



SHIRE OF WOODANILLING



ORDINARY MEETING OF COUNCIL Agenda 16 July 2024

Dear Elected Member

The next Ordinary Meeting of Council of the Shire of Woodanilling will be held on 16 July 2024 in the Council Chambers, 3316 Robinson Road, Woodanilling commencing at 4.00p.m.

**Paul Hanlon
CHIEF EXECUTIVE OFFICER**

Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Woodanilling warns that anyone who has an application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Woodanilling for any act, omission or statement or intimation occurring during a Council Meeting.

Agendas and Minutes are available on the Shire website www.woodanilling.wa.gov.au

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ORDINARY MEETING OF COUNCIL AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1. DISCLOSURE OF INTEREST

Division 6 Subdivision 1 of the *Local Government Act 1995* requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the *Local Government Act 1995*.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present:

Cr D Douglas	Shire President
Cr HR Thomson	Deputy Shire President
Cr B Smith	
Cr I Garstone	
Cr R Marshall	
Cr K Stephens	

Officers:

Paul Hanlon	Chief Executive Officer
Phil Burgess	Executive Manager Infrastructure

Apologies:

Observers:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY PRESIDENT WITHOUT DISCUSSION

8. CONFIRMATION OF COUNCIL MEETING MINUTES:

8.1. ORDINARY COUNCIL MEETING – 18 JUNE 2024

That the Minutes of the Ordinary Meeting of Council held 18 June 2024 be confirmed as a true and correct record of proceedings.

9. CONFIRMATION OF OTHER MEETING MINUTES:

Nil.

10. REPORTS OF OFFICERS

Nil.

11. REGULATORY SERVICES

11.1. PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE – LOT 105 LEGGEO ROAD, BEAUFORT RIVER

File Reference	A517
Date of Report	12 July 2024
Responsible Officer	Paul Hanlon
Author of Report	Steve Thompson
Disclosure of any Interest	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>).
Voting Requirement	Simple Majority
Attachments	Attachment 11.1.1 – Location Plan Attachment 11.1.2 – Information from Applicant

BRIEF SUMMARY

To consider an application for development approval to construct telecommunications infrastructure at Lot 105 Leggoe Road, Beaufort River.

BACKGROUND

The applicant, Catalyst ONE Pty Ltd for Telstra Corporation Limited, seek development approval for telecommunications infrastructure (compound expansion) to improve telecommunication services. This is a part of Telstra's Intercity Fibre Network programme.

The site's location is outlined in **ATTACHMENT 11.1.1** which is approximately 7.5km west of the Beaufort River Roadhouse. The property is 1368 hectares in area.

The applicant proposes to extend the compound adjacent to the existing Telstra exchange. The new works include a transportable building containing a controlled environment vault, on-site generator and fencing. The building is 12.9m in length, 4.9m wide and has a height of 3.6m. The building is proposed to be 6m from the front (Leggoe Road) boundary.

Details submitted by the applicant are set out in **ATTACHMENT 11.1.2**. This provides extensive background information including the proposal, the site, Planning Assessment Report, regulatory framework and supporting plans.

The Shire administration invited comment on the Development Application for a 14 day period through seeking comments from the owner of Lot 505 Leggoe Road. At the time of preparing this report, the Shire had not received any submissions on the Development Application.

The site is zoned 'Regional Rural' in the *Shire of Woodanilling District Zoning Scheme No. 1* (Scheme). Telecommunications infrastructure is a 'D' (discretionary) use in the Regional Rural zone. Section 4.3.2 of the Scheme states that 'D' use 'means that the use is not permitted unless the local government has exercised its discretion by granting planning approval'.

The Scheme sets out the following definition:

"telecommunications infrastructure" means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

The Scheme sets a setback standard of 20m from property boundaries for the Regional Rural zone. Section 5.11.7 of the Scheme states 'The development of non-rural uses in the Regional Rural Zone is required to be set well back from roads and screened from public view to the satisfaction of the Local Government.' The Scheme also includes provisions that enable variations to site and development standards including setbacks.

COMMENT

Following assessment of the application against the Scheme, relevant considerations in the *Planning and Development (Local Planning Schemes) Regulations 2015* and the submitted information, it is concluded that the Development Application for the proposed telecommunications infrastructure should be conditionally approved. The reasons for this include:

- There is an existing Telstra exchange adjacent to the proposed development;
- The proposed development is setback a similar distance to the northern property boundary as the existing Telstra exchange;
- The proposed development is low-key in scale;
- No objection was received from the landowner to the north;
- The Development Application complies with *State Planning Policy 5.2 Telecommunications Infrastructure*; and
- The proposed telecommunication infrastructure benefits the district and areas further afield.

STATUTORY/LEGAL IMPLICATIONS

Planning and Development Act 2005 and *Planning and Development (Local Planning Schemes) Regulations 2015* - the processing of the Development Application is required to comply with the requirements of the Scheme which is an operative local planning scheme under the provisions of the Act/Regulations.

The planning framework is extensive relating to telecommunication facilities and this Development Application including:

- *Telecommunications Act 1997*;
- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *State Planning Policy 2.5 Rural Planning*;
- *State Planning Policy 5.2 Telecommunications Infrastructure*;
- *Shire of Woodanilling District Zoning Scheme No. 1*; and
- The area proposed for the telecommunications infrastructure is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.

POLICY IMPLICATIONS

Nil as covered by State Planning Policy 5.2 Telecommunication Infrastructure.

FINANCIAL IMPLICATIONS

The applicant has paid the Development Application fee.

STRATEGIC IMPLICATIONS

Enhanced communications is critical to the district.

CONSULTATION/COMMUNICATION

The Shire has undertaken consultation on the Development Application as outlined above.

RISK MANAGEMENT

Should Council not proceed on the officer’s recommendation, there is a risk to the Shire’s reputation should it be seen as not supporting actions agreed to by the Alliance of Central Great Southern Councils. Therefore, it is assessed that the risk is “Low” as reflected below.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council grant Development Approval for telecommunication infrastructure at Lot 105 on Deposited Plan 400468 Leggoe Road, Beaufort River as outlined in Attachment 11.1.1 subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. This development approval shall lapse and be of no further effect if the development hereby permitted has not been substantially commenced within 2 years of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out.
3. Any lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
4. The operator/owner establishes an asset protection zone around the telecommunication infrastructure prior to the infrastructure being operational, which is then suitably maintained to the satisfaction of the local government.
5. Run-off from the development is to suitably managed and then implemented to the satisfaction of the local government. Details are to be provided with the Building Permit application.

Advice Notes:

- A) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B) All operations must be carried out in accordance with the separate requirements of the Australian Communications and Media Authority and Australian Radiation Protection and Nuclear Safety Agency pertaining (but not limited) to electromagnetic energy.
- C) The property is located in a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.
- D) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

12. INFRASTRUCTURE SERVICES

Nil.

13. CORPORATE SERVICES

13.1.LIST OF ACCOUNTS FOR PAYMENT – 30 JUNE 2024

File Reference	ADM0066
Date of Report	5 July 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Brooke Dellacqua, Senior Finance Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Attachment 13.1.1 – List of Accounts for Payment – 30 June 2024

BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 30 June 2024, as required under the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND/COMMENT

In accordance with *Local Government (Financial Management) Regulations 1996*, Clause 13 (1) schedules of all payments made through Council's bank accounts are presented to Council for inspection.

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid is to be provided to Council, where such delegation is made.

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within **ATTACHMENT 13.1.1**.

Payments up to 30 June 2024

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay.	Municipal	\$14,063.88
Cheque Payments- Chq 15387	Municipal	\$200.00
EFT Payments #7313 to #7354	Municipal	\$151,689.49
Sub Total	Municipal	\$165,953.37
Payments	Trust	\$0.00
Payments	Reserve	\$0.00
Totals		\$165,953.37

STATUTORY/LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

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

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

FINANCIAL IMPLICATIONS

There are no financial implications that have been identified as a result of this report or recommendation.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

There are no community engagement implications that have been identified as a result of this report or recommendation.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer’s provide a full detailed listing of payments made in the timely manner.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the list of accounts and details of the credit card amounts, totalling \$165,953.37 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 30 June 2024, as contained within **ATTACHMENT 13.1.1.**

13.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2024

File Reference	ADM0066
Date of Report	8 July 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Attachment 13.2.1 – Monthly Financial Report 30 June 2024

BRIEF SUMMARY

The Monthly Financial Report for period ending 30 June 2024 is presented for Council's consideration.

BACKGROUND/COMMENT

In accordance with regulation 34 of the *Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. The Monthly Financial Reports have been prepared in accordance with statutory requirements.

The Statement of Financial Activity as at 30 June 2024 shows a closing surplus of \$1,010,861.

STATUTORY/LEGAL IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

The Budget will be regularly monitored on at least a monthly basis, by the Chief Executive Officer and Financial Consultant. Responsible Officers are also required to review their particular line items for anomalies each month, with a major review required by law, between 1 January and 28 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

Any material variances that have an impact on the outcome of the budgeted closing surplus/deficit position are detailed in the Monthly Financial Report contained within **ATTACHMENT 13.2.1**

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

Reporting Officers receive monthly updates to track expenditure and income and to be aware of their work commitments versus budget allocations.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not receive the Monthly Financial Reports for the month reported leading to the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council receive the Monthly Financial Report for the period of 30 June 2024, in accordance with section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1995* as presented in **ATTACHMENT 13.2.1**.

14. COMMUNITY SERVICES

Nil.

15. OFFICE OF CEO

15.1 CHANGE OF AUGUST 2024 ORDINARY COUNCIL MEETING DATE

File Reference	ADM0321
Date of Report	12 July 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	Nil.

BRIEF SUMMARY

This report is to formally vote on a date change of the Ordinary Council Meeting due to be held on 20 August 2024.

BACKGROUND/COMMENT

It has been identified that changing the Ordinary Council Meeting date from Tuesday 20th August to Tuesday the 27th August 2024 will enable more time to prepare the 2024/25 Annual Budget for adoption.

STATUTORY/LEGAL IMPLICATIONS

In accordance with regulation 12 Local Government (Administration) Regulations 1996,

(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

CONSULTATION/COMMUNICATION

Consultation has occurred with the Council.

RISK MANAGEMENT

The risk in relation to this matter is assessed as "Low" on the basis that if Council does not change the Council meeting date, an effective meeting can still be held.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council change the Ordinary Council Meeting date scheduled for Tuesday 20th August to Tuesday the 27th August 2024 and publish the change on the official website.

16. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17. CONFIDENTIAL REPORTS

Nil.

18. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

Nil.

19. CLOSURE OF MEETING