



Norseman Woodlands to Eucla Coast

Notice of Meeting and Agenda Special Council Meeting 29th March 2022

NOTICE OF MEETING

A Special Meeting of the Council will be held on 29th March 2022 in the Council Chambers at Prinsep Street Norseman, commencing at 4:30pm to consider and resolve on the matters set out in the attached agenda.

A handwritten signature in black ink, appearing to read "Peter Fitchat", is written over a horizontal line.

Peter Fitchat
Chief Executive Officer
25th March 2022

Notes to Agenda.

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AGENDA for the SPECIAL Meeting of the Council to
be held in the Council Chambers at the Shire
Administration Office – Prinsep Street Norseman on
the 29th March 2022 commencing at 4:30pm

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1 Declaration of Opening and Announcement of Visitors.

The Shire President welcomed all in attendance and declared the meeting open at

This Council meeting is being held on the traditional lands of the Ngadju people and I wish to acknowledge them as traditional owners and pay my respects to their elders, past and present.

2 Declarations of Financial, Proximity, Impartiality Interests & Gifts Received.

Financial Interests:

Proximity Interests:

Impartiality Interests:

Gifts Received by Councillors:

As per the Shire of Dundas Code of Conduct section 3.4 Gifts, adopted by the Council on 21 October 2014 and reference to Regulation 34B of the Local Government (Administration) 1996.

3 Record of Attendance of Councillors / Officers and Apologies.

Cr L Bonza	Shire President
Cr R Patupis	Deputy Shire President
Cr JEP Hogan	
Cr S Warner	
Cr V Wyatt	
Cr J Maloney	
Peter Fitchat	Chief Executive Officer
Pania Turner	Manager of Corporate and Community Services
Barry Hemopo	Manager of Works and Services
Latif Samadi	Information and Technology Officer

Leave of Absence

4 Public Question Time.**5 Petitions, Deputations or Presentations.****6 Announcements by Presiding Member without Discussion.**

7 Reports of Officers

Agenda Reference and Subject	
Item 7.1 Request to Vary Development Approval Db 01/2021 In Order To Reposition a Proposed Weather Monitoring Mast (Wgeh01)	
Location / Address	Unallocated Crown land (UCL) within the district of Mundrabilla (coordinates Lat: -31.6150 Long: 128.6246)
File Reference	DB 1/2021
Author	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant
Date of Report	15 March 2022
Disclosure of Interest	DG+A receives consulting fees from the Shire of Dundas

Summary

A request has been received from WGEH P/L – proponent of planned renewal energy ('green hydrogen') hub near Eucla - to reposition proposed weather monitoring mast WGEH01 from its approved location approximately 30 kilometres north-west of the Eucla township and approximately 175 metres north east of the Eucla – Reid track (coordinates Lat: -31.456552 Long: 128.713819) to a new location approximately 25 kilometres north-west of the Eucla township (coordinates Lat: -31.6150 Long: 128.6246)

This is in response to a request from the traditional owners of the area (who are also a partner in the development of the proposed renewal energy 'green hydrogen' hub) to relocate the mast.

As the proposed relocation is considered a minor change to the development approval granted (DB 1/2021) it is recommended that the request be granted.

Background

At its November 2021 Ordinary Meeting Council unanimously resolved to grant conditional development approval for the installation of a weather monitoring mast (WGEH01) within the Mundrabilla district approximately 30 kilometres north-west of the Eucla township and approximately 175 metres north east of the Eucla – Reid track (coordinates Lat: -31.456552 Long: 128.713819)

The mast is proposed to be guyed-latticed mast up to 165 metres high with additional sensors and lightning protection. The purpose of the mast is to collect a range of data to guide and inform the future design and development of a planned renewable energy ('green hydrogen') hub within the land district and near Eucla.

The development approval granted for this is valid only for 5 years, expiring on 31 July 2026.

The proponent is WGEH P/L, a consortium comprising the entities Intercontinental Energy and CWP Global, and the Mirning People (traditional custodians of Mirning Country and the native titleholders in which the development site is to be located).

The proponent has advised that the Department of Defence has no objection to the proposed mast relocation is and is currently awaiting the completion of re-assessment of the proposal by Airservices Australia and the Civil Aviation Safety Authority (CASA). Assessment by Airservices Australia and CASA is unlikely to be completed until sometime in April 2022, however, it is further unlikely that Airservices Australia and CASA will object to the proposed relocation.

Proposal Overview

Following further consultation with the traditional owners of the land, WGEH P/L now seek to vary the development approval granted for the weather monitoring mast by relocating it to a new location approximately 25 kilometres north-west (**coordinates Lat: -31.6150 Long: 128.6246**) of the Eucla township.

Attachment 7.1 denotes the currently approved location of the weather monitoring mast (WGEH01) and its proposed new location.

No other changes are proposed to the weather monitoring mast.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 ('PD Regs')

Clause 77 (1) (c) in Schedule 2 of PD Regs provides authority for the Shire to amend a development approval. Ordinarily, this requires a new development application to be submitted detailing the proposed amendment/s. However, sub-clause 3 of clause 77 (1) (c) also provides for the local government to dispense with the requirement to make a new development application where the proposed amendment is considered to be of a **minor nature**.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The strategic community plan themes that may link to the proposal are as follows:

Theme 2 – A thriving local economy and economic base				
A strong, diversified economy with a number of commercial businesses and industries providing new and varied employment opportunities for all age groups.				
Nº	Strategy 2	Goal	Measure	25
2.4	Provide infrastructure that stimulates growth	To assist in the provision of infrastructure that encourages development of existing and new business opportunities.	Increased level of infrastructure that is beneficial to business and industry.	High

Consultation

The proponent consulted the Department of Defence (DoD), the Civil Aviation Safety Authority (CASA), and Airservices Australia (AA).

As the Department of Water and Environmental Regulation (DWER) did not provide any feedback on the proposed mast at its original location it was considered that it was not warranted to refer this request to it.

Comment

Given that the Mirning people have requested the proposed mast be relocated to the position shown, and that the proposed relocation is of a minor nature, it is recommended that the request to vary the current development approval be granted, subject to the WGEH maps Proposed Mast Location Overview – WGEH01 and Proposed Mast Location Detailed – WGEH01 referenced in the Notice of Determination dated 23 November 2021 being replaced by the revised map provided at Attachment 7.1 to this agenda.

Determination Options

In determining the variation request Council has the option of either approving the request or refusing to approve the request. If the latter, Council must provide reasonable grounds for the refusal.

Voting Requirements

Simple Majority

Officer Recommendation

That Council, pursuant to clause 77 (1) (c) and (3) in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, hereby amends development application DB 1/2021 by replacing the WGEH maps Proposed Mast Location Overview – WGEH01 and Proposed Mast Location Detailed – WGEH01 referenced in the Notice of Determination dated 23 November 2021 with the revised map provided at Attachment 7.1

Advice Notes

All conditions attached to development approval DB 1/2021 remain unchanged.

Moved Cr
Seconded Cr

Resolution

Carried by: Simple Majority

For:

Against:

Agenda Reference and Subject	
Item 7.2	Confirmation of Special Meeting Minutes held on 30th July 2021
Location / Address	88-92 Prinsep Street, Norseman, WA 6443
File Reference	IM-21
Author	Manager Community Development Pania Turner
Date of Report	15 March 2022
Disclosure of Interest	Nil

Summary

Confirmation of the Special Meeting Minutes held on 30th July 2021 should have occurred at the Ordinary Meeting of Council 24th August 2021. The minutes were not included in the meeting agenda; however they are still required to be confirmed.

Statutory Environment

Local Government Act

Policy Implications

The *Councillor Code of Conduct Policy* was an agenda item in this meeting.

Financial Implications

Nil

Strategic Implications

Nil

Comment

Senior Managers have noted the oversight and recognise that during this period there was a staff change over. Processes have been reviewed to ensure this does not occur again.

Officer Recommendation

That the minutes of the Ordinary Council Meeting held on 30th July 2021 be confirmed as a true and accurate record.

Moved Cr
Seconded Cr

Resolution

Carried by: Simple Majority

For:

Against:

Agenda Reference and Subject	
Item 7.3 Compliance Audit Return 2021	
Location / Address	88-92 Prinsep Street, Norseman, WA 6443
File Reference	LS.CM
Author	Chief Executive Officer
Date of Report	25 March 2022
Disclosure of Interest	Nil

Background

Each year, Council is required to complete an annual compliance audit return (CAR) for the calendar year immediately preceding (1st January to 31st December) as published by the Department for Local Government and Communities. The CAR is then to be reviewed by the Audit Committee and a report presented to Council prior to the adoption of the CAR.

This year, the CAR was reviewed and completed by Moore Australia. Tanya Browning, Manager Local Government Advisory, from Moore Australia attended the Shire offices on 31 January 2022, during which time the CAR was completed through interviews with senior staff and the inspection of various documents and records including:

- Minute books
- Tender Register
- Financial Interest & Return Register
- Complaints Register
- Delegations Register
- Council's Website

The CAR is one of the tools that allow Council to monitor how the organisation is functioning in regard to compliance with the *Local Government Act 1995* and provides the Audit and Risk Committee the opportunity to report to Council any cases of non-compliance or where full compliance was not achieved.

This process also provides opportunity for the Audit and Risk Committee to consider matters that may require further review within ongoing risk framework assessments and actions.

Through the completion of the 2021 CAR, there were instances of non-compliance noted, particularly relating to matters which arising from changes to legislation. In relation to procurement, whilst systems and processes should be in place to ensure compliance with the purchasing policy and legislation, it is impossible to certify compliance in every instance without a complete examination of all purchases. Instances of non-compliance were noted by management to have occurred during the reporting period, as well as the difficulty to declare during the review period the appropriate number of quotations had been obtained for every purchase (particularly low value purchases) in accordance with the purchasing policy.

A summary of the matters noted during the completion of the 2021 CAR is attached for information. The attached summary also notes general improvement opportunities to systems and processes identified through the completion of the CAR. These improvements may assist the Shire in its risk management activities and continual improvement of administrative and compliance functions.

Statutory Environment

Regulation 14 of the *Local Government (Audit) Regulations 1996* provides that:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

- (a) presented to the council at a meeting of the council; and
- (b) adopted by the council; and
- (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 14 of the *Local Government (Audit) Regulations 1996* details the requirements with regard to certifying the CAR and issuing to the Departmental CEO

Section 7.13(1)(i) of the *Local Government Act 1995* refers to the provisions within regulations with regard to audits.

Policy Implications

There are no policy implications resulting from the recommendation of this report.

Financial Implications

There are no financial implications resulting from the recommendation of this report.

Strategic Implications

There are no strategic implications resulting from the recommendation of this report.

Risk Management

This item has been evaluated against the Shire's Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is medium prior to treatment.

Voting Requirements

Absolute Majority

Officer Recommendation

That the Council adopt the Compliance Audit Return for 2021 as shown in the attachment following this report, and that the Shire President and Chief Executive Officer be authorised to sign the Compliance Audit Return for submission to the Department of Local Government.

Moved: Cr.
Seconded: Cr.

Resolution

Carried by: Simple Majority For: Against:

8 Next Meeting

The next Special Meeting of the Council will be called as required.

9 Closure of Meeting

There being no further business the Shire President thanked all those in attendance and declared the meeting closed at: