



AGENDA FOR  
ORDINARY COUNCIL MEETING  
TO BE HELD ON  
WEDNESDAY  
16 DECEMBER 2020  
COMMENCING AT 5.00 PM



**SHIRE OF THREE SPRINGS  
ORDINARY COUNCIL MEETING NOTICE PAPER  
16 DECEMBER 2020**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 16 December 2020, in the Council Chambers, Railway Road, Three Springs commencing at 5pm.

**Keith Woodward**  
**Chief Executive Officer**

**10 December 2020**

**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

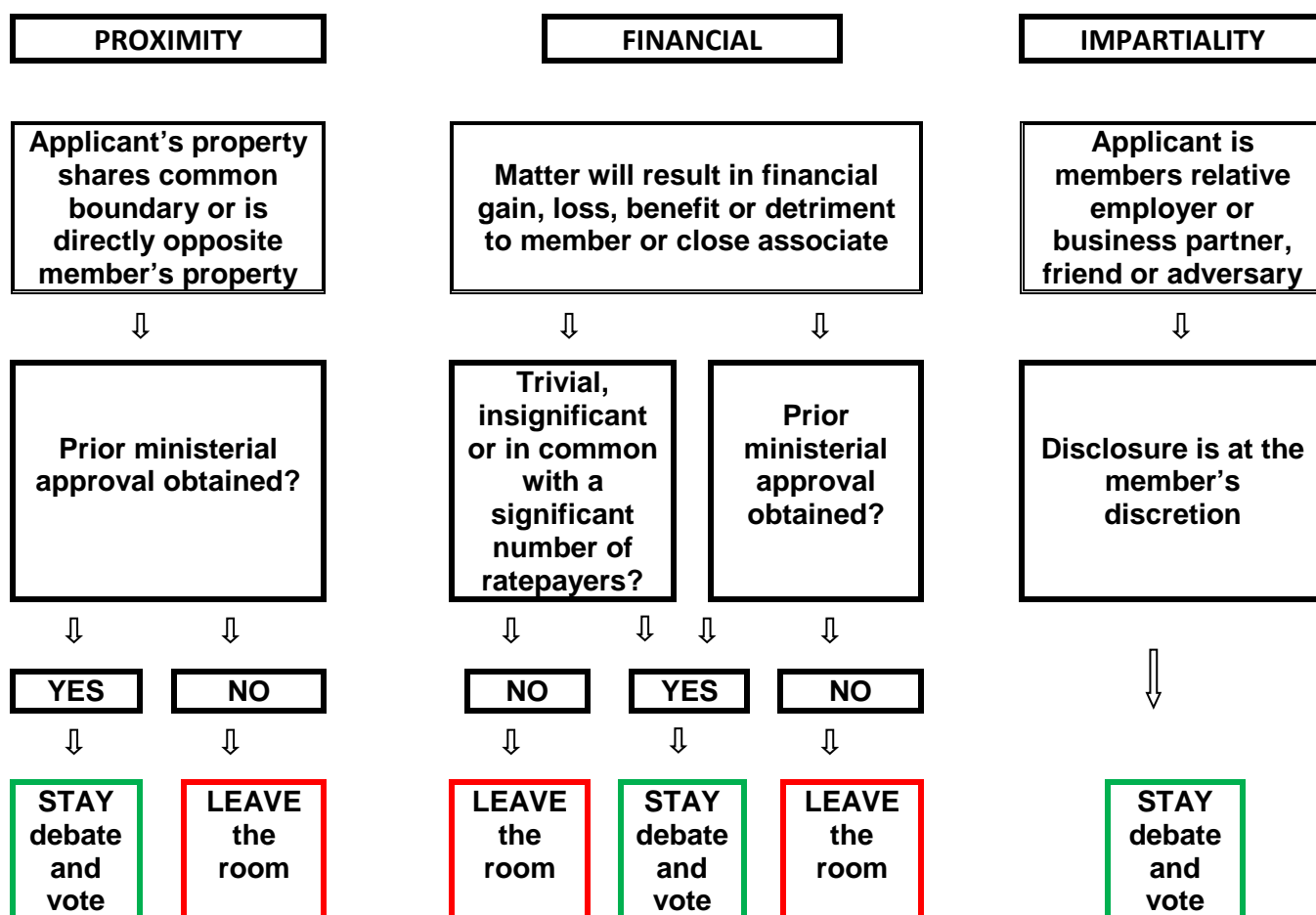
CEO

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.

|                          |
|--------------------------|
| <b>TABLE OF CONTENTS</b> |
|--------------------------|

|   |           |
|---|-----------|
| <b>1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....</b>  | <b>2</b>  |
| <b>2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE .....</b>                                | <b>2</b>  |
| <b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>                                    | <b>2</b>  |
| <b>4. PUBLIC QUESTION TIME .....</b>  | <b>2</b>  |
| <b>5. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>   | <b>2</b>  |
| <b>6. CONFIRMATION OF PREVIOUS MEETING MINUTES.....</b>   | <b>2</b>  |
| <b>7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....</b>                                     | <b>2</b>  |
| <b>8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS.....</b>   | <b>2</b>  |
| <b>9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....</b>                                    | <b>3</b>  |
| <b>10. REPORTS OF OFFICERS .....</b>  | <b>4</b>  |
| 10.1 Good Governance in Practice  |           |
| 10.2 Regulation 17 Financial Management Review and the Compliance Audit Return                          |           |
| 10.3 Annual Review of the Delegation Register   |           |
| 10.4 New Policy 49 Recognition of Three Springs Births, Graduates and the Passing of Community Members. |           |
| 10.5 Community MembersYarra Yarra Farm Improvement Group  |           |
| 10.6 Proposed Subdivision - Lot 2 Perenjori-Three Springs Road, Womarden                                |           |
| 10.7 Capital Works Progress Update 2020-2021  |           |
| 10.8 Annual Financial Report 2019-2020  |           |
| 10.9 Financial Statement for Period Ending 30 November 2020   |           |
| 10.10 Accounts for Payments 30 November 2020  |           |
| <b>11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>  | <b>49</b> |
| <b>12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....</b>                         | <b>49</b> |
| 12.1. ELECTED MEMBERS .....   | 49        |
| 12.2. STAFF .....   | 49        |
| <b>13. QUESTIONS BY MEMBERS WITHOUT NOTICE.....</b>   | <b>50</b> |
| <b>14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....</b>                                 | <b>50</b> |
| <b>15. TIME AND DATE OF NEXT MEETING .....</b>  | <b>50</b> |
| <b>16. CONFIDENTIAL ITEMS .....</b>   | <b>50</b> |
| <b>17. MEETING CLOSURE.....</b>   | <b>50</b> |

## AGENDA

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

#### ***Welcome to Country:-***

The Shire of Three Springs acknowledges the traditional owners of this land – the 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 | Apologies | Approved Leave of Absences |
|--------------------------------|------------|-----------|----------------------------|
| Councillor Lane                |            |           |                            |
| Councillor Connaughton         |            |           | 16/12/2020                 |
| Councillor Heal                |            |           |                            |
| Councillor Mutter              |            |           |                            |
| Councillor Mills               |            |           |                            |
| Councillor Ennor               |            |           |                            |
| Councillor Eva                 |            |           |                            |
| Chief Executive Officer        |            |           |                            |
| Deputy Chief Executive Officer |            |           |                            |
| Manager of Works & Services    |            |           |                            |
| 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 are confirmed as true and accurate record of proceedings.

|     | Date | Moved | Seconded | Vote |
|-----|------|-------|----------|------|
| 6.1 |      | Cr.   | Cr.      |      |

### 7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

### 8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Ordinary Council Meeting Agenda – 16 December 2020

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

**9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

6

## 10. REPORTS OF OFFICERS

| Executive Services                |   |
|-----------------------------------|---|
|                                   |   |
| 10.1. Good Governance in Practice |   |
| Agenda Reference:                 | CEO                                     |
| Location/Address:                 | Shire of Three Springs                  |
| Name of Applicant:                | Shire of Three Springs                  |
| File Reference:                   | ADM0211                                 |
| Disclosure of Interest:           | Nil                                     |
| Date:                             | 16 December 2020                        |
| Author:                           | Keith Woodward, Chief Executive Officer |
| Attachment (s):                   |   |

### Council Role:

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

### Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for November 2020.
2. Actions Performed under Delegated Authority for November 2020.

### Background:

Local Governments are required to fulfil duties and functions prescribed in legislation.

This expectation is prescribed in the *Local Government Act 1995* through the CEO duties which require the management of legislative compliance.

### Officer's Comment:



**Compliance Table for November 2020**

| Compliance Action  | Compliance Requirement                    | Section / Ref                | Good Practice Resources and LG Operational Procedures                           | Compliance Frequency      | Records Ref (Evidence of completion)                                       | Comments. If Action not completed, report on plan to rectify non-compliance |
|--|---|------------------------------|---|---------------------------|--|---|
| <b>Monthly Financial Report</b><br>LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates. | Local Government Act 1995                 | s.6.4<br>FM.Reg.34           | DLGSC website - WA Local Government Accounting Manual                           | Monthly                   | November 2020 report submitted to the December 2020 OCM. Reference Minutes |   |
| <b>Emergency Services Levy - Remittance DUE by: 21st of the month</b><br>Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A   | DFES - ESL Manual of Operating Procedures | Clause 5.13.                 | DFES -ESL website - Manual of Operating Procedures                              | Monthly                   | N/A  |   |
| <b>Emergency Services Levy - Option B Payment Due Due by: 21 December</b> and ESL Assessment Profile Return Form A   | DFES - ESL Manual of Operating Procedures |                              | DFES -ESL website - Manual of Operating Procedures                              | Quarterly                 | N/A  |   |
| <b>Council / Committee Meeting Schedule -</b><br>At least once per year, determine meeting schedule for next 12 months (see January - and give Local Public Notice)  | Local Government Act 1995                 | s.5.25(1)(g)<br>Admin.Reg.12 |   | Annual                    | September 2020   |   |
| <b>Annual Report - Accepted</b> , by Absolute Majority, by no later than <b>31st December</b>  | Local Government Act 1995                 | s.5.53<br>s.5.54             | DLGSCI website - WA Local Government Accounting Manual                          | Annual                    | The Annual Financial Report will be presented at the December 2020 OCM.    |   |
| <b>Elections - Declarations of Office</b> for new Elected Members, Shire President / Mayor and Deputy Shire President / Mayor sworn in following Election Day (2 months from declaration of result - s.2.32(c))  | Local Government Act 1995                 | s.2.29                       | DLGSC website - Elections Timetable<br>DLGSC website - Returning Officer Manual | Biennial<br>Next due 2021 | N/A  |   |

## Ordinary Council Meeting Agenda – 16 December 2020

|  |                            |      |  |         |                                 |  |
|--|----------------------------|------|--|---------|---------------------------------|--|
| <b>Master Compliance Calendar - Review</b><br>Review the Master Compliance Calendar content and consult with the LGs CEO, Executive and key employees to identify any additional Compliance Actions for inclusion in the next year's Master Compliance Calendar. | n/a                        | n/a  |  | Annual  | Completed on a monthly basis.   |  |
| <b>Valuer General Information</b><br><b>Due 14th day</b> of each month - providing schedules of:<br>• building licenses issued<br>• building license works completed<br>• registered plans and amendments under the Strata Titles Act 1985                       | Valuation of Land Act 1978 | s.37 |  | Monthly | Completed.<br>City of Geraldton |  |

### Execution of Delegation for November 2020

| Date      | File Reference    | Delegation Number                                   | Decision Detail                                       | Applicant | Officer                        | Comment   |
|-----------|-------------------|---|---|-----------|--------------------------------|---|
| 25-Nov-20 | Chq 11619         | CS002 - Payments from Municipal Fund and Trust Fund | Creditors Payment - City of Greater Geraldton         | NAB       | CEO                            | Creditors Payment - City of Greater Geraldton # 11619 - \$396.68  |
| 25-Nov-20 | Chq 11620         | CS002 - Payments from Municipal Fund and Trust Fund | Creditors Payment - Three Springs Engineering         | NAB       | CEO                            | Creditors Payment - Three Springs Engineering # 11620 - \$605.00  |
| 5-Nov-20  | PMT ID: 170373171 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB       | Deputy Chief Executive Officer | Transfer Funds to Licensing Account Banking 04/11/2020 - \$227.45 |
| 06-Nov-20 | PMT ID: 170489607 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Maxi A/C to Muni A/C              | NAB       | Deputy Chief Executive Officer | Transfer \$40,000.00 from Maxi A/C to Muni A/C                    |
| 06-Nov-20 | PMT ID: 170492840 | CS002 - Payments from Municipal Fund and Trust Fund | Weekly Payment - Creditors                            | NAB       | Deputy Chief Executive Officer | Creditor Payment - EFT PMT ID 0170492840 for \$39,210.81          |
| 11-Nov-20 | PMT ID: 170716151 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Maxi A/C to Muni A/C              | NAB       | Deputy Chief Executive Officer | Transfer \$30,000.00 from Maxi A/C to Muni A/C                    |
| 11-Nov-20 | PMT ID: 170721480 | CS002 - Payments from Municipal Fund and Trust Fund | Fortnightly Payroll                                   | NAB       | Deputy Chief Executive Officer | Fortnightly Payroll PPE 10 November 2020 - \$42,492.51            |
| 18-Nov-20 | PMT ID: 171171913 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB       | Deputy Chief Executive Officer | Transfer Funds to Licensing Account Banking 17/11/2020 - \$872.80 |
| 22-Nov-20 | PMT ID: 171307086 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB       | Deputy Chief Executive Officer | Transfer Funds to Licensing Account Banking 19/11/2020 -          |

## Ordinary Council Meeting Agenda – 16 December 2020

|           |                   |  |  |                     |                                |  |
|-----------|-------------------|--|--|---------------------|--------------------------------|--|
|           |                   |  |  |                     |                                | \$847.15. Value Date 23.11.20  |
| 24-Nov-20 | ICR2013795        | CS005 - Waiving and Granting of Concession and Write Off of debts other than Rates and Service Charges | Waiving of fees for Yoga classes held at Red Room once a week. | Mrs Lorraine Morgan | Deputy Chief Executive Officer | Encourage and support participation in Yoga Classes for a healthy life style by our Seniors. |
| 25-Nov-20 | PMT ID: 171569202 | CS002 - Payments from Municipal Fund and Trust Fund  | Fortnightly Payroll  | NAB                 | Deputy Chief Executive Officer | Fortnightly Payroll PPE 24 November 2020 - \$41,153.69                                       |
| 25-Nov-20 | PMT ID: 171578338 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Maxi A/C to Muni A/C                       | NAB                 | Deputy Chief Executive Officer | Transfer \$80,000.00 from Maxi A/C to Muni A/C   |
| 25-Nov-20 | PMT ID: 171584684 | CS002 - Payments from Municipal Fund and Trust Fund  | Weekly Payment - Creditors                                     | NAB                 | Deputy Chief Executive Officer | Creditor Payment - EFT PMT ID 171584684 for \$282,678.89                                     |
| 25-Nov-20 | Chq 11619         | CS002 - Payments from Municipal Fund and Trust Fund  | Creditors Payment - City of Greater Geraldton                  | NAB                 | Deputy Chief Executive Officer | Creditors Payment - City of Greater Geraldton # 11619 - \$396.68                             |
| 25-Nov-20 | Chq 11620         | CS002 - Payments from Municipal Fund and Trust Fund  | Creditors Payment - Three Springs Engineering                  | NAB                 | Deputy Chief Executive Officer | Creditors Payment - Three Springs Engineering # 11620 - \$605.00                             |
| 4-Nov-20  | PMT ID: 170274539 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Muni Account to Licensing Account          | NAB                 | Senior Finance Officer         | Transfer Funds to Licensing Account Banking 03/11/2020 - \$8.50                              |
| 5-Nov-20  | PMT ID: 170373171 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Muni Account to Licensing Account          | NAB                 | Senior Finance Officer         | Transfer Funds to Licensing Account Banking 04/11/2020 - \$227.45                            |
| 6-Nov-20  | PMT ID: 170469704 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Muni Account to Licensing Account          | NAB                 | Senior Finance Officer         | Transfer Funds to Licensing Account Banking 05/11/2020 - \$1,379.70                          |
| 06-Nov-20 | PMT ID: 170489607 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Maxi A/C to Muni A/C                       | NAB                 | Senior Finance Officer         | Transfer \$40,000.00 from Maxi A/C to Muni A/C   |
| 06-Nov-20 | PMT ID: 170492840 | CS002 - Payments from Municipal Fund and Trust Fund  | Weekly Payment - Creditors                                     | NAB                 | Senior Finance Officer         | Creditor Payment - EFT PMT ID 0170492840 for \$39,210.81                                     |
| 11-Nov-20 | PMT ID: 170716151 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Maxi A/C to Muni A/C                       | NAB                 | Senior Finance Officer         | Transfer \$30,000.00 from Maxi A/C to Muni A/C   |
| 11-Nov-20 | PMT ID: 170721480 | CS002 - Payments from Municipal Fund and Trust Fund  | Fortnightly Payroll  | NAB                 | Senior Finance Officer         | Fortnightly Payroll PPE 10 November 2020 - \$42,492.51                                       |
| 11-Nov-20 | PMT ID: 170722696 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Muni Account to Licensing Account          | NAB                 | Senior Finance Officer         | Transfer Funds to Licensing Account Banking 10/11/2020 - \$677.05                            |
| 13-Nov-20 | PMT ID: 170877745 | CS002 - Payments from Municipal Fund and Trust Fund  | Transfer Funds from Muni Account to Licensing Account          | NAB                 | Senior Finance Officer         | Transfer Funds to Licensing Account Banking 12/11/2020 - \$90.70                             |
| 13-Nov-20 | PMT ID: 170892359 | CS002 - Payments from Municipal Fund and Trust Fund  | Weekly Payment - Creditors                                     | NAB                 | Senior Finance Officer         | Creditor Payment - EFT PMT ID 170892359 for \$34,434.72                                      |

## Ordinary Council Meeting Agenda – 16 December 2020

|           |                      |   |   |     |                        |   |
|-----------|----------------------|---|---|-----|------------------------|---|
| 18-Nov-20 | PMT ID:<br>171171913 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Senior Finance Officer | Transfer Funds to Licensing Account Banking 17/11/2020 - \$872.80   |
| 23-Nov-20 | PMT ID:<br>171307086 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Senior Finance Officer | Transfer Funds to Licensing Account Banking 19/11/2020 - \$847.15   |
| 25-Nov-20 | PMT ID:<br>171569202 | CS002 - Payments from Municipal Fund and Trust Fund | Fortnightly Payroll                                   | NAB | Senior Finance Officer | Fortnightly Payroll PPE 24 November 2020 - \$41,153.69              |
| 25-Nov-20 | PMT ID:<br>171578338 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Maxi A/C to Muni A/C              | NAB | Senior Finance Officer | Transfer \$80,000.00 from Maxi A/C to Muni A/C                      |
| 25-Nov-20 | PMT ID:<br>171529939 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Senior Finance Officer | Transfer Funds to Licensing Account Banking 24/11/2020 - \$71.15    |
| 25-Nov-20 | PMT ID:<br>171584684 | CS002 - Payments from Municipal Fund and Trust Fund | Weekly Payment - Creditors                            | NAB | Senior Finance Officer | Creditor Payment - EFT PMT ID 171584684 for \$282,678.89            |
| 26-Nov-20 | PMT ID:<br>171708642 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Senior Finance Officer | Transfer Funds to Licensing Account Banking 25/11/2020 - \$40.90    |
| 27-Nov-20 | PMT ID:<br>171758957 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Senior Finance Officer | Transfer Funds to Licensing Account Banking 26/11/2020 - \$198.05   |
| 4-Nov-20  | PMT ID:<br>170274539 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Finance Officer        | Transfer Funds to Licensing Account Banking 03/11/2020 - \$8.50     |
| 6-Nov-20  | PMT ID:<br>170469704 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Finance Officer        | Transfer Funds to Licensing Account Banking 05/11/2020 - \$1,379.70 |
| 11-Nov-20 | PMT ID:<br>170722696 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Finance Officer        | Transfer Funds to Licensing Account Banking 10/11/2020 - \$677.05   |
| 13-Nov-20 | PMT ID:<br>170877745 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Finance Officer        | Transfer Funds to Licensing Account Banking 12/11/2020 - \$90.70    |
| 25-Nov-20 | PMT ID:<br>171529939 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Finance Officer        | Transfer Funds to Licensing Account Banking 24/11/2020 - \$71.15    |
| 26-Nov-20 | PMT ID:<br>171708642 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Finance Officer        | Transfer Funds to Licensing Account Banking 25/11/2020 - \$40.90    |
| 27-Nov-20 | PMT ID:<br>171758957 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer Funds from Muni Account to Licensing Account | NAB | Finance Officer        | Transfer Funds to Licensing Account Banking 26/11/2020 - \$198.05   |

## Ordinary Council Meeting Agenda – 16 December 2020

|            |                  |        |   |                  |     |                |
|------------|------------------|--------|---|------------------|-----|----------------|
| 26/11/2020 | ADM0156 - Grants | GO0001 | CEO Approved CDO to sign Grant Application Form | Grants for Women | CDO | Email Approval |
|------------|------------------|--------|---|------------------|-----|----------------|

### Consultation:

Nil

### Statutory Environment:

Local Government Act 1995, Administration Part 5, Division 4, S.5.40

#### 5.41. Functions of CEO

*The CEO's functions are to —*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

#### Local Government (Audit) Regulations 1996

#### 17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
  - (a) risk management; and*
  - (b) internal control; and*
  - (c) legislative compliance.*
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) The CEO is to report to the audit committee the results of that review.*

### Policy Implications:

## Ordinary Council Meeting Agenda – 16 December 2020

Council Policy 1100 Risk Management. The risk management objectives of this policy are:

1. *Optimise the achievement of our vision, mission, strategies, goals and objectives.*
2. *Provide transparent and formal oversight of the risk and control environment to enable effective decision making.*
3. *Enhance risk versus return within our risk appetite.*
4. *Embed appropriate and effective controls to mitigate risk.*
5. *Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.*
6. *Enhance organisational resilience.*
7. *Identify and provide for the continuity of critical operations*

The Good Governance in Practice Principles 'compliance and reporting' align with Council policy and legislation reducing organisation's risk.

### Financial/Resources Implications:

Nil

### Strategic Implications:

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

| <b>'Strategic Community Plan 2018-2028'.</b>  |   |
|---|---|
| <b>Council Objectives:</b>  | <b>Outcome:</b>   |
| 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 Councils approved 'Corporate Business Plan 2020–2024'.

| <b>'Corporate Business Plan 2020 – 2024'.</b> |                         |
|---|-------------------------|
| <b>Scope Statement:</b>                       | <b>Project Outputs:</b> |
| Nil   | Nil                     |

### Voting Requirements:

Simple Majority.

### Officer's Recommendation:

| <b>OFFICER'S RECOMMENDATION:</b>   | <b>10.1</b> |
|--|-------------|
| That Council Accepts:<br><br>1. The Governance Compliance Calendar report for November 2020<br><br>2. Actions Performed under Delegated Authority for November 2020. |             |

## 10. REPORTS OF OFFICERS

| <b>Executive Services</b>  |  |
|--|--|
| <b>10.2. Regulation 17 Financial Management Review and the Compliance Audit Return</b> |  |
| Agenda Reference:  | CEO  |
| Location/Address:  | Shire of Three Springs   |
| Name of Applicant:   | Shire of Three Springs   |
| File Reference:  | ADM0211  |
| Disclosure of Interest:  | Nil  |
| Date:  | 16/12/2020   |
| Author:  | Keith Woodward, Chief Executive Officer  |
| Attachment (s):  | Regulation 17 Status Report 1<br>Regulation 17 Status Report 2<br>Policy 31 Council Allowances, Expenses and Entitlements.<br>Policy 56 Grievance<br>Policy 03 Code of Conduct |

### 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:

1. Receive the review of Regulation 17 Financial Management, Risk Management, Legislative Compliance and Internal Controls report.

2. Rescind and adopt new council policy associated with the Regulation 17 review.

**Background:**

At the December 2019 Ordinary Council meeting the following resolution was adopted:

| <b>002/2020 OFFICER'S RECOMMENDATION and COUNCIL DECISION:</b>   |  | <b>10.2</b>  |
|--|--|--|
| <b>That Council:</b>   |  | <b><u>MOVED:</u> Cr. Heal</b><br><b><u>SECONDED:</u> Cr. Connaughton</b> |
| <ol style="list-style-type: none"><li>1. <i>Be presented, adopt and record in the minutes of this meeting:</i><ul style="list-style-type: none"><li>• <i>The 5 February 2020 Audit Committee Minutes.</i></li><li>• <i>The Review of Regulation 17 Financial Management, Risk Management, Legislative Compliance and Internal Controls Report.</i></li><li>• <i>The Compliance Audit Return for period ending 31 December 2019.</i></li></ul></li><li>2. <i>The Chief Executive Officer (CEO) reports back to Council by December 2020 confirming that the 'matters' identified for improvement in the 'Regulation 17 Financial Management, Risk Management, Legislative Compliance and Internal Controls Report', have been appropriately managed to comply with legislation.</i></li><li>3. <i>Authorise the Shire President and the Chief Executive Officer to sign the Compliance Audit Return for period ending 31 December 2019.</i></li></ol> |  | <b><u>CARRIED:</u></b><br><b><u>Voted: 6/0</u></b>                       |

**Officer's Comment:**

The Chief Executive Officer (CEO) started employment with the Shire in November 2019. In December 2019 the CEO advised Council that *'matters' identified for improvement in the 'Regulation 17 Financial Management, Risk Management, Legislative Compliance and Internal Controls Reports'*, had not been addressed.

There were a total of 90 areas of noncompliance ('issues'). As of December 2020, 68 'issues' are now compliant, 6 'issues' are underway and 17 'issues' remain outstanding. The 16 outstanding 'issues' will be addressed over the next 6 months. The CEO will report back to Council in June 2021.

The Regulation 17 review identified the need for new or amended Council Policy to ensure compliance. The new or amended Council Policies are:



## Ordinary Council Meeting Agenda – 16 December 2020

| Regulation<br>17-Risk<br>Number | Policy   | Notes  |
|---------------------------------|--|--|
| 6.2.1                           | Policy 31 Council Allowances, Expenses and Entitlements. | <i>Review and update the Policy to separate and clarify the calculation method for reimbursement of travel as set out with the most recent determination published by the SAT.</i> |
| 6.2.2                           | Grievance Policy   | <i>New Policy. Review and amend the policy to provide a mechanism for the handling and resolution of complaints regarding the CEO.</i>   |
| 6.2.6a                          | Code of Conduct Policy                                   | <i>New Policy. Review the section of the Code of Conduct relating to disclosure requirements for <u>gifts</u>.</i>   |

### Consultation:

Nil

### Statutory Environment:

Local Government (Audit) Regulation) 1996 s.17

#### 17. CEO to review certain systems and procedures

(1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*

- (a) *risk management; and*
- (b) *internal control; and*
- (c) *legislative compliance.*

(2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*

(3) *The CEO is to report to the audit committee the results of that review.*

Local Government Act 1995, Part 2, Division 2, s.2.7:

#### 2.7. Role of council

(1) The council —

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

### Policy Implications:

Local Government Act 1995, Part 2, Division 2, s.2.7 states that Council, (a) oversee the allocation of the local government's finances and resources; and (b) determine the local government's policies.

The purpose of policy is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision making process.

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

| <b>'Strategic Community Plan 2018-2028'.</b>   |  |
|--|--|
| <b>Council Objectives:</b>   | <b>Outcome:</b>  |
| 4. 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 – 2024'.

| <b>'Corporate Business Plan 2020 – 2024'.</b> |                         |
|---|-------------------------|
| <b>Scope Statement:</b>                       | <b>Project Outputs:</b> |
| Nil   | Nil                     |

**Voting Requirements:**

Absolute Majority.

**Officer's Recommendation:**

| <b>OFFICER'S RECOMMENDATION:</b>  | <b>10.2</b> |
|---|-------------|
| <b>That Council:</b><br><br><ol style="list-style-type: none"><li>1. Receive the Review of Regulation 17 Financial Management, Risk Management, Legislative Compliance and Internal Controls Report.</li><li>2. Adopt modified Policy 31 Council Allowances, Expenses and Entitlements.</li><li>3. Adopt the new Grievance Policy.</li><li>4. Rescind existing Policy 03 Code of Conduct and adopt new Policy 03 Code of Conduct December 2020.</li></ol> |             |

## 10. REPORTS OF OFFICERS

| <b>Executive Services</b>                             |   |
|---|---|
| <b>10.3. Annual Review of the Delegation Register</b> |   |
| Agenda Reference:                                     | CEO                                     |
| Location/Address:                                     | Shire of Three Springs                  |
| Name of Applicant:                                    | Shire of Three Springs                  |
| File Reference:                                       | ADM0199                                 |
| Disclosure of Interest:                               | Nil                                     |
| Date:   | 16 December 2020                        |
| Author:   | Keith Woodward, Chief Executive Officer |
| Attachment (s):                                       | 2020/2021 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 adopt the December 2020/2021 Delegation Register.

### Background:

At the December 2019 Ordinary Council meeting the following resolution was adopted:

| <b>201202 OFFICER RECOMMENDATION &amp; COUNCIL DECISION:</b>  | <b>10.2</b> |
|---|-------------|
| <p style="text-align: right;"><b><u>MOVED: Cr. Connaughton</u></b><br/><b><u>SECONDED: Cr. Mutter</u></b></p> <p><i>That Council:</i></p> <p>1. Revoke the December 2018 Delegation Register in its entirety.</p> |             |

2. Adopt the revised December 2019 Delegation Register.

**CARRIED:**  
**Voted: 6/0**

Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain 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.

A requirement of Council delegating its authority is that a 'Register of Delegations' needs to be maintained and reviewed annually. Therefore, the purpose of this report is to review the list of delegations to the CEO and 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 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 at any time amend or remove the delegation to the CEO or another officer.

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:

- *Affixing of the common seal;*
- *Development approvals issued;*
- *Building permits issued; and*
- *Health approvals issued.*

| <i>Date</i>             | <i>File Reference</i>                | <i>Delegation No</i> | <i>Decision Detail</i>                            | <i>Applicant</i> | <i>Officer</i> |
|-------------------------|--------------------------------------|----------------------|---|------------------|----------------|
|                         | <i>Example</i>                       |                      |   |                  |                |
| <i>18 November 2019</i> | <i>November 2019 OCM. Report 9.3</i> | <i>G0004</i>         | <i>Advertising Ordinary Council Meeting Dates</i> | <i>CEO</i>       | <i>CEO</i>     |

There are no changes to the Delegation Register from 2019/20 to 2020/21.

**Consultation:**

Nil

**Statutory Environment:**

The Council is empowered pursuant 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 Council.

The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations 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 2018-2028'.

| <b>'Strategic Community Plan 2018-2028'.</b>  |   |
|---|---|
| <b>Council Objectives:</b>  | <b>Outcome:</b>   |
| 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 – 2024'.

| <b>'Corporate Business Plan 2020 – 2024'.</b> |                         |
|---|-------------------------|
| <b>Scope Statement:</b>                       | <b>Project Outputs:</b> |
| Nil   | Nil                     |

**Voting Requirements:**

Absolute Majority.

**Officer's Recommendation:**

| <b>OFFICER'S RECOMMENDATION:</b>                               | <b>10.3</b> |
|--|-------------|
| That Council adopt the December 2020/2021 Delegation Register. |             |

## 10. REPORTS OF OFFICERS

| Executive Services  |   |
|---|---|
| <b>10.4. New Policy 49 Recognition of Three Springs Births, Graduates and the Passing of Community Members.</b> |   |
| Agenda Reference:   | CEO   |
| Location/Address:   | Shire of Three Springs  |
| Name of Applicant:  | Shire of Three Springs  |
| File Reference:   | ADM0200   |
| Disclosure of Interest:   | Nil   |
| Date:   | 16 December 2020  |
| Author:   | Keith Woodward, Chief Executive Officer   |
| Attachment (s):   | Policy 49 Recognitions of Births, Graduates and the Passing of Community Members. |

### 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:

1. Rescind Council Policy 49 Recognition of Passing of Community Member.
2. Adopt new Council Policy 49 Recognitions of Births, Graduates and the Passing of Community Members.

### Background:

The objectives of the Council's Policies are:

1. To provide Council with a formal written record of all policy decisions;

2. To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
3. To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

**Officer's Comment:**

Council would like to initiate a program to recognise local births, school & college graduates in addition to the recognition of the passing of community members.

The appropriate mechanism to manage this initiative is via Council Policy. The new policy is attached.

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, Part 2, Division 2, s.2.7:

2.7. Role of council

(1) The council —

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

**Policy Implications:**

Nil

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

| 'Strategic Community Plan 2018-2028'. |          |
|---------------------------------------|----------|
| Council Objectives:                   | Outcome: |

## Ordinary Council Meeting Agenda – 16 December 2020

|   |   |
|---|---|
| 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 – 2024'.

| <b>'Corporate Business Plan 2020 – 2024'.</b> |                         |
|---|-------------------------|
| <b>Scope Statement:</b>                       | <b>Project Outputs:</b> |
| Nil   | Nil                     |

### **Voting Requirements:**

Absolute Majority.

### **Officer's Recommendation:**

| <b>OFFICER'S RECOMMENDATION:</b>  | <b>10.4</b> |
|---|-------------|
| <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Rescind Council Policy 49 Recognition of Passing of Community Member.</li> <li>2. Adopt new Council Policy 49 Recognitions of Births, Graduates and the Passing of Community Members.</li> </ol> |             |



## 10. REPORTS OF OFFICERS

| Executive Services                        |   |
|---|---|
| <b>10.5.Three Springs Catchment Group</b> |   |
| Agenda Reference:                         | CEO                                     |
| Location/Address:                         | Shire of Three Springs                  |
| Name of Applicant:                        | Shire of Three Springs                  |
| File Reference:                           |   |
| Disclosure of Interest:                   | Nil                                     |
| Date:                                     | 16 December 2020                        |
| Author:                                   | Keith Woodward, Chief Executive Officer |
| Attachment (s):                           |   |

### Council Role:

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

### Report Purpose:

That Council authorises:

1. The formation of the Three Springs Catchment Group (TSCG) as a Committee of Council consisting of "(c) council members, employees and other persons".

*Note: The name 'Three Springs Catchment Group' name will change once the committee has held its first meeting).*

2. The Arrowsmith Catchment Group balance of funds \$95,296.00 being expended over a four year period under the guidance of the TSCG Committee.

**Background:**

In approximately 1997 the Arrowsmith Catchment Group (ACG) was established and in 2001 the ACG concluded. From the information the Shire has about the ACG, it has been determined the ACG directives, objectives and achievements were:

*Direction:*

- *Increasing Water Usage*
- *Combating Salinity*
- *Protecting Remnant Vegetation*

*Objectives:*

- *To maximise water use in the catchment*
- *Vision of the catchment to link strips or patches of remnant vegetation together so as to allow wildlife to migrate along the corridors, in the case of adverse conditions such as fire and flood.*

*The ACG achieved:*

- *Completing individual farm plans – planning of individual farms to help maximise the farms profitability, sustainability and workability and to help minimise the impact of the farming on the existing wildlife corridors or remnant vegetation on the farm.*
- *A Catchment Plan*
- *Planting Commercial Tree crops*
- *Fencing native remnant vegetation*
- *Stabilising and protecting the Arrowsmith River and tributaries*
- *Planting perennial and summer crops*
- *Running Local field days*
- *Watercourses revegetated*
- *Watertables minimised*

The Shire of Three Springs ACG balance of funds held is \$95,296.00.

**Officer's Comment:**

The proposal is to establish the TSCG as a committee of Council. The committee would be made up of Councillors, the Chief Executive Officer and other persons (farmers). As a committee of Council the administrative and financial management of the TSCG will be supported by the Shire staff and Shire policy.

The TSCG objectives will be:

1. To champion and advocate for the Three Springs agriculture industry.
2. Develop and implement initiatives to improve water supply, grain and horticulture crops.
3. Identify improvements to the transport network. Improve road safety and efficiency.

4. Research emerging technologies that combats salinity, land degradation and improves productivity.
5. To improve the profitability and sustainability of local farm and associated businesses
6. Improve mental health of the farming families and communities.
7. To become self-funded and an incorporated association within 4 years.

It is envisaged that the TSCG Terms of Reference will be developed once the committee is endorsed.

*Terms of Reference:*

1. *Vision, objectives, scope and deliverables (i.e. what has to be achieved)*

**Note: The objectives are listed above 1-7.**

2. *stakeholders, roles and responsibilities (i.e. who will take part in it?)*
3. *resource, financial and quality plans (i.e. how it will be achieved?)*
4. *work breakdown structure and schedule (i.e. when it will be achieved?)*

The TSCG budget would be \$20,000 per annum which would be funded from the ACG balance of funds. It is envisaged that the TSCG duration would be 4 years.

***Program Management:***

1. The Shire is of the understanding that the particular businesses within the agricultural sector have the capacity to plan and deliver a schedule of agricultural events.
2. The TSCG/Shire would call for quotes for the Events Coordinator who would plan a schedule of events based on the TSCG objectives 1-6 and would aim to achieve this over a 3 year period.
3. The selection of the business (Events Coordinator) will be based on their ability to align the 3 year events calendar with the TSCG objectives 1-6 and to provide the best value for money.

***To establish the TSCG the following actions need to occur:***

|               |  |
|---------------|--|
| December 2020 | Shire of Three Springs Council approves the formation of the TSCG as a committee of Council. |
| December 2020 | The TSCG formulates the Terms of Reference.  |
| January 2021  | The TSCG/Shire seeks quotes for the 'Events Coordinator'.                                    |

## Ordinary Council Meeting Agenda – 16 December 2020

|               |  |
|---------------|--|
| February 2021 | The TSCG Committee meets to assess the quotations. |
| March 2021    | Events calendar commences.                         |

### Consultation:

Nil

### Statutory Environment:

Local Government Act 1995 Part 5, Administration Division 2 s.5.8.

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.* \* Absolute majority required.

All Committees are established under provisions of Subdivision 2 – Committees and their meetings s. 5.8 to s. 5.18 of the *Local Government Act 1995*.

The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the council. In accordance with s.5.9 (2) of the members a committee is to comprise of:

#### **5.9. Committees, types of**

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

### Policy Implications:

Nil

### Financial/Resources Implications:

| <u>Year</u> | <u>Budget</u> | <u>Item</u>     |
|-------------|---------------|-----------------|
| 2021/22     | \$20,000      | Events Calendar |
|             | \$3,800       | Incidental      |
| 2022/23     | \$20,000      | Events Calendar |
|             | \$3,800       | Incidental      |
| 2023/24     | \$20,000      | Events Calendar |
|             | \$3,800       | Incidental      |
| 2024/25     | \$20,000      | Events Calendar |
|             | \$3,800       | Incidental      |

### Strategic Implications:

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

The Strategic Community Plan 2018-2028 states “Continue to support the Yarra Yarra Catchment Management Group”, “Develop natural resource projects”, “Manage Council controlled land to minimise environmental impact, in accordance to required environmental legislation and best practice” and “Work with relevant authorities to develop a strategy to manage native and feral flora and fauna”.

| <b>‘Strategic Community Plan 2018-2028’.</b>  |  |
|---|--|
| <b>Council Objectives:</b>  | <b>Outcome:</b>  |
| A long term strategically focused Shire that is efficient, respected and accountable. | 4.1.4. Lead by example to get the community involved in the decision making process.   |
| Working in partnership with all community, government and corporate stakeholders.     | 4.5.2 Continued involvement with Government and corporate stakeholders such as the Regional Road Group.                                |
| To be strong advocates representing the community's interest                          | 4.6.1. Continue to lobby government and corporate entities to ensure adequate services and facilities are available for the community. |

This item is relevant to the Council’s approved ‘Corporate Business Plan 2020 – 2024’.

| <b>‘Corporate Business Plan 2020 – 2024’.</b> |                         |
|---|-------------------------|
| <b>Scope Statement:</b>                       | <b>Project Outputs:</b> |
| Aligned to the CSP objectives                 |                         |

**Voting Requirements:**

Absolute Majority.

**Officer’s Recommendation:**

| <b>OFFICER’S RECOMMENDATION:</b>  | <b>10.5</b> |
|---|-------------|
| <p>That Council endorses:</p> <ol style="list-style-type: none"> <li>1. The formation of the Three Springs Catchment Group as a Committee of Council consisting of “(c) council members, employees and other persons”.</li> </ol> <p><b><u>Committee Members:</u></b></p> <p><b><i>Council members:</i></b></p> <p>Cr Heal</p> <p>Cr .....</p> <p>Cr.....</p> |             |

***Employees:***

The Chief Executive Officer

The Deputy Chief Executive Officer as deputy committee member

***Other persons:***

- Tamara Sadler
- Wayne Mutter
- Chad Eva
- Craig Morgan
- Ashley Bone
- Scott Bowman

2. The Arrowsmith Catchment Group balance funds of \$95,296.00 being expended over a four year period under the guidance of the Three Springs Catchment Group Committee.

## 10. REPORTS OF OFFICERS

| <b>Executive Services</b>         |   |
|-----------------------------------|---|
| <b>10.6. Proposed Subdivision</b> |   |
| Agenda Reference:                 | ADM0315   |
| Location/Address:                 | Lot 2 Perenjori-Three Springs Road, Womarden                                |
| Name of Applicant:                | Turana Farm Pty Ltd   |
| File Reference:                   | ADM0315   |
| Disclosure of Interest:           | Nil   |
| Date:                             | 16 December 2020  |
| Author:                           | Simon Lancaster Planning Advisor, & Keith Woodward, Chief Executive Officer |
| Attachment:                       | 10.6 – Submitted Subdivision Application                                    |

### Council Role:

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

### Report Purpose:

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to subdivide Lot 3 Perenjori-Three Springs Road, Womarden into 2 lots.

This report recommends that Council support the application.

### Background:

Lot 3 is a 3,011.8482ha property on the northern side of Perenjori-Three Springs Road, located approximately 2km north of the Three Springs townsite.

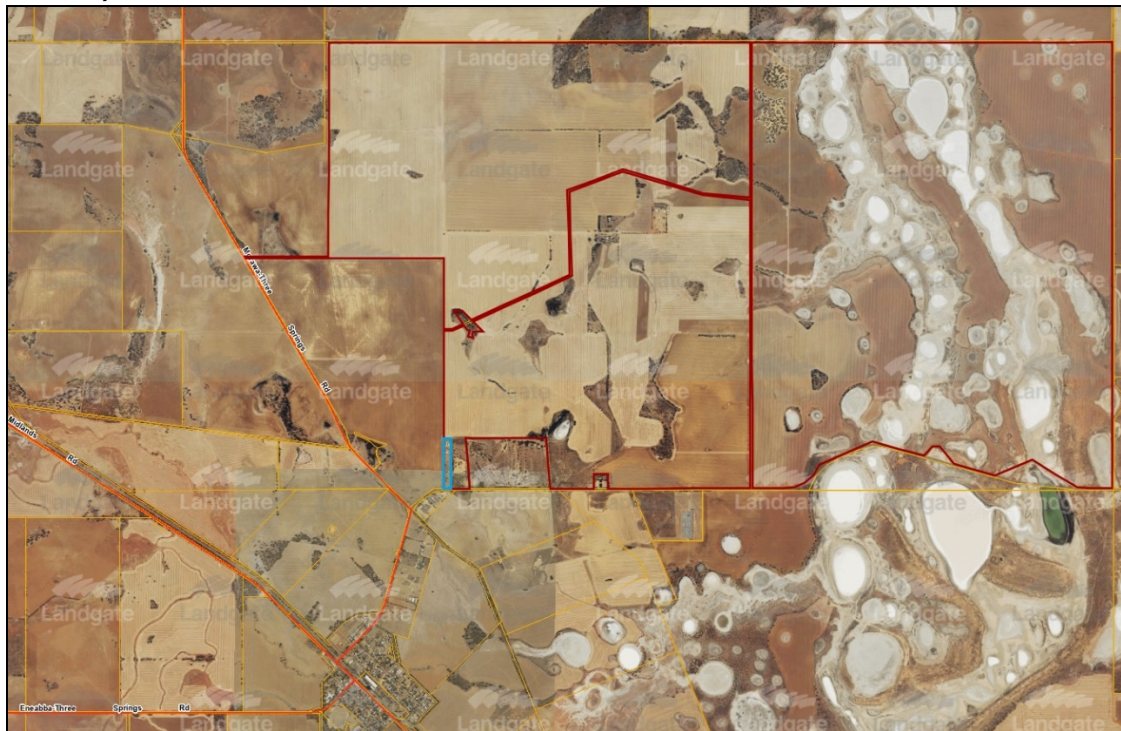
Lot 3 is largely cleared and used for farming purposes, there are some corridors of remnant vegetation along watercourses and outcrops upon the property.

The landowner is seeking to excise a 3.3206ha lot off the remainder of the property in the south-western .corner that would contain an existing residence and associated outbuildings and water tanks, to enable the former property owner to continue living in the residence.

The 3,009.5276ha remainder of the property that would contain the farm operations and 3 other farm residences and outbuildings would continue to operate as currently.

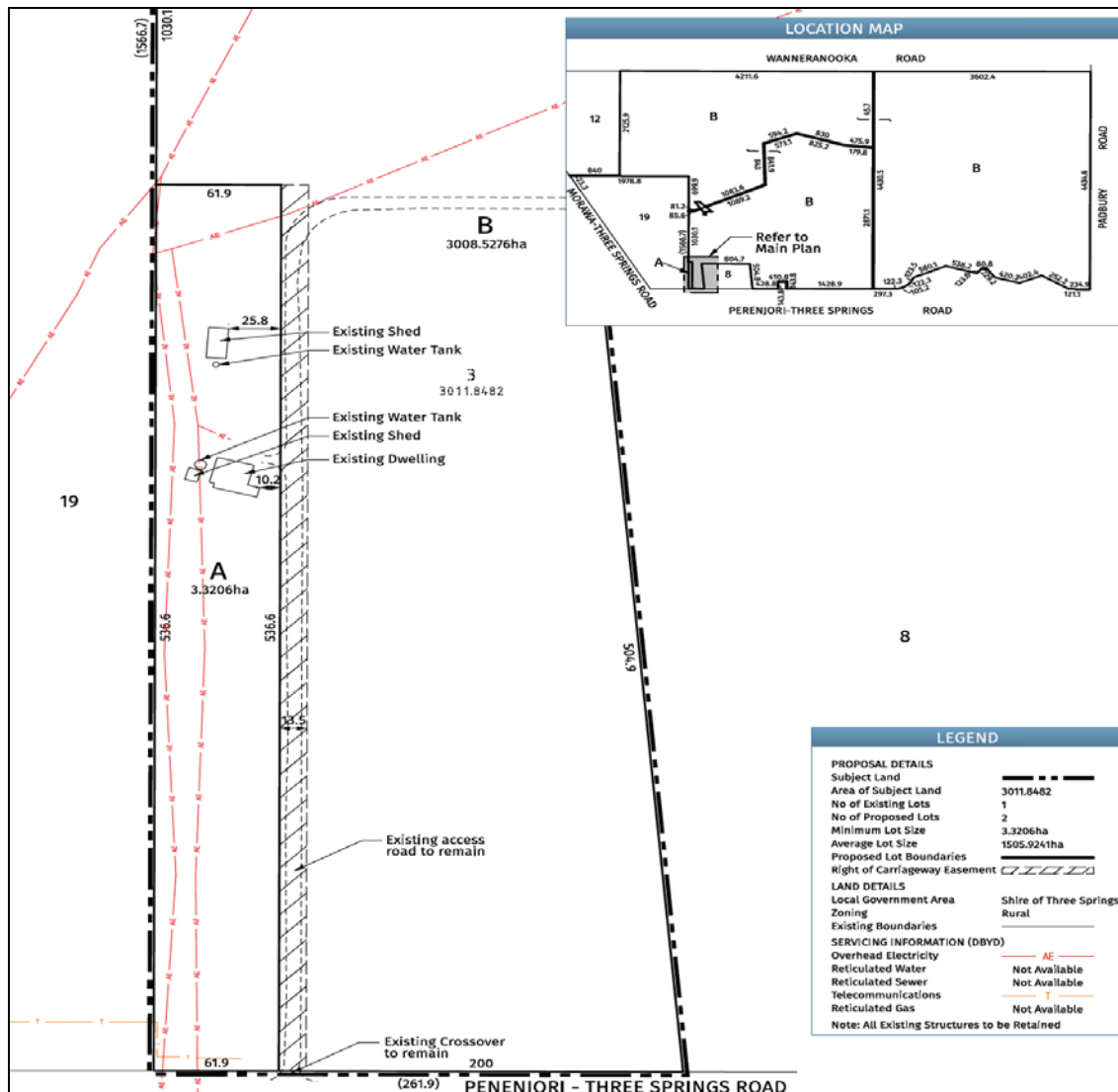
A copy of the received application, inclusive of the subdivision plan and the applicant's detailed supporting correspondence has been provided as **separate Attachment 10.6** for Council's consideration.

**Figure 10.6(a) – Location Plan illustrating Lot 3 Perenjori-Three Springs Road, Womarden in relation to the Three Springs townsite (Lot 3 marked with red outline & proposed homestead lot to be excised from Lot 3 marked with blue outline)**



**Figure 10.6(b) – Subdivision Plan for Lot 3 Perenjori-Three Springs Road, Womarden**





**Officer's Comment:**

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

- the creation of the homestead lot would enable the previous landowner to remain in their home and be part of the Three Springs community;
- the proposed boundary for the homestead lot is based upon on-ground development and land uses and would not require the removal of remnant vegetation;
- the subdivision would not require the creation of an additional vehicle access point onto Perenjori-Three Springs Road with the applicant proposing that the homestead lot would continue to use the existing driveway (that would be contained within the balance lot) through a right-of-carriageway easement arrangement;
- the subdivision presents no environmental impacts;
- the subdivision presents no heritage impacts;
- the subdivision will not create lots that are inconsistent with those already existing in the surrounding area (noting there is a 5.348ha lot immediately opposite/south of the proposed homestead lot and a row of 8 x 4ha rural-residential lots along Morawa-Three Springs Road commences 400m to the south-west of the proposed homestead lot);

- the creation of 1 additional lot is not anticipated to create significant additional vehicle movements upon the local road network;
- the subdivision is consistent with the requirements for a Homestead Lot as contained in the WAPC Development Control Policy 3.4 – Subdivision of Rural Land;
- the subdivision, subject to ongoing adherence to standard bushfire requirements, presents no additional bushfire hazard risk.

**Consultation:**

The WAPC is not obliged to undertake any public consultation in its assessment of subdivision applications, but has referred the application to the Shire of Three Springs, Department of Biodiversity Conservation & Attractions, Department of Fire & Emergency Services, Department of Mines Industry Regulation & Safety, Department of Water & Environment Regulation, Telstra, Water Corporation and Western Power inviting comment.

**Statutory Environment:**

Lot 3 is zoned 'Rural' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme').

The application is considered to meet the objective of the Shire's 'Rural' zone which is listed in the Scheme 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."*

Part 9 of the Scheme lists the following aims:

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

- preventing land degradation and integrating land and catchment management with land use planning; and*
- (j) *to protect the character of significant landscapes as part of the environmental heritage and sense of place and as a resource for tourism.”*

**Policy Implications:**

The WAPC have the following policies relevant to this application:

- Statement of Planning Policy 2.5 - Rural Planning ('SPP2.5');
- Statement of Planning Policy 3.7 - Planning in Bushfire Prone Areas ('SPP3.7');
- &
- Development Control Policy 3.4 - Subdivision of Rural Land ('DCP 3.4').

State Planning Policies are prepared and adopted by the WAPC under statutory procedures set out in part 3 of the *Planning and Development Act 2005*. The WAPC and Local Governments should have due regard to the provisions of State Planning Policies when preparing or amending Local Planning Schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take account of State Planning Policies when determining appeals.

Statement of Planning Policy 2.5 has the following objectives

- “(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- (c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- (e) avoid and minimise land use conflicts;*
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and*
- (g) protect and sustainably manage environmental, landscape and water resource assets.”*

The WAPC's Development Control Policies sit within a structure which is established under the State Planning Strategy and Statement of Planning Policy No.1 State Planning Framework. Development Control Policy 3.4 is used by the WAPC as the basis for determining applications for the subdivision of rural land.

WAPC Policy No.3.4 has a general presumption against the subdivision of rural land, however, the application is considered to meet the requirements of the following WAPC Policy provisions:

**“5 General policy provisions**

*It is the opinion of the WAPC that rural land uses are the highest and best use for rural zoned land. Where an alternative use is proposed, such as residential, the use must be planned in a strategy or scheme and zoned accordingly.*

*When determining subdivision proposals on rural land, the following measures will be applied:*

- (a) the creation of new or smaller lots will be by exception;*
- (b) proposals will be considered against strategies and schemes;*
- (c) adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and*
- (d) proposals will be assessed against any relevant State planning policies and/or operational policies.*

**6** *Circumstances under which rural subdivision may be considered*

*In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances:*

- (a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- (b) to protect and actively conserve places of cultural and natural heritage;*
- (c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- (d) in the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and*
- (e) for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.*

*Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision of rural land may be appropriate in order to promote better land management and achieve environmental, cultural and/or social benefits. These forms of subdivision, which may result in additional dwelling entitlements, are considered to provide incentives for rural subdivision. As such the remainder of this policy outlines the applicable standards for rural subdivision.”*

**“6.6 Homestead lots**

*The creation of Homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.*

*Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:*

- (a) the land is in the DC 3.4 Homestead lot policy area;*

- (b) *the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;*
- (c) *there is an adequate water supply for domestic, land management and fire management purposes;*
- (d) *the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;*
- (e) *the homestead lot has access to a constructed public road;*
- (f) *the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- (g) *a homestead lot has not been excised from the farm in the past;*
- (h) *the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- (i) *the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

*Where there are a number of existing approved dwellings on a rural lot, more than one homestead lot may be considered as a one-off application.”*

It is considered that Section 4.1.2 of the submitted application, provided as **separate Attachment 10.6**, provides sufficient justification for this subdivision to meet the criteria of a homestead lot as per WAPC DC Policy 3.4.

Whilst the proposed homestead lot does fall within an area identified as bushfire prone upon the Department of Fire & Emergency Service’s State Map of Bushfire Prone Areas it is not considered that should be a matter of objection to the application, given that the proposed subdivision would not create an additional habitable building as the residence is already in existence. Section 4.1.3 of the submitted application, provided as **separate Attachment 10.6**, provides further background in relation to WAPC SPP3.7.

**Figure 10.6(c) – extract from State Map of Bushfire Prone Areas  
(areas considered by DFES to be bush fire prone marked in pink)**



**Financial/Resources Implications:**

This matter contains no implications to the Shire of Three Springs Adopted Budget 2020-2021.

**Strategic Implications:**

Section 3.3.1 of the Shire of Three Springs Local Planning Strategy (2014) 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"*. Section 3.3.1 of the strategy notes the following in relation to subdivision in the 'Rural' zone.

*"Strategies: To discourage fragmentation of Priority and General Agriculture zoned land through subdivision.*

*Actions: Generally oppose applications for the ad-hoc subdivision of 'Priority Agriculture' or 'General Agriculture' zoned land. Circumstances under which rural subdivision may be considered are outlined in WAPC Policy."*

The application is considered to meet the requirements of the Strategy as it would comply with the WAPC policy provisions.

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. Council's Objective in the focus area of Economic Development is to *"increase the availability of land and improve services for housing and industry"* and lists the following outcomes that might be considered relevant to this application:

| Reference | Strategy                        | Still Relevant | Priority | Timeframe |
|-----------|---------------------------------|----------------|----------|-----------|
| 1.3.3     | Support sustainable farming and | Yes            | Medium   | Ongoing   |

|  |                            |  |  |  |
|--|----------------------------|--|--|--|
|  | other industry development |  |  |  |
|--|----------------------------|--|--|--|

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

| <b>OFFICER'S RECOMMENDATION:</b>   | <b>10.6</b> |
|--|-------------|
| That Council advise:<br><br>The Western Australian Planning Commission that it supports the proposed subdivision of Lot 3 Perenjori-Three Springs Road, Womarden (WAPC Application No.160116) as shown upon Plan No.22468-01 (WAPC date stamped 6/11/20) subject to the following:<br><ol style="list-style-type: none"><li>1 An easement for the benefit of proposed Lot A is to be placed upon the certificate of title of proposed Lot B, in accordance with the plan of subdivision, specifying right of carriageway. Notice of this easement is to be included on the diagram or plan of survey.</li><li>2 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme.</li></ol> |             |

## 10. REPORTS OF OFFICERS

| Works and Services                                  |   |
|---|---|
| <b>10.7 Capital Works Progress Update 2020-2021</b> |   |
| Agenda Reference:                                   | MWS   |
| Location/Address:                                   | Shire of Three Springs                      |
| Name of Applicant:                                  | Shire of Three Springs                      |
| File Reference:                                     | ADM0155                                     |
| Disclosure of Interest:                             | Nil   |
| Date:   | 16 December 2020                            |
| Author:   | Manager of Works and Services, Marc Bennett |
| Attachment (s):                                     | Maintenance Grading Map November 2020       |

### 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 accept the Capital Works Report for November 2020.

### Background:

This report provides Council with the 2020-2021 Capital Works progress update.

### Officers Comment:

| Program                       | Budget    | Actual | Delivery Time Frame |
|-------------------------------|-----------|--------|---------------------|
| <b>Roads</b>                  |           |        |                     |
| Morawa Road Re-Seal/shoulders | \$369,688 |        | Aug - Dec 2020      |
| Sheppard Road Re-Sheet        | \$131,828 |        | Apr - May 2021      |
| Nebru Road Re- Sheet          | \$131,828 |        | Feb - Mar 2021      |
| Hydraulic Road Re-Sheet       | \$131,828 |        | Mar - Apr 2021      |
| Arrino West Second Coat       | \$102,000 |        | Dec 2020            |
| Nebru Road Second Coat        | \$100,575 |        | Dec 2020            |



## Ordinary Council Meeting Agenda – 16 December 2020

|                                  |           |             |                  |
|----------------------------------|-----------|-------------|------------------|
| Walter Street Re-Seal            | \$ 28,025 |             | Dec 2020         |
| Maley Street Re-Seal             | \$ 28,025 |             | Dec 2020         |
| <b>Plant &amp; Equipment</b>     |           |             |                  |
| CEO Car                          | \$ 47,000 | \$46,772    | Aug 2020         |
| MWS Car                          | \$ 49,000 | \$46,140    | Aug 2020         |
| Garden Truck                     | \$ 60,000 |             | Aug 2020         |
| Ford Escape (sell)               | \$ 18,000 |             | Aug 2020         |
| Western Star (sell)              | \$ 80,000 |             | May 2021         |
| Holden Calais (sell)             | \$ 20,000 | \$27,000    | Jan 2021         |
| Amrok (sell)                     | \$ 20,000 | \$28,000    | Aug 2020         |
| Fuel System                      | \$ 15,000 |             | Sept 2020        |
| Mitsubishi Canter (sell)         | \$ 5,000  |             | Sept 2020        |
| Truck Body (sell)                | \$ 6,000  | \$13,350    | Aug 2020         |
| <b>Infrastructure</b>            |           |             |                  |
| Footpath Slaughter Street        | \$ 62,750 | \$64,991.64 | Sept - Oct 2020  |
| Kerb & Drainage                  | \$ 54,356 |             | Sept - June 2021 |
| Skate Park                       | \$ 10,000 |             | Feb - Mar 2021   |
| <b>Building</b>                  |           |             |                  |
| Housing                          | \$ 80,800 |             | Jan - June 2021  |
| Building                         | \$ 25,000 |             | Jan - June 2021  |
| Work Shop Extension              | \$ 45,000 |             | Aug - Dec 2020   |
| Foreman's Office (demolition)    | \$ 10,000 | \$10,000    | Dec 2020         |
| Building Signs                   | \$ 28,895 |             | Jan - Jun 2021   |
| Duffys Store                     | \$ 10,000 |             | Jan - Mar 2021   |
| <b>Furniture &amp; Equipment</b> |           |             |                  |
| Pool Sand filter                 | \$ 50,000 |             | Sept 2020        |
| <b>Drought Funding</b>           |           |             |                  |
| New Gym                          | \$180,000 |             | Oct - Dec 2020   |
| Sports Club Air Con              | \$ 30,000 | \$16,554    | Oct 2020         |
| ECLC Solar                       | \$ 25,000 | \$7750      | Oct 2020         |
| Pool Lights                      | \$ 40,000 | \$45,577.21 | Nov 2020         |
| Main Street Revitalisation       | \$479,104 |             | Oct - Dec 2020   |
| Lovelock                         | \$100,000 |             | May - Jun 2021   |
| Dominican Park                   | \$ 55,000 |             | Oct - Dec 2020   |

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Purchasing Policy 3007.1

**Financial/Resources Implications:**

Shire of Three Springs Adopted Budget 2020-2021

**Strategic Implications:**

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

| <b>'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership</b> |                 |
|---|-----------------|
| <b>Council Objectives:</b>  | <b>Outcome:</b> |
| Nil   | Nil             |

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

| <b>'Corporate Business Plan 2020 – 2024'. Governance/Leadership</b>      |   |
|--|---|
| <b>Scope Statement:</b>  | <b>Project Outputs:</b>   |
| Provide and maintain good quality tourism infrastructure and facilities. | Maintain and enhance attractions in line with asset plan.         |
| Continue to implement the main street revitalisation plan.               | Reactivate the development strategy.                              |
| Investigate options for water harvesting                                 | Support and encourage best practice water utilisation management. |

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

| <b>OFFICER'S RECOMMENDATION:</b>                                | <b>10.7</b> |
|---|-------------|
| That Council accept the Capital Works Report for November 2020. |             |

| <b>Corporate Services</b>                      |   |
|--|---|
| <b>10.8. Annual Financial Report 2019-2020</b> |   |
| Agenda Reference:                              | 201107  |
| Location/Address:                              | Shire of Three Springs  |
| Name of Applicant:                             | Shire of Three Springs  |
| File Reference:                                | ADM0081   |
| Disclosure of Interest:                        | Nil   |
| Date:  | 16 December 2020  |
| Author:  | Deputy Chief Executive Officer  |
| Attachment (s):                                | 10.8.1 Audited Annual Financial Report 2019-2020<br>10.8.2 Auditors Opinion<br>10.8.3 Transmittance Letters |

#### **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 Committee recommends that the Council accepts the Annual Financial Statements, Audit Report and Management Report for 2019-2020 and set the date for the Annual Electors Meeting.

#### **Background:**

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

In November 2017 Council was informed the annual financial audit for the financial year ending 30 June 2018 would be undertaken by the Auditor General via contracted companies. Butler Settineri was the company contracted to do the audit on behalf of the Auditor General for next two years – 2019-2020.

#### **Officer's Comment:**

On Wednesday 9 December 2020, Robert Hall (representing Butler Settineri) and Mikey Fiorucci from Office of the Auditor General for Western Australia conducted an audit exit meeting via Microsoft Team meeting with the Shire President, the Chief Executive Officer (CEO) and the Deputy Chief Executive Officer (DCEO). The final reports were signed off by the Auditor General and are presented to Council for review.

As per the Local Government Act 1995 Council is required to accept the Audit Report, Management Report, Annual Financial Statements and set the date for the Annual Electors Meeting.

The Completion Report by our Auditors is a reflection of the sound governance principles and effort that staff have put into the finance and administration processes throughout 2019/2020.

**Consultation:**

CEO, DCEO, Senior Finance and Admin Officer, Butler Settineri audit staff and OAG Assistant Director Financial Audit.

**Statutory Environment:**

Local Government Act 1995, Section 5.53 provides that the annual report is to contain the following:

*5.53. Annual reports*

*(1) The local government is to prepare an annual report for each financial year.*

*(2) The annual report is to contain —*

- a report from the president*
- a report from the CEO*
- an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year*
- the financial report for the financial year*
- such information as may be prescribed in relation to the payments made to employees*
- the auditor's report for the financial year*
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993*
- details of entries made under section 5.121 during the financial year in the register of complaints, including —*
  - (i) the number of complaints recorded in the register of complaints; and*
  - (ii) how the recorded complaints were dealt with; and*
  - (iii) any other details that the regulations may require; and*
- such other information as may be prescribed.*

*The Local Government Act 1995 Section 7.2 provides:*

*The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.*

*The Local Government Act 1995 Section 7.12a provides:*

- (3) *A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —*
  - (a) *determine if any matters raised by the report, or reports, require action to be taken by the local government; and*
  - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to —*
  - (a) *prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and*
  - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.*

**Local Government Act 1995 s5.27 & s5.29**

**5.27. Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (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.*

**5.29. Convening electors' meetings**

- (1) *The CEO is to convene an electors' meeting by giving —*
  - (a) *at least 14 days' local public notice; and*
  - (b) *each council member at least 14 days' notice of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held."*

**Policy Implications:**

Nil.

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

| <b>'Strategic Community Plan 2018-2028'.</b> |                 |
|--|-----------------|
| <b>Council Objectives:</b>                   | <b>Outcome:</b> |
| Nil  | Nil             |

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

| <b>'Corporate Business Plan 2020– 2024'.</b> |                         |
|--|-------------------------|
| <b>Scope Statement:</b>                      | <b>Project Outputs:</b> |
| Nil  | Nil                     |

**Voting Requirements:**

Absolute Majority

**Officer's Recommendation:**

| <b>OFFICER'S RECOMMENDATION:</b>   | <b>10.8</b> |
|--|-------------|
| <p>That the council:</p> <ol style="list-style-type: none"><li>1. Accept the Annual Financial Report for the year ended 30 June 2020</li><li>2. Accept the Audit Report for the year ended 30 June 2020</li><li>3. The CEO to be instructed to give notice of the availability of the Annual Report for the year ended 30 June 2020 and to publish the Annual Report on the Shire of Three Springs's official website</li><li>4. Schedule the Annual Electors meeting in Council Chambers for 10 February 2021 at 6:00 PM.</li></ol> |             |

## 10.9 REPORTS OF OFFICERS

| Corporate Services   |                                       |
|--|---------------------------------------|
|  |                                       |
| 10.9. Financial Statement for Period Ending 30 November 2020 |                                       |
| Agenda Reference:  | ADM0243                               |
| Location/Address:  | Shire of Three Springs                |
| Name of Applicant:   | Shire of Three Springs                |
| File Reference:  | ADM0243                               |
| Disclosure of Interest:                                      | Nil                                   |
| Date:  | 16 December 2020                      |
| Author:  | Deputy Chief Executive Officer        |
| Attachment (s):  | 10.9 - Financial Report December 2020 |

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### 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).

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### Report Purpose:

That Council accepts the monthly financial report for the period ending 30 November 2020.

### 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:**

Refer 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% whichever is greater. As this report is composed at a program level, variances commentary considers the most significant items that comprise the variance.

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

- (1A) *In this regulation —*
  - committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
  - (b) *budget estimates to the end of the month to which the statement relates; and*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
  - (b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*



- (3) *The information in a statement of financial activity may be shown —*
- (a) *according to nature and type classification; or*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**Policy Implications:**

Nil

**Financial/Resources Implications:**

Total Cash Available is \$3,914,925. Total cash is made up of Unrestricted cash \$2,052,653 and Restricted cash \$1,862,272 backed by various reserves.

Rates notices for 2020-2021 were issued in August 2020. Rates Debtors as at end of November 2020 \$438,961. We have collected 80.30% of our outstanding Rates to end of November 2020.

Operating revenue as at end of November is \$3,198,946. The breakdown of the Operating revenue; Rates 67%, Operating grants subsidies and contributions 27%, Fees and Charges 4% and Other revenue 2%.

Operating expenses as at end of November is \$2,145,860. The breakdown of the Operating expenses; Employee Costs 28%, Materials and Contracts 22%, Depreciation 36%, Insurance Expense 9%, Utility Charges 4% and Others 1%.

**Strategic Implications:**

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

| <b>'Strategic Community Plan 2018-2028'.</b> |                 |
|--|-----------------|
| <b>Council Objectives:</b>                   | <b>Outcome:</b> |
| Nil  | Nil             |

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

| <b>'Corporate Business Plan 2020 – 2024'.</b> |                         |
|---|-------------------------|
| <b>Scope Statement:</b>                       | <b>Project Outputs:</b> |
| Nil   | Nil                     |

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

|   |             |
|---|-------------|
| <b>OFFICER'S RECOMMENDATION:</b>  | <b>10.9</b> |
| That Council accepts the monthly financial report for the period ending 30 November 2020. |             |

| <b>Corporate Services</b>                                 |  |
|---|--|
| <b>10.10 Accounts for Payments as at 30 November 2020</b> |  |
| Agenda Reference:   | CEO  |
| Location/Address:   | Shire of Three Springs   |
| Name of Applicant:  | Shire of Three Springs   |
| File Reference:   | ADM0243  |
| Disclosure of Interest:                                   | Nil  |
| Date:   | 16 December 2020   |
| Author:   | Donna Newton, Finance and Payroll Officer                              |
| Attachment (s):   | 10.10 - Lists of creditors paid as at 30 November, 2020 is attached at |

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**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).

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**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 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 2020-2021.

**Strategic Implications:**

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

| <b>'Strategic Community Plan 2018-2028'.</b> |                 |
|--|-----------------|
| <b>Council Objectives:</b>                   | <b>Outcome:</b> |
| Nil  | Nil             |

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

| <b>'Corporate Business Plan 2020– 2024'.</b> |                         |
|--|-------------------------|
| <b>Scope Statement:</b>                      | <b>Project Outputs:</b> |
| Nil  | Nil                     |

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

| <b>OFFICER'S RECOMMENDATION:</b>   | <b>10.10</b> |
|--|--------------|
| That Council accepts:<br><br>1. The accounts for payment as presented for November, 2020 from the Municipal Fund totalling \$396,046.72. Represented by Electronic Fund Transfers No's 16586 - 16660, Cheque No 11619 - 11620 and Direct Debits 12640.1 – 12677.1.<br><br>2. Licensing Fund totalling \$9,007.50. Represented by Direct Debit No. 12679.1.<br><br>Total Payments for November 2020 \$405,054.22. |              |

**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

|   |
|---|
| <p>The Next Ordinary Council Meeting will be held on Wednesday 24 February 2021 at 5pm.</p> |
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- 16. CONFIDENTIAL ITEMS
- 17. MEETING CLOSURE