



MINUTES
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
24 SEPTEMBER 2025
COMMENCING AT 5.30 PM



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MINUTES

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5.32pm and would like to remind everyone that this meeting is being recorded.

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	Present		
Councillor Mutter		Approved Leave from 5.52pm	Absent until leave was approved at 5.52pm
Councillor Ennor		Approved Leave	
Councillor Connaughton	Present		
Councillor Mills	Present		
Temporary Chief Executive Officer	Present		
Manager of Infrastructure	Present		
Executive Secretary	Present		

Members of the Public
Mr. Daniel Thompson, Three Springs.
Mr. Tai Plant, Three Springs

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

The Shire President invited Daniel Thompson to speak regarding Item 10.1 – Building Application.

Mr. Thompson advised that 90 workers would be coming to Three Springs for a period of 22 months, and the company had submitted a request for additional accommodation. He noted this would benefit not only the hotel but the wider community, as there is currently a strong demand for accommodation in town.

The Shire President asked Mr. Thompson why the application stated the units would be removed after 18 months. Mr. Thompson responded that parking may become tight, and if this proved to be an issue for the Shire, he would remove the units.

Cr. Connaughton enquired about the power supply situation. Mr. Thompson advised that if power became an issue, he will purchase a generator.

5. APPLICATIONS FOR LEAVE OF ABSENCE

The Shire President has received a written request from Cr. Mutter for a leave of absence in accordance with section 2.25 of the *Local Government Act 1995*.

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr. Mutter	September	Cr. Lane	Cr. Eva	5/0	24.09.25

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

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

		Date	Moved	Seconded	Vote
6.1	Ordinary Council Meeting	27.08.25	Cr. Lane	Cr. Eva	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.

As this is my last council meeting, I would like to say that it has been a privilege and an honour to be part of the council for the last 11 years. I have worked with some wonderful staff and some exceptional councillors.

I have been asked if I enjoy the role – the answer is no! A better question is “do you find it satisfying or socially fulfilling? The answer is a definite YES! It is also demanding, challenging, constant and at times frustrating.

A massive thank you to all the staff, especially the CEOs, Sylvia Yandle, Keith Woodward & Krys East. Your professionalism and understanding of the workings of Local Government make it so much easier to stay in the correct lane while aware of the unique needs a regional council.

My role as a councillor & for the last 8 years as President would not have been as rewarding if it wasn't for the 12 other elected members I shared the chambers with. As a regional Local Government, I have been commended on for the collaborative, positive, constructive and confident group we have formed. Even though we are a bit short of candidates for the next elections, I am extremely confident in the ongoing council to continue to strive for a better place for us all – unified and healthy.

Lastly, I would like to thank my family. I am looking forward to spending more time with you all.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	8 August – Perenjori Supermarket opening 8 August – Minister Jackie Jarvis & MWDC meeting 8 August – Special Council Meeting 8 August – CEO Keith Woodward farewell 25 August – NCZ meeting @ Perenjori 27 August – OCM & Networking meeting
Cr. Eva	8 August – Special Council Meeting 8 August – CEO Keith Woodward farewell 27 August – OCM & Networking meeting
Cr. Heal	8 August – Special Council Meeting 8 August – CEO Keith Woodward farewell
Cr. Mutter	8 August – Special Council Meeting 8 August – CEO Keith Woodward farewell
Cr. Ennor	8 August – CEO Keith Woodward farewell 27 August – OCM & Networking meeting
Cr. Connaughton	8 August – Special Council Meeting 8 August – CEO Keith Woodward farewell 27 August – OCM & Networking meeting
Cr. Mills	27 August – OCM & Networking meeting

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10. REPORTS OF OFFICERS

Executive Services	
10.1 Proposed Short Term Accommodation	
Agenda Reference:	10.1
Location/Address:	Lots 70, 71 & 72 Carter Street, Three Springs
Name of Applicant:	Bluedan Pty Ltd
File Reference:	A420
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Simon Lancaster, Planning Advisor Krys East, Temporary Chief Executive Officer
Attachment:	Application

Council Role:

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

Report Purpose:

Council is in receipt of an application to site 6 (4 bedroom with ensuite) transportable buildings, and remove 2 existing transportable buildings, upon Lots 70, 71 & 72 Carter Street that are to the rear of the Three Springs Hotel. This report recommends Council approve the application subject to conditions.

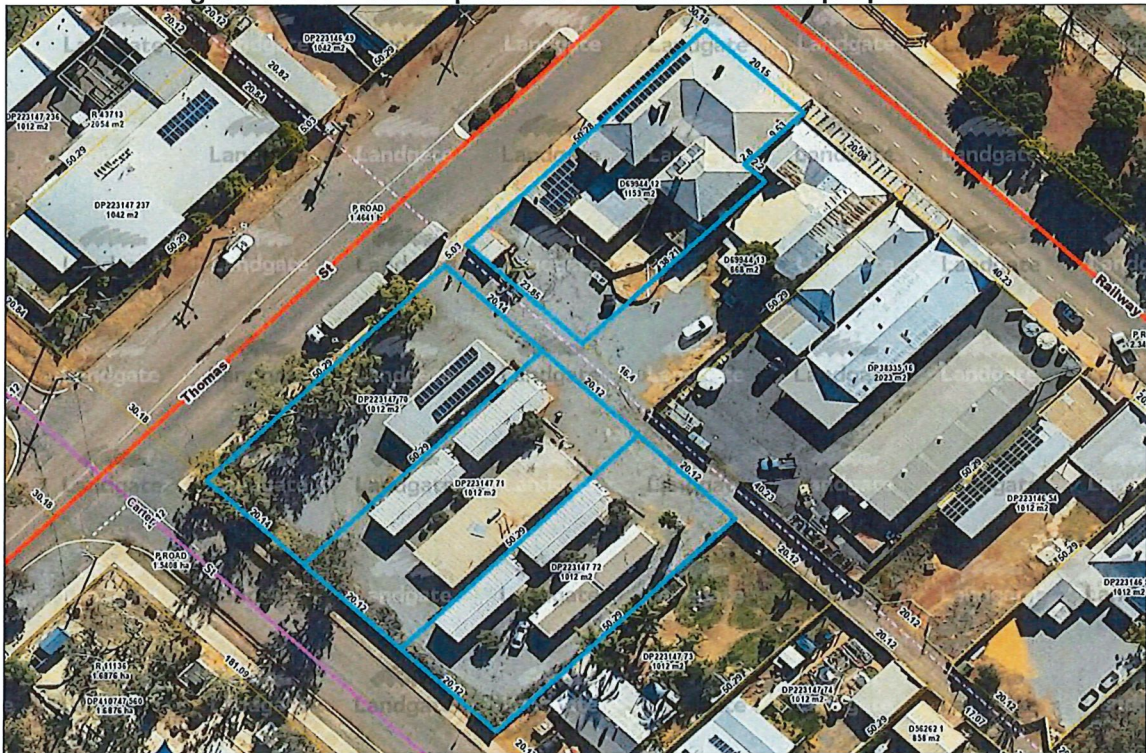
Background:

The Commercial Hotel is sited on the 1,153m² Lot 12 on the corner of Railway Road and Thomas Street.

To the rear, on the other side of a 5m wide laneway, are Lots 70, 71 & 72 Carter Street that are each 1,012m² in area (total area 3,036m²).

These 3 lots currently contain 2 permanent and 6 transportable buildings offering short term accommodation. Aerial photographs indicate that the southern most 2 transportable buildings have been onsite since 2001 (the permanent short term accommodation buildings precede this) and the additional 4 transportable buildings have been onsite since 2013.

Figure 10.1.1 – Aerial photo of Commercial Hotel properties



The applicant is seeking to remove the 2 older transportable buildings along the southern boundary and site 6 (4 bedroom with ensuite) transportable buildings along the northern (Thomas Street), western (Carter Street) and southern boundaries. The buildings would face inward towards the centre of the property and have a verandah along their front.

It is proposed that 2 of the 6 new transportable buildings would be removed from the site in approximately 18 months' time when a project, that would be housing workers on this site, is completed.

An existing unrequired outbuilding on Lot 12 is also proposed to be demolished to create additional car parking area.

A copy of the application is provided as **separate Attachment 10.1.1**.

Officer's Comment:

The Commercial Hotel is an existing short term accommodation operation and the landowner's desire to invest in, and expand, their business by a further 6 buildings indicates a level of confidence in the Three Springs economy.

The short-term accommodation aspect of the Commercial Hotel business has a 1.8m high fence on its Thomas Street and Carter Street frontages that screen the development. There is an approximately 8m length of fence along the southern side boundary that is at a 1.2m height near Carter Street before rising for the rest of the length of the southern boundary. It is recommended that this 8m section be replaced with 1.8m high fencing to improve the privacy for the neighbour to the south.

It is noted that the proposed development would result in 2 accommodation buildings being sited 1.5m off the southern side boundary which is closer than the current 4.8m setback distance for the 2 accommodation buildings that are proposed to be removed.

However, it is also noted that the existing accommodation buildings have larger windows on their southern elevation whereas the superseding new buildings have high/toilet windows on this elevation that may be considered to have a lesser privacy impact.

The general visual appearance of the proposed buildings is similar to the existing transportable buildings on-site.

Figure 10.1.2 – Site and elevation plans for proposed accommodation units

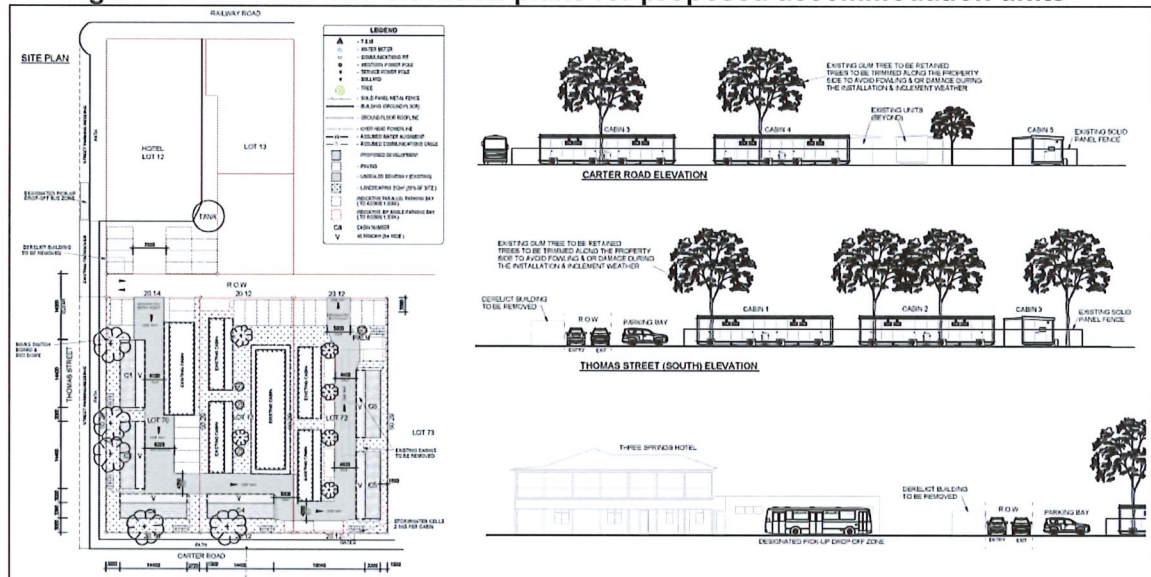


Figure 10.1.3 – View looking south-west from Thomas Street



Figure 10.1.4 – View looking north from Carter Street



Figure 10.1.5 – View looking north-east from south-west corner



Figure 10.1.6 – View looking north-west from south-east corner



Figure 10.1.7 – View looking south-east from north-west corner

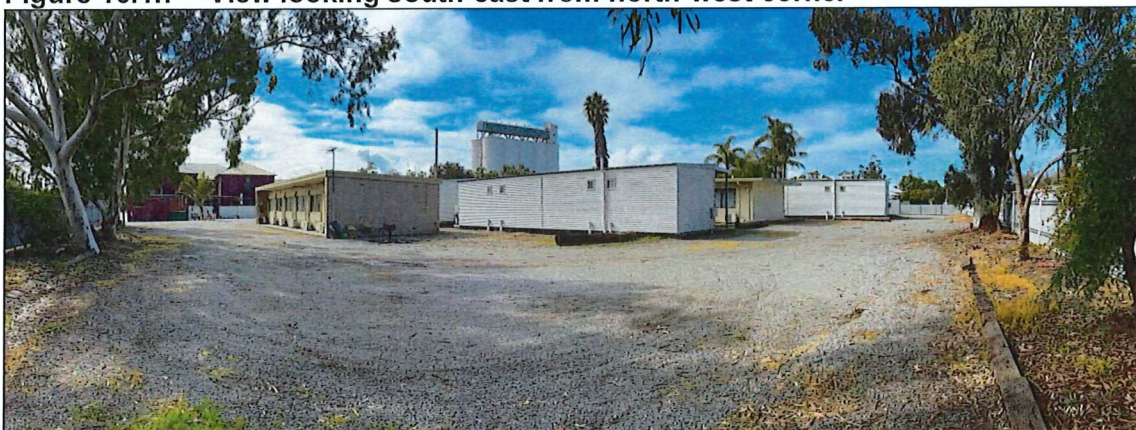


Figure 10.1.8 – View looking south-west from north-east corner



Figure 10.1.9 – 2 transportable buildings proposed to be removed

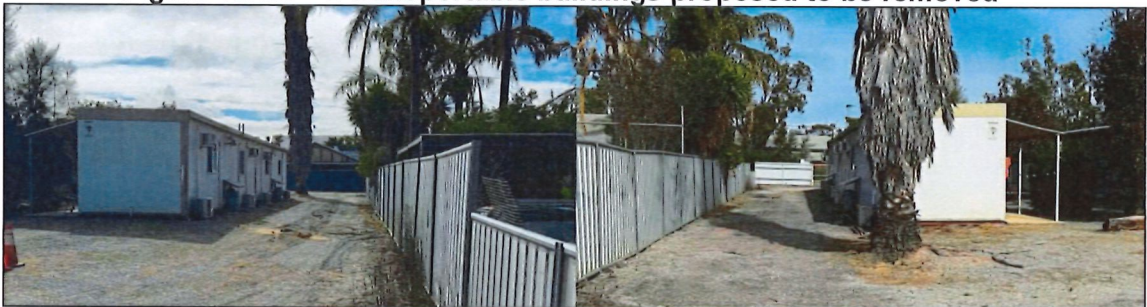


Figure 10.1.10 – Building proposed to be demolished



Consultation:

Council can, if it wishes, advertise the application for comment, prior to returning this matter to a future meeting of Council for determination.

Statutory Environment:

Lots 12, 70, 71 & 72 are all zoned 'Commercial' under the Shire of Three Springs Local Planning Scheme No.2.

The objectives listed in Table 2 of the Scheme for the 'Commercial' zone are as follows:

- “• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
- To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.

- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality."*

The proposal can be considered to meet the Scheme definition for a 'Motel':

"Motel means premises, which may be licensed under the Liquor Control Act 1988 —

- (a) used to accommodate guests in a manner similar to a hotel; and*
- (b) with specific provision for the accommodation of guests with motor vehicles;*

The Scheme lists 'Motel' as a 'D' use class in the 'Commercial' zone which *"means that the use is not permitted unless the local government has exercised its discretion by granting development approval."*

Schedule 1 of the Scheme lists the car parking requirements for 'Motel' as being *"1/unit + 1/4 square metres of publicly accessible lounge and bar area."*

Off-street car parking upon the overall (4 lot) Commercial Hotel precinct would number 40 car parking bays for the short term accommodation. This is a less than the 52 proposed total number of rooms. However, it is proposed that in 18 months' time the total number of rooms would be 44, once 2 of the transportable buildings are removed.

It is also proposed that workers would reach their project site via bus that would have a pick-up/drop-off point on Thomas Street.

There is also the ability to create a further 3 car parking bays between buildings C1/C2, C3/C4 and C5/C6 if necessary.

General customer (non-overnight stay) parking for the Commercial Hotel business occurs along Railway Road and Thomas Street.

Table 7(21) of the Scheme lists the following car parking requirements:

"1) Car parking requirements are to be provided in accordance with Schedule 1 – Car Parking Requirements, unless otherwise determined by the local government and shall be designed, constructed, and maintained to the satisfaction of the local government.

2) Where a particular use of land is not specified in Schedule 1, the local government shall determine the number of car parking spaces to be provided on the site having regard to the nature of the proposed development, the number of employees and visitors likely to be on the site, the need to keep roads and streets free of obstructions and the amenity of the area.

3) Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided is to be calculated separately for each part of the land or building used for each use.

4) Notwithstanding (3) above when a landowner can demonstrate to the satisfaction of the local government that the uses will be generating parking demand at different types, the local government may permit a reciprocal parking to take place on the site.

5) Where the landowner can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in the calculations as car parking but not as landscaping, provided that the local government from time to time may require additional parking spaces be provided by the landowner up to the maximum number specified in Schedule 5.

6) The car parking spaces required under the provisions of the Scheme, shall measure not less than:

- a) 90 degree parking – 2.5m x 5.5m with 6m separating parallel rows for vehicle access;
- b) 60 degree parking – 2.8m x 5.6m per bay with 5m separating parallel rows for vehicle access; and
- c) 45 degree parking – 3.5 x 5.2m per bay with 3.7m separating parallel rows for one way vehicle access.

7) If the local government is satisfied that adequate car parking exists or is to be provided in close proximity to a proposed development, notwithstanding Schedule 1, it may accept cash payment in lieu of the provision of car parking spaces subject to the following;

- a) a cash in lieu payment shall not be less than the estimated cost to the owner of providing the car parking spaces otherwise required by the Scheme, plus the value as estimated by the local government of that area of land which would have been occupied by the car parking spaces;
- b) the local government shall have already provided a public car park nearby or have firm proposals for providing a public car park area within the near future; and
- c) payments under this clause shall be deposited into a special fund to be used exclusively to provide and/or maintain car parks in the near vicinity."

Table 7(3) of the Scheme also lists the following additional requirements in the 'Commercial' zone:

- "1) The local government may permit mixed use development within the Commercial zone, provided the residential component is built above or behind the commercial component.
- 2) All buildings within the Commercial zone shall be located, designed and constructed so that the external appearance arising from height, bulk, method of construction, materials used, colour and texture do not have an adverse impact on the amenity of the locality.
- 3) The local government shall require the applicant to submit for approval a detailed landscaping plan showing all areas to be landscaped and the type of landscaping and/or treatments proposed."

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;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(s) the adequacy of –*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) the availability and adequacy for the development of the following –*
 - (i) public transport services;*
 - (ii) public utility services;*
 - (iii) storage, management and collection of waste;*
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) access by older people and people with disability;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

Policy Implications:

The Western Australian Planning Commission's 'Planning Bulletin 83 - Planning for Tourism' sets out the policy position to guide decision making by the WAPC and local government for rezoning, subdivision and development proposals for tourism purposes. The Bulletin sets out general location criteria to determine the tourism value of a site as follows:

“Accessibility

The site has adequate existing or proposed transport links (such as major road or airport access).

Uniqueness

The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or State significance.

Setting

The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. immediately adjacent to a beach).

Tourism activities and amenities

The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops and the like.

Supply of land

The site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area.

Site specific criteria to determine the tourism value of the site includes:

Suitability in a land use context

The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).

Capability

The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.

Size

The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.

Function

The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday camps and Crown tourism leases.

These criteria are to guide local government in the assessment of the strategic value of tourism sites and determination of the value will be based on the outcome of the assessment of the site against all criteria."

Financial/Resources Implications:

Nil.

Strategic Implications:

Section 3.1.6 of the Shire of Three Springs Local Planning Strategy has the following objective "to encourage the development of tourism enterprises and accommodation to

cater to a wide range of visitors and generate local employment” and notes the following of relevance to this application:

Strategies	Actions
To support a range of short-stay accommodation in the Three Springs townsite, including motel rooms, chalets, caravan and camping facilities, and bed and breakfasts.	Ensure that existing short-stay accommodation is appropriately zoned in the Local Planning Scheme.

The proposed development site is located within Precinct 1–Town Centre of the Three Springs Townsite Strategy and it can be considered that the proposed development accords with the objectives for this precinct:

- “O1.1 To provide for an appropriate mix of land uses that are compatible with its commercial character and function.*
- O1.2 To allow for higher density residential development in areas close to the services and facilities of the Town Centre.*
- O1.3 Encourage the preservation and use of historical properties along Midlands Road.*
- O1.4 To maximise the opportunities for infill development and urban consolidation.*
- O1.5 To provide for a built form along Midlands Road that enhances and promotes the commercial, tourism and cultural role of the sub-precinct and complements the existing architectural character.”*

The proposed development of the Three Springs Hotel aligns with the following objectives of the Shire of Three Springs Strategic Community Plan 2024-2034:

- 2.1 Attract investment and industry.
- 2.2 Appropriate infrastructure is in place for business growth.
- 3.1 Develop tourism infrastructure and the visitor experience

Voting Requirements:

Simple majority

060/2025	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.1
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Heal That Council grant planning approval for the proposed redevelopment to the rear of the Commercial Hotel with the siting of 6 (4 bedroom and ensuite) short term accommodation units, and the removal of 2 existing short term accommodation units upon Lots 70, 71 & 72 Carter Street, Three Springs and the demolition of an outbuilding upon Lot 12 Thomas Street, Three Springs, subject to the following: Conditions: 1 Development shall be in accordance with the plans included within Attachment 10.1.1 to the September 2025 Council Agenda and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government. 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent		

	significant variation from the approved development plan may require further application and planning approval for that use/addition.
3	The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, dust, light, stormwater, waste product, vehicle parking and manoeuvring or otherwise.
4	The proponent is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government.
5	The buildings, and additions to, shall utilise colours and materials and be to a finish to the approval of the local government.
6	All stormwater is to be disposed of on-site to the approval of the local government.
7	All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary.
8	The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
9	The vehicle access onto Thomas Street shall be constructed and maintained to the approval of the local government.
10	The 5m wide laneway between Lots 70, 71 & 72 Carter Street and Lots 12, 13 & 16 Railway Road must remain free of parked vehicles and/or equipment and materials to the approval of the local government.
11	Repairing of any damage to Thomas Street or Carter Street that is required by reason of their use in connection with the development and associated operations to the approval of the local government.
12	The installation and maintenance of any signage shall be to the approval of the local government.
13	The installation and maintenance of landscaping about the development site to the approval of the local government.
14	The replacement of the existing section of 1.2m high fencing along the southern boundary of Lot 72 with 1.8m high fencing to assist in maintaining privacy for Lot 73.
15	The installation and maintenance of a fire blanket and/or a fire extinguisher in immediate vicinity to all areas where guests are able to cook in the development.
16	The installation and maintenance of a hardwired smoke detector in each accommodation building.
17	The installation and maintenance of an evacuation plan in each accommodation building.
18	The installation and maintenance of muster point signage.

- 19 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes

- (a) In relation to condition 7 it is noted that there is a shortfall in the number of car parking bays relative to the number of short-term accommodation rooms. Council further notes that the applicant proposes to remove 2 of the 4 bedroom accommodation buildings after a period of 18 months. Given the temporary nature of the car parking shortfall and the applicant's proposed project-specific bus shuttling of workers to the project site Council is willing to relax this condition temporarily. However, in the event that the 2 accommodation buildings are not removed after 18 months and/or Council is not satisfied with the operation of car parking relating to the overall development then it reserves the right to require the applicant to undertake actions to address these issues, and this may include provision of additional car parking on-site and/or contribution of cash-in-lieu payment to the local government to provide for further on-street car parking in the immediate area.
- (b) In relation to condition 19 where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, *Building Regulations 2012*, *Food Act 2008*, *Health Act 1911* and the *Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste) Regulations 1974*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (d) 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.

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

10. REPORTS OF OFFICERS

Executive Services	
10.2. Proposed Telecommunications Infrastructure (Internet Mast)	
Agenda Reference:	10.2.
Location/Address:	2 (Lot 50) Slaughter Street, Three Springs
Name of Applicant:	Logic IT
File Reference:	
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Simon Lancaster, Planning Advisor Krys East, Temporary Chief Executive Officer
Attachment:	Attachment 10.2.1. – Internet Mast plans

Council Role:

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

Report Purpose:

Council is in receipt of an enquiry from Logic IT seeking to site an internet mast upon the Shire owned 2 (Lot 50) Slaughter Street, Three Springs. This report recommends Council advise of its support in principle and delegate authority to the Shire CEO to negotiate the terms of the Shire's agreement to use portion of the land.

Background:

Lot 50 is a 1,012m² property owned by the Shire that is bordered by Slaughter Street to the north-east, Glyde Street to the north-west, and the Three Springs Sporting Club tennis courts to the south.

Council has no identified future use for Lot 50, and its ability to be developed for a Shire purpose is significantly compromised by a number of infrastructure and asset encroachments onto the land. Lot 50 contains a section of the Slaughter Street footpath within its front boundary, the tennis courts encroach into the property at the rear, power lines run within its northern side boundary and portion of the site serves as a drainage low point.

The map displays the proposed Shalvey Road, which runs diagonally from the bottom left towards the top right. It intersects with Clydesdale Road, which runs horizontally across the middle of the map. To the right of Clydesdale Road, there is a residential area with several houses and a church. The Shalvey Estate is located to the right of the proposed road. The map includes various lot numbers and area measurements in square meters (m²). For example, lot R 2157 has an area of 1316 m², and lot P 20179 has an area of 1912 m². The map also shows the location of the Shalvey Road intersection with Clydesdale Road, and the Shalvey Road intersection with the Shalvey Estate. The map includes a scale bar and a north arrow.

A photograph of a grassy field with a small pond, trees, and a utility pole under a blue sky. An orange traffic cone is visible in the foreground.

Plans of the proposed mast are provided as **separate Attachment 10.2.1.**

The internet transmission infrastructure in itself can be considered under the definition of a low impact facility and would ordinarily be exempted from the requirement to make an application were it to be mounted on existing infrastructure i.e. the basis for this Slaughter Street application is the lattice mast itself rather than purpose of the mast.

The applicant had initially hoped to mount their internet transmission infrastructure upon the existing CBH silos, however, discussions indicated that due to the ageing nature of the silos the applicant would not have been permitted to use existing stairways/ladders to reach the top of the structure. This would have necessitated bringing a +70m EWP/crane to site to be able to install the equipment on the silos, and also on any subsequent occasion that maintenance was required to be undertaken on the internet transmission infrastructure. The silo facility would also have been required to be 'off grid', which whilst achievable, would have added further cost to the ongoing crane mobilisation expense to make that site economically unfeasible.

Approaches were also made to rural landowners north of the townsite, however, the need to be in proximity to the fibre optic cable also limited options.

The applicant has therefore approached the Shire enquiring about the possibility of using Lot 50 to site the internet transmission mast.

Initial Shire response was that due to the limited size of Lot 50 (being 20m x 50m) this would preclude the siting of a mast that had guyed wires, which has necessitated the applicant proposing a more expensive lattice mast.

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

- the development will improve internet access in and around the Three Springs townsite thereby assisting economic productivity by enabling people to better conduct business; assist in online study and training for residents; enhance ability to access entertainment; and improve ability for residents to communicate;
- the development will provide greater ability for residents to reach assistance in an emergency situation, noting that in the days following Cyclone Seroja for many MidWest residents the only means for people to communicate with loved ones and service providers was via the applicant's internet service and generators, due to power and phone networks being unavailable for an extended period;
- whilst the 40m lattice mast will have some visual impact on the Three Springs townsite and visitors travelling along Midlands Road and Glyde Street, it is noted that the area does already have more significant structures of height including the silos and 330kV transmission line, and there is a practical need for the structure to be of this height to function effectively;
- it is not uncommon to have mobile phone towers, radio masts, internet masts and television masts sited in prominent locations within and in proximity to rural townsites that serve a community need;
- the Shire does not have another identified need for the site and it is unlikely that it could be developed for another purpose or sold as it is severely compromised by existing assets and services;
- the applicant is limited in available options to site their infrastructure due to the need to be sited close to fibre optic and power.

Consultation:

Council can, if it wishes, advertise the application for comment, prior to returning this matter to a future meeting of Council for determination.

Statutory Environment:

2 (Lot 50) Slaughter Street, Three Springs is zoned 'Public Open Space' under the Shire of Three Springs Local Planning Scheme No.2.

The objectives listed in Table 1 of the Scheme for the 'Public Open Space' zone are as follows:

- “• To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.
- To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”

The proposed development can be considered to meet the Scheme definition for ‘Telecommunications Infrastructure’:

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

‘Telecommunications Infrastructure’ is not listed as a use class for ‘Public Open Space’ in Table 1 of the Scheme and therefore Council may choose to consider it under clause 18(4) of the Scheme:

“The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.”*

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;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- (w) the history of the site where the development is to be located;*

- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

The Commonwealth *Telecommunications Act 1997* and *Telecommunications (Low-impact Facilities) Determination 2018* exempts telecommunications equipment from environmental and planning legislation except where the facility does not meet the definition of a 'low impact' facility. The internet transmission infrastructure in itself would be considered 'low impact' were it to be sited on an existing mast, for example the applicant has sited their infrastructure upon bushfire radio masts and larger buildings in other sites in the Mid West. However, in this case other sites were not available necessitating the need for a separate 40m mast which triggers the requirement to consider this matter as a planning application.

In addition to the requirements of the *Telecommunications Act 1997* and the *Planning and Development Act 2005* applicant/operators are also bound by the *Telecommunications Code of Practice 1997*, and the Australian Communications and Media Authority's *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*.

Policy Implications:

The Western Australian Planning Commission have prepared Statement of Planning Policy 5.2 'Telecommunications Infrastructure' (SPP5.2) for applications for above and below ground telecommunications infrastructure other than those facilities exempted under the *Telecommunications Act 1997*.

SPP5.2 can be viewed at the following link:

https://www.wa.gov.au/system/files/2021-06/SPP-5_2_Telecommunications_Infrastructure.pdf

The policy has the following objectives:

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

Section 3.3.2 of SPP5.2 notes:

"National Broadband Network fixed wireless broadband towers National Broadband Network (NBN) fixed wireless broadband towers are usually bigger than mobile phone towers, and are more likely to be required in metropolitan fringe and regional areas. Fixed wireless technology can transmit data at broadband speeds using radio signals instead of cables. This technology uses fixed transmission towers or base stations to communicate 'over the air' with the NBN installed equipment within the home or business. Line of sight from the tower to the equipment at the home or business is essential. Western Australia is a vast state with complex geography and fixed wireless technology enables access to NBN services in

locations that are difficult or not cost effective to reach with fixed line technology.”

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

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

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

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

- i) Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;*
- ii) Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:*
 - a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*
 - b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*
 - c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and*
 - d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;*
- iii) In addition to the existing exemptions under the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement for development approval where:*
 - a) The infrastructure has a maximum height of 30 metres from finished ground level;*
 - b) The proposal complies with the policy measures outlined in this policy; and*
 - c) The proponent has undertaken notification of the proposal in a similar manner to ‘low impact facilities’ as defined and set out in the Mobile Phone Base Station Deployment Industry Code (C564:2011);*
- iv) Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and*
- v) Telecommunications infrastructure should be colocated and whenever possible:*
 - a) Cables and lines should be located within an existing underground conduit or duct; and*

- b) *Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings."*

Financial/Resources Implications:

No lease fee will be charged to the applicant for use of land for this infrastructure. Council waive any potential fee as part of it's contribution to improving internet access. This objective aligns with the Strategic Community Plan.

Strategic Implications:

The development of an internet mast will assist in meeting the following item in the Shire of Three Springs Strategic Community Plan 2024-2034:

Objective	Priority Projects	Delivery Year
2.2 Appropriate infrastructure is in place for business growth.	Advocate for reliable, high-speed mobile and internet access across the Shire.	25/26, 26/27

Voting Requirements:

Simple majority

061/2025	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.2.
<u>MOVED: Cr. Connaughton</u> <u>SECONDED: Cr. Mills</u> That Council: 1 Advise the applicant that it supports in principle the siting of an internet mast as included within Attachment 10.2.1 to the September 2025 Council Agenda report upon 2 (Lot 50) Slaughter Street, Three Springs. 2 Delegate authority to the Shire of Three Springs' Chief Executive Officer to enter into discussions with the applicant regarding the use of the land, and that these discussions are required to address the following aspects: (a) The operator/owner of the telecommunications infrastructure is required to provide to the Shire documentation that indemnifies and keeps indemnified the local government and holds it harmless from and against all liabilities, obligations or costs of any kind which may be incurred by the siting and operation of the telecommunications infrastructure. (b) The operator/owner is required to give at least 12 months' notice to the local government if the telecommunications infrastructure is to cease operations and all infrastructure must be decommissioned and removed from the site to the satisfaction of the local government, unless the local government agrees otherwise. 3 In the event that the Shire of Three Springs' Chief Executive Officer does not consider that the discussions have addressed these aspects, they reserve the right to return this matter to Council for further consideration.		

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

10. REPORTS OF OFFICERS

Executive Services	
10.3. Interface Agreement: Brookfield Rail / Shire of Three Springs / Main Roads WA	
Agenda Reference:	10.3.
Location/Address:	Shire of Three Springs
Name of Applicant:	Brookfield Rail
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Krys East, Temporary Chief Executive Officer
Attachment (s):	Interface Agreement

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 requested to consider the updated Interface Agreement (Public Road and Rail Crossing at Grade Interfaces, Version 10, 2025) between Arc Infrastructure Pty Ltd, the Shire of Three Springs, and the Commissioner of Main Roads WA.

This Agreement is required under Clause 107 of the Rail Safety National Law and supersedes the 2015 Agreement, which remains in force until replaced.

Background:

The Rail Safety National Law requires Rail Infrastructure Managers and Road Managers to jointly manage safety risks at road/rail interfaces.

The Shire executed a previous Agreement in 2015 (with Brookfield Rail, now Arc Infrastructure).

Arc Infrastructure has provided an updated Agreement to reflect legislative changes and improvements in governance and compliance requirements.

Officer's Comment:**Key Changes in the New Agreement**

- Legislation: References the *Rail Safety National Law (WA) Application Act 2024* (previously the *Rail Safety Act 2010*).
- Risk Management: Formal inclusion of the Australian Level Crossing Assessment Model (ALCAM) and introduction of Schedule 2 – Interface Risks, assigning responsibilities for hazards.
- Clarity of Roles:
 - Shire of Three Springs – maintain road approaches up to 3 metres from the running rail and vegetation within road reserves.
 - Arc Infrastructure – responsible for the rail corridor, Danger Zone, and active rail infrastructure.
 - Main Roads WA – responsible for regulatory signage and active warning systems.
- Incident Management: Expanded protocols referencing the *State Hazard Plan – Crash Emergency*.
- Works Near Crossings: New requirement to notify Arc Infrastructure of works within 200m of a crossing, with clear processes for urgent versus planned works.
- Auditing & Compliance: Requirement to maintain an Interface Agreement register, participate in reciprocal inspections/audits, and ensure corrective actions are followed up.
- Schedules: Updated crossings list, risk register, and emergency contact details.

Impact on the Shire

- Core obligations remain unchanged: maintain road approaches and vegetation within reserves.
- New compliance requirements: maintain an agreement register, report damaged signage/markings, and participate in audits.
- No significant financial impact: responsibilities can be managed within the existing road maintenance budget.

The new Agreement provides greater clarity, strengthened governance, and ensures alignment with current legislation.

Consultation:

- Arc Infrastructure Pty Ltd
- Main Roads WA

Statutory Environment:

- Rail Safety National Law (WA) Application Act 2024
- Clause 107, Rail Safety National Law (WA) – requirement for Interface Agreements
- Main Roads Act 1930

- Local Government Act 1995

Policy Implications:

The Shire's obligations as Road Manager are clarified and reinforced, particularly in relation to approach maintenance, vegetation management, and compliance reporting.

Financial/Resources Implications:

Shire remains responsible for maintaining approaches up to 3m either side of the running rail. Costs to be absorbed within the annual road maintenance budget.

Strategic Implications:

Aligns with the Shire's strategic objectives for safety and risk management.
Ensures compliance with national rail safety legislation.

Voting Requirements:

Simple Majority.

Officer's Recommendation:

062/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3.

MOVED: Cr. Connaughton

SECONDED: Cr. Eva

That Council:

1. Endorse the Interface Agreement (Public Road and Rail Crossing at Grade Interfaces, Version 10, 2025) between Arc Infrastructure Pty Ltd, the Shire of Three Springs, and the Commissioner of Main Roads WA; and
2. Authorise the Chief Executive Officer to complete the required details and execute the Agreement on behalf of the Shire of Three Springs.

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:

VOTED: 5/0

10. REPORTS OF OFFICERS

Executive Services	
10.4. Adoption of Policy 1.27 Conducting Electronic Meetings and Attendance by Electronic Means	
Agenda Reference:	10.4.
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0200
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Krys East, Temporary Chief Executive Officer
Attachment (s):	Draft Policy 1.27 Conducting Electronic Meetings and Attendance by Electronic Means

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 adopt Policy 1.27 Conducting Electronic Meetings and Attendance by Electronic Means as presented in the Attachment.

Background:

Amendments to the Local Government (Administration) Regulations 1996 in November 2022 (Regs. 14C, 14CA, 14D and 14E) provided local governments with the ability to conduct meetings electronically or allow individual members to attend meetings electronically outside of declared emergency situations.

The Department of Local Government, Sport and Cultural Industries (DLGSC) issued guidelines recommending that each local government adopt a policy to provide clarity on:

- requests for electronic attendance,
- expectations for confidentiality,
- suitability of equipment and location, and
- processes for convening meetings by electronic means.

The Shire of Three Springs does not currently have a specific policy in place to regulate electronic meetings and electronic attendance. The proposed Policy 1.27 establishes a clear decision-making framework to ensure compliance with legislation and consistency in practice.

Officer's Comment:

The proposed policy provides a structured framework covering three areas:

1. Electronic Attendance at In-Person Meetings
 - Sets out the approval process for requests (Mayor/President or Council).
 - Clarifies record-keeping requirements for decisions.
 - Requires declarations of confidentiality before participation in closed sessions.
2. Conducting Meetings by Electronic Means
 - Allows electronic meetings during declared public health or state emergencies.
 - Provides for Council authorisation of electronic meetings outside emergencies, subject to prescribed limitations.
 - Requires consultation with the CEO on technological arrangements.
 - Requires public notification and, where applicable, broadcasting of meetings to comply with Reg. 14E.
3. Participation in Meetings by Electronic Means
 - Sets expectations for conduct and confidentiality.
 - Addresses presiding at meetings where the Mayor/President attends electronically.
 - Provides for participation of external parties in closed meetings, subject to confidentiality safeguards.

By adopting this policy, Council will ensure alignment with legislative requirements and provide certainty to elected members and the community regarding electronic participation in meetings.

Statutory Environment:

- Local Government Act 1995
- Local Government (Administration) Regulations 1996, regs. 14C, 14CA, 14D and 14E

Policy Implications:

Adoption of this policy will introduce a new governance policy for the Shire of Three Springs.

Financial/Resources Implications:

Nil

Strategic Implications:

The policy supports the Shire's Strategic Community Plan objectives:

- Transparent and accountable governance.
- Provision of accessible and inclusive decision-making processes.

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

063/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4.

MOVED: Cr. Eva

SECONDED: Cr. Heal

That Council adopts Policy 1.27 – Conducting Electronic Meetings and Attendance by Electronic Means, as presented.

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:

VOTED:5/0

BY ABSOLUTE MAJORITY

10. REPORTS OF OFFICERS

Executive Services	
10.5 Adoption of Employee Health and Fitness Policy and Waiver of Pool Entry Fees for 2025/26.	
Agenda Reference:	10.5.
Location/Address:	Shire of Three Springs
Name of Applicant:	Krys East, Temporary Chief Executive Officer
File Reference:	ADM0206
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Krys East, Temporary 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).

This item has been removed and replaced with “12.2.1. Free pool and gym use only” and also “Item 12.2.2. Waiver of pool fees 25-26”

Report Purpose:

The purpose of this report is to seek Council approval for two initiatives that support the health and wellbeing of employees and the wider community:

- The adoption of a new Employee Health and Fitness Policy – Free Gym and Pool Access, which provides free access to Shire fitness facilities for full-time employees.
- The waiver of pool entry fees for the 2025/26 financial year (excluding schools located outside the Shire), consistent with the objectives of the Three Springs Aquatic Centre Master Plan 2025–2035 to maximise community access and participation.

Background:

The Shire of Three Springs is committed to supporting the health and wellbeing of its employees and the wider community.

To strengthen this commitment, two initiatives are presented for Council consideration:

1. Employee Health and Fitness Policy – Free Gym and Pool Access

- A draft policy has been prepared to provide full-time employees with free access to the Shire's gym and aquatic facilities.
- The policy sets out eligibility, access, and conditions of use and is designed to promote workplace health, support staff retention, and encourage use of Shire facilities.

2. Waiver of Pool Entry Fees for the 2025/26 Financial Year

- Consistent with the objectives of the Three Springs Aquatic Centre Master Plan 2025–2035, it is proposed that Council waive all pool entry fees for the 2025/26 season to encourage greater community participation, reduce barriers to access, and strengthen the role of the Aquatic Centre as a key community hub.
- The waiver would apply to all users except schools located outside the Shire, who will continue to be charged in accordance with the adopted Schedule of Fees and Charges for 2025/26 to ensure cost recovery for non-resident usage.

Officer's Comment:

The introduction of a staff health and fitness policy will provide a structured and equitable approach for employee access to gym and pool facilities. The draft policy sets out clear eligibility, access, and conditions of use for free gym and pool access for full-time employees. It is designed to:

- Promote employee health and wellbeing;
- Encourage use of Shire facilities;
- Support a culture of healthy living and fitness in the workplace;
- Establish consistent rules and responsibilities for use.

Council endorsement of the policy will formalise its implementation and provide a consistent framework for administration by the CEO. It also demonstrates the Shire's commitment to a healthy workplace.

Waiving community pool entry fees for 2025/26 aligns with the Three Springs Aquatic Centre Master Plan 2025–2035, which emphasises increased community access and engagement. This initiative will help build stronger connections with residents, encourage greater usage of the facility, and support the Shire's wider health and wellbeing objectives.

The combination of these measures reinforces the Shire's strategic goal of being both an employer of choice and a community-focused organisation.

Consultation:

Shire of Three Spring's Risk Co-ordinator

Shire of Three Spring's CCDT

Shire staff

Shire of Three Spring's Work Health & Safety Committee

Local Government Act 1995 – Section 2.7(2)(b) and (c) provides that Council is to determine the local government's policies and ensure their proper management.

Policy Implications:

Financial/Resources Implications:

Waiving pool entry fees for the 2025/26 season will reduce anticipated revenue from the Aquatic Centre. This is considered an intentional investment in community wellbeing and facility utilisation, consistent with the Three Springs Aquatic Centre Master Plan 2025–2035. \$10,000 income for admission fees was included in the 2025/26 adopted budget. This will be amended with the mandatory Budget Review.

- Strategic Community Plan: Supports the objectives of a healthy, active, and connected community.
- Corporate Business Plan: Strengthens organisational capacity by investing in staff wellbeing and aligns with strategies to promote community health and recreation.
- Three Springs Aquatic Centre Master Plan 2025–2035: Directly supports the plan's objectives of maximising community access and participation.

Absolute Majority

064/2025	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.5.
<u>MOVED:</u> Cr. <u>SECONDED:</u> Cr. That Council: 1. Adopt the Employee Health and Fitness Policy – Free Gym and Pool Access as presented, providing full-time employees with free access to the Shire's gym and aquatic facilities in the interest of promoting workplace health and wellbeing; and 2. Waive all pool entry fees for the 2025/26 financial year (excluding schools located outside the Shire), to encourage greater community use of the aquatic facility and in alignment with the objectives of the Three Springs Aquatic Centre Master Plan 2025–2035.		

	FOR	AGAINST
Cr. Lane (President)		
Cr. Eva (Deputy President)		
Cr. Mutter		
Cr. Heal		
Cr. Ennor		
Cr. Connaughton		
Cr. Mills		

CARRIED:
VOTED: /0

10. REPORTS OF OFFICERS

Corporate Services	
10.6. Monthly Financial Report for Period 31 August 2025	
Agenda Reference:	10.6.
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Gillian Smith, Bob Waddell & Associates, Consultant
Attachment (s):	Monthly Financial Report 31 August 2025

Council Role:

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

Report Purpose:

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

Background:

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

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

Officer's Comment:

The 2025-2026 Budget was adopted at the Ordinary Council Meeting held on 27 August 2025

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

Consultation:

Nil

Statutory Environment:

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

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

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

(1A) In this regulation —

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

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (c) 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*
- (e) 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*
- (c) 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*
- (c) 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:

The total Cash Available as of 31 August 2025 is \$4,562,888. Cash available comprises Unrestricted cash of \$2,137,253 and Restricted cash of \$2,45,636 primarily made up of various reserves.

Rates Debtors balance as at 31 August 2025 is \$3,296,865. Rates Notices for 2025-26 will be issued in September 2025.

August 2025:

Operating Revenue – Operating revenue of \$3,651,168 is made up of Rates – 48%, Grants - 49%, Fees and Charges - 3%, Other Revenue - 0% and Interest Earnings – 0%.

Operating Expenses – Operating expenses of \$895,210 is made of Depreciation - 0%, Employee Costs – 54%, Materials and Contracts – 28%, Insurance – 15%, Utilities – 3%, Loss on Disposal of Assets – 0% and Other Expenditure – 0%.

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

MOVED: Cr. Lane

SECONDED: Cr. Eva

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

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

10. REPORTS OF OFFICERS

Corporate Services	
10.7. Accounts for Payments 31 August 2025	
Agenda Reference:	10.7.
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 31 August 2025

Council Role:

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

Report Purpose:

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

Background:

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

Officer's Comment:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

Local Government (Financial Management) Regulations 1996 Section 12 and 13.

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

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

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

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;*
 - and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2025-2026.

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

066/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.7.

MOVED: Cr. Lane

SECONDED: Cr. Connaughton

That Council accepts:

1. The accounts for payment as presented for August 2025 from the CBA Municipal Fund totalling \$966,205.06.
2. Represented by Electronic Fund Transfers No's 21032 – 21104 and Direct Debits 17265.1 – 17275.1, 17286.1, 17296.1 – 17308.1, 17318.1 – 17322.1, 17325.1 – 1733.1 and 17339.1.
3. Licensing Fund totalling \$18,938.75 represented by Direct Debit No. 17238.1 – 17259.1, 17285.1, 17287.1 – 17294.1, 17315.1 – 17317.1, 17324.1 and 17338.1.

Total Payments for August 2025 \$985,143.81.

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
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

12.2 Staff

Officer's Recommendation:

067/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		12.2																								
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Heal That the following items, namely: <i>"12.2.1. Adoption of Employee Health and Fitness Policy"</i> <i>"12.2.2. Waiver of pool fees 25-26"</i> <i>12.2.3 Chief Executive Officer Recruitment – Amendment to Selection Panel Membership</i> are accepted as late items onto this Agenda. <table><tr><th></th><th>FOR</th><th>AGAINST</th></tr><tr><td>Cr. Lane (President)</td><td>✓</td><td></td></tr><tr><td>Cr. Eva (Deputy President)</td><td>✓</td><td></td></tr><tr><td>Cr. Mutter</td><td></td><td></td></tr><tr><td>Cr. Heal</td><td>✓</td><td></td></tr><tr><td>Cr. Ennor</td><td></td><td></td></tr><tr><td>Cr. Connaughton</td><td>✓</td><td></td></tr><tr><td>Cr. Mills</td><td>✓</td><td></td></tr></table> CARRIED: VOTED: 5/0				FOR	AGAINST	Cr. Lane (President)	✓		Cr. Eva (Deputy President)	✓		Cr. Mutter			Cr. Heal	✓		Cr. Ennor			Cr. Connaughton	✓		Cr. Mills	✓	
	FOR	AGAINST																								
Cr. Lane (President)	✓																									
Cr. Eva (Deputy President)	✓																									
Cr. Mutter																										
Cr. Heal	✓																									
Cr. Ennor																										
Cr. Connaughton	✓																									
Cr. Mills	✓																									

12. REPORTS OF OFFICERS

Executive Services	
12.2.1 Adoption of Employee Health and Fitness Policy	
Agenda Reference:	10.5
Location/Address:	Shire of Three Springs
Name of Applicant:	Krys East, Temporary Chief Executive Officer
File Reference:	ADM0206
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Krys East, Temporary Chief Executive Officer
Attachment (s):	Policy 3.13

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:

To seek Council approval to adopt the Employee Health and Fitness Policy – Free Gym and Pool Access, which provides full-time employees with free access to Shire fitness facilities to promote workplace health and wellbeing.

Background:

The Shire of Three Springs is committed to supporting the health and wellbeing of its employees. A draft policy has been developed to provide free access to the Shire's gym and aquatic facilities for full-time employees.

The policy outlines eligibility, access arrangements, and conditions of use. It aims to encourage a healthy lifestyle, assist in staff retention, and promote equitable use of Shire facilities.

Officer's Comment:

The introduction of a staff health and fitness policy will provide a structured and equitable approach for employee access to gym and pool facilities. The draft policy sets out clear

eligibility, access, and conditions of use for free gym and pool access for full-time employees. It is designed to:

- Promote employee health and wellbeing;
- Encourage use of Shire facilities;
- Support a culture of healthy living and fitness in the workplace;
- Establish consistent rules and responsibilities for use.

Council adoption will formalise the policy and demonstrate the Shire's commitment to staff wellbeing.

Consultation:

Shire of Three Spring's Risk Co-ordinator

Shire of Three Spring's CCDT

Shire staff

Shire of Three Spring's Work Health & Safety Committee

Statutory Environment:

Local Government Act 1995 – Section 2.7(2)(b) and (c) provides that Council is to determine the local government's policies and ensure their proper management.

Work Health and Safety Act 2020 and associated Regulations – employer duty of care for workplace health and wellbeing.

Policy Implications:

This will establish a new Council policy: *Employee Health and Fitness Policy – Free Gym and Pool Access*.

Financial/Resources Implications:

Minimal direct financial impact, as the Shire already owns and operates the gym and aquatic facilities. The policy may encourage increased staff use of these facilities but will not generate additional operating costs beyond existing budgets.

Strategic Implications:

- Strategic Community Plan: Supports the objectives of a healthy, active, and connected community.
- Corporate Business Plan: Strengthens organisational capacity by investing in staff wellbeing and aligns with strategies to promote community health and recreation.

Voting Requirements:

Absolute Majority

Officer's Recommendation:

068/2025	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	12.2.1
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Heal That Council adopt the Employee Health and Fitness Policy – Free Gym and Pool Access as presented, providing full-time employees with free access to the Shire's gym and aquatic facilities in the interest of promoting workplace health and wellbeing.		

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal		
Cr. Ennor	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

**CARRIED:
VOTED: 5/0
BY ABSOLUTE MAJORITY**

12. REPORTS OF OFFICERS

Executive Services	
12.2.2. Waiver of Pool Entry Fees for 2025/26	
Agenda Reference:	10.6
Location/Address:	Shire of Three Springs
Name of Applicant:	Krys East, Temporary Chief Executive Officer
File Reference:	ADM0206
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Krys East, Temporary 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:

To seek Council approval to waive all pool entry fees for the 2025/26 season (excluding schools outside the Shire) in alignment with the Three Springs Aquatic Centre Master Plan 2025–2035 objectives of maximising community access and participation.

Background:

The Shire has a strong commitment to supporting community health and wellbeing. Consistent with the Three Springs Aquatic Centre Master Plan 2025–2035, it is proposed that Council waive pool entry fees for the 2025/26 season.

This initiative will encourage greater participation, reduce financial barriers, and reinforce the Aquatic Centre's role as a key community hub. Schools located outside the Shire will continue to be charged in line with the 2025/26 adopted Schedule of Fees and Charges.

Officer's Comment:

Waiving pool fees supports community connection, affordability, and inclusivity. It also aligns with the Master Plan's objectives of building a healthy, active, and engaged community.

The financial impact is the loss of approximately \$10,000 in budgeted admission fees, which will be addressed during the mandatory Budget Review. This is considered an investment in community wellbeing.

Consultation:

- Shire staff
- Shire of Three Springs CCDT
- Community input through the Aquatic Centre Master Plan process

Statutory Environment:

Local Government Act 1995 – Section 6.16 provides that Council may waive fees and charges.

Policy Implications:

Nil – this is a one-off decision for 2025/26, aligned with strategic objectives.

Financial/Resources Implications:

\$10,000 pool entry revenue budgeted for 2025/26 will not be realised. Impact to be managed through Budget Review.

Strategic Implications:

- Strategic Community Plan: Promotes accessible community facilities.
- Three Springs Aquatic Centre Master Plan 2025–2035: Directly aligns with recommendations for trial free entry and improved community engagement

Voting Requirements:

Absolute Majority

Officer's Recommendation:

069/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		12.2.2.
		<u>MOVED:</u> Cr. Heal <u>SECONDED:</u> Cr. Mills
That Council waive all pool entry fees for the 2025/26 financial year (excluding schools located outside the Shire) to encourage greater community participation and in alignment with the objectives of the Three Springs Aquatic Centre Master Plan 2025–2035.		
	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	
CARRIED: VOTED: 5/0 BY ABSOLUTE MAJORITY		

12. REPORTS OF OFFICERS

Executive Services	
12.2.3. Chief Executive Officer Recruitment – Amendment to Selection Panel Membership	
Agenda Reference:	12.2.3
Location/Address:	Shire of Three Springs
Name of Applicant:	Krys East, Temporary Chief Executive Officer
File Reference:	ADM0527
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Krys East, Temporary 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:

To seek Council approval to amend the membership of the Chief Executive Officer (CEO) Recruitment Selection Panel following the resignation of Cr Mills, and to consider appointing the returning Councillor, Cr Mutter, to the Panel.

Background:

At its Ordinary Council Meeting held on 25 June 2025, Council resolved to commence the recruitment process for a new Chief Executive Officer

At the 23 July 2025 Ordinary Council Meeting, Council established the CEO Recruitment Selection Panel and appointed the following elected members:

- Cr Eva
- Cr Connaughton
- Cr Ennor
- Cr Mills

Council also appointed Caroline Robinson as the Independent Panel Member and endorsed Lydia Highfield as the Recruitment Specialist

Since that resolution, Cr Mills has resigned from Council. With the return of Cr Mutter to Council, there is now an opportunity to fill the vacancy on the Panel to ensure it continues to meet its Terms of Reference, which specify four elected members and one Independent Panel Member.

Officer's Comment:

The resignation of Cr Mills has created a vacancy on the CEO Recruitment Selection Panel. To maintain the integrity of the recruitment process and ensure the Panel operates in accordance with the adopted Terms of Reference, Council is invited to appoint a replacement elected member.

The following points are provided for Council's consideration:

Compliance with Terms of Reference:

- The Terms of Reference require four elected members and one Independent Panel Member, with a quorum of three including the Independent Panel Member and at least two elected members. Appointment of Cr Mutter restores full membership and ensures compliance.

Continuity of Process:

- All decisions and actions already taken by the Panel (including the adoption of Terms of Reference, appointment of the Recruitment Specialist and Independent Panel Member, and commencement of recruitment activities) remain valid. The substitution of a member does not invalidate past resolutions or require the process to recommence.

Declarations of Confidentiality and Conflict of Interest:

- As with all Panel members, Cr Mutter will be required to sign the confidentiality and conflict of interest declarations prior to participation.

Timing:

- Recruitment activities are currently underway, with advertising and preparatory work progressing in line with the recruitment schedule. The appointment of a replacement Panel member at this meeting ensures that the Panel can continue its work without delay.

Financial Impact:

- The substitution of a Panel member has no budgetary implications. The \$30,000 allocation in the 2025/26 budget for CEO recruitment remains sufficient.

It is recommended that Council appoint Cr Mutter, who has returned as a serving Councillor, to the Panel.

Consultation:

- Lydia Highfield – Recruitment Specialist (Recruitment Consultant/Independent Facilitator)

Statutory Environment:

- *Local Government Act 1995 – Section 5.39*
- *Local Government (Administration) Regulations 1996 – Schedule 2, Division 2*

Policy Implications:

Chief Executive Officer Recruitment, Performance and Termination Policy

Financial/Resources Implications:

Nil – appointment of a replacement panel member does not affect budget allocations.

Strategic Implications:

- Strategic Community Plan 2024–2034 – Leadership and Governance:

Voting Requirements:

Simple Majority

Officer's Recommendation:

070/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		12.2.3																								
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Connaughton That Council: 1. Notes the resignation of Cr Mills from the Chief Executive Officer Recruitment Selection Panel. 2. Appoints Cr Mutter to the Chief Executive Officer Recruitment Selection Panel, in place of Cr Mills, to ensure continued compliance with the adopted Terms of Reference. 3. Confirms that this change does not affect any previous decisions of the Panel, including the instruction to the Recruitment Specialist to commence advertising. <table border="1"> <thead> <tr> <th></th><th>FOR</th><th>AGAINST</th></tr> </thead> <tbody> <tr> <td>Cr. Lane (President)</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr. Eva (Deputy President)</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr. Mutter</td><td></td><td></td></tr> <tr> <td>Cr. Heal</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr. Ennor</td><td></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 (President)	✓		Cr. Eva (Deputy President)	✓		Cr. Mutter			Cr. Heal	✓		Cr. Ennor			Cr. Connaughton	✓		Cr. Mills	✓	
	FOR	AGAINST																								
Cr. Lane (President)	✓																									
Cr. Eva (Deputy President)	✓																									
Cr. Mutter																										
Cr. Heal	✓																									
Cr. Ennor																										
Cr. Connaughton	✓																									
Cr. Mills	✓																									

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 October 2025 @ 5.30pm.

16. CONFIDENTIAL ITEMS

067/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 16.1

MOVED: Cr. Mills

SECONDED: Cr. Connaughton

Reason for Confidentiality. Local Government Act 1995: Section 5.23 (2) (c) " the personal affairs of any person" and "A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

It is a requirement of the *Freedom of Information Act 1992* that all this information is returned to the Chief Executive Officer at the completion of these items for appropriate filing to maintain confidentiality.

Once all negotiations have been completed for Agenda Item 16.1.1, this will be considered an "exempt document" in accordance with Schedule 1 of the *Freedom of Information Act 1992* denying public access.

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:

VOTED: 5/0

Recording of the meeting was paused at 5.58pm for the following confidential item.

16. CONFIDENTIAL ITEMS

Executive Services	
16.1.1 Confidential Report – Westrac Contract	
Agenda Reference:	16.1.1.
Location/Address:	Shire of Three Springs
Name of Applicant:	Temporary Chief Executive Officer
File Reference:	ADM0439
Disclosure of Interest:	Nil
Date:	24 September 2025
Author:	Krys East, Temporary Chief Executive Officer
Attachment (s):	Westrac Contract Documents 30 January 2023 McLeod's Correspondence to the Shire

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 approve the renewal of the contract with Westrac Caterpillar for the maintenance of the Shire's heavy road construction equipment for a further two (2) years and grant an exemption under Shire of Three Springs Procurement Policy 1.5.

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

068/2025 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 16.1.1.		
<u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Lane That Council approves: 1. The renewal of the contract with Westrac Caterpillar for the maintenance of the Shire's heavy road construction equipment for a period of two (2) years; and 2. Grants an exemption from Shire of Three Springs Procurement Policy 1.5.		
	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	
CARRIED: VOTED: 5/0 BY ABSOLUTE MAJORITY		

MOVED: Cr. Lane
SECONDED: Cr. Mills

That Council re-open the meeting to members of the public after discussion of confidential items.

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter		
Cr. Heal	✓	
Cr. Ennor		
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

Recording of the meeting resumed at 6.01pm

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 6.02pm.

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

Signed: NEV
 Presiding Officer

Date: 22 October 2025

