structures associated with the solar farm were located across lot boundaries. A copy of the relevant extract from the 21 April 2021 SoTS Minutes has been provided as **separate Attachment 10.4.5**.

On 28 June 2021 the WAPC gave approval for the lot amalgamation application for a period of 3 years (in which time the applicant was required to lodge a survey diagram amalgamating the lots) expiring on 28 June 2024. The applicant has applied to the WAPC for an extension of this approval period and the officer recommendation to this report recommends that SoTS again advise the WAPC of its support for the proposed lot amalgamation.

Consultation:

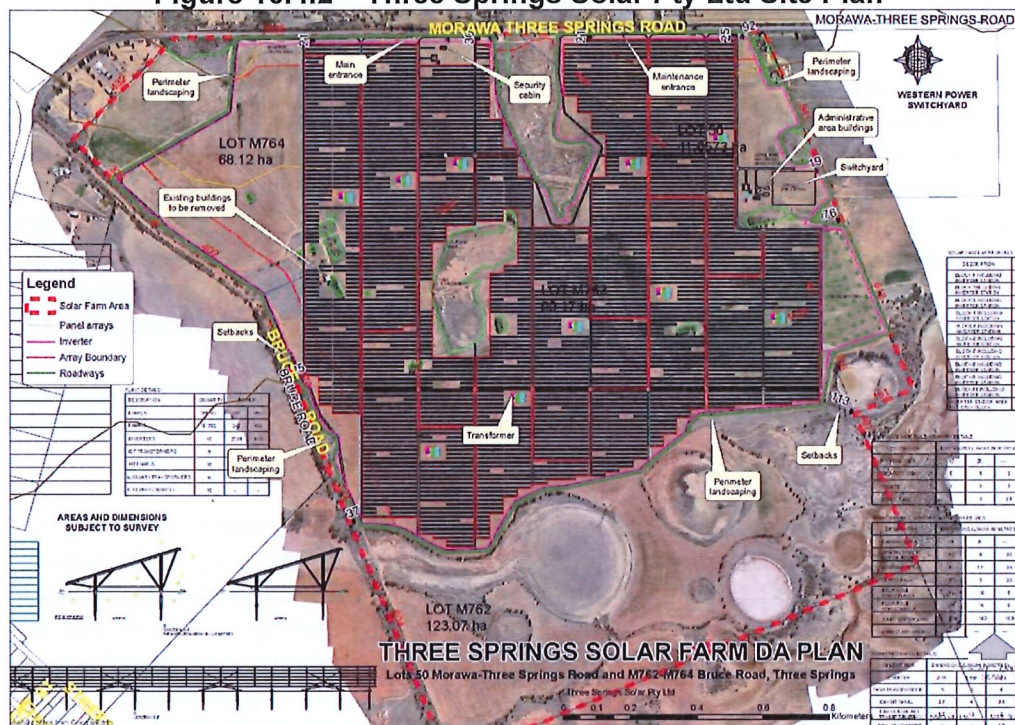
The solar farm application was advertised for comment to surrounding landowners and government agencies in September-October 2017 and details of the consultation period and submissions received can be found in pages 6-9, the Public Consultation section, of the DAP Agenda provided as **separate Attachment 10.4.3**.

In regards to the lot amalgamation application the WAPC is not obliged to undertake any public consultation in its assessment of subdivision/amalgamation applications. However, the WAPC did refer the application in 2021 to the SoTS, Department of Biodiversity Conservation & Attractions, Department of Fire & Emergency Services, Department of Mines Industry Regulation & Safety, Department of Water & Environment Regulation, Main Roads WA, Telstra, Water Corporation and Western Power inviting comment, prior to making its determination to approve the lot amalgamation application.

Statutory Environment:

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

Figure 10.4.2 – Three Springs Solar Pty Ltd Site Plan



Condition 1 of the subsequent 30 November 2017 DAP approval specified the requirement for the development to be substantially commenced within a 2 year period i.e. by 30 November 2010. Condition 1 of the subsequent 28 April 2021 SoTS Council approval to extend the approval period specified the requirement for the development to be substantially commenced within an additional 5 year period i.e. by 30 November 2024.

The applicant can apply for an extension to the substantial commencement date under Regulation 17A of the *Planning and Development (Development Assessment Panels)*

Regulations 2011. The SoTS understanding of Regulation 17A was that such an extension could be addressed by the local government rather than the DAP.

Nonetheless, when addressing a similar matter relating to a request for approval extension for a Solar Farm, Tourist Development & Temporary Worker's Accommodation upon Lot M1366 Wilson Road, Womarden the SoTS wrote to the Department of Planning, Lands & Heritage – DAP Section seeking confirmation that this was also their interpretation of the Regulations. In response to that enquiry the DPLH-DAP advised on 22 December 2020 that:

"The applicant can apply for an extension to the substantial commencement date through the local government under regulation 17a of the Planning and Development (Development Assessment Panels) Regulations 2011. Once you have assessed the application and made a determination you will be required to send a copy of the determination notice which must include the date of determination, the determination, the terms of any conditions to which the approval of the application is subject or any reasons for a refusal of the application."

It is noted that the request for an extension was received after the conclusion of the approval period, however, Clause 77(2)(b) of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* makes allowance for an applicant to apply for, and an approving authority to consider, an extension of approval both during, or after, the period in which development approval must be substantially commenced.

Policy Implications:

Nil

Financial/Resources Implications:

This matter contains no implications to the SoTS Budget 2024/2025.

Strategic Implications:

Assessment of the application can be found in pages 9-24, the Planning Assessment/Officer Comment sections, of the DAP Agenda provided as **separate Attachment 10.4.3**.

The SoTS Strategic Community Plan 2018-2028 identifies the community's visions and is the SoTS principal strategic guide for future planning and activities, and it is considered that the application aligns with the following outcomes:

Strategic Community Plan 2024-2034				
Ref	Strategy	Still Relevant	Priority	Timeframe
1.3.1	Promote existing and new industry opportunities to increase employment	Yes	High	Ongoing
1.3.3	Support sustainable farming and other industry development	Yes	Medium	Ongoing
1.3.4	Support the provision of power, water and gas services to the region	Yes	Medium	Ongoing
1.3.5	Leverage opportunities in regards to substation	Yes	Medium	Ongoing
4.2.4	Encourage business to employ local where	Yes	High	Ongoing

	possible.			
--	-----------	--	--	--

Voting Requirements:
Simple Majority

053/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4

MOVED: Cr. Ennor
SECONDED: Cr. Mills

The Shire of Three Springs Council:

- 1 Approve the applicant's request for an amendment to Condition 1 of Development Approval (DAP File No: DAP/17/01181) to extend the current approval for the proposed Solar Farm upon Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs for a further 2 years from the date of expiry (i.e. new date for requirement of substantial commencement being 30 November 2026).

"Amended Condition

- 1 *This decision constitutes planning approval and is valid until 30 November 2026. If the subject development is not substantially commenced by 30 November 2026, the approval shall lapse and be of no further effect."*

- 2 That Shire of Three Springs Council advise the Western Australian Planning Commission that it supports the extension of approval for the amalgamation of Lots M761, M762, M763 & M764 Bruce Road & Lot 50 Three Springs-Perenjori Road, Three Springs into 1 lot.

	FOR	AGAINST
Cr. Lane	✓	
Cr. Eva	✓	
Cr. Heal		
Cr. Mutter		
Cr. Ennor	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

10. REPORTS OF OFFICERS

Corporate Services	
10.5 Monthly Financial Report for Periods 30 June 2024	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	24 July 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 30 June 2024

Council Role:

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

Report Purpose:

The Shire of Three Springs (SoTS) Council accepts the monthly financial report for the period ending 30 June 2024.

Background:

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

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:

The 2023-2024 Budget was adopted in August 2023.

SoTS Staff have identified an error in the attached report. Specifically, there is a discrepancy of \$16,264.62 between the Creditors GL report and the Creditors Aged Trial Balance, as well as a difference of \$5,866.54 between the Schedules and the Net Current Asset statement.

This issue appears to be related to a background problem with the accounting software. Our staff are actively working with ReadyTech (formerly ITVision) to resolve this matter.

These matters will be corrected in the July 2024 report but the June 2024 report is presented as prepared, to ensure SoTS Council remain informed in a timely manner.

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

Consultation:

Nil

Statutory Environment:

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

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

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

(1A) *In this regulation —*

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

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

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

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

(1C) *Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in*

subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

- (2) *Each statement of financial activity is to be accompanied by documents containing —*
- [(a) deleted]*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity must be shown according to nature classification.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and*
 - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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

Policy Implications:

Nil

Financial/Resources Implications:

The total Cash Available as of 30 June 2024 is \$6,550,353. Cash available comprises Unrestricted cash of \$4,405,770 and Restricted cash of \$2,144,583, primarily made up of various reserves.

Rates Debtors balance as of 30 June 2024 is \$101,937. Rates Notices for 2023-24 were issued on the 28 August 2023. The rates collected as of the end of June 2024 were \$2,758,925 – 96.44%

June 2024:

Operating Revenue – Operating revenue of 5,064,623 comprises Rates – 42%, Grants - 49%, Fees and Charges - 5%, Other Revenue - 1% and Interest Earnings – 3%.

Operating Expenses – Operating expenses of \$6,064,439 are made of Depreciation - 41%, Employee Costs – 31%, Materials and Contracts – 18%, Insurance – 3%, Utilities – 6%, Loss on Disposal of Assets – 0% and Other Expenditure – 1%.

Strategic Implications:

This item is relevant to the SoTS Strategic Community Plan 2024-2034.

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

This item is relevant to the SoTS Corporate Business Plan 2020-2024.

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

054/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		10.5																								
<u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Eva The Shire of Three Springs Council accepts the monthly financial report for the period ending 30 June 2024. <table border="1"> <thead> <tr> <th></th><th>FOR</th><th>AGAINST</th></tr> </thead> <tbody> <tr> <td>Cr. Lane</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr. Eva</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr. Heal</td><td></td><td></td></tr> <tr> <td>Cr. Mutter</td><td></td><td></td></tr> <tr> <td>Cr. Ennor</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr. Connaughton</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr. Mills</td><td style="text-align: center;">✓</td><td></td></tr> </tbody> </table> CARRIED: VOTED: 5/0				FOR	AGAINST	Cr. Lane	✓		Cr. Eva	✓		Cr. Heal			Cr. Mutter			Cr. Ennor	✓		Cr. Connaughton	✓		Cr. Mills	✓	
	FOR	AGAINST																								
Cr. Lane	✓																									
Cr. Eva	✓																									
Cr. Heal																										
Cr. Mutter																										
Cr. Ennor	✓																									
Cr. Connaughton	✓																									
Cr. Mills	✓																									

10. REPORTS OF OFFICERS

Corporate Services	
10.6 Accounts for Payments 30 June 2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	24 July 2024
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 30 June 2024

Council Role:

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

Report Purpose:

The Shire of Three Springs (SoTS) 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 SoTS Council's bank accounts, be presented to SoTS 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 SoTS 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 SoTS Budget 2022-2023.

Strategic Implications:

This item is relevant to the SoTS Strategic Community Plan 2024-2034

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

This item is relevant to the SoTS Corporate Business Plan 2020-2024.

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:**055/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.6**

MOVED: Cr. Lane
SECONDED: Cr. Ennor

The Shire of Three Springs Council accepts:

1. The accounts for payment as presented for *June* 2024 from the CBA Municipal Fund totalling \$238,681.65
2. Represented by Cheque 11680 and Electronic Fund Transfers No's 19922 - 19993 and Direct Debits 15967.1 – 15967.6, 15979.1 – 15980.1, 15999.1 – 16001.1, 16019.1 – 16028.1 and 16036.1 – 16041.2.
3. Licensing Fund totalling \$9,162.35 represented by Direct Debit No. 15978.1, 15993.1 – 15995.1, 16010.1 – 16015.1, 16035.1 and 16045.1.

Total Payments for June 2024 \$247,844.00

	FOR	AGAINST
Cr. Lane	✓	
Cr. Eva	✓	
Cr. Heal		
Cr. Mutter		
Cr. Ennor	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12.1. Elected Members – Nil

12.2 Staff – 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, 28 August 2024 @ 5.30pm.

16. CONFIDENTIAL ITEMS

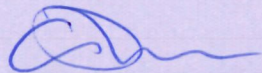
Nil

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 6.09pm

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

Signed: _____



Presiding Officer

Date: 28 August 2024