



AGENDA
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
11 DECEMBER 2024
COMMENCING AT 5.30 PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
11 DECEMBER 2024**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 11 December 2024, in the Council Chambers, Railway Road, Three Springs commencing at 5.30pm.

**Keith Woodward PSM
Chief Executive Officer**

6 December 2024

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Three Springs during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Three Springs. The Shire of Three Springs warns that anyone who has an application lodged with the Three Springs Shire Council must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Three Springs in respect of the application.

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

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

To: Chief Executive Officer

- ☐ Ordinary Council Meeting held
on _____
- ☐ Special Council Meeting held
on _____
- ☐ Committee Meeting held on _____
- ☐ Other _____

Report No _____

Report Title _____

Name _____

☐ Elected
Member

☐ Committee

☐ Employee

☐ Contractor

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

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

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

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

OFFICE USE ONLY

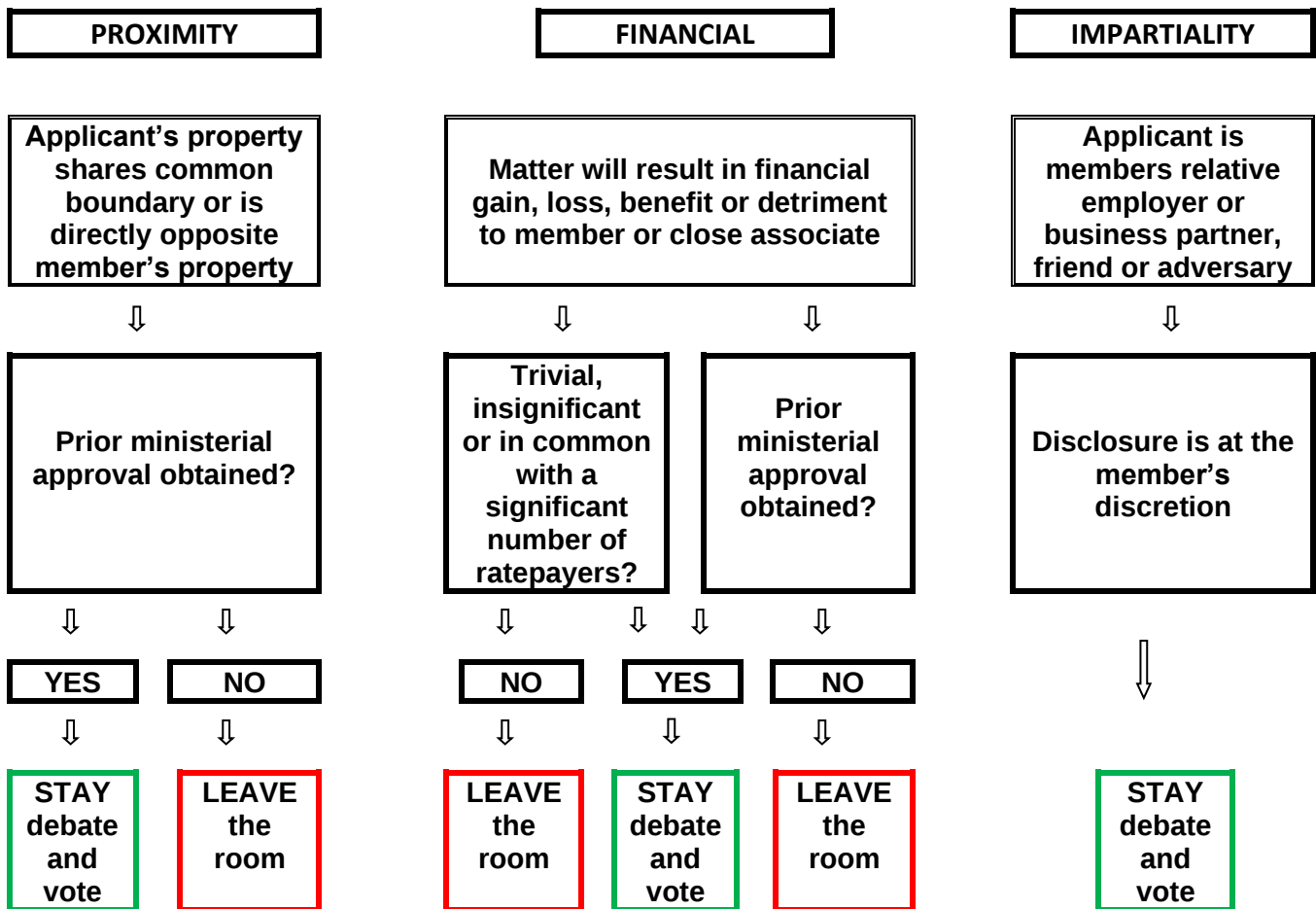
CEO

Signed:

Date:

:

Declaring an Interest



Local Government Act 1995 - Extract

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

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

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

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

5.71 - Employees to disclose interests relating to delegated functions.

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

'Local Government (Administration) Regulations 1996 – Extract

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

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

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

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			
Councillor Eva			
Councillor Heal			
Councillor Mutter			
Councillor Ennor			
Councillor Connaughton			
Councillor Mills			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager of Infrastructure			
Executive Secretary			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting is confirmed as true and accurate record of proceedings.					
		Date	Moved	Seconded	Vote
6.1	Audit & Risk Committee	27.11.24	Cr.	Cr.	
6.2	Ordinary Council Meeting	27.11.24	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

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

prior to the matter being discussed.

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

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Eva	
Cr. Heal	
Cr. Mutter	
Cr. Ennor	
Cr. Connaughton	
Cr. Mills	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Deputation by Trina Solar

10. REPORTS OF OFFICERS

Executive Services	
10.1 Proposed Power Transmission Line	
Agenda Reference:	A42
Location/Address:	1719 (Lot 10710) Tomkins Road, Arrowsmith East 1543 (Lot 1) Tomkins Road, Arrowsmith East Section of Tomkins Road Reserve 290 (Lot 10707) Natta Road, Arrowsmith East 1001 (Lot 10108) Carey Road, Arrowsmith East Section of Carey Road, Reserve Section of unmade Metcalfe Road, Reserve 442 (Lot 122) Carey Road, Arrowsmith East
Name of Applicant:	Element Advisory for Project Haber Pty Ltd (Strike Energy)
File Reference:	A42
Disclosure of Interest:	Nil
Date:	11 December 2024
Author:	Planning Advisor, Simon Lancaster & Chief Executive Officer, Keith Woodward
Attachment:	Attachment 10.1.1 – Application (<i>provided as separate attachment</i>) Attachment 10.1.2 – received submissions (<i>provided as separate attachment</i>) Attachment 10.1.3 – 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 to develop a power transmission line (and associated switchyard) that would run across the following properties in the Arrowsmith East locality:

- 1719 (Lot 10710) Tomkins Road, Arrowsmith East (2,020.4029ha) owned by Project Haber Pty Ltd;

- 1543 (Lot 1) Tomkins Road, Arrowsmith East (1,483.7983ha) owned by Project Haber Pty Ltd;
- Section of Tomkins Road Reserve (under management of Shire of Three Springs);
- 290 (Lot 10707) Natta Road, Arrowsmith East (2,020.8357a) owned by Nari Plains Pty Ltd;
- 1001 (Lot 10108) Carey Road, Arrowsmith East (1,990.7365ha) owned by Sandplain Creek Pty Ltd;
- Section of Carey Road Reserve (under management of Shire of Three Springs);
- Section of unmade Metcalfe Road Reserve (under management of Shire of Three Springs);
- 442 (Lot 122) Carey Road, Arrowsmith East (1,628.7453ha) owned by Sandplain Creek Pty Ltd.

The power transmission line would provide connection into the existing power network for the proposed South Erregulla Gas Fired Power Station upon Lot 10710 Tomkins Road, Arrowsmith East that was supported by Council, subject to conditions, at its 23 October 2024 meeting and subsequently approved at the 13 November 2024 Development Assessment Panel (DAP) meeting.

Minutes of this Shire Council meeting can be viewed at the following link:

<https://www.threesprings.wa.gov.au/images/6. OCM 27.10.24.pdf>

Minutes of this DAP meeting can be viewed at the following link:

[13 November 2024 - Minutes - No 28 - Shire of Three Springs - Town of Port Hedland](#)

The application for the power transmission line has been advertised for comment and is now presented to Council for consideration.

As the value of this development is \$16million the application is being determined by a 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:

The power line would commence upon Lot 10710 which is owned by Project Haber Pty Ltd (Strike Energy) which is the site of the approved gas processing facility and also 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*.

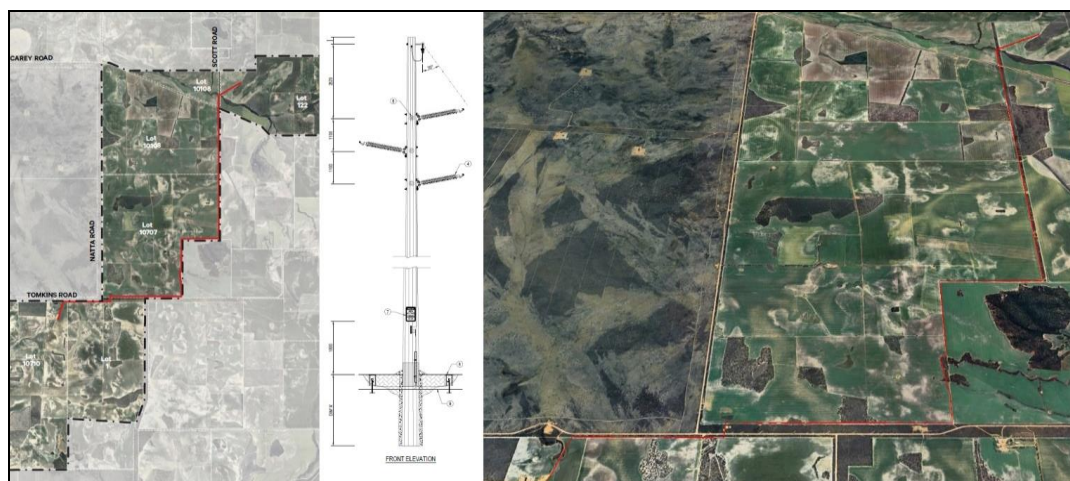
The power transmission line would run generally north-east from Lot 10710 for a distance of 16.75km (with a 30m wide corridor making for a 50.25ha development area) to connect into the South West Interconnected Network.

The alignment would consist of 118 power poles, generally between 18.8 to 21.5m in height, although in some instances, poles of 25m in height may be required where wider spanning distances occur. A pole design rather than a pylon design would be used, not dissimilar to the existing transmission line it will connect into.

The alignment would traverse across land that is largely cleared and used for agricultural purposes and is not proposed to require clearing of remnant vegetation.

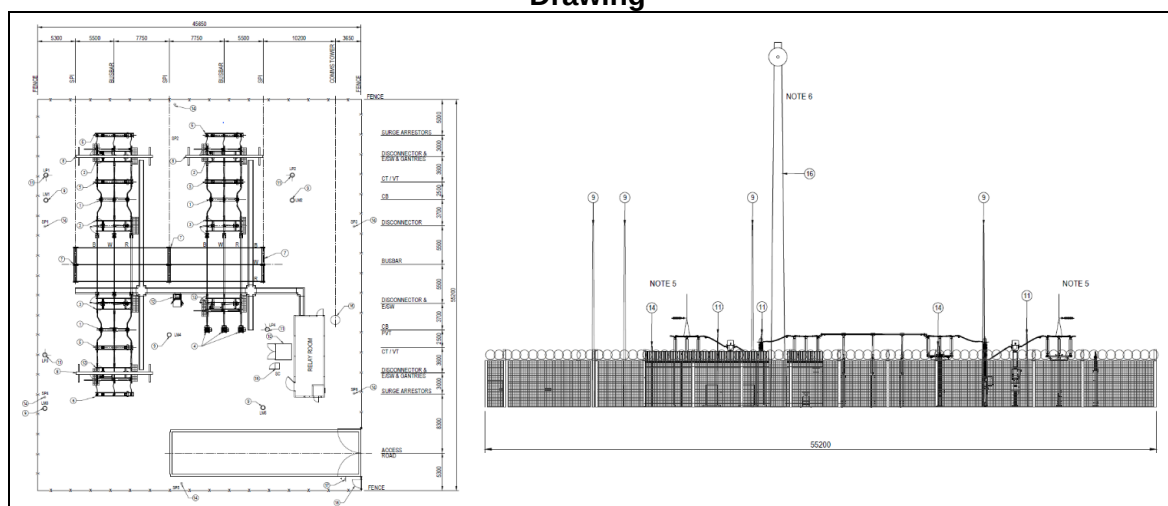
The alignment would generally be located immediately within property boundaries along existing firebreaks/internal farm tracks so as not to interfere with current cropping practices.

Figure 10.1.1 – Power Transmission Line aerial photos and Elevation Drawing



The applicant also proposes to construct a 132kV switchyard/transformer site upon Lot 122 at the connection point into the SWIS network approximately 1.5km north of Carey Road. The switchyard would have a footprint of approximately 2,520m² that would be bordered by a 4.7m high security fence. The switchyard would include a small relay room, staff toilet, 15m lightning mast, 30-45m telecommunications monopole and 6.5m lighting poles that would be used during periods where night maintenance is required (the site would otherwise be unmanned).

Figure 10.1.2 – 132kV Switchyard Layout and Elevation Drawing



It is noted that were a power transmission alignment, 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.

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

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, power generation facility, and power transmission line 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: [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: [Oct 2024 - WAPC Part 17 Significant Development - Minutes \(planning.wa.gov.au\)](#)

Figure 10.1.3 – General overview of landscape that is present along proposed power transmission alignment looking south-west from Natta Road



Figure 10.1.4 – View looking west and east at proposed power transmission alignment crossing point of Tomkins Road



Figure 10.1.5 – View looking south, east and north at proposed power transmission alignment crossing point of Carey Road



Officer's Comment:

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

- the power transmission line is associated with a previously approved gas power station development that 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 enable an increase in the level of power produced to meet peak energy demands.

- whilst the power transmission line will have some visual impact on the surrounding area it will be of a pole design that is comparable to the existing SWIS network (that it is connecting into) that is present in the area.
- Tomkins Road, Natta Road and Carey Road do not form part of a significant tourism route and generally carry low traffic levels (with increases during key seasonal times such as harvest).
- the proposed switchyard site would be setback a distance of 1.5km from the nearest road.
- no objections to the proposed power transmission line were received during the consultation period indicating a level of acceptance for the proposed development (noting also that the landowners along the alignment would have entered into a financial arrangement with the proponent granting them the ability to access their property for the purpose of this development).
- post-construction phase the traffic impact of the development would generally be negligible excepting periods of maintenance;
- the closest third-party residences are some distance from the alignment and there is limited ability for further encroachment of residences towards the facility due to the surrounding area being either large parcels of Crown Land or large freehold titles where there is a general disinclination of the WAPC to support subdivision of rural land;
- the alignment 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 alignment does not require clearing of remnant vegetation;
- the proposed development would not impact upon watercourses or drainage;
- it is anticipated that only one power pole will be required to be sited within a road reserve (this being Tomkins Road) and there is ability for this to be located so that it does not impact upon the current transport network or future potential for upgrades to the transport network;
- 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 current farming activities can still continue on the subject properties once the development is operational.

Consultation:

The application was advertised for comment from 25 October until 22 November 2024 with the Shire undertaking the following actions:

- copy of the application being placed on the Shire website;
- correspondence inviting comment being sent to the 9 landowners within 5km of the proposed power transmission alignment;
- correspondence inviting comment being sent to the following 16 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 7 submissions, with all of these being from government agencies either offering no objection or technical comment. No objections to the proposed development were received. A copy of the received submissions have been provided as **separate Attachment 10.1.2**.

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 10.1.3**.

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 an estimated project cost of \$16million, 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.

The power transmission alignment runs across an area that 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."

'Power Transmission Line' is not listed as a specific land use in the Scheme 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:

- "(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.”*

Sections 4.2.2 & 4.2.3 of the applicant’s report addresses the proposed development’s compliance with the Scheme’s requirements.

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 4.1.2 of the applicant's report provide comment in regards to these Regulation criteria.

The applicant will be required to obtain other approvals for the overall project 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 overall project also requires 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 4.1.3 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. 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.

OFFICERS RECOMMENDATION:**10.1**

That Council advise the Development Assessment Panel that it supports the development of a power transmission line (and associated switchyard) that would run across the following properties subject to the below listed conditions and advice notes:

- 1719 (Lot 10710) Tomkins Road, Arrowsmith East;
- 1543 (Lot 1) Tomkins Road, Arrowsmith East;
- Section of Tomkins Road Reserve;
- 290 (Lot 10707) Natta Road, Arrowsmith East;
- 1001 (Lot 10108) Carey Road, Arrowsmith East;
- Section of Carey Road Reserve;
- Section of unmade Metcalfe Road, Reserve (Land ID No.3728891 & 3728892); &
- 442 (Lot 122) Carey Road, Arrowsmith East.

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 including any amendments and additional plans and information arising from the approval conditions.
3. All power poles located within a road reserve must sited in an offset position so that they have sufficient separation distance from any existing carriageway, or potential formation/future widening of the carriageway, to the satisfaction of the local government.
4. Prior to the commencement of the development a Bushfire Management Plan shall be submitted to the local government for approval.
5. The infrastructure owner 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.
6. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval.
7. The infrastructure owner 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.
8. The infrastructure owner 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).
9. 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.
11. Prior to commencement of operations a Preliminary Decommissioning Plan shall be submitted to the local government for approval.
12. The infrastructure owner 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.

13. The applicant shall advise the Civil Aviation Safety Authority, Airservices Australia and the Commonwealth Department of Defence of the development, and comply with any related approvals/assessments/legislative requirements.

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 Civil Aviation Safety Authority, Airservices Australia, Commonwealth Department of Defence, 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;
 - xiii) demolition and construction waste management, recycling, and removal;

- xiv) protection of any public realm infrastructure;
 - xv) public communication and complaint handling procedures;
 - xvi) biosecurity protocols.
- (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) 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.
- (i) 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.
- (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.

10. REPORTS OF OFFICERS

Executive Services	
10.2 Awarding Tender RFT 24.25-01 Mid-West Grain Freight Route Projects	
Agenda Reference:	10.2
Location/Address:	Shire of Three Springs
Name of Applicant:	Manager of Infrastructure
File Reference:	ADM0523
Disclosure of Interest:	Nil
Date:	11 December 2024
Author:	Seeko Johnson, Manager of Infrastructure
Attachment (s):	Confidential Tender Assessment 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 awards Tender RFT 24.25-01 Mid-West Grain Freight Route Projects as recommended in the Confidential Tender Assessment Report.

Background:

The Shire of Three Springs has secured \$11.5 million in funding to upgrade critical sections of the Mid-West Grain Freight Route. This funding comprises contributions from the Federal Government, provided through the Department of Infrastructure, Transport, Regional Development and Communications under the Agricultural Supply Chain Improvements (ASCI) program, and the Western Australian State Government, provided through the Department of Transport and Main Roads Western Australia as part of its commitment to enhancing regional road infrastructure. Main Roads Western Australia is expected to play a key role in improving freight efficiency, road safety, and connectivity for the grain and agricultural sectors in the region.

- To support the successful delivery of these projects, the Shire of Three Springs Council appointed GHD as the Superintendent Representative during its February 2023 meeting. Under Tender RFT 23.24-03, GHD is responsible for ensuring

compliance with project requirements, managing timelines, and upholding technical and safety standards. This critical appointment provides essential oversight throughout the construction phase. The Council passed the following resolution:

006/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Mutter 1. That Council award Tender 23.24.03 Superintendent Representative (Consultant) for the Mid-West Grain Freight Route Projects as recommended in the attached Confidential Tender Assessment Report. 2. That Council awards Tender 23.24.03 Superintendent Representative (Consultant) for the Mid-West Grain Freight Route Projects to: GHD CARRIED: VOTED: 4/0

- At the March 2024 Shire of Three Springs Ordinary Council meeting, the Council passed the following resolution:

018/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.5
<u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Eva <i>That Council authorise staff to include in the 2024/25 Budget a \$1,000,000 (one million dollar) short term loan for a period of two years from Western Australia Treasury Corporation to meet any operational shortfall that may occur due to pre-funding the Main Roads Mid West Secondary Grain Freight Routes.</i> CARRIED: VOTED: 7/0

- Tender RFT 24.25-01 Mid-West Grain Freight Route Projects advertised in The West Australian on 26 October 2024, inviting submissions from qualified civil engineering contractors. The tender closed on 25 November 2024, at 2:30 PM AWST, and attracted responses from two contractors.

Officer's Comment:

The total distance of these upgrades is 47.58 km, with a total project cost of \$11.5 million.

The project encompasses the following sections:

- Three Springs - Eneabba Road (SLK 2.14 - 12): Widening and sealing of shoulders over 9.86 km, with an estimated cost of \$2.42 million.
- Three Springs - Eneabba Road (SLK 12 - 40.16): Widening and sealing of shoulders over 28.2 km, with an estimated cost of \$7.66 million.
- Inering Road (SLK 0 - 2.02): Widening and sealing of shoulders over 2.02 km, with an estimated cost of \$320,000.
- Perenjori - Three Springs Road (SLK 16.4 - 23.9): Widening and sealing of shoulders over 7.5 km, with an estimated cost of \$1.1 million.

Key Milestone:

1. Three Springs - Eneabba Road (SLK 2.14 - 12): 50 Working days
2. Three Springs - Eneabba Road (SLK 12 - 40.16): 100 Working days
3. Inering Road (SLK 0 - 2.02): 15 Working days
4. Perenjori - Three Springs Road (SLK 16.4 - 23.9): 20 Working days

Scope of Works:

1. Widening road shoulders.
2. Sealing pavement.
3. Reinstating table drains.
4. Extending culverts.

Consultation:

Main Roads Western Australia

Superintendent Representative GHD

Tender Evaluation Panel GHD and Shire of Three Springs

Chief Executive Officer and Manager of Infrastructure from the Shire of Three Springs

Statutory Environment:

Local Government Act 1995, Part 3, Division 3 s. 3.57.

Local Government (Function and General) Regulation 1996, Part 4, Division 5, r.11 to 24G.

Policy Implications:

Procurement Policy 1.5

Financial/Resources Implications:

This project is 100% funded by grants.

1. Federal Government, provided through the Department of Infrastructure, Transport, Regional Development and Communications under the Agricultural Supply Chain Improvements (ASCI) program. 80% \$9.2m
2. the Western Australian State Government, provided through the Department of Transport and Main Roads Western Australia. 20% \$2.3m
3. Western Australian Main Roads and Shire of Three Springs approved Projected Cost:

Road Name	Road Section	Distance (km)	Cost
Eneabba - Three Springs Rd	Shire Boundary to Midlands Rd	9.86	\$2,420,000
Eneabba - Three Springs Rd	Shire Boundary to Midlands Rd	28.2	\$7,660,000
Inering Rd	Shire Boundary to Three Springs Rd	2.02	\$320,000
Perenjori - Three Springs Rd	Inering Road to Boundary Rd	7.5	\$1,100,000
		47.58 km	\$11,500,000

4. The Tender RFT 24.25-01 Mid-West Grain Freight Route Projects construction costs are quantified in the 'Confidential Tender Assessment Report'.

Strategic Implications:

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

Strategic Community Plan 2024-2034	
Council Objectives:	Outcome:
Outcome 1.1.C	Safe, efficient and connected transport network
Outcome 6.1	Collaborate with Main Roads WA, neighboring Shires, and regional groups to advance freight infrastructure projects.
Outcome 1.1.A	Safe and efficient movement of freight, aligning with the strategic need to optimise transport networks for agricultural and logistical purposes.

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

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Strategy 1.3.3	Improved infrastructure supporting agriculture.
Strategy 2.3.2	Completion of key road construction projects.
Strategy 4.5.2	Coordination with Regional Road Group and stakeholders.

Voting Requirements:

Simple Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.2
1. That Council award Tender RFT 24.25-01 Mid-West Grain Freight Route Projects as recommended in the attached Confidential Tender Assessment Report to 2. Authorise the Shire of Three Springs Chief Executive Officer to negotiate Tender 24.25-01 with the preferred contractor before the contract is executed. 3. Authorise the Chief Executive Officer of the Shire of Three Springs to negotiate a provisional schedule of Rates for additional Shire road construction projects.	

10. REPORTS OF OFFICERS

Executive Services

10.3. Annual Review of the Delegation Register

Agenda Reference:	10.3
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0199
Disclosure of Interest:	Nil
Date:	11 December 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	2024/2025 Delegation Register

Council Role:

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

Report Purpose:

That Council adopts the December 2024/2025 Delegation Register.

Background:

At the December 2023 Ordinary Council meeting, the following resolution was adopted:

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

109/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4		
MOVED: Cr. Mutter SECONDED: Cr. Heal		
That Council adopts the December 2023/2024 Delegation Register.		
	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr. Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
CARRIED: VOTED: By Absolute Majority		

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

In many instances, a piece of legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Governments to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) defaults to the Local Government Council with the ability to delegate some of its powers and duties to the CEO or to Committees in order to expedite the effective operations and implementation of the Shire's functions.

The Council delegating its authority requires that a 'Register of Delegations' be maintained and reviewed annually. Therefore, this report aims to review the list of delegations to the CEO and the sub-delegation of duties to other nominated officers within the organisation.

Officer's Comment:

The Delegation Register is to formalise the Council's "day to day" functions/operations through the empowerment of staff to operate efficiently, effectively and productively in the interest of good governance. However, the level of delegation should not extend beyond the Council losing (or perceived to be losing) control of its responsibilities under applied legislation.

It is also pertinent that such delegations to staff on "day to day" matters are reported back to Council to ensure the grant of delegated authority, in the Council's opinion, is not misused and abused in any way. Should Council not be satisfied, it may amend or remove the delegation to the CEO or another officers.

The reporting back to Council will occur at the OCM in the following format:

This report is prepared for Council and includes all actions performed under delegated authority, including:

Date	File Reference	Delegation No	Decision Detail	Applicant	Initiating Officer	1st Authoriser	2nd Authoriser	Comment
07-Jul-23	ADM0487	GO004-Execution of Contract Documents	LRCIP - Phase 4 (Grantee)	SoTS	CEO			Signed agreement to LRCIP for Phase 4

Consultation:

Nil

Statutory Environment:

The Council is, empowered according to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by the Council.

The Act allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegation to be in writing.

The Chief Executive Officer is also permitted under the Act to place conditions on any sub-delegation passed onto another Shire employee.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Strategic Community Plan 2024-2034	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

This item is relevant to the Council's approved Corporate Business Plan 2020-2034

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

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.3
That Council adopts the December 2024/2025 Delegation Register.	

10. REPORTS OF OFFICERS

Executive Services	
10.4 Local Emergency Management Plan	
Agenda Reference:	10.4
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0093 Local Emergency Management Plan
Disclosure of Interest:	Nil
Date:	11 December 2024
Author:	Rich Denny – Risk Coordinator
Attachment (s):	Local Emergency Management Plan & Local Recovery Plan

Council Role:

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

Report Purpose:

The Western Australian Emergency Management Act 2005 requires local governments to have approved Local Emergency Management Arrangements (LEMA) and Local Recovery Plans (LRP).

The Shire of Three Springs (SoTS) has undertaken a full review due to previous plans being in place for 5 years and prepared the necessary documents to enhance our emergency management and recovery capabilities in response to significant emergencies.

The reports outline the updated LEMA, LRP and accompanying resources in separate appendixes.

The SOTS Risk Coordinator is requesting the Council's endorsement to adopt the LEMA and the LRP. These critical documents will enhance the SoTS preparedness and resilience, ensuring compliance with statutory obligations and strengthening our ability to effectively manage and recover from emergencies, thereby protecting the well-being of our community and its assets.

Background:

In 2019, the SoTS last endorsed its LEMA and LRP, which are subject to a comprehensive review every five years. Recently, through a successful grant application, the SoTS engaged Lewis Winter from Fire & Emergency Management as a consultant to assist with this review.

The Local Emergency Management Committee (LEMC) of the SoTS, along with community members, participated in a workshop that included desktop exercises designed to assess the functionality of the current plans. This exercise facilitated robust feedback and necessary adjustments from LEMC members.

Before the LEMA and LRP endorsement, the revised LEMA and LRP were refined to provide a comprehensive framework that aids local government and the LEMC in preparing for, responding to, and recovering from emergency incidents within the SoTS. These plans serve as vital guides, outlining key action points for involved parties and providing templates designed to streamline processes during stressful situations.

Officer's Comment:

Under the Emergency Management Act 2005, Section 36 & 41, it is the obligation of every local government, including ours, to ensure that effective Local Emergency Management Arrangements are prepared and maintained. These arrangements are critical not only for compliance but also for safeguarding our community's welfare in times of emergency.

The functions of our LEMC, as outlined in the Act, include advising and assisting our local government in establishing robust emergency management plans, liaising with various public authorities and stakeholders to continually develop and test these arrangements, and carrying out additional emergency management activities as directed by the State Emergency Management Committee.

The LEMA developed for the SoTS are designed to provide a community-focused, coordinated response to all potential emergencies within our area. This approach not only meets the statutory requirements but also enhances our preparedness and resilience, positioning us to manage and recover from emergencies effectively.

Given these points, the council's endorsement of the revised LEMA and LRP is not just a fulfilment of our obligations but a crucial step in strengthening our community's emergency preparedness and response capabilities. We must uphold these standards to ensure the safety and well-being of all residents in the SoTS.

Consultation:

SOTS CEO Keith Woodward, SoTS Councillors Lane, Eva & Heal, local departments including Police, St John Ambulance, North Midlands Health Service, Midwest DFES Officers and Emergency Management District Advisor, DCBFCO Bone and local Farmer, Local School, MEEDAC, Talc Mine, Western Power, DBCA, Dept of Communities & Shire staff Phillip Berry & Rich Denny. – Consultation completed in LEMC meeting, desktop exercised and out-of-session feedback

Statutory Environment:

Emergency Management Act 2005

36. *Functions of local government*

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) to manage recovery following an emergency affecting the community in its district;*
- (c) to perform other functions given to the local government under this Act.*

41. Emergency management arrangements in local government district

- (1) A local government is to ensure that arrangements (**local emergency management arrangements**) for emergency management in the local government's district are prepared.*
- (2) The local emergency management arrangements are to set out —*
 - 1. (a) the local government's policies for emergency management; and*
 - 2. (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district; and*
 - 3. (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b); and*
 - 4. (d) a description of emergencies that are likely to occur in the local government district; and*
 - 5. (e) strategies and priorities for emergency management in the local government district; and*
 - 6. (f) other matters about emergency management in the local government district prescribed by the regulations; and*
 - 7. (g) other matters about emergency management in the local government district the local government considers appropriate.*
- (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.*
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.*
- (5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.*

42. Reviewing and renewing local emergency management arrangements

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.*
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.*

43. Local emergency management arrangements to be available for inspection

- (1) A local government is to keep a copy of its local emergency management arrangements at the offices of the local government.
- (2) The arrangements are to be available for inspection, free of charge, by members of the public during office hours.
- (3) The arrangements may be made available in written or electronic form

Policy Implications:

Policy 2.5 Risk Management.

Financial/Resources Implications:

75% of cost to engage consultant covered through AWARE grant – 25% was included in the Shire of Three Springs 2024/2025 Budget.

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:

OFFICER'S RECOMMENDATION:	10.4
The Council endorses and adopts the Local Emergency Management Arrangements and the Local Recovery Plans.	

10. REPORTS OF OFFICERS

Corporate Services	
10.5. Annual Financial Report 2023-24	
Agenda Reference:	10.5
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0081
Disclosure of Interest:	Nil
Date:	11 December 2024
Author:	Krys East - Deputy Chief Executive Officer
Attachment (s):	10.5.1 Audited Annual Financial Report 2023-2024 10.5.2 Auditors Opinion 10.5.3 Transmittal Letter to CEO - Shire of Three Springs - 30 June 2024

Council Role:

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

Report Purpose:

The Audit and Risk Committee recommends that the Council accepts the Annual Financial Statements, Audit Report and Management Report for 2023-2024 and set the date for the Annual Electors Meeting.

Background:

Section 5.54 "Acceptance of Annual Reports" of the Local Government Act 1995, requires an Annual Report to be accepted by Council by 31 December in each year unless the Auditors Report is not available in time. The Local Government Act 1995 Section 5.54(2) requires that if the Annual Report is not accepted by the Local Government by 31 December then it must be presented within two (2) months of the Auditors Report becoming available.

Following the proclamation of the Local Government Amendment (Auditing) Act 2017, the Auditor General was made responsible for local government's financial and performance auditing.

On 27 November 2024, the Shire of Three Springs Audit and Risk Committee passed the following resolution:

10.1	AUDIT AND RISK COMMITTEE'S RECOMMENDATION:	085/2024
That the Audit Committee recommends that Council:		
1. Accepts the 2023/2024 Annual Report incorporating the audited Financial Statements and auditors report; 2. Acknowledges receipt of the Management letter; 3. Instruct the CEO to give local public notice as soon as practicable that the 2023/2024 Annual Report is available for public inspection; 4. Instruct the CEO to publish the 2023/2024 Annual Report on the Shire of Three Spring's official website within 14 days; 5. Schedule the Annual Electors meeting for Monday 3 February 2025 commencing at 5:00 pm in Council Chambers. Local public notice to be given at least 14 days prior to the meeting date; 6. Instructs that the 2023/2024 Annual Report is to be sent to the Department of Local Government by 21 December 2024, which is within 30 days of acceptance of the auditor's report by the CEO.		
CARRIED: VOTED: 4/0		

Officer's Comment:

The Office of the Auditor General (OAG) and Pitcher Partners BA&A Pty Ltd have completed the audit of the 2023-24 Annual Financial Report. The audit conclusion document, representation letter, and draft financial report will be tabled for the Audit Committee's review at this meeting. These documents provide a comprehensive overview of the Shire's financial position and compliance with statutory requirements.

Following the meeting, the signed and dated financial report and representation letter was provided by the CEO, enabling the issuance of the audit opinion. It is noteworthy that no management letter points were raised during this audit, reflecting the robust financial management practices in place. The signed financial statement and the accompanying audit report will be tabled at the Council meeting scheduled for 11 December 2024, ensuring transparency and compliance with governance obligations.

Consultation:

Bob Waddell & Associates
Pitcher Partners BA&A Pty Ltd audit staff
OAG Director Financial Audit.

Statutory Environment:

Local Government Act 1995 sections 5.27 (2), 5.53 (1), 5.54, 5.55, 5.55A and 6.4

- “5.27. Electors’ general meetings*
(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”
- “5.53. Annual reports*
(1) The local government is to prepare an annual report for each financial year.”
- “5.54. Acceptance of annual reports*
(1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*
*(2) * Absolute majority required.*
(2) If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.”
- “5.55. Notice of annual reports*
The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.”
- “5.55A. Publication of annual reports*
The CEO is to publish the annual report on the local government’s official website within 14 days after the report has been accepted by the local government.”
- “6.4. Financial report*
(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
(2) The financial report is to —
(a) be prepared and presented in the manner and form prescribed; and
(b) contain the prescribed information.
(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
(b) the annual financial report of the local government for the preceding financial year.”

“51. Annual financial report to be signed etc. by CEO and given to Department

(1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.

(2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government’s CEO of the auditor’s report on that financial report.”

Local Government Act 1995 Section 7.9(1)

“7.9. Audit to be conducted

(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

- (a) the mayor or president; and*
- (b) the CEO of the local government; and*
- (c) the Minister.”*

Local Government Financial Management Regulation 1996 Part 2
Local Government (Audit) Regulations 1996 – Reg 10

“10. Report by auditor

(1) An auditor’s report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.

(2) The report is to give the auditor’s opinion on —

- (a) the financial position of the local government; and*
- (b) the results of the operations of the local government.*

(3) The report must include a report on the conduct of the audit.

[(4A) deleted]

(4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor’s report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor’s report.”

Policy Implications:

Nil

Financial/Resources Implications:

Nil

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 approved Corporate Business Plan 2020 – 2024

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

Voting Requirements:

Absolute Majority

Officer's Recommendation:

AUDIT AND RISK COMMITTEE'S RECOMMENDATION:	10.5
That Council: 1. Accepts the 2023/2024 Annual Report incorporating the audited Financial Statements and auditors report; 2. Acknowledges receipt of the Management letter; 3. Instruct the CEO to give local public notice as soon as practicable that the 2023/2024 Annual Report is available for public inspection; 4. Instruct the CEO to publish the 2023/2024 Annual Report on the Shire of Three Spring's official website within 14 days; 5. Schedule the Annual Electors meeting for Monday 3 February 2025 commencing at 5:00 pm in Council Chambers. Local public notice to be given at least 14 days prior to the meeting date; 6. Instructs that the 2023/2024 Annual Report is to be sent to the Department of Local Government by 21 December 2024, which is within 30 days of acceptance of the auditor's report by the CEO.	

10. REPORTS OF OFFICERS

Corporate Services	
10.6 Monthly Financial Report for Period 30 November 2024	
Agenda Reference:	10.6
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	11 December 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 30 November 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 November 2024.

Background:

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

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

Officer's Comment:

The 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 November 2024 is \$6,932,275. Cash available comprises Unrestricted cash of \$4,796,890 and Restricted cash of \$2,135,385, primarily made up of various reserves.

Rates Debtors balance as at 30 November 2024 is \$804,673 Rates Notices for 2024-25 were issued on 26 August 2024. The rates collected as at end of November 2024 was \$2,297,741 – 74.06%

August 2024:

Operating Revenue – Operating revenue of \$3,574,643 comprises Rates – 43%, Grants - 52%, Fees and Charges - 3%, Other Revenue - 1% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of \$2,668,190 are made of Depreciation - 42% Employee Costs – 29%, Materials and Contracts – 16%, Insurance – 9%, Utilities – 3%, Loss on Disposal of Assets – 0% and Other Expenditure – 1%.

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:

OFFICER'S RECOMMENDATION:	10.6
That Council accepts the monthly financial report for the period ending 30 November 2024.	

10. REPORTS OF OFFICERS

Corporate Services	
10.7 Accounts for Payments 30 November 2024	
Agenda Reference:	10.7
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	11 December 2024
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 30 November 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 2024-2034

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.7
That Council accepts: 1. The accounts for payment as presented for <i>November</i> 2024 from the CBA Municipal Fund totalling \$397,676.64. 2. Represented by Electronic Fund Transfers No's 20355 - 20444 and Direct Debits 16448.1 – 16448.8, 16471.1 – 16485.2, 16504.1 – 16504.7 and 16541.1 – 16549.1. 3. Licensing Fund totalling \$5,534.00 represented by Direct Debit No. 16436.1, 16450.1 – 16470.1, 16487.1 – 16495.1 and 16513.1 - 16523.1. Total Payments for November 2024 \$403,210.64	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

- 12.1. Elected Members
- 12.2. Staff

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

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

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 26 February 2025 @ 5.30pm.

CONFIDENTIAL ITEMS

16. RECOMMENDATION TO CLOSE COUNCIL MEETING

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

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

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

16. REPORTS OF OFFICERS

Executive Services	
16.1.1 Seizure and Sale of Property for Unpaid Rates – Section 6.64 of the Local Government Act 1995	
Agenda Reference:	16.1.1
Location/Address:	
Name of Applicant:	Shire of Three Springs
File Reference:	A567
Disclosure of Interest:	Nil
Date:	13 December 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Confidential

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).

OFFICER'S RECOMMENDATION:	16.1.1
That Council:	

OFFICER'S RECOMMENDATION	16.2
That Council re-open the meeting to members of the public after discussion of confidential items.	

17. MEETING CLOSURE

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

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

Signed: _____
 Presiding Officer

Date: 26 February 2025