



MINUTES
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
23 OCTOBER 2024
COMMENCING AT 5.30 PM



Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on

☐ Special Council Meeting held
on

☐ Committee Meeting held on

☐ Other

Report No

Report Title

Name

☐ Elected

☐ Committee

☐ Employee

☐ Contractor

Member

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

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

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

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

OFFICE USE ONLY

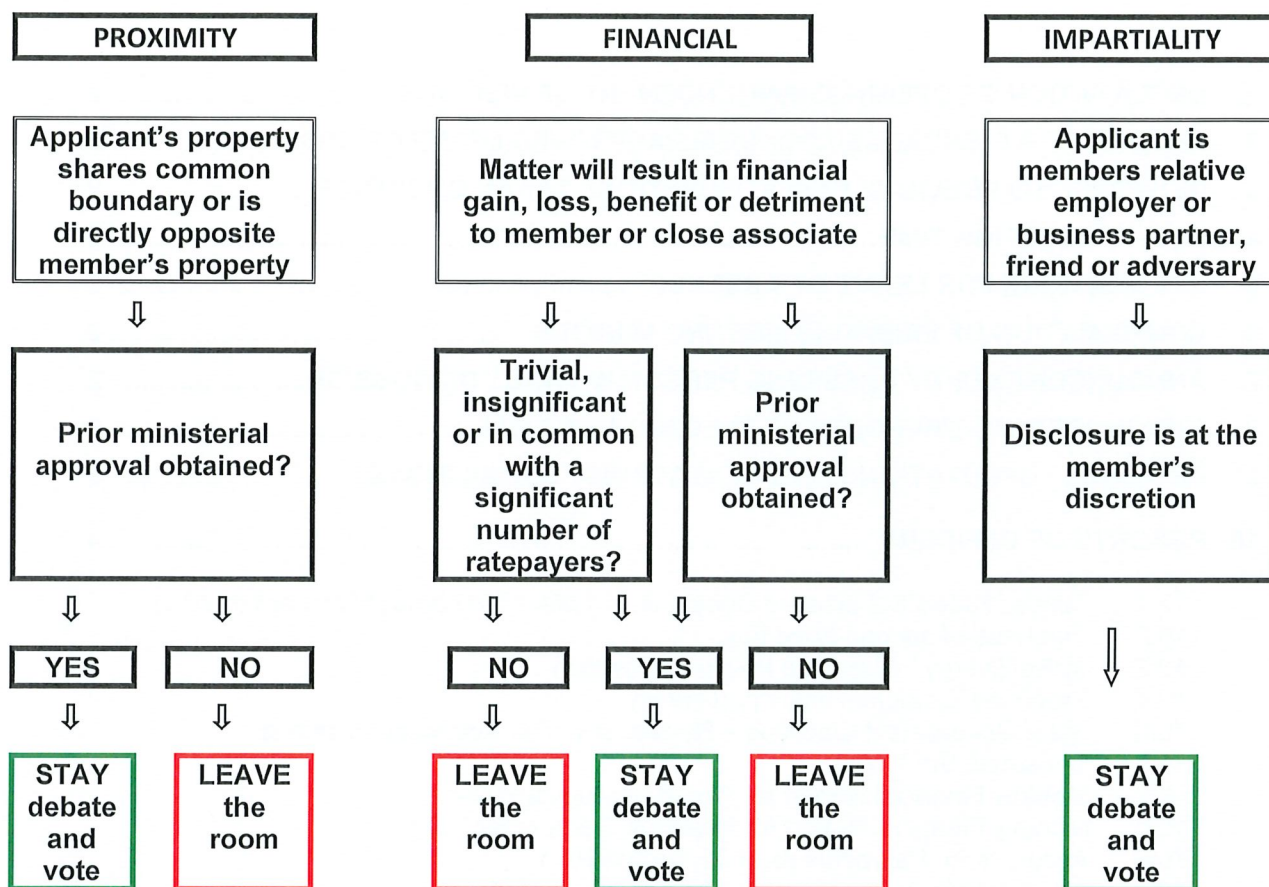
CEO

Signed:

Date:

: _____

Declaring an Interest



Local Government Act 1995 - Extract

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

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

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

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

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

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

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

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5.38pm

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	Present		
Councillor Ennor	Present		
Councillor Connaughton	Present		
Councillor Mills	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer			Absent
Manager of Infrastructure	Present		
Executive Secretary	Present		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr. Heal	November	Cr. Ennor	Cr. Eva	7/0	28.10.24
5.2	Cr. Connaughton	November	Cr. Mutter	Cr. Mills	7/0	28.10.24

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

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

	Date	Moved	Seconded	Vote
6.1 Ordinary Council Meeting	28.08.2024	Cr. Lane	Cr. Ennor	7/0

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.

The Shire President acknowledged the recent passing of long-term residents of Three Springs, Mr. Lawrie Bateman a retired farmer, Mr. Geoff Millard also a retired farmer and Mr. Grant Fidock, a former employee of the Shire of Three Springs.

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

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	15 August –Special Council Meeting 28 August – Ordinary Council Meeting 25 September– ECLC business plan meeting
Cr. Eva	03 August - Netball court opening 15 August - Special Council Meeting 26 August - Northern Country zone meeting 28 August - Ordinary Council Meeting
Cr. Heal	15 August –Special Council Meeting 28 August – Ordinary Council Meeting
Cr. Mutter	15 August –Special Council Meeting 28 August – Ordinary Council Meeting
Cr. Ennor	28 August – Ordinary Council Meeting
Cr. Connaughton	15 August –Special Council Meeting 28 August – Ordinary Council Meeting
Cr. Mills	28 August – Ordinary Council Meeting

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Deputation by Claire Willey of Element Advisory for Project Haber Pty Ltd (Strike Energy) in relation to item 10.3 - Strike Energy - Proposed Power Generation located at 1719 (Lot 10710) Tomkins Road, Arrowsmith East.

Following Ms. Willey's deputation, Shire President Chris Lane proposed moving item 10.3 to item 10.1 on the agenda, allowing Element Advisory to receive the outcome of their application earlier in the meeting.

Note: Cr. Mills declared a Financial Interest in the following item 10.1 and left the room at 5.57pm.

10. REPORTS OF OFFICERS

Executive Services	
10.1. Tender 2024-25-2 Incident Control Room	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	1. Shire of Three Springs Confidential Tender Evaluation Report. 2. Eastman Poletti Sherwood Architects Confidential Tender Evaluation Report.

Council Role:

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

Report Purpose:

That Council approves the tender for constructing the Three Springs Incident Control Room and the associated budget.

The Council will be requested to:

- Award Tender 2024-25-2 Incident Control Room as recommended in the confidential evaluation report.
- Approve the budget variation of \$20,000

Background:

The Shire of Three Springs is constructing a new Incident Control Room. This facility will significantly improve the Shire's emergency response capabilities, particularly for managing natural disasters. The project includes building a fully equipped control room designed to coordinate emergency operations and enhance community safety and response times. This includes teleconferencing equipment.

Officer's Comment:

Tender 2024-25-2 Incident Control Room was advertised in The West Australian newspaper on 17 August 2024.

Eight requests for Tender Documents were received.

The Shire received two tender submissions. The attached confidential Tender Assessment Reports, which includes a detailed analysis of each tender, comprehensively evaluates these submissions.

Consultation:

1. Department of Fire and Emergency Services
2. Polletti Eastman Architects
3. Shire of Three Springs Council

Statutory Environment:

Section 3.57 of the *Local Government Act 1995 and the Local Government Regulation 1996 (Function and General)* Part 4, Division 2 section 11 (2) (b).

Section 3.57 of the *Local Government Act (LGA) 1995* and the LGA Functions and General Regulations, 11 to 24G.

Regulation 18 (4) of the *Local Government (Functions and General) Regulations* states:

"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

All tenders were evaluated against the selection criteria by which each tender was assigned a score based on the tenderer's capacity to meet the tender objectives.

The contract will be awarded to a Tenderer who best demonstrates the ability to deliver the required service at a competitive price. The tendered prices were assessed via qualitative and compliance criteria to determine the most advantageous outcome for the Council.

Policy Implications:

1.5 – Procurement Policy

Financial/Resources Implications:

The Shire of Three Springs was awarded funding through the Cyclone Seroja Local Government Resilience Fund for several key projects to enhance local emergency response capabilities.

As detailed in the original grant application, the total allocated budget for these projects was \$500,000. This budget covered the installation of a digital notice board, a water tank, a backup power generator, a teleconferencing facility, and a building extension for the Incident Control Centre (ICC).

1. Cost-Saving Measures and Revised Estimates

In response to the higher-than-expected projected building costs, the Shire implemented several cost-saving measures, including:

- Removing the water tank.
- Removing the generator.

2. Associated Revised Budget Allocation

As a result of these adjustments, the project's projected budget was:

Project Component	Revised cost (\$)
Digital Notice Board	85,861.33
Teleconferencing Facility	45,000
Building Extension for ICC	369,138.67
Total	500,000

3. Actual Project Budget Allocation

Including the tender rate for the ICC building and adjustments to the Teleconferencing Facility, the project costs are as follows. All values exclude GST:

Project Component	Original Submitted Cost (\$)	Revised cost (\$)	Adjusted cost (\$)	Notes
Digital Notice Board	80,000	85,861.33	85,861.33	Installed, the final cost exceeded the original by \$5,861.33
Teleconferencing Facility	45,000	45,000	25,000	Adjusted to accommodate ICC construction costs
Building Extension for ICC	300,000	369,138.67	407,564.76	Tender rate
Total	500,000	500,000	518,426.09	Adjusted project exceeds the total budget by \$18,426.09

Strategic Implications:

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

Strategic Community Plan 2024-2034	
Council Objectives:	Outcome:
Objective 5.1: Ensure community safety and emergency response readiness.	Construction of a fully equipped Incident Control Room, enhancing disaster management capabilities.

Objective 6.1: Lead and work collaboratively.	Collaborate with local and regional emergency services to improve safety and response.
Objective 9.1: Sustainable infrastructure development.	The Incident Control Room integrates sustainable design and local resources, fostering long-term resilience.

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

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

Voting Requirements:
Simple Majority

Officer's Recommendation:

065/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		10.1
		<u>MOVED:</u> Cr. Ennor <u>SECONDED:</u> Cr. Connaughton
That Council:		
- Award Tender 2024-25-2 Incident Control Room as recommended in the confidential evaluation report to: Coral Coast Homes. - Approve the budget variation of \$20,000.		
	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills		
		CARRIED: VOTED: 6/0
Note: Cr. Mills returned to the meeting at 5.59pm		

10. REPORTS OF OFFICERS

Executive Services	
10.2. Dispensation Request for the Purchase of a Second-Hand Bus	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

Council Role:

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

Report Purpose:

The Council approves the Shire of Three Springs Chief Executive Officer to purchase a suitable second-hand bus, waiving the requirement to obtain three quotes as specified in the Shire's Procurement Policy.

Background:

The Shire allocated \$140,000 to purchase a bus in the 2024/25 financial year. While this allocation was intended for procuring a new bus, purchasing a second-hand vehicle presents a more cost-effective alternative.

2019 Toyota Coaster XZB70R
 WAS **\$129,990** EX. GOVT. CHARGES¹ **\$103,990**

TOYOTA CERTIFIED

SPECIAL ★

Toyota Certified Pre-Owned Vehicles

Transmission	Manual
Body Type	Bus
Colour	French Vanilla
Kilometres	41,734 Kms
Engine	4 Cyl 4009.0 CC
Fuel Type	Diesel
Stock	U122613

[VIEW DETAILS](#) [CONTACT DEALER](#)



Officer's Comment:

Value for Money:

The CEO will seek to identify and purchase a second-hand bus that meets the operational requirements of the Shire, offers good value, and is in excellent condition. This approach ensures significant savings compared to purchasing a new bus. An example is the Toyota Coaster, which was identified for \$103,990, significantly under the allocated budget of \$140,000 and includes a warranty. However, the CEO will evaluate and select the best option available at the time of purchase.

Challenges in Obtaining Quotes:

The second-hand vehicle market is volatile, with limited availability of comparable buses in terms of condition and price. Due to this, obtaining three quotes is often impractical. This request seeks dispensation from the three-quote requirement to allow for flexibility in purchasing an appropriate second-hand bus as soon as a suitable option becomes available.

Procurement Policy Compliance:

While the Procurement Policy requires three quotes, it also allows the Council to grant dispensation when it is not feasible to obtain multiple quotes. Given the limitations of the second-hand market, it is recommended that the Council grant this dispensation to ensure the Shire can proceed with the best available option on time.

Consultation:

Toyota

Statutory Environment:

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996
- Shire of Three Springs Procurement Policy (1.5)

Policy Implications:

This request requires an exemption from the Procurement Policy, specifically the requirement for three written quotes.

Financial/Resources Implications:

The purchase of a second-hand bus, with a maximum budget of \$140,000, was allocated in the 2024/25 Shire Budget.

Strategic Implications:

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

Strategic Community Plan 2024-2034	
Council Objectives:	Outcome:
Objective 4.1: Inclusive and diverse community activities.	Bus availability will support sporting and community groups in delivering activities and services.
Objective 4.2: Improve community spaces and transport.	Purchase of a second-hand bus to enhance community transport services and support local events.
Objective 6.1: Lead and work collaboratively.	Effective collaboration with local communities to meet transport needs and improve service delivery.

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

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

Voting Requirements:

Simple Majority

Officer's Recommendation:

066/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.2
<u>MOVED: Cr. Ennor</u> <u>SECONDED: Cr. Heal</u> That Council: 1. Approves the purchase of a second-hand bus within the allocated budget of \$140,000, as determined by the Chief Executive Officer. 2. Dispenses with the requirement to obtain three written quotes as per Shire's Procurement Policy due to the impracticality of securing comparable quotes

for second-hand vehicle purchases.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:
VOTED: 7/0

Note: Cr. Mutter declared a Financial Interest in the following item 10.3 and left the room at 5.53pm.

10. REPORTS OF OFFICERS

Executive Services	
10.3. Proposed Power Generation	
Agenda Reference:	
Location/Address:	1719 (Lot 10710) Tomkins Road, Arrowsmith East
Name of Applicant:	Element Advisory for Project Haber Pty Ltd (Strike Energy)
File Reference:	A42
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Planning Advisor & Chief Executive Officer
Attachment:	Attachment 10.3.1 – Application extracts (<i>provided as separate attachment</i>) Attachment 10.3.2 – received submissions (<i>provided as separate attachment</i>) Attachment 10.3.3 – Schedule of Submissions (<i>provided as separate attachment</i>)

Council Role:

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

Report Purpose:

Council is in receipt of an application from Strike Energy for the South Erregulla Gas Fired Power Station upon Lot 10710 Tomkins Road, Arrowsmith East. The application has been advertised for comment and is now presented to Council for consideration.

As the value of this development is \$100million the application is required to be determined by a Development Assessment Panel (DAP) that is administered by the State Department for Planning, Lands & Heritage.

This report recommends that Council advise the DAP that it supports the approval of the application subject to conditions of approval and advice notes being applied.

Background:

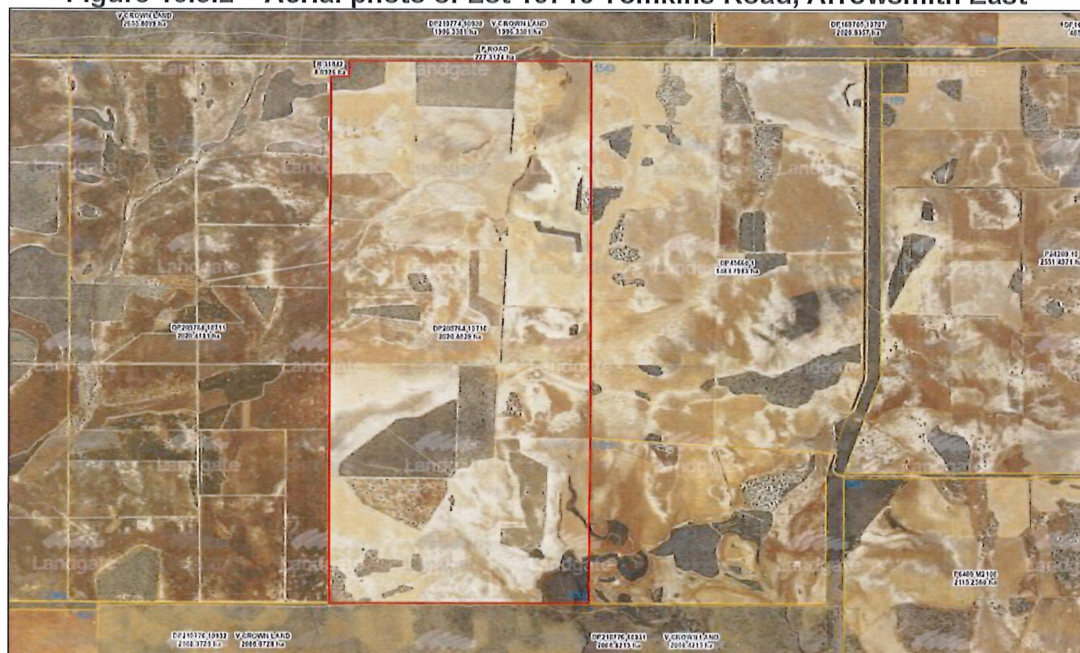
Lot 10710 is a 2,020.4029ha property that is largely cleared and used for agricultural purposes excepting some parcels of remnant vegetation spaced across the property.

Lot 10710 is located 43km north-west of the Three Springs townsite, 33km south-west of the Mingenew townsite, 45km south-east of the Dongara townsite and 29km east of the Brand Highway.

Figure 10.3.1 – Location map of Lot 10710 Tomkins Road, Arrowsmith East



Figure 10.3.2 – Aerial photo of Lot 10710 Tomkins Road, Arrowsmith East



Lot 10710, and the neighbouring 1,483.7983ha Lot 1 to the east, are owned by Project Haber Pty Ltd.

Lot 10710 contains the South Erregulla 1 gas drilling operation that is addressed separate to the planning process through Petroleum Exploration Permit 503 issued to Strike Energy by the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967*.

The Environmental Protection Authority (EPA) have previously determined on 7 November 2023 that the proposed South Erregulla Conventional Gas Development upon Lot 10710 that comprises a natural gas processing facility, gas gathering network and pipeline to connect to the Dampier to Bunbury Natural Gas Pipeline was not required to be assessed under Part V of the *Environmental Protection Act 1986*. Further information upon the South Erregulla Conventional Gas Development can be accessed at the following link to EPA website: [South Erregulla Conventional Gas Development | EPA Western Australia](#)

Strike Energy are also the proponents for a urea production plant that is proposed upon the north-western corner of Lot 10710 and the north-eastern corner of adjoining Lot 1. This urea production project is currently before the EPA for consideration, planning application processes relating to this project under the *Planning and Development Act 2005* have not commenced pending the outcome of the environmental application process under the *Environmental Protection Act 1986*. Further information upon the urea production project can be accessed at the following link to EPA website: [Project Haber | EPA Western Australia](#)

An application to revegetate 338ha of Lot 10710 in 4 separate areas for the purpose of carbon farming was previously considered by Council and approved at its 22 March 2023 meeting. The proposed carbon planting areas are outside of the footprint areas for the proposed urea production plant and the power generation facility that is the subject of this report. The Council Minutes from the 22 March 2023 meeting that provide further background to the Tree Farm application can be viewed at the following link:

[11. Signed Minutes OCM 23.03.23.pdf \(threesprings.wa.gov.au\)](#)

The proposed power generation facility site upon Lot 10710 is also located 7km south of the proposed West Erregulla gas processing facility upon Lot 10938 Natta Road, Arrowsmith East that is a joint venture partnership between Warrego Energy and Strike Energy who appointed the Australian Gas Infrastructure Group (AGIG) to design, build, own and operate the facility. The West Erregulla gas processing facility was approved by the WAPC at its 3 October 2024 meeting and the minutes from that meeting can be viewed at the following link:

[3 Oct 2024 - WAPC Part 17 Significant Development - Minutes \(planning.wa.gov.au\)](#)

Figure 10.3.3 – View of existing drilling area upon Lot 10710 Tomkins Road



Figure 10.3.4 – View of existing internal track leading to proposed power generation site to the left (east of track) with existing drill site to the right (west of track)



Figure 10.3.5 – existing drill site upon Lot 10710 Tomkins Road, Arrowsmith East



The application is for a gas fired peaking power station with a maximum export capacity of 90 Megawatts comprising:

- 20 x 4.5MW generators, located within a 22m x 150m (3,300m²), 10.25m high shed;
- 20 x 10.m high silencer/combustion gas emission stacks sited on the western concrete apron and adjacent to each generator;
- 20 x elevated horizontal radiators, positioned adjacent to the silencer stacks on the concrete apron;
- substation and switchyard in a fenced enclosure adjacent to the power station building;
- 20kL wastewater treatment system;
- oil storage bund for waste oil, new oil and coolant;
- ancillary buildings for administration and staff amenities, storage and workshop;
- associated hardstand for car parking and vehicle circulation areas;
- 50m clear dirt/gravel buffer to provide fire protection.

Figure 10.1.6 – Site plan for proposed power generation facility upon Lot 10710 Tomkins Road

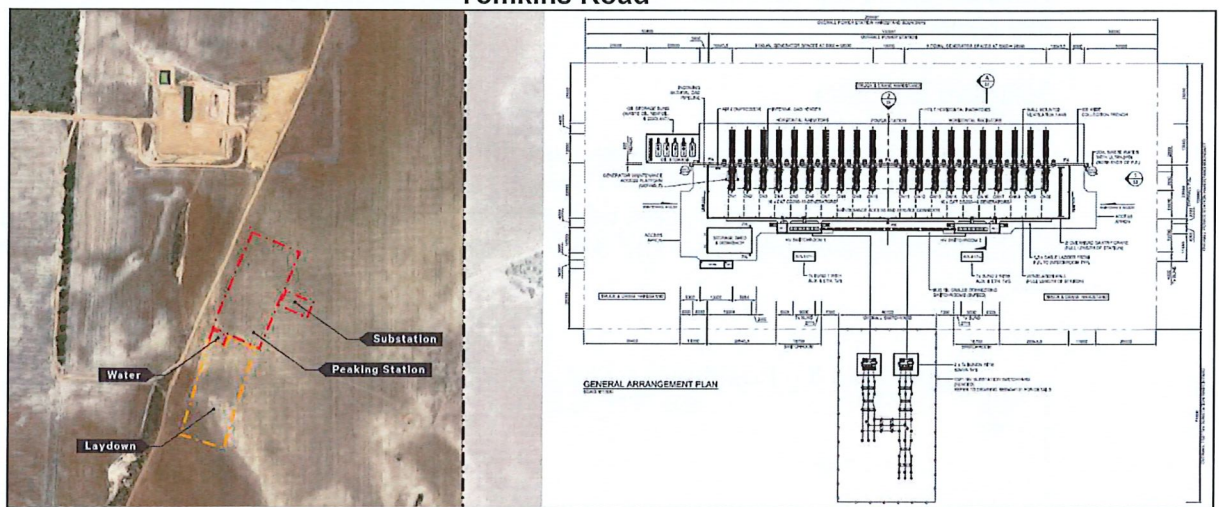
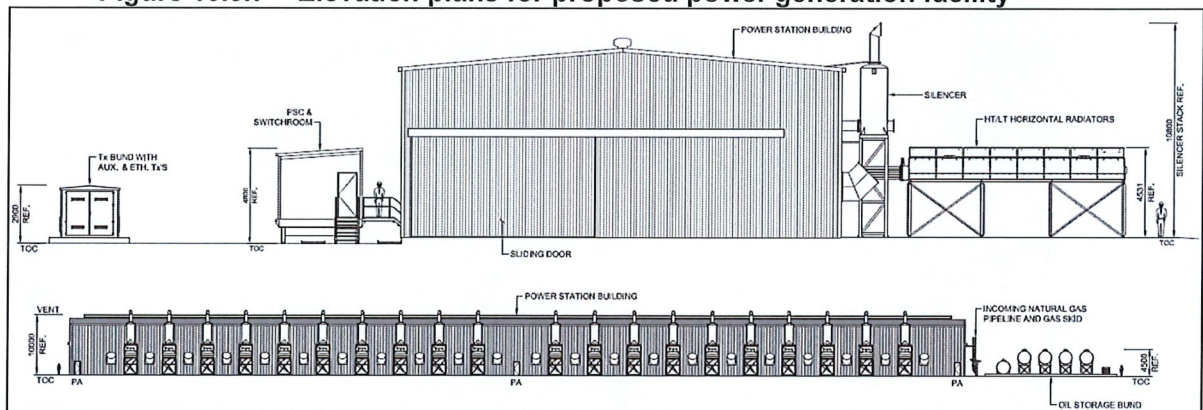


Figure 10.3.7 – Elevation plans for proposed power generation facility



The overall power generation site would be contained within a general development footprint of 5ha that would be setback approximately 1km from Tomkins Road and the proposed site has not been identified as having heritage constraints, will not require the clearing of remnant vegetation and is outside bushfire prone and acid sulphate areas, and is clear of watercourses.

The facility would have operational phase employment of 2-5 people on site.

It is noted that were a power generation project upon Lot 10710, identical in every way to this one, have been lodged by Western Power rather than by a private proponent it would have been exempt from the need to obtain planning approval as Schedule 1(24) of the *Public Works Act 1902* lists “works for or in connection with the production, generation, transmission, distribution or storage of electricity, gas or any other form or source of energy” and proceeded without involvement in the planning process.

The various plan extracts from the application have been provided as **separate Attachment 10.3.1** and a complete copy of the application report can be viewed at the following link:

[24215 Arrowsmith East DA F1 030924 App 1.pdf \(threesprings.wa.gov.au\)](https://threesprings.wa.gov.au/24215%20Arrowsmith%20East%20DA%20F1%20030924%20App%201.pdf)

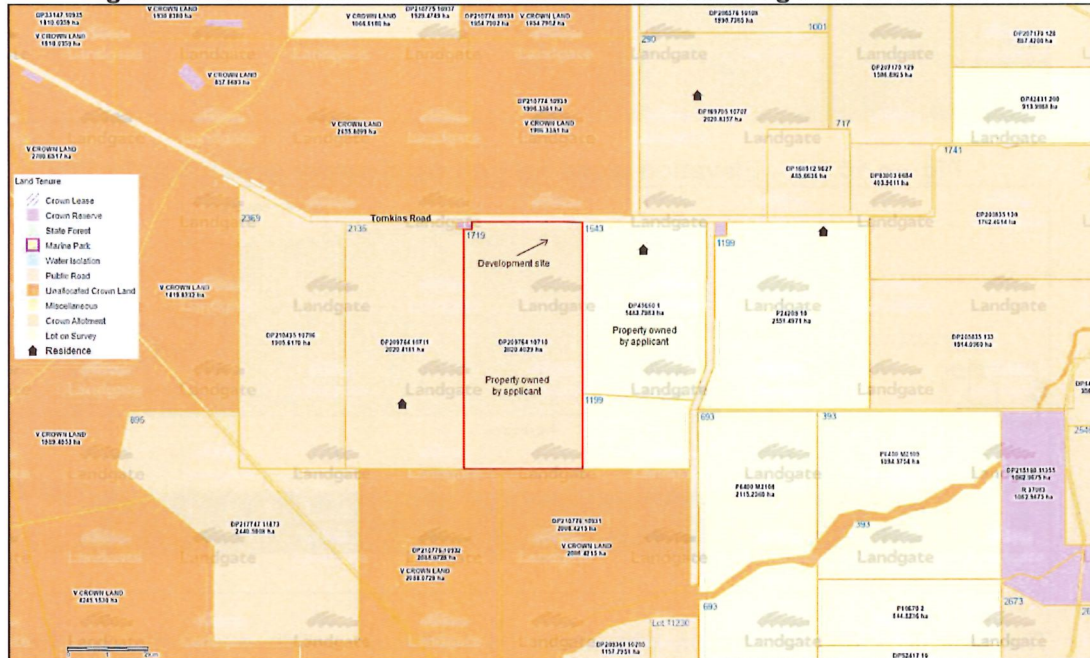
Officer’s Comment:

Assessment of the development and the received submissions identified the following key issues.

Sensitive Premises

There are 4 residences in the area surrounding Lot 10710, the closest of which is approximately 1.8km to the east. This is a residence upon Lot 1 that is also owned by Project Haber Pty Ltd. The closest third-party residences are located 4.5km to the south-west, 5.3km to the north-east, and 5.6km to the east of the proposed power generation site.

Figure 10.3.8 – Residences and Tenure in surrounding area to Lot 10710



Air Emissions

The applicant’s Air Emissions Assessment provides atmospheric dispersion modelling of pollutants anticipated to be emitted from the proposed development. The modelling has

been based on the assumption that the power generation facility would be operating continuously to cater for peak demand, which is not a likely actual operating outcome but is used to provide a conservative model. It is also noted that the most unfavourable meteorology for air emissions (which informs the modelling) occurs in the early morning and it is considered that this is a period when the generators are less likely to be operating at full capacity due to peak demand on the Western Power network generally occurring in the late afternoon to mid-evening on hot or cold days.

The Air Emissions Assessment models that the power generation development will not exceed Air Guideline Values at the surrounding residences. The most significant emission was predicted to be oxides of nitrogen (nitric oxide and nitrogen dioxide) where the maximum predicted 1-hour average ground level concentrations in the (full operational capacity) modelling was 22-26% of the Air Guidelines Value at the closest sensitive premises, and 1.92% of the annual average Air Guideline Value.

It is noted that the air emissions assessment is relating to the power generation aspect of Strike Energy's operations only and does not include the overall cumulative impact of the drilling and other aspects which have been approved outside of the planning process.

Separate to the planning process, an application for works approval has been lodged with the Department of Water and Environmental Regulation (DWER) pursuant to the *Environmental Protection Regulations 1987*. The DWER Works Approval (if granted) would condition the environmental management of the use of the power station including in relation to air quality requirements.

Noise

The EPA's publication 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses' recommends that 'Electric Power Generation' generating in excess of 20 megawatts should have a buffer distance of 3-5km depending on location and size. This proposed development proposes 90MW production and would have 2 residences within 5km of the site (1 of these being a third-party residence and the residence sited 4.5km to the south-west).

The EPA guidelines provide a generic recommendation and the Shire therefore requested that the applicant provide a more detailed assessment.

The applicant's provided Environmental Noise Assessment models the anticipated acoustic impacts of the power generation development and predicts that the development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at the sensitive premises in the surrounding area.

At a worse case scenario, of the facility operating at peak capacity at night time it is modelled that the closest residence (this being the one owned by Strike Energy) would receive a maximum noise level of 28dB which is below the 35dB statutory requirement. The third party residences are predicted to experience 24dB, 15dB and 11dB.

It is noted, however, that the noise assessment is relating to the power generation aspect of Strike Energy's operations only and does not include the overall cumulative impact of the drilling and other aspects which have been approved outside of the planning process.

Separate to the planning process, an application for works approval has been lodged with the Department of Water and Environmental Regulation pursuant to the

Environmental Protection Regulations 1987. The DWER Works Approval (if granted) would condition the environmental management of the use of the power station including in relation to noise requirements and it is DWER who will be responsible for ensuring compliance with the *Environmental Protection (Noise) Regulations 1997*.

Traffic

Lot 10710 has access onto Tomkins Road which is part of the RAV7 network although this is subject to speed limit restrictions and the Shire has advised the applicant that 24/7 all weather access to site can not be guaranteed due to the unsealed road network, as wet weather necessitates periodic road closures for safety reasons.

The applicant's Traffic Impact Statement states that during the construction phase, vehicle movements to and from the subject site are expected to reach up to 43 daily trips (3 of these being heavy vehicles and the remainder light vehicles). The Traffic Impact Statement does not provide a breakdown on the type of heavy vehicles (i.e. weight, configuration, length) or time of year (i.e. avoidance of harvest period).

During the operational phase, vehicle trips are expected to be generally 10 daily trips, although it would be expected this would increase during times of shutdown/maintenance

It is recommended that Council request that the DAP apply a condition of approval requiring that the applicant submit a Construction Management Plan for Shire approval and that this plan include traffic management and road upgrade details.

The existing access point onto Tomkins Road does present some visibility issues given the proximity of curves in the road. The Recommendation of this report is that a condition be applied requiring the vehicle access point onto the local road network must be located, constructed and thereafter maintained to the Shire's satisfaction.

The applicant would then have the option to relocate/upgrade the main access point to the Shire's requirements or instead upgrade/use the secondary Tomkins Road access point into Lot 10710 that is 1.6km west of the main access point on the bend.

Figure 10.3.9 – View looking west from entrance to Lot 10710



Figure 10.3.10 – View looking east from entrance to Lot 10710



Visual Impact

The WAPC's Visual Landscape Planning in Western Australia provides guidance for the assessment of impacts on the visual landscape. A Visual Impact Assessment has not been carried out by the applicant in this instance.

The power generation facility will have some level of visual impact from various vantage points in the surrounding area. However, it is noted that Natta Road is not a significant tourism route and carries low traffic levels (with some increases during key seasonal times such as harvest). The development site is obscured by topography and vegetation from the road network in many sections.

It is also noted that the power generation facility will not be in isolation on the site but accompanied by the existing drilling operation which has already made a visual change to the landscape.

Lot 10710 also has been subject to an approval for carbon planting in the southern portion of the property that may be considered as offering a mitigating improvement to the overall landscape.

Schedule 2 – Development Requirements of the Scheme does not specify any landscaping requirement specific to this zone or particular type of development. Therefore there is no minimum landscaping requirements applicable to the proposed development. Notwithstanding this, a condition of approval could be imposed requiring a Landscape Plan be submitted for approval by the Shire prior to the commencement of development. Further a second condition of approval could be imposed requiring the applicant to implement the landscaping shown on the approved landscape plan and that the landowner must thereafter maintain the landscaping to the satisfaction of the Shire.

It may be considered that the associated power transmission line that will be subject to a separate subsequent DAP application will have a greater visual impact than the gas drilling or power generation aspects of the overall project.

The power transmission lines linking the proposed power generation facility (were it to be approved) to the South West Interconnected System will be subject to a separate DAP application, and the applicant has provided an indicative illustration of the proposed alignment that would link Lot 10710 to the wider power network. This image as contained in Figure 10.1.11 should be considered as preliminary and does not form part of this application, noting the transmission alignment will be subject to separate subsequent application.

Figure 10.3.11 – indicative concept for power transmission alignment
Note: this does not form part of Power Generation application
and is subject of a separate subsequent DAP application



Effluent Disposal

Table 7(14) of the Scheme requires all on-site wastewater/effluent disposal systems to be approved by the Department of Health. It is considered that the permanent workforce of 2-5 persons will not present issue for servicing by on-site wastewater/effluent disposal system.

The application proposes that sewerage be contained within a chemical toilet onsite and trucked out as required and disposed at a licenced facility.

The application was referred to the Department of Health who were not supportive of the proposed system and this is addressed in more detail in the Schedule of Submissions under the Consultation section of this report. A condition of approval to address wastewater/effluent disposal is included in the Recommendation section of this report.

The application also proposes that liquid wastes, primarily as a result of scheduled oil changes for the engines, are to be stored in tanks within a bunded area and trucked out as required for disposal at a licenced facility. This aspect of the development is anticipated to be addressed in the separate Works Approval process the applicant must obtain from DWER.

Bushfire

The proposed power generation facility site is located outside of the bushfire prone areas upon Lot 10710 as identified upon the Department of Fire & Emergency Services State Map of Bushfire Prone Areas.

The applicant proposes a 50m wide cleared dirt/gravel area around the perimeter of the facility, and perimeter of the site is approximately 300m from the closest remnant vegetation. The application also notes that water will be sourced from a farm bore.

The facility will have a standalone control system managing the engines that includes fault monitoring and fire detection on each engine. The engine hall will have a fire detection system linked to the control system that can trigger engine shutdown. The application proposes that the control system may be monitored and controlled at the site or from Strike's Perth Operations Centre.

It is recommended that a condition of approval be applied requiring that a Bushfire Management Plan be prepared, and this plan should detail the ongoing management of fuel load about the development and water access points and firefighting equipment upon the property.

Decommissioning

The application does not give regard for the development's lifespan. It may be expected that there would be an endpoint to the gas drilling operation that would impact the associated power generation.

It would be reasonable to expect that at such time as the power generation facility might be decommissioned then it should be the responsibility of the applicant/landowner to remove all structures from the subject site and rehabilitate the site so it can be used for rural purposes again. This will ensure that the development does not remain at the subject site after ceasing operations which would be a detriment to the amenity and character of the locality and a reduced primary production economic return for the local economy. A recommended condition of approval has therefore been included to address decommissioning and site rehabilitation.

Conclusion

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

- the development has potential to provide local economic benefit through the creation of employment opportunities at both the construction and operational phases and represents a significant investment in the region and further diversification of the economic base and strengthening of the electricity supply network;
- the development will increase the level of power produced to meet peak energy demands;
- whilst the facility will have some visual impact on the surrounding area it will be sited 1km from the nearest road and there is ability to reduce this to some degree through imposition of a landscaping/screening condition if considered necessary;
- much of the power generation infrastructure will be housed in a large shed and it is noted that farm sheds of several 1,000m² in floor area to house large farm machinery are not uncommon in the Mid West rural landscape;
- it might be considered that the more significant visual impact associated with this development would be the transmission line, however, this aspect will be

- addressed in a separate, subsequent DAP application that will be advertised for comment to the surrounding community and relevant state government agencies;
- post-construction phase the traffic impact of the facility would generally be minimal with 2-5 permanent employees;
- the closest residences are some distance from the site and there is limited ability for further encroachment of residences towards the facility due to the site being surrounded by either large parcels of Crown Land or large surrounding freehold titles where there is a general disinclination of the WAPC to support subdivision of rural land;
- the identified site does not contain any Aboriginal cultural heritage sites identified by the DPLH or European heritage sites identified by the Heritage Council or local government;
- the identified site does not require clearing of remnant vegetation;
- the identified site is not in proximity to watercourses or areas subject to drainage issues;
- the consultation period with surrounding landowners indicated a level of acceptance for this development if appropriately managed;
- the consultation period with state government agencies identified no significant issues that would give reason to refuse the development, the received submissions provided technical comment and identified aspects where conditions of approval could be implemented to address the received comments;
- the relatively gentle east to west slope across the site would remove the need for extensive earthworks as part of the development;
- the current farming activities can still continue on the significant remaining portion of Lot 10710;
- there is ability for the site to be returned to its previous farming use at such time as the development is no longer required.

Consultation:

The application was advertised for comment from 9 September 2024 until 7 October 2024 with the Shire undertaking the following actions:

- copy of the application being placed on the Shire website;
- placement of an advisory sign onsite;
- correspondence inviting comment being sent to the 8 landowners within 5km of Lot 10710;
- correspondence inviting comment being sent to the following 15 government agencies and service authorities:
 - ATCO Gas
 - Australian Gas Infrastructure Group
 - Department of Biosecurity, Conservation & Attractions
 - Department of Fire & Emergency Services
 - Department of Health
 - Department of Jobs, Tourism, Science & Innovation
 - Department of Energy, Mines, Industry Regulation & Safety
 - Department of Planning, Lands & Heritage
 - Department of Primary Industries & Regional Development
 - Department of Water & Environment Regulation
 - Horizon Power
 - Synergy Energy
 - Main Roads WA
 - Telstra
 - Water Corporation
 - Western Power

- display of the application at the Shire office.

At the conclusion of the advertising period the Shire had received 12 submissions, with 10 of these being from government agencies either offering no objection or technical comment, and 2 from neighbouring landowners raising queries in regards to the proposed development. A copy of the received submissions have been provided as **separate Attachment 10.3.2.**

A Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 10.3.3.**

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

Statutory Environment:

The power generation application, with estimated project cost of \$100million, is being considered pursuant to the *Planning and Development (Development Assessment Panel) Regulations 2011* and will be determined by a DAP, with Council a recommending body in this instance.

Lot 10710 Tomkins Road, Arrowsmith East is zoned 'Rural' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme').

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

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

Schedule 2 – Development Requirements of the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme') sets the boundary setbacks in the 'Rural' zone as being 20m from the front and rear, and 10m from the sides. The power generation development would be setback approximately 1km from the northern Tomkins Road property boundary and approximately 350m from the nearest side property boundary to the east, noting that this neighbouring property is also owned by Project Haber Pty Ltd.

'Power Generation' is not listed as a specific land use in the Shire of Three Springs Local Planning Scheme No.2 and the application is therefore required to be considered pursuant to Schedule 1 Part 3 clause 18(4) of the *Planning & Development (Local Planning Schemes) Regulations 2015* which states:

10.

- "(4) 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."*

The application has been advertised for comment in accordance with clause 18(4)(b) of the model provision and clause 64 of the deemed provision of the Regulations.

Section 9 of the Scheme sets out the following:

"The aims of this Scheme are —

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy;*
- (b) To protect areas of agricultural significance for sustainable food production;*
- (c) To encourage economic growth in rural areas by identifying appropriate areas for more intensive and diversified use of rural land for high value products compatible with surrounding farm practices;*
- (d) To encourage processing and value adding industries to be located within the Shire, and promoting tourism;*
- (e) To provide opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure;*
- (f) To ensure development in rural areas is planned so as not to prejudice productive rural land uses, to protect and enhance rural landscapes and environmental values, and to ensure accessibility to services and facilities;*
- (g) To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the local government are realised;*
- (h) To promote and safeguard public health, safety and general welfare of the community;*
- (i) To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and*
- (j) To protect the character of significant landscapes as part of the environmental heritage and sense of place and as a resource for tourism."*

Schedule 2 Part 9 Clause 67(2) of the deemed provisions of the Regulations provides further guidance to Council in its assessment of this application, listing the following relevant matters to be considered:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*

- (e) any policy of the Commission;
- (f) any policy of the State;
- (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) 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;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (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;...
- ...(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;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate."

Section 5.1.2 of the applicant's report provide individual comment in regards to these Regulation criteria.

The applicant will be required to obtain other approvals pursuant to legislation separate to the planning process, including a production approval from the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967*.

The proposal will also require a works approval from the Department of Water & Environmental Regulations under the *Environmental Protection Regulations 1987* with

this application listed by DWER as ApplicationW6938/2024/1 - South Erregulla Processing Facility & Power Station - Strike South Pty Ltd.

Policy Implications:

The Shire has no specific policy relevant to this matter, Section 5.1.3 of the applicant's report provides comment in regards to the development's conformity with the provisions of SPP2.5 State Planning Policy 2.5 – Rural Planning.

Financial/Resources Implications:

Nil.

Strategic Implications:

The Vision for the Shire of Three Springs Local Planning Strategy notes that:

"The Shire recognises the growth of the mining and resources industry within the Mid West region and considers this to be an opportunity to create new businesses and jobs. Three Springs will play a key role in providing infrastructure for industry, particularly in respect to power generation. It is noted, however, that the Shire will not encourage the extraction, storage or use of nuclear materials including power generation."

Section 3.3.1 of the Local Planning Strategy lists the objective for the 'Rural Hinterland' objective as being "to support the sustainable continuation of primary industry and agriculture activity as key economic drivers for the Shire" and notes the following of relevance to this application:

Objective	Strategies	Actions
3.1.3 Industrial Development Objective	To determine suitable nominal buffers around existing and proposed industrial uses prior to further detailed investigations in order to protect the amenity of sensitive land uses.	Encourage the proponents of the proposed gas fired power plant to prepare a site-specific buffer definition study and once completed formalise the recommended buffer as a Special Control Area under the Local Planning Scheme.
3.3.5 Raw Materials Objective	To ensure that mining transport routes are appropriately maintained to a safe and responsible standard.	

The Shire of Three Springs Strategic Community Plan 2018-2028 identifies the community's visions and is the Shire's principal strategic guide for future planning and activities, and the promotion and encouragement of solar and wind power stations is listed within the document as a key community feedback (page 32). It is considered that the application aligns with the following outcomes:

Reference	Strategy	Still Relevant	Priority	Timeframe
1.3.1	Promote existing and new industry opportunities to increase employment	Yes	High	Ongoing
1.3.3	Support sustainable farming and other industry development	Yes	Medium	Ongoing

1.3.4	Support the provision of power, water and gas services to the region	Yes	Medium	Ongoing
1.3.5	Leverage opportunities in regards to substation	Yes	Medium	Ongoing
1.3.6	Investigate and develop the long-term use of the Three Springs Mining Camp	Yes	Medium	<2 years
4.2.4	Encourage business to employ local where possible.	Yes	High	Ongoing

Voting Requirements:

Simple Majority.

067/2024	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.3
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Connaughton That Council advise the Development Assessment Panel that it supports the development of a gas power station and associated works (Power Generation) upon Lot 10710 Tomkins Road, Arrowsmith East subject to the following: Conditions 1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect. 2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Air Emissions Assessment prepared by JBS&G and Environmental Noise Assessment prepared by Lloyd George Acoustics) including any amendments and additional plans and information arising from the approval conditions. 3. Prior to the commencement of the operations a Bushfire Management Plan shall be submitted to the local government for approval. 4. The landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan to the satisfaction of the local government. 5. Prior to the commencement of the development a Construction Management and associated Fire Management Plan shall be submitted to the local government for approval. 6. The landowner shall implement, and adhere to at all times during construction, the recommendations of the approved Construction Management Plan to the satisfaction of the local government. 7. The landowner shall be responsible for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, and within a timeframe, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be		

- undertaken).
8. Prior to the commencement of the development all vehicle access point(s) onto the local road network shall be located, constructed, and thereafter maintained, to the satisfaction of the local government.
 9. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network, and relating to the development, shall be to the satisfaction of the local government.
 10. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
 11. The design, location, installation and maintenance of on-site wastewater/effluent systems is to be to the approval of the local government and in accordance with relevant legislative requirements.
 12. Prior to commencement of the development a Lighting Strategy shall be submitted to the local government for approval.
 13. Prior to the commencement of operations, certification is to be provided from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved Lighting Strategy to the satisfaction of the local government.
 14. Prior to the commencement of operations, an Operational Management Plan shall be submitted to the local government for approval, which includes the establishment of a complaints register to record any complaints that may be received and process for undertaking any mitigating actions that may be required.
 15. The measures included in the approved Operational Management Plan shall be implemented to the satisfaction of the local government.
 16. Prior to commencement of operations a Preliminary Decommissioning Plan shall be submitted to the local government for approval.
 17. The applicant is required to give at least 3 months' notice to the local government if the proposed development is to cease operations and all infrastructure must be decommissioned and removed from the site. The site must be demonstrated to be free of contaminants and the site rehabilitated through deep ripping/earthworks, and other measures as included in the approved Final Decommissioning Plan to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.

Advice Notes:

- (a) The applicant/landowner is advised that this determination relates to the granting of development approval only, and does not constitute a building permit and that an application for relevant building permits may be required to be submitted to the local government and be approved before any work requiring a building permit can commence onsite.
- (b) The applicant is advised that the proposed works should occur in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).
- (c) Prior to any ground disturbance of the site, all contractors and operators should be made aware of the obligations under the *Aboriginal Heritage Act 1972* relating to site discovery and reporting protocols. This includes stopping work and seeking the advice of both the Registrar of Aboriginal Sites and Yamatji South Regional Corporation (YSRC) in the event that materials of Aboriginal heritage value are discovered during construction activities.

- (d) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy, Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.
- (e) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (f) In relation to conditions 5 & 6 the Construction Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - i) hours of construction;
 - ii) heritage management protocols to mitigate potential risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;
 - iii) temporary fencing, hoardings, gantries, and signage;
 - iv) site access and egress;
 - v) construction vehicle route and traffic management;
 - vi) size and frequency of construction vehicles;
 - vii) road upgrades/repairs and timing of works associated with the construction of the development;
 - viii) parking arrangements for staff and contractors;
 - ix) deliveries and storage of construction materials and machinery;
 - x) management of vibration, dust, wind, and erosion;
 - xi) management of any stormwater discharge;
 - xii) management of construction noise and other site generated noise;
 - xiv) demolition and construction waste management, recycling, and removal;
 - xv) protection of any public realm infrastructure;
 - xvi) public communication and complaint handling procedures;
- (g) The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its site, the applicant is required to seal the road network to the local government's satisfaction to connect into the existing sealed road network.
- (h) In relation to conditions 12 & 13 the Lighting Strategy is to address Australian Standard 4282:2019 - control of the obtrusive effects of lighting and the principles of the WAPC Position Statement: Dark Sky and Astrotourism.
- (i) The applicant is responsible to ensure that biosecurity protocols are maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.
- (j) 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.

(k) . The applicant shall enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community. The agreement should establish the process by which the contributions should be directed to the Shire of Three Springs Medical Community Benefit Scheme or other local groups/ventures deemed appropriate.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter		
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:
VOTED: 6/0

Note: Cr. Mutter returned to the meeting at 5.56pm

10. REPORTS OF OFFICERS

Executive Services	
10.4. Proposed Extractive Industry (Gravel)	
Agenda Reference:	ADM0168
Location/Address:	Lot 10213 Skipper Road, Arrowsmith East
Name of Applicant:	C & R Patmore
File Reference:	ADM0168
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Simon Lancaster, Planning Advisor Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

Council Role:

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

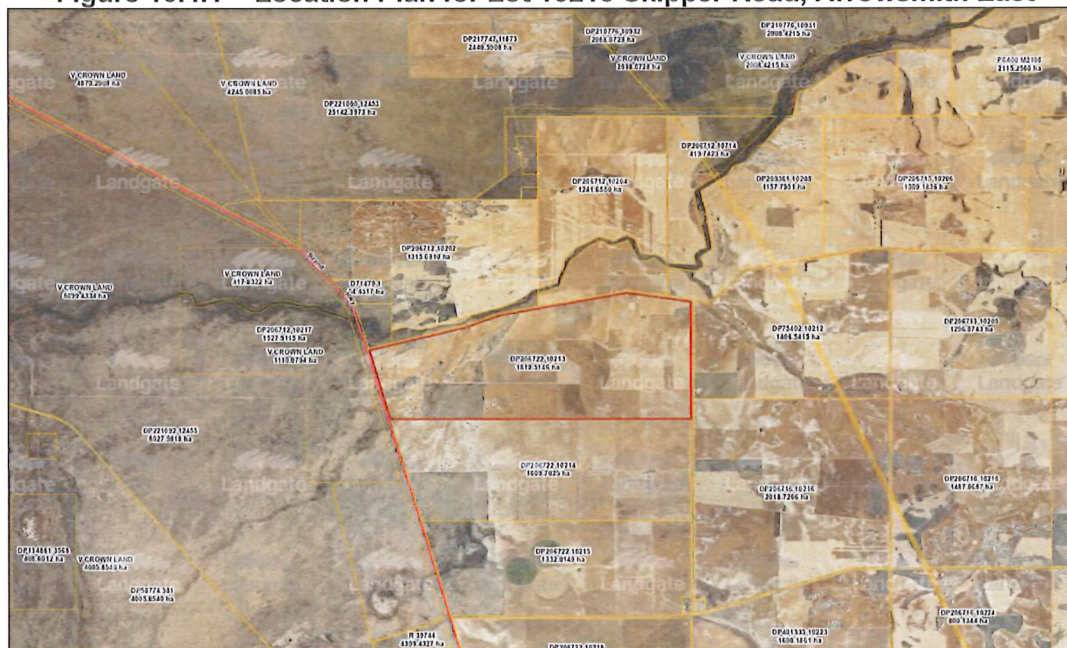
Report Purpose:

Council is in receipt of an application seeking to continue the Extractive Industry (Gravel) upon Lot 10213 Skipper Road, Arrowsmith East. The operation was first approved by Council at its 18 May 2011 meeting and approval has been periodically renewed since this time. This report recommends that Council grant conditional approval to the application for a further period of 5 years.

Background:

Lot 10213 is a 1,819.5ha farming property bordered by the Brand Highway to the west, Skipper Road to the north and Ding Road to the east.

Figure 10.4.1 – Location Plan for Lot 10213 Skipper Road, Arrowsmith East



The landowner of Lot 10213 (C & R Patmore) operates a gravel pit that accesses onto Skipper Road at a location approximately 6km east of the Brand Highway intersection that was first approved by Council at its 18 May 2011 meeting, with condition that the approval was for 12 months and for the extraction of 6,000m³ of gravel.

On 31 October 2011 the landowner applied to extend the gravel extraction operation to 50,000m³ and this was approved by the Shire.

The landowner applied for subsequent extensions of approval with 2015 correspondence from the carting contractor (Dudawa Haulage) estimating gravel extraction to have been 25,000m³ in the period 2011-2015, with potential for up to 10,000m³ annually in future years dependant upon demand (typically Main Roads WA or Shire projects).

When the landowner last applied to continue the Extractive Industry (Gravel) on 5 September 2019 they advised of the following in support of their renewal request:

"I would like to renew our Extractive Industry approval which has expired. Please find attached map from Google Earth dated 13-8-2018 and is still current. No further expansions are planned at this stage. However if gravel requirements demand further expansion, it would be approx. 100m to the South. The gravel is mainly used on-farm, for Shire use and for Main Roads requirements. Rehabilitation has already been done to old areas to the extent possible without hindering operations. The nearest dwelling (other than our own) is 3.2km away, to the North East and is not affected by the operations."

Council subsequently approved the extension of approval of the Skipper Road gravel pit at its 20 November 2019 meeting as follows:

"That Council grant renewal of the planning approval for the Extractive Industry (Gravel) upon Lot 10213 Skipper Road, Arrowsmith East subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 20 November 2019 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 building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The approval is valid for a period of 5 years (until 20 November 2024) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- 4 Vehicle access points into the property shall be to the satisfaction of the local government.
- 5 Repairing of any damage to Skipper Road including the surface is required by reason of use of the road in connection with the development to the approval of the local government with all costs met by the landowner.
- 6 The landowner is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
- 7 The activities upon Lot 10213 shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.
- 8 No blasting of material is permitted as part of extraction operations.
- 9 The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:
 - Monday to Saturday - 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- 10 The development must comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act 1986 in respect to noise emissions and should noise or dust monitoring be required in relation to the extractive operations as they take place upon Lot 10213, all costs shall be met by the landowner.
- 11 The landowner must undertake post-closure rehabilitation of the development to the approval of the local government, and post-closure obligations shall have regard for the following documents to ensure that the rehabilitation of the Extractive Industry site improves the visual and conservation values of the landscape:
 - Department of Planning Lands & Heritage's 'Visual Landscape Planning in Western Australia';
 - Department of Mines, Industry Regulations & Safety's 'Mining Proposal and Mine Closure Plan for Small Mining Operations'; &
 - Department of Water & Environment Regulation's 'Water Quality Protection Note WQPN 15: Basic raw material extraction'.
- 12 Post closure requirements shall become applicable upon the earlier of the following events:
 - acknowledgement by the landowner that extractive activities are completed; or

- the approval period for the development having expired.

Notes:

- (i) *In relation to condition 4 the local government may, in the event of safety concern, require the landowner to undertake works including (but not necessarily limited to) the following, with all costs met by the landowner:*
 - *installation of Advanced Warning and Trucks Entering signage along Skipper Road;*
 - *upgrading works to, or relocation of, the access point.*
- (ii) *In relation to condition 7 the local government may, in the event of complaint being received give direction for landscaping to be installed and maintained, and this shall be undertaken by the landowner at their expense, to the approval of the local government.*
- (iii) *The applicant is advised that this planning approval does not negate the requirement for any additional approvals, or compliance, that may be required under separate legislation including but not limited to the following where required, Environmental Protection Act 1986 and the Mines Safety and Inspection Act 1994. It is the landowner's responsibility to obtain any additional approvals required before the development lawfully commences.*
- (iv) *The Department of Water & Environment Regulation have advised that the proposal is located within the Arrowsmith groundwater area, and if groundwater is required for the Extractive Industry operation the landowner will need to contact the Department's licensing section.*
- (v) *If an applicant is 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."*

The minutes from the 20 November 2019 Council meeting can be viewed at the following link:

[1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS \(threesprings.wa.gov.au\)](https://www.threesprings.wa.gov.au/1-DECLARATION-OF-OPENING-/ANNOUNCEMENT-OF-VISITORS/threesprings.wa.gov.au)

Given that the Skipper Road gravel pit had been in operation for several years and may ultimately become exhausted, and was in an area moving closer to their farm residence, the landowner made an application for a 2nd gravel pit upon Lot 10213 that would be 2.3km to the south-east of the existing pit. The proposed 2nd gravel pit would access Ding Road at a location approximately 2.5km south of the Skipper Road and Ding Road intersection. Council approved this 2nd pit at its 26 April 2023 meeting and a copy of the minutes from this meeting can be viewed at the following link:

https://www.threesprings.wa.gov.au/images/12_Signed_Minutes_OCM_26.04.23.pdf

The landowner has now made an application to renew the approval of the 1st gravel pit as the site has not been exhausted to date. The applicant is proposing to continue to work the gravel pit in a southwards direction which is moving away from Skipper Road. The extension of approval would enable the landowner to continue the pit's operation until such time as it is no longer of service, after which the site can be rehabilitated and the 2nd pit would become the focus.

In support of their previous applications the landowner has provided the following information on their operations:

"The pit will be adjacent to the road.
 Stockpiles will be in various parts of the pit and maximum 3m high.
 Depth of excavation will be 1m.
 Approx 3000 cubic metres per year based on past work.
 Total will depend on the extent of the resource which is currently unknown.
 Hours of operation will be daylight hours only.
 Truck movements (based on 3000 cubes per year) will be 2 per week on average.
 Machinery used will be one dozer, one loader and several trucks, but only spasmodic.
 Road signage as needed. Clear vision long distance in both directions.
 Gate will be closed as needed. Machinery not kept on site except occasionally.
 Lifespan depends on resource. Maybe 5 years.
 Rehabilitation by replacing overburden (topsoil)."

Figure 10.4.2 – Aerial Photo of Extractive Industry operations upon Lot 10213

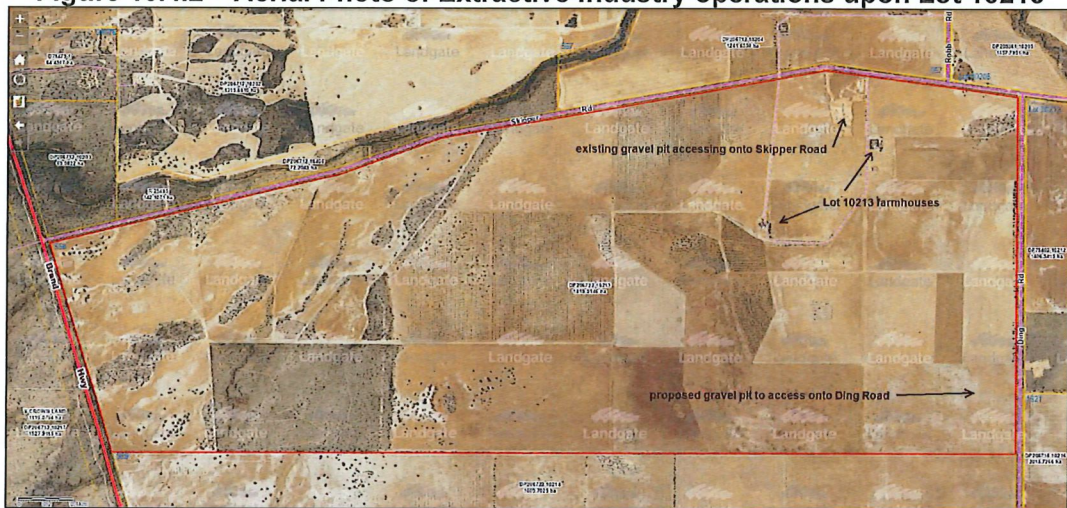
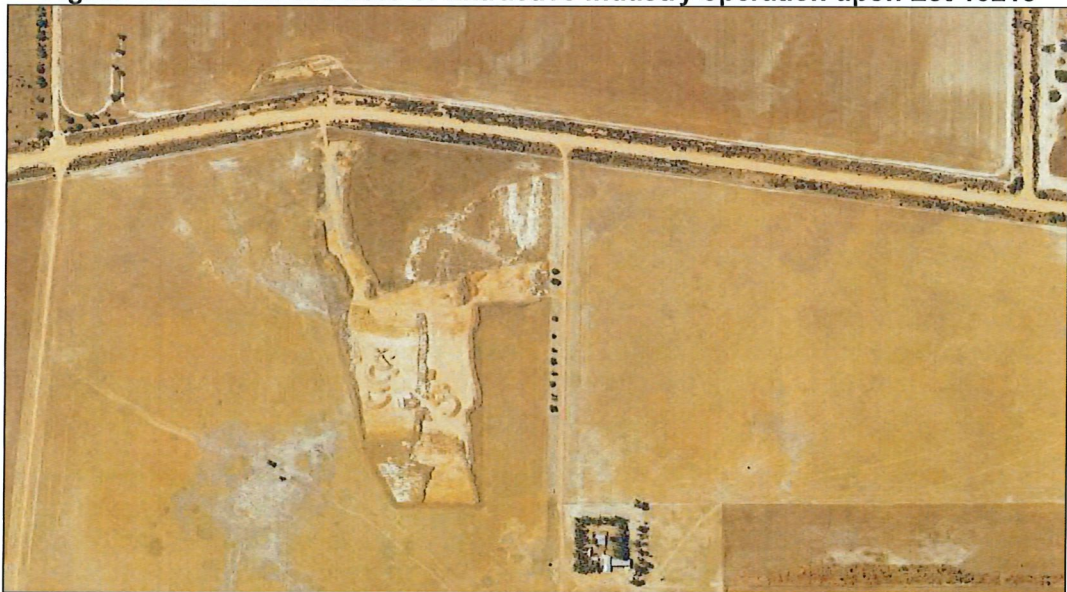


Figure 10.4.3 – Aerial Photo of Extractive Industry operation upon Lot 10213



In support of their application to renew the approval for the 1st gravel pit the applicant has advised that:

"This renewal is to allow for the removal of stockpiled gravel plus a possible small extension. See map attached. We are planning to then develop the proposed Ding Rd pit which was approved in April 2023."

Figure 10.4.4 – Applicant's submitted plan illustrating proposed expansion area for gravel pit 1 upon Lot 10213



Officer's Comment:

Both the 1st gravel pit (subject of this request for extension of approval) and the proposed 2nd gravel pit location (approved by Council at its 26 April 2023 meeting) are located upon previously cleared areas of Lot 10213, away from both areas of remnant vegetation or watercourses.

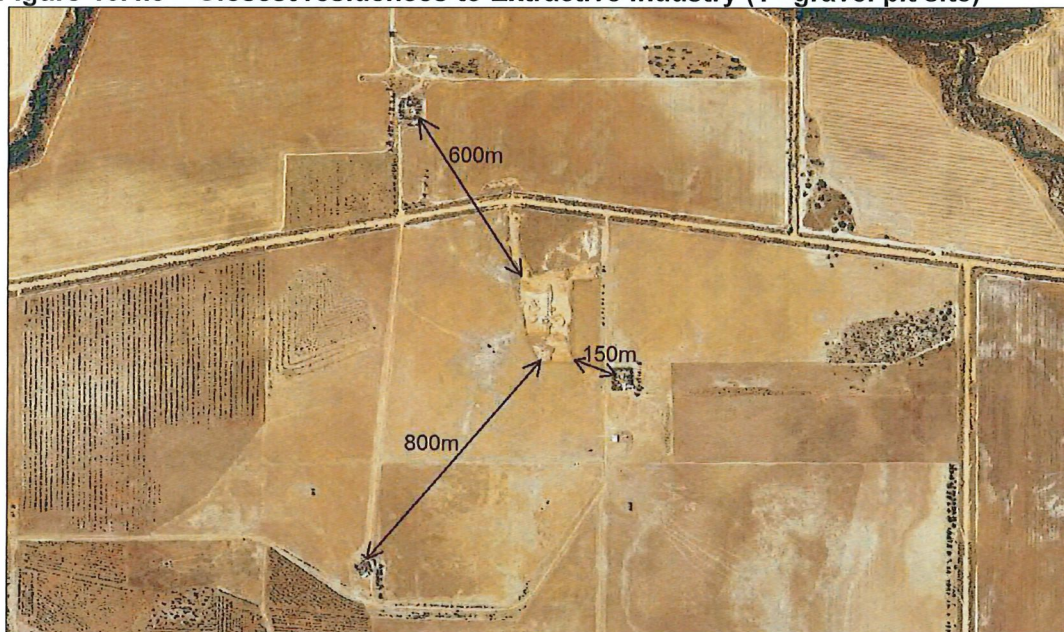
The Environmental Protection Authority's 'Guidance for the assessment of environmental factors – separation distances between industrial and sensitive land uses' notes that dust and noise are the impacts most commonly associated with Extractive Industries (that do not involve blasting).

The EPA Guidelines do not prescribe a buffer distance for Gravel Extractive Industries, instead deeming that buffer distances should be set on a case by case basis. However, as some form of indication it is noted that the EPA Guidelines prescribe a buffer distance of 300-500m for Sand Extractive Industries (dependant upon the size of the operation).

The nearest residence to the 1st gravel pit is located 150m south-east of the quarrying area but it is noted that this would not be deemed a 'third-party residence' given it is located upon the same property as the Extractive Industry. There is another residence upon Lot 10213, 800m to the south-west. The nearest 'third party residence' to the

Extractive Industry is located 600m north-west of the extraction area, and is upon Lot 10204 which is owned by Viridis Ag Pty Ltd, the landowner is seeking to work the gravel pit southwards, moving away from both Skipper Road and the third party residence.

Figure 10.4.5 – Closest residences to Extractive Industry (1st gravel pit site)



The impacts often associated with extractive industries, other than noise and dust impacts from the quarrying activities themselves, can relate to associated truck movements. It is noted that the existing Skipper Road gravel pit upon Lot 10213 has operated on an intermittent, as required, basis since its commencement and it is considered likely that this would continue to be the case.

The applicant has previously advised that the anticipated traffic impacts associated with the Extractive Industry would be as follows:

"The maximum truck movements per day would be around 10. However there has only been a total of 16 truck movements for the entire year of 2019 and 90 for 2018. I don't anticipate any major changes in forthcoming years. This is a small scale operation."

There are 2 access points onto Skipper Road from the Extractive Industry site, the more direct western access point, and the eastern access point which is associated with the residence. Either access point offers reasonable sightlines to vehicles, particularly from the raised elevation afforded to truck drivers, although it is considered that the eastern access point might offer the better sightlines of the two.

Figure 10.4.6 – View of Extractive Industry from western access point



Figure 10.4.7 – View facing west along Skipper Road from western access point



Figure 10.4.8 – View facing east along Skipper Road from western access point



Figure 10.4.9 – View of Extractive Industry from eastern access point



Figure 10.4.10 – View facing west along Skipper Road from eastern access point



Figure 10.4.11 – View facing east along Skipper Road from eastern access point



Consultation:

The renewal application for the 1st gravel pit was previously advertised for comment in 2019 and the new application for the 2nd gravel pit was advertised for comment in 2023.

In each instance no objections were received to the extractive industry (gravel pit) development upon Lot 10213.

The Shire technical advice received from various state government during the submission periods were incorporated into the conditions of approval, and these are again recommended in the renewal of this application.

The Shire wrote to the landowner of the nearest third party residence (upon Lot 10204 to the north) on 21 August 2024 inviting comment upon the previous operation of the Lot 10213 gravel pit, or its associated traffic movements, or the potential extension of the approval period, so that their feedback may be given consideration. No response was received.

Statutory Environment:

Lot 10213 is zoned 'Rural' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme'). The western portion of Lot 10213 is also within the 'Special Control Area 2 – Strategic Mineral Resource Protection' although the proposed gravel pit is outside of this.

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

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

The proposed gravel quarrying operation would meet with the land use definition of 'Extractive Industry' which is defined by the Scheme as follows:

"means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;*
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration."*

'Extractive Industry' is listed as an 'A' land use (i.e. a use that must be advertised prior to determination) in the 'Rural' zone.

Section 9 of the Scheme sets out the following:

"The aims of this Scheme are —

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy;*
- (b) To protect areas of agricultural significance for sustainable food production;*

- (c) *To encourage economic growth in rural areas by identifying appropriate areas for more intensive and diversified use of rural land for high value products compatible with surrounding farm practices;*
- (d) *To encourage processing and value adding industries to be located within the Shire, and promoting tourism;*
- (e) *To provide opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure;*
- (f) *To ensure development in rural areas is planned so as not to prejudice productive rural land uses, to protect and enhance rural landscapes and environmental values, and to ensure accessibility to services and facilities;*
- (g) *To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the local government are realised;*
- (h) *To promote and safeguard public health, safety and general welfare of the community;*
- (i) *To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and*
- (j) *To protect the character of significant landscapes as part of the environmental heritage and sense of place and as a resource for tourism."*

Policy Implications:

Council adopted its Extractive Industry Local Planning Policy at its 18 May 2011 meeting. The Policy Statement for which is as follows:

- "1 *The extraction of basic raw materials to a depth of 1m or less to be used for improvements the same farming property or for municipal purposes, including the building of roads, is exempt from obtaining planning consent.*
- 2 *Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, lightspill, odour, visual intrusion or contamination.*
- 3 *No extractive industry will be approved until such time as Council has received advice from the Indigenous Affairs Department and Department of Environment and Conservation in relation to heritage and flora and fauna issues respectively. An extractive industry will not be approved if there are substantiated objections from either of these agencies.*
- 4 *An application for an extractive industry will not be favourably considered by Council unless the following information has been submitted with the application for planning consent form:*
 - *A surveyed plan of the site showing the proposed area of extraction in relation to topographical features, area of remnant vegetation, existing and proposed access and internal roads, existing buildings, proposed stockpile area and setback distances from property boundaries;*
 - *A cross section of the proposed extraction area showing the depth of extraction, height and battering of the pit walls and face, and access ramp/area;*

- A rehabilitation plan for the area of extraction prepared in accordance with DEC guidelines showing the re-contouring of the land and areas of re-planting.
 - Written submission detailing the type and quantity of material to be mined, stages of extraction (if applicable), depth of extraction, life expectancy of the resource, specific hours of operation; number of vehicular movements per week and machinery to be used.
- 5 Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.
 - 6 Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.
 - 7 Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50m of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled.
 - 8 Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.
 - 9 The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1km from the closest neighbouring residence upon which the Council may entertain extended operating times:
 - Monday to Saturday - 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
 - 10 The Extractive industry will generally be approved for a 1 year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis. For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.
 - 11 Should there be any conflict between this Policy and the Shire of Three Springs Town Planning Scheme, the Town Planning Scheme shall prevail."

Financial/Resources Implications:

Nil

Strategic Implications:

Section 3.3.5 of the Shire of Three Springs Local Planning Strategy notes the following strategies of relevance to this application:

"To support the extraction of basic raw materials in areas that are suitable in terms of existing land use and environmental considerations.

*To ensure appropriate buffer distances between inappropriate and incompatible development and existing or future basic raw materials sites.
To ensure that mining transport routes are appropriately maintained to a safe and responsible standard."*

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

Strategic Community Plan 2024-2034	
Council Objectives:	Outcome:
Maintain and improve road conditions to create safer roads	2.6 - Efficient Use of Resources 2.6.3 - Effectively manage the acquisition of gravel and rehabilitation of gravel pits.

Voting Requirements:
Simple Majority

Officer's Recommendation:

068/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		10.4																								
<u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Eva That Council approve the extension of the planning approval for the Extractive Industry (1st Gravel Pit) upon Lot 10213 Skipper Road, Arrowsmith East for a further period of 5 years (new expiry date 23 October 2029) subject to the conditions of approval and advice notes as contained in Council's previous 20 November 2019 approval (Minute Reference 201105). <table border="1"> <thead> <tr> <th></th><th>FOR</th><th>AGAINST</th></tr> </thead> <tbody> <tr> <td>Cr Chris Lane (President)</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Nadine Eva (Deputy President)</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Jim Heal</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Jenny Mutter</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Julia Ennor</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Chris Connaughton</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Zac Mills</td><td style="text-align: center;">✓</td><td></td></tr> </tbody> </table> CARRIED: VOTED: 7/0				FOR	AGAINST	Cr Chris Lane (President)	✓		Cr Nadine Eva (Deputy President)	✓		Cr Jim Heal	✓		Cr Jenny Mutter	✓		Cr Julia Ennor	✓		Cr Chris Connaughton	✓		Cr Zac Mills	✓	
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Cr Jenny Mutter	✓																									
Cr Julia Ennor	✓																									
Cr Chris Connaughton	✓																									
Cr Zac Mills	✓																									

10. REPORTS OF OFFICERS

Executive Services	
10.5 State Government Elections – Review of Walga Advocacy Positions	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

Council Role:

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

Report Purpose:

This report reviews the Western Australian Local Government Association's (WALGA) current and proposed Local Government Election Advocacy Positions. The purpose is to seek the Council's recommendation for WALGA's upcoming State Council meeting in December 2024, following significant electoral reforms introduced by the Local Government Amendment Act 2023. The Council's decision will contribute to shaping WALGA's advocacy on key electoral matters, including voting methods, participation, and the election of Mayors and Presidents.

Background:

The Local Government Amendment Act 2023 introduced several reforms, effective before the 2023 Local Government elections.

These reforms included:

- Optional Preferential Voting (OPV)
- Extended election periods due to postal service delays

- New candidate information publication rules
- Provisions for backfilling extraordinary vacancies
- Public election of Mayors or Presidents for larger Local Governments
- Abolishing wards for smaller Local Governments
- Alignment of council sizes with population sizes.

Following the 2023 elections, WALGA analysed five election cycles, focusing on postal elections run by the WA Electoral Commission (WAEC). The report highlighted rising costs and a reduction in service quality. In response, WALGA has requested the Council's review and provide feedback on its current advocacy positions to guide its State Council deliberations.

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Officer's Comment:

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with the State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

To inform an item for the December meeting of State Council, Council decisions are requested by Monday, 28 October 2024.

Local Governments will also be able to provide feedback through the November round of Zone meetings.

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement: The Local Government sector supports:

- 1. Four year terms with a two year spill;*
- 2. Greater participation in Local Government elections;*
- 3. The option to hold elections through:*
 - Online voting;*
 - Postal voting; and*
 - In-person voting.*
- 4. Voting at Local Government elections to be voluntary; and*
- 5. The first past the post method of counting votes.*

The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

Background:

The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.

State Council Resolutions:

- February 2022 – 312.1/2022;
- December 2020 – 142.6/2020;
- March 2019 – 06.3/2019;
- December 2017 – 121.6/2017; and
- October 2008 – 427.5/2008.

Supporting Documents:

[Advocacy Positions for a New Local Government Act](#)

[WALGA submission: Local Government Reform Proposal \(February 2022\)](#)

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement: Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolutions:

- February 2022 – 312.1/2022;
- March 2019 – 06.3/2019; and
- December 2017 – 121.6/2017.

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement: The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background:

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolutions

- May 2023 – 452.2/2023;
- March 2019 – 06.3/2019;
- December 2017 – 121.6/2017; and
- March 2012 – 24.2/2012.

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two year spill;

OR

(b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

(c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Consultation:

WALGA has conducted comprehensive consultations with its Zones and member Councils, leading to the development of the proposed revisions to their Election Advocacy Positions. Councils are encouraged to consider these positions and provide formal feedback.

Statutory Environment:

Local Government Act 1995 - Section 9.58

Subsection 9.58(6)(a): WALGA is explicitly allowed to make representations and submissions to the Minister on any matter affecting its members (i.e., local governments).

Policy Implications:

The review and feedback on WALGA's advocacy positions may influence future policy directions concerning election processes in local governments, including voting methods, terms of office, and the method of electing Mayors or Presidents.

Financial/Resources Implications:

There are no immediate financial implications for the Council resulting from this review. However, changes to WALGA's advocacy positions, particularly regarding postal and electronic voting methods, may affect future election costs.

Strategic Implications:

The Council's feedback on WALGA's advocacy positions will contribute to broader strategic discussions on enhancing participation, efficiency, and transparency in local government elections. This aligns with the Council's commitment to ensuring democratic processes are accessible, cost-effective, and representative of the community's needs.

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

Strategic Community Plan 2024-2034	
Council Objectives:	Outcome:
Objective 6.1: Lead and work collaboratively.	Actively engage with regional and state bodies to shape election processes and outcomes.
Objective 6.1: Advocate for the needs of our community.	Support WALGA's position to ensure local government elections are fair, accessible, and well-managed.
Objective 7.1: High standard of governance.	Contribute to WALGA advocacy on election reforms to improve governance and operational excellence.

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

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

Voting Requirements:

Simple Majority

Officer's Recommendation:

MOVED: Cr. Eva**SECONDED:** Cr. Connaughton

The Council recommends that WALGA adopt the following advocacy positions for Local Government elections:

1. Support voluntary voting in Local Government elections.
2. Support four-year terms for elected members, with half the Council up for election every two years (two-year spill).
3. Support Optional Preferential Voting for general Local Government elections.
4. Support First Past the Post for internal elections (e.g., election of mayor or deputy mayor).
5. Support offering multiple voting options: electronic, postal, and in-person voting.
6. Support returning to the previous provisions where all Local Governments can decide election matters by an absolute majority.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:**VOTED: 7/0**

10. REPORTS OF OFFICERS

Executive Services	
10.6. Christmas Shutdown	
Agenda Reference:	
Location/Address:	
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	

Council Role:

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

Report Purpose:

That Council approve the Christmas shutdown period for:

- the Administration Office be closed from 4:30 pm Friday 20 December 2024 and re-open 8:00 am Monday 6 January 2025;
- and the Depot closed from 3:30pm Thursday 19 December 2024 and re-open 7:00am Monday 6 January 2025.

Background:

1. In previous years Council has resolved to close the Shire Office and depot over the Christmas New Year period. Shire staff will take annual or accumulated leave for the days on which the office/depot is closed.

2. Generally, the town is very quiet at that time of the year and previously it does not seem to have been inconvenient to the general public to have the admin office and depot closed.
3. Therefore, the Administration Office will be closed from 4:30 pm Friday 20 December 2024 to 8:00 am Monday 6 January 2025 and the Depot closed from 3:30pm Thursday 19 December 2024 (Friday is an RDO for staff) and re-open 7:00am Monday 6 January 2025.

Officer's Comment:

The following table shows the specific dates Shire departments will be closed during the Christmas period:

Department	Closed	Open
Shire Administration Office	4.30 pm Friday 20/12/2024	Monday 06/01/25
Library	4.00 pm Friday 20/12/2024	Monday 06/01/25
Swimming Pool	24 th , 25 th , 31 st December 2024 and 1 st January 2025	
Depot	3.30 pm Thursday 19/12/24	Monday 06/01/25

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

070/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.6

MOVED: Cr. Heal
SECONDED: Cr. Connaughton

That Council approve the Christmas 2024 shutdown period:

- for the Administration Office from 4:30 pm Friday 20 December 2024 and re-open on Monday 6 January 2025;
- for the Depot from 3:30 pm Thursday 19 December 2024 and re-open on Monday 6 January 2025.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:
VOTED: 7/0

MOVED: Cr. Lane
SECONDED: Cr. Mills

The following reports have been identified to be decided upon by voting en bloc:

- *Report 10.7 - Monthly Financial Report for Period 31 August 2024*
- *Report 10.8 Monthly Financial Report for Period 30 September 2024*
- *Report 10.9 - Accounts for Payments 31 August 2024*
- *Report 10.10 - Accounts for Payments 30 September 2024*

CARRIED:
VOTED: 7/0

10. REPORTS OF OFFICERS

Corporate Services	
10.7 Monthly Financial Report for Period 31 August 2024	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 31 August 2024

Council Role:

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

Report Purpose:

That Council accepts the monthly financial report for the period ending 31 August 2024.

Background:

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

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

Officer's Comment:

At the time of writing this report, there were still several outstanding invoices etc. and end of year calculation have yet to be done, so the closing surplus is an estimate only and is subject to change until 2023-2024 year has been audited.

The 2024-2025 Budget was adopted at the Special Council Meeting held on 15 August 2024.

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

Consultation:

Nil

Statutory Environment:

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

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

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

(1A) *In this regulation —*

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

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

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

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

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

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

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

Policy Implications:

Nil

Financial/Resources Implications:

The total Cash Available as of 31 August 2024 is \$6,275,325. Cash available comprises Unrestricted cash of \$4,138,648 and Restricted cash of \$2,136,677, primarily made up of various reserves.

Rates Debtors balance as at 31 August 2024 is \$3,039,681. Rates Notices for 2024-25 were issued on 26 August 2024. The rates collected as at end of August 2023 was \$64,085 - 2.06%

August 2024:

Operating Revenue – Operating revenue of \$3,342,043 comprises Rates – 44%, Grants - 54%, Fees and Charges - 2%, Other Revenue - 0% and Interest Earnings – 0%.

Operating Expenses – Operating expenses of \$640,289 are made of Depreciation - 0%, Employee Costs – 56%, Materials and Contracts – 23%, Insurance – 20%, Utilities – 1%, 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 2024-2034	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

071/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION		10.7																								
<u>MOVED:</u> Cr. Lane <u>SECONDED:</u> Cr. Mills That Council accepts the monthly financial report for the period ending 31 August 2024 <table border="1" data-bbox="389 1178 1139 1529"> <thead> <tr> <th></th><th>FOR</th><th>AGAINST</th></tr> </thead> <tbody> <tr> <td>Cr Chris Lane (President)</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Nadine Eva (Deputy President)</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Jim Heal</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Jenny Mutter</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Julia Ennor</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Chris Connaughton</td><td style="text-align: center;">✓</td><td></td></tr> <tr> <td>Cr Zac Mills</td><td style="text-align: center;">✓</td><td></td></tr> </tbody> </table> CARRIED: VOTED: 7/0				FOR	AGAINST	Cr Chris Lane (President)	✓		Cr Nadine Eva (Deputy President)	✓		Cr Jim Heal	✓		Cr Jenny Mutter	✓		Cr Julia Ennor	✓		Cr Chris Connaughton	✓		Cr Zac Mills	✓	
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Cr Jim Heal	✓																									
Cr Jenny Mutter	✓																									
Cr Julia Ennor	✓																									
Cr Chris Connaughton	✓																									
Cr Zac Mills	✓																									

10. REPORTS OF OFFICERS

Corporate Services	
10.8 Monthly Financial Report for Period 30 September 2024	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 30 September 2024

Council Role:

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

Report Purpose:

That Council accepts the monthly financial report for the period ending 30 September 2024.

Background:

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

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

Officer's Comment:

When writing this report, the closing surplus is an estimate only and is subject to change until the 2023-2024 year has been audited.

The 2024-2025 Budget was adopted at the Special Council Meeting held on 15 August 2024.

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

Consultation:

Nil

Statutory Environment:

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

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

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

(1A) *In this regulation —*

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

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

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

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

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

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

[(a) deleted]

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

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

Policy Implications:

Nil

Financial/Resources Implications:

The total Cash Available as of 30 September 2024 is \$7,538,859. Cash available comprises Unrestricted cash of \$5,403,090 and Restricted cash of \$2,135,769, primarily made up of various reserves.

Rates Debtors balance as at 30 September 2024 is \$1,199,932. Rates Notices for 2024-25 were issued on 26 August 2024. The rates collected as at end of September 2024 was \$1,1903,834 – 61.34%

August 2024:

Operating Revenue – Operating revenue of \$3,426,110 comprises Rates – 43%, Grants – 53%, Fees and Charges – 3%, Other Revenue – 0% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of \$875,677 are made of Depreciation – 0% (Depreciation will be raised after completion of the 2023/24 audit), Employee Costs – 63%, Materials and Contracts – 17%, Insurance – 15%, Utilities – 5%, 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.
Shire of Three Springs Minutes for Council Meeting held 23 October 2024

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

072/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION10.8

MOVED: Cr. Lane
SECONDED: Cr. Mills

That Council accepts the monthly financial report for the period ending 30 September 2024.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:
VOTED: 7/0

10. REPORTS OF OFFICERS

Corporate Services	
10.9 Accounts for Payments 31 August 2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	25 September 2024
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 31 August 2024

Council Role:

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

Report Purpose:

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

Background:

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

Officer's Comment:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

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

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

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

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

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

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2023-2024.

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:**073/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.9**

MOVED: Cr. Lane
SECONDED: Cr. Mills

That Council accepts:

1. The accounts for payment as presented for *August* 2024 from the CBA Municipal Fund totalling \$165,061.81.
2. Represented by Cheques 11681 – 11683 and Electronic Fund Transfers No's 20103 - 20148 and Direct Debits 16145.2, 16165.1 – 16181.7, 16199.1 and 16211.1 – 16211.7.
3. Licensing Fund totalling \$12,762.20 represented by Direct Debit No. 16144.1, 16149.1 – 16164.1, 16191.1 – 16195.1, 16208.1 and 16212.1 – 16218.1.

Total Payments for August 2024 \$177,788.01.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:
VOTED: 7/0

10. REPORTS OF OFFICERS

Corporate Services	
10.10 Accounts for Payments 30 September 2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	23 October 2024
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 30 September 2024

Council Role:

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

Report Purpose:

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

Background:

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

Officer's Comment:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

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

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

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

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

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

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2023-2024.

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:**074/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.10**

MOVED: Cr. Lane
SECONDED: Cr. Mills

That Council accepts:

4. The accounts for payment as presented for *September* 2024 from the CBA Municipal Fund totalling \$531,715.15.
5. Represented by Electronic Fund Transfers No's 20149 - 20243 and Direct Debits 16247.1 – 16263.1, 16266.1 – 16268.1, 16292.1 – 16293.1, 16311.1 – 16326.8, 16332.1 – 16333.1, 16340.1 and 16347.1.

Licensing Fund totalling \$7,949.15 represented by Direct Debit No. 16264.1 – 16265.1, 16282.1 – 16285.1, 16308.1, 16330.1 – 16331.1, 16334.1 and 16345.1 – 16346.1.

Total Payments for September 2024 \$539,664.30.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:
VOTED: 7/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12.1. Elected Members – Nil

12.2 Staff - Three Springs Rifle Club – WARA Range Approval

Officer's Recommendation:

075/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 12.2

MOVED: Cr. Mutter
SECONDED: Cr. Mills

That the following item, namely:

12.2.1 " Three Springs Rifle Club – WARA Range Approval"

Is accepted as a late item onto this Agenda.

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
Cr Zac Mills	✓	

CARRIED:
VOTED: 7/0

Note: Cr. Connaughton declared both a proximity and impartiality interest in the following item 12.1.1 and left the meeting at 6.08pm

Cr. Ennor also declared a proximity and impartiality interest and remained in the meeting.

CEO, Keith Woodward declared an Impartiality interest and remained in the meeting

12. REPORTS OF OFFICERS

Executive Services	
12.2.1 Three Springs Rifle Club – WARA Range Approval	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Shire of Three Springs Chief Executive Officer
Date:	23 October 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	1. LSF123 Land Firing Rights Application 2. Range Danger Template explained and sighted (Three Springs Standing Safety Orders) 3. Lead management considered 4. Environmental Protection (noise) considered

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 the Council's formal approval to provide written consent for the continued operations of the Three Springs Rifle Club at Lot 1 on Diagram 10548 (Nebra Road) under the requirements of the *Firearms Act 2024*.

Background:

The Three Springs Rifle Club, affiliated with the Western Australian Rifle Association (WARA), has requested written support from the Shire to continue operating its shooting range at Lot 1 on Diagram 10548, Nebra Road. Under Section 8 of the *Firearms Act 2024*, written approval from the relevant local government is a mandatory requirement for the Western Australian Police to issue or renew firearm range approvals.

The range, located on a freehold title owned by the Rifle Club since 4 October 1989, operates under the Rural zoning of the Shire of Three Springs Local Planning Scheme No. 2. Its classification as 'Recreation-Private' is consistent with the permissible use of the land, which allows for recreational activities on privately owned premises.

The Rifle Club has demonstrated its value to the community by promoting local recreational activities, and the Shire has previously supported the club with a community grant of \$2,440, further highlighting its significance within the area.

Officer's Comment:

The Three Springs Rifle Club has been an integral part of the local community for over 30 years, providing opportunities for sport and recreation that align with the area's rural character. The Club's operations have been well-managed, with no adverse environmental or community impacts. Its continued site use is well-integrated within the local context, contributing to community engagement and supporting local sports activities.

As part of the range approval process, the Western Australia Police require written consent from the Shire, ensuring that the local government has considered key safety and environmental factors. In this case, the following have been addressed and are provided for Council review:

1. Range Danger Template – Sighted and verified.
2. Lead Management Plan – Compliance confirmed to address potential contamination risks.
3. Environmental Protection (Noise) Considerations – Addressed in accordance with the Environmental Protection Act.

These documents are attached for the Council's review to support informed decision-making.

1140/521

Title Details		Plan Details
General Details Associated Documents Ownership History		
Certificate of Title	1140/521	
Title Type	Certificate of title under the Transfer of Land Act	
Parcel Identifier	Lot 1 On Diagram 10548	
Address Details	No Street Address Information Available	
Dealing Status	Complete	
Purchasers Caveat	N/A	
Other Interests	N/A	
Document Type	Transfer	
Document Number	E204383	
Date of Execution	04/10/1989	
Consideration	N/A	
Proprietor(s)	THREE SPRINGS RIFLE CLUB INC	



Click to Launch Map Viewer Plus

There are no related products available.

Consultation:

Nil

Statutory Environment:

The Rifle Club property at Lot 1 on Diagram 10548 is zoned as 'Rural' under the Shire of Three Springs Local Planning Scheme No. 2. The use of the property as a shooting range aligns with the permissible land use classification of 'Recreation-Private'. Under the *Firearms Act 2024*, Section 8 requires local government approval as part of the range licensing process. The range has operated continuously since 1989, and its activities are recognised as compliant with both state and local regulations.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority

Officer's Recommendation:

076/2024	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	12.2.1
MOVED: Cr. Eva SECONDED: Cr. Heal That Council: - Confirms its ongoing support for the Three Springs Rifle Club's operations at Lot 1 on Diagram 10548 (Nebru Road). - Endorses the submission of written consent to the Western Australian Police as required under the Firearms Act 2024 to facilitate the range approval. - Acknowledges the importance of the Rifle Club's contribution to local sports and recreation, as demonstrated by previous community grant support. - Notes that the Range Danger Template, Lead Management Plan, and Environmental Protection (Noise) Considerations have been reviewed and are attached for the Council's consideration.		

	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr Jim Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton		
Cr Zac Mills	✓	

CARRIED:
VOTED: 6/0

Cr. Connaughton returned to the meeting at 6.10pm

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, 27 November 2024 @ 5.30pm.

16. CONFIDENTIAL ITEMS

Nil

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 6.13pm.

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

Signed: _____

Presiding Officer

Date: 27 November 2024