AGENDA
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
13 DECEMBER 2023
COMMENCING AT 5.30 PM

SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
13 DECEMBER 2023

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 13 December 2023, in the Council Chambers, Railway Road, Three Springs commencing at 5.30pm.

Keith Woodward PSM
Chief Executive Officer

7 December 2023

Shire of Three Springs
PO Box 117, Three Springs
WA 6519

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

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

To: Chief Executive Officer

- ☐ **Ordinary Council Meeting held on** ______________________
- ☐ **Special Council Meeting held on** ______________________
- ☐ **Committee Meeting held on** ______________________
- ☐ **Other** ______________________

Report No ______________________

Report Title ______________________

Name ______________________

☐ **Elected Member** ☐ **Committee** ☐ **Employee** ☐ **Contractor**

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

☐ **Proximity** ☐ **Financial** ☐ **Impartiality**

Nature of Interest

____

____

____

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

____

____

Name:______________________ **Signed:**______________________ **Date:** ______________________

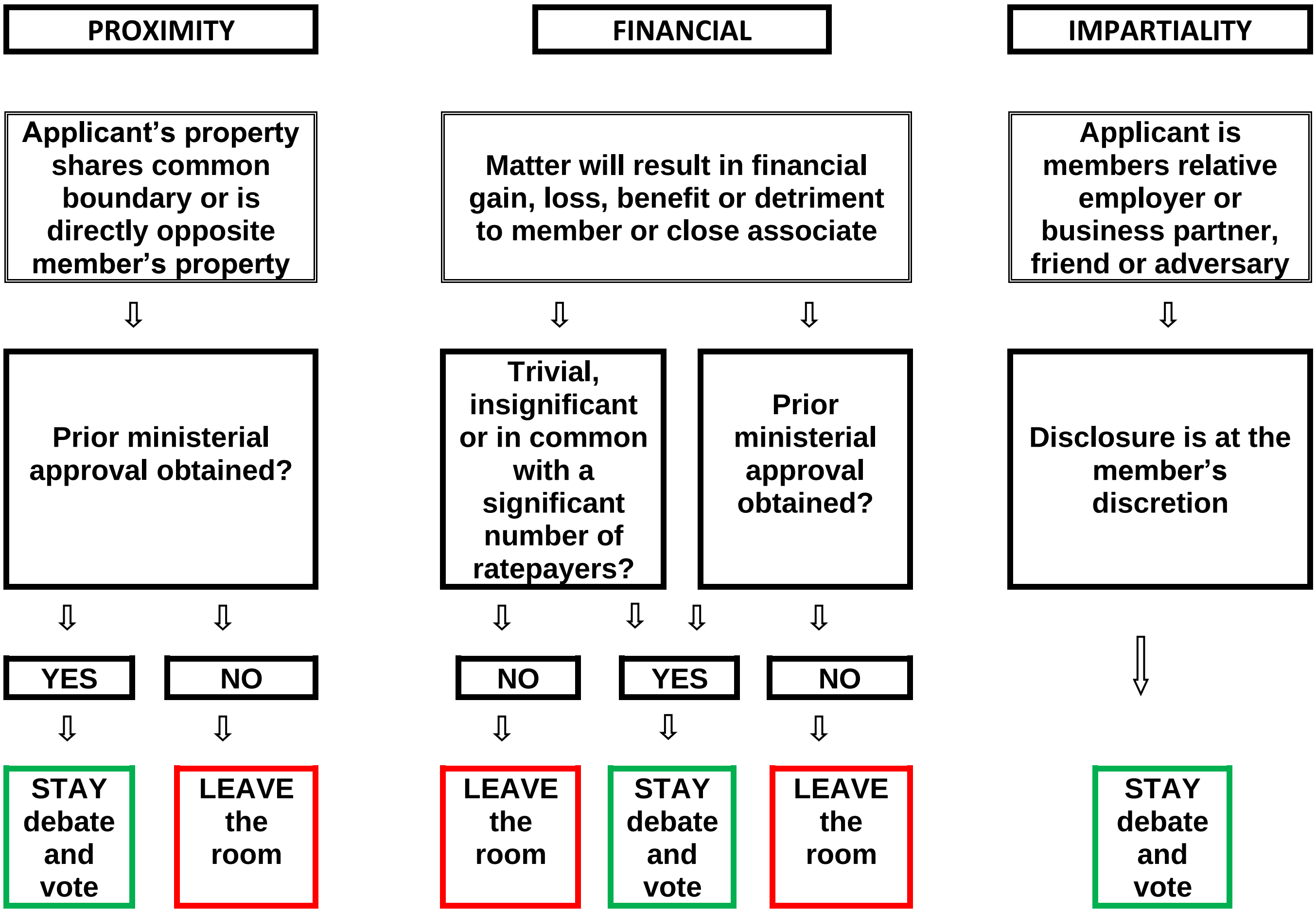
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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

OFFICE USE ONLY

CEO: ______________________ **Signed:** ______________________ **Date:** ______________________

Declaring an Interest



Local Government Act 1995 - Extract

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

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3)This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

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

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

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

Acknowledgement of Country: -
The Shire of Three Springs acknowledges the traditional owners of this land – the Southern Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging**.**

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

	Attendance	**Apologies**	**Approved Leave of Absence**
Councillor Lane			
Councillor Eva			
Councillor Heal			
Councillor Mutter			
Councillor Ennor			
Councillor Connaughton			
Councillor – vacant			
Chief Executive Officer			
Deputy Chief Executive Officer			
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	OCM	22.11.2023	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

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

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

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

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

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:	13 December 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

Council Role:

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

Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for November 2023.
2. Actions Performed under Delegated Authority for November 2023.

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 Office of the CEO.

Officer's Comment:

Compliance Table for November 2023

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Records Ref *(Evidence of completion)*	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report 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 FM.Reg.34	**DLGSC** website - WA Local Government Accounting Manual	November 2023 Report submitted to the 22 November OCM. Reference Minutes	
Emergency Services Levy - Option A Remittance Due by: 21st of the month 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		N/a
Primary Returns - Request Primary Return from any new employee who is a Designated Employee. Return must be received by CEO within 3 months of the person's start day	Local Government Act 1995	s.5.75	**WALGA** Guideline - Primary and Annual Returns Management **DLGSC** website - Operational Guideline No.21 Disclosure of Financial Interests in Returns	No new designated employees in last 3 months	
Financial Interests Register - Review • Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles).or for Elected Members who have resigned. • Returns that are removed are to be kept by the CEO as LG Record for at least 5 years after the person ceased to be a Designated Employee.	Local Government Act 1995	s.5.88(3)(4)		Financial Register is up to date	

Elected Members - Review Meeting Attendance Register - check EMs have not been absent for 3 consecutive meetings without Leave of Absence being granted	Local Government Act 1995	s.2.25		No EM has been absent for 3 consecutive meetings	
Elections - **Enrolment Eligibility Claims (Owners and Occupiers) Register** - Review register and take action re expired Eligibility Claims (no longer property owner / claim based on occupation or nominee expired)	Local Government Act 1995	s.4.35 Elections Regs.14 and 15 Form 6 and 7	**WALGA** website - Template Enrolment Eligibility Claims Register	Completed prior to October 2023 elections.	
Policy Review - Code of Conduct Following each Election - provide Council report to enable the 'new' Council to review and adopt the Code of Conduct.	Local Government Act 1995	s.5.103 s.5.104 Admin.Regs. Part 9 Rules of Conduct Regs.	**WALGA** website - Model Code of Conduct **Recommended Practice** • Review the Code following each Election cycle to ensure new (and old) Elected Members understand requirements.	All elected members were returning members.	
Elections - Declarations of Office for new Elected Members <u>elected unopposed</u> (due 2 months from declaration of result at close of nominations - s.2.32(c)	Local Government Act 1995	s.2.29	**DLGSC** website **-** Elections Timetable **DLGSC** website - Returning Officer Manual	Declarations of new Members elected unopposed took place 4 days after the election date	
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985	Valuation of Land Act 1978	s.37		Carried out by the City of Greater Geraldton	

<u>Execution of Delegation for November 2023</u>

Date	File Ref	Delegation Number	Decision Detail	Applicant	Initiating Officer	1st Auth.	2nd Auth.	Comment
07-Nov-23	PMT ID: F311070433009	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	FO	FO	CEO	Fortnightly Payroll through the CBA Muni Bank $49,286.39 PMT ID: F311070433009
9-Nov-23	PMT ID: F311090626234	CS002 - Payments from Municipal Fund and	Weekly Creditor Payments	CBA-Muni	FO	FO	DCEO	Weekly Creditor Payments totalling $43673.12 PMT ID:

		Trust Fund						F311090626234
21-Nov-23	PMT ID: F311201322104	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling $64,176.96 PMT ID: F311201322104
21-Nov-23	PMT ID: F311201241678	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	CEO	Funds Transfer from the Maximiser Account to the muni Account for Creditor Payments totalling $50,000.00 PMT ID: F311201241678
23-Nov-23	PMT ID: F311231501938	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	CEO	Funds Transfer from the Maximiser Account to the muni Account for Creditor Payments totalling $35,000.00 PMT ID: F311231501938
24-Nov-23	PMT ID: F311241584298	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling $40,718.59 PMT ID: F311241584298
29-Nov-23	PMT ID: F311291818467	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	CEO	Funds Transfer from the Maximiser Account to the muni Account for Creditor Payments totalling $170,000.00 PMT ID: F311291818467
30-Nov-23	PMT ID: F311301960897	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling $214,697.09 PMT ID: F311301960897

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 sub-regulation (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:
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.

Strategic Community Plan 2018 - 2028

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

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

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

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.1
That Council Accepts: 1. The Governance Compliance Calendar report for November 2023. 2. The Execution of Delegation report for November 2023.	

10. REPORTS OF OFFICERS

Executive Services	
10.2. Duffy's Store	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0385
Disclosure of Interest:	Nil
Date:	13 December 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

Council Role:

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Report Purpose:
This report aims to provide an overview and analysis of the Duffy's Store project. It outlines the project's developmental history, strategic planning, financial considerations, and current status of the Growing Regions Program - Round 1 grant submission.

The report aims to:

1. Detail the chronological progression of the Duffy's Store project, from its inception in September 2019 through various stages of planning, risk assessment, and strategic reviews, up to the current phase in 2023.

2. Demonstrate the diligent and strategic approach adopted in managing the project, including integrating the project with the Council's long-term financial, workforce, and corporate business plans.

3. Highlight the thorough understanding of the project risks and benefits, as evidenced by studies like the June 2020 feasibility and discussion paper and the independent NAJA Cost-Benefit Analysis.

4. Illustrate the project’s alignment with the Council’s broader strategic goals and its viability within the context of these goals.

5. Shows transparency in the project’s progression through regular reporting to the Council and disseminating key documents to the public.

6. Present the financial aspects of the project, including the escalation of project costs over time due to various factors such as material and labour shortages, COVID-19 impacts, and global economic changes.

7. Align the project with the Council’s Strategic Community Plan 2018-2028 and Corporate Business Plan 2020 – 2024, emphasising the project’s relevance to community development, heritage preservation, and economic diversification.

8. Propose the authorisation of the Duffy’s Store Growing Regions Grant Submission for 2023-24 and the related project budget, reflecting the Council’s commitment to advancing the project.

The overarching goal of this report is to support the Council’s decision to proceed with the Duffy’s Store project, particularly in applying for the Growing Regions Program - Round 1, by demonstrating its strategic value, planning rigour, and financial readiness.

Background:

1. In September 2019, the Chief Executive Officer was advised that the Council required a plan and’ *purpose’* for Duffy’s Store.

2. In November 2019, Council authorised the Chief Executive Officer’s Key Performance Indicators, including Duffy’s Store and the Strategic Review of the Long Term Financial Plan, the Workforce Plan and the Corporate Business Plan.

3. In June 2020, the Chief Executive Officer presented the Three Springs Duffy’s Store, Silos and Caravan Park Report, which was a feasibility and discussion paper. The report discusses matters such as project goals and risk assessment. One risk strategy was obtaining an *‘independent project review and analysis*.

4. In June 2020, the Duffy’s Store project was modelled through the Shire’s Integrated Strategic Planning system, which included the new 2020 Long Term Financial Plan, the 2020 Workforce Plan and the 2020 Corporate Business Plan. This strategic work occurred so the Council could have broad insight and understanding of the project’s long-term consequences.

5. In July 2020, the aforementioned Integrated Strategic Planning documents were reported to the Council.

6. In November 2020, the Council authorised the Chief Executive Officer’s Key Performance Indicators, which included Duffy’s Store.

7. In March 2021, the *‘independent project review and analysis’* presented as the NAJA Cost-Benefit Analysis was provided to the Council through the Shire President.

8. In March 2021, the Council discussed the Cost-Benefit Analysis at a strategic briefing meeting.

9. In April 2021, the Council discussed the Cost-Benefit Analysis and the broader concepts of the project.
10. In April 2021, the Council authorised the production of Duffy's Store Business Case and, if required, the Building Better Regions grant submission.
11. In February 2022, the Council authorised the insertion of the Duffy Store Business Case on the Shire website and received the Three Springs Tourism Business Case – February 2022, Business Case Executive Summary February 2022 and the revised Cost-Benefit Analysis January 2022.
12. In February 2022, the Building Better Regions grant submission was formulated and submitted.
13. The Building Better Regions program was discontinued in October 2022.
14. In July 2023, the Growing Regions Program-Round 1 expression of interest grant application was submitted.
15. In November 2023, the Growing Regions Program - Round 1 expression of interest was successful, and the Shire was invited to submit an application for the next stage.

Officer's Comment:
The information in the 'Background' outlines a detailed and progressive timeline concerning the Duffy's Store project. This timeline demonstrates a consistent and strategic approach to the project's development, risk assessment, and financial planning, which strongly supports applying the Growing Regions Program - Round 1.

1. The timeline shows a steady progression from initial planning in September 2019 to the ongoing strategic development and review through 2021 and 2022. This illustrates a committed and long-term approach to the project.
2. The June 2020 feasibility and discussion paper and the independent NAJA Cost-Benefit Analysis in March 2021 highlight a thorough understanding of project risks and benefits. This level of diligence and external validation adds credibility to the project.
3. The integration of the Duffy's Store project with the 2020 Long Term Financial Plan, Workforce Plan, and Corporate Business Plan shows that the project is viable and aligns with the broader strategic goals of the Council.
4. The regular reporting to and authorisation from the Council, including the dissemination of key documents on the Shire website, demonstrates transparency and active involvement of the Council.
5. The Council's authorisation in April 2021 to produce the Duffy's Store Business Case and the submission of the Building Better Regions grant application indicate readiness to move forward with the project.
6. The Council's success in the initial expression of interest for the Growing Regions Program in November 2023 indicates that the project has already passed a preliminary vetting process. This success suggests a strong foundation for a full application.

In conclusion, the detailed planning, risk assessment, strategic alignment, governance, and adaptability demonstrated in the Duffy's Store project provide a solid basis for submitting a well-founded and competitive application for the Growing Regions Program -

Round 1. The project's evolution over the years shows a mature and well-considered approach, likely to be well-received by the grant assessors.

The Growing Regions Program - Round 1 application is currently being updated for submission.

The Architects have revised the probable costs.

Consultation:
Naja Consultant
Eastman Poletti Sherwood Architects

Statutory Environment:
Nil

Policy Implications:
1.21 Tourism Policy

Financial/Resources Implications:

Project Costs:

1. The project costs increase 2020-2024 = 33.47% or 7.43% PA, with the most significant increase being experienced in the first year.

2. Quantity Surveyor

11/12/2020	*Probable Cost $1,995,500 excluding GST*
4/1/2022	*Probable Cost $2,422,602 excluding GST*
24/7/2023	*Probable Cost $2,541,400 excluding GST*
1/7/2024	*Probable Cost $2,663,400 excluding GST*

Duffy's Store Three Springs
Heritage Building Restoration & New Kitchen/Dining
Opinion of Probable Cost
Trade Summary

Trade		Duffy's Store	Billiard Saloon Demolition	Kitchen & Dining	Landscaping	Totals
Preliminaries		45,200	2,700	190,700	15,200	253,800
Demolition		15,300	17,200	-	-	32,500
Earthworks		3,600	-	10,200	3,200	17,000
Concretework		-	-	37,700	-	37,700
Brickwork		-	-	22,200	-	22,200
Steelwork		-	-	41,100	-	41,100
Metalwork		400	-	45,100	7,700	53,200
Carpentry		74,100	-	70,400	2,500	147,000
Joinery		-	-	700	-	700
Cabinetwork		10,900	-	19,800	-	30,700
Doors		9,800	-	79,000	-	88,800
Windows		7,000	-	26,000	-	33,000
Roofing		-	-	49,000	-	49,000
Ceilings & Linings		-	-	40,000	-	40,000
Ceramic Tiling		-	-	32,600	-	32,600
Resilient Finishes		1,600	-	-	-	1,600
Glazing		8,800	-	-	-	8,800
Painting		43,000	-	16,600	4,000	63,600
Plumbing		19,800	-	58,900	-	78,700
Electrical Services		32,000	-	62,400	-	94,400
Mechanical Services		-	-	112,500	-	112,500
Coolrooms		-	-	66,200	-	66,200
Kitchen Equipment		-	-	114,500	-	114,500
PV power system		-	-	34,400	-	34,400
Paving		-	-	15,700	24,100	39,800
Playground Equipment		-	-	-	25,500	25,500
Fencing and Gates		-	-	-	12,000	12,000
Landscaping		-	-	-	22,300	22,300
		271,500	19,900	1,145,700	116,500	1,553,600
Design Contingency	5%	13,600	1,000	57,300	5,900	77,800
Construction Contingency	10%	27,200	2,000	114,600	11,700	155,500
Heritage Shop Fitout		152,700	-	-	-	152,700
Tourism Centre Fitout		152,700	-	-	-	152,700
Loose Furniture		-	-	25,500	-	25,500
Totals excluding GST		617,700	22,900	1,343,100	134,100	2,117,800
Compliance requirements					5%	105,900
Professional Fees					15%	317,700
Total at July 2023						2,541,400
Escalation to July 2024 based on AIQS Building Cost Indices (September 2023 publication)					4.8%	122,000
						2,663,400
GST						266,340
						2,929,740

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3. Cost Increase General Information:

Year	Information
2019	Gradual increase in construction costs prior to 2020.
2020	Dramatic cost increases started due to COVID-19 and other global factors.
2021	Unprecedented increase in construction prices due to material and shipping shortages, increased fuel prices, COVID-19 impacts, construction boom, and global issues.

2022	Continued increase in costs. CCCI recorded a 15.6% increase to March 2022. High inflation and political changes added uncertainty.
2023	Ongoing challenges with material shortages, labour demand, and price volatility. Predictions for future cost trends are challenging.
2024	There is an expectation of continued cost escalation, though the severity is uncertain.

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

Strategic Community Plan 2018-2028	
Council Objectives:	**Outcome:**
Three Springs becomes a healthy and unified community with a bright future. Three Springs a prosperous, thriving and innovative local economy. Develop tourism infrastructure and increase the length of stay. People are motivated, work together and have an increased pride and participation in the community. Manage population growth across a range of demographics, particularly aged and families. A long term, strategically focused Shire that is efficient, respected and accountable. Improved long term planning and strategic management.	1.1 Provide and maintain good quality tourism infrastructure and facilities. 1.1.4 Continue to support and develop the Three Springs Visitors Centre. 1.1.5 Investigate and implement options for heritage opportunities. 1.3.1 Promote existing and new industry opportunities to increase employment. 1.3.6 Investigate and develop the long-term use of the Three Springs Mining Camp. 2.1.3 Develop promotional material to better inform visitors and locals about our natural, cultural and built environment. 2.3.2 Lead by example and improve and maintain community infrastructure. 2.4.1 Develop and restore Duffy's Store. 2.4.2 Work closely with CBH to identify future opportunities for alternative uses of the silos. 2.4.3 Include heritage interpretation in promotional materials.

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

Corporate Business Plan 2020 – 2024			
Scope Statement:		**Project Outputs:**	
Outcome 1.3	Increase the diversity of the existing business base. Preservation of local heritage	1.3.6.1	Develop the long-term use of the Three Springs Mining Camp report.

Outcome 2.4	and the unique character of our built environs.	2.4.1.1 Develop and restore Duffy's Store 2.4.2.1 Approach CBH in relation to Silo alternative use opportunities.

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION	**10.2**
That Council authorises: 1. The Duffy's Store Growing Regions Grant Submission in 2023-24. 2. The project budget of $2,700,000 comprises a Treasury Loan for $700,000 and grant funding of $2,000,000. 3. Amend the Annual Budget and the Long Term Financial Plan to increase the project budget to $2,700,000 comprising a Treasury Loan for $700,000 and grant funding of $2,000,000.	

10. REPORTS OF OFFICERS

Executive Services	
10.3. Local Government Extraordinary Elections 2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0166
Disclosure of Interest:	Nil
Date:	13 December 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Western Australian Electoral Commission Correspondence

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 to appoint the Western Australian Electoral Commission (WAEC) to run the 2024 Extraordinary Election for the Shire of Three Springs as a Postal Voting Election, and to approve the associated expenditure of $11,700 ex GST.

Background:
Council has received correspondence from the WAEC requesting that Council appoint the WAEC under section 4.20(4) of the Local Government Act 1995 and also to declare the annual election as a Postal Election under section 4.61(2) of the Local Government Act 1995.

Officer's Comment:
Postal elections are convenient and independently run which is more appealing to electors as opposed to having to attend a polling booth in person on a particular day.

The 2019, 2021 and 2023 Shire of Three Springs elections were managed by the WAEC. The associated costs were:

- The quote for the 2019 election was $9,700. The actual cost was $9,521.00

- The quote for the 2021 election was $11,500. The actual costs was $6,095.00
- The quote for the 2023 election was $12,727.27. The Shire has been advised that the actual cost will be just above 50% of the quote. The refund will be used to offset the 2024 Extraordinary Election.

Consultation:
Nil

Statutory Environment:

Local Government Act 1995, Part 4, Division 7, section 4.20 — Provisions about electoral officers and the conduct of elections

4.20. CEO to be returning officer unless other arrangements made

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

4.61. Choice of methods of conducting election

(1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide to conduct the election as a postal election.*

** Absolute majority required.*

Local Government Act 1995, Part 6, Division 4, Section 6.8 (1) (B)

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy Implications:
Nil

Financial/Resources Implications:

The WAEC cost to manage the 2024 Extraordinary Elections is $11,700 ex GST. This cost will be managed in the mid-year financial review.

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

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

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

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

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION: 10.3

That Council authorise:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election.
2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election.
3. The associated expenditure of $11,700 ex GST.

10. REPORTS OF OFFICERS

Executive Services	
10.4 Annual Review of the Delegation Register	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0199
Disclosure of Interest:	Nil
Date:	13 December 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	2023/2024 Delegation Register

Council Role:

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

Report Purpose:
That Council adopts the December 2023/2024 Delegation Register.

Background:
At the December 2022 Ordinary Council meeting, the following resolution was adopted:

091/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION 10.3

MOVED: Cr. Connaughton
SECONDED: Cr. Heal

That Council adopts the December 2022/2023 Delegation Register.

CARRIED:
Voted:5/0
(By an Absolute Majority)

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

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

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

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

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

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

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

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

Consultation:
Nil

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

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

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

Policy Implications:
Nil

Financial/Resources Implications:
Nil

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

Strategic Community Plan 2018-2028	
Council Objectives:	**Outcome:**
A long term strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

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

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

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	**10.4**
That Council adopts the December 2023/2024 Delegation Register.	

10. REPORTS OF OFFICERS

Executive Services	
10.5 Netball Courts Tender	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	
Date:	13 December 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	**Confidential Support Documents**

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 grant the Chief Executive Officer the authority to acquire netball courts and lighting with the subsequent:

1. Exemption from Procurement Policy 1.5. Due to unsuccessful attempts to procure a netball court through standard procedures, it is recommended that the CEO bypass these processes for more efficient procurement.

2. Waiver from Standard Public Tender Process. In accordance with the Local Government (Functions and General) Regulations 1996, it is advised to waive the usual public tender requirements, given the lack of satisfactory responses from the previous tender process.

This recommendation aims to facilitate the timely and efficient procurement of a netball court and lighting, crucial for community sports activities, by utilising the flexibility provided under the local government regulations and acknowledging the challenges faced in previous standard procurement attempts.

Background:
The Shire of Three Springs has faced significant challenges in procuring a reconstructed netball court. A tender advertised in November 2023 received only one response, with the prices deemed unacceptable.

Despite attempts to obtain quotes from four companies in August 2022, no responses were received. A single quote was obtained in July 2023.

Supporting these events, Khouri Engineering Services provided several reports throughout 2022 and 2023, indicating the need for reconstruction and associated costs.

Under the Local Government (Functions and General) Regulations 1996, the Shire is allowed to bypass the standard public tender process if a previous tender did not yield satisfactory results, which is the case here. Given these circumstances and the compliance with the Shire of Three Springs Procurement Policy 1.5, the Officer is proposing that the Council authorise the Shire's Chief Executive Officer to acquire a netball court exempt from Procurement Policy 1.5.

Officer's Comment:

1. On 4 November 2023, the Shire of Three Springs advertised in the Western Australian Newspaper Tender 2023-24-1 Netball Court Reconstruction.

   The Shire received one tender response, and the price received was deemed unacceptable because it is not value for money.

   Qualified engineered reports support this statement:

   a. Preliminary Investigation - Netball Court Surface and Failures August 2022. Khouri Engineering Services.

   b. The third option costs September 2023. Khouri Engineering Services.

   c. Request for Tender Netball Court Reconstruction -Design and Construct November 2023. Khouri Engineering Services.

2. In accordance with the Shire of Three Springs Procurement Policy 1.5, four companies were requested to provide Netball Court quotes on 30 August 2022. No quotes were received.

3. On 20 July 2023, the Shire received one Netball Court quote.

4. Under the provisions of 'The Local Government (Functions and General) Regulations 1996, Part 4, Division 2, r. 11, 2. C (i),' there are specific conditions where a local government is exempt from the obligation to publicly invite tenders. This exemption applies if, in the preceding six months, the local government had already conducted a public tender process for the same goods or services but did not receive any tenders that complied with the specified requirements or were considered as not value for money. In such scenarios, the local government is permitted to forgo the usual public tender process, providing a measure of flexibility in procurement under specified circumstances. For instance, if a tender process was conducted and the prices received were deemed unacceptable, this regulation would allow the local government to bypass the standard public tender requirements for a period of up to six months from the initial process.

5. The Officer has complied with the Shire of Three Springs Procurement Policy 1.5 and the Local Government (Functions and General) Regulations and neither process has been successful.
6. The Officer will be proposing that the Council grant the Chief Executive Officer the authority to acquire a netball courts and lighting. This request includes an exemption from the Shire of Three Springs Procurement Policy 1.5 and a waiver from the tender process as per the Local Government (Functions and General) Regulations 1996.

Consultation:
WALGA

Statutory Environment:
The Local Government (Functions and General) Regulations 1996. Part 4, Division 2, r. 11. 2. C (i)

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(c) within the last 6 months

(i) The local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

Policy Implications:
Procurement Policy 1.5

Financial/Resources Implications:
Expenditure as per the adopted budget

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

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

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

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

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.5

That Council authorise:

1. The Chief Executive Officer bypass the Procurement Policy 1.5 procedures for the acquisition of the netball courts and lighting.
2. The waiver of public tender requirements for procurement, as allowed by local government regulations, due to unsatisfactory responses from earlier tenders.
3. That tender 2023-24-1 Netball Court Reconstruction Netball court tender will not be accepted.

10. REPORTS OF OFFICERS

Works and Services	
10.6 Capital Works Progress Update 2023-2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	13th December 2023
Author:	Malcolm Elliot, Supervisor of Works
Attachment (s):	Capital Works Report 2023-2024 Grade Map

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.
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Report Purpose:
That Council accepts the Capital Works Report for November 2023.

Background:
This report provides the Council with the 2023-2024 Capital Works progress update.

Officers Comment:

***Construction**:*

- Dudawa Road seal widening
- Firebreaks at Arrino and the new rubbish tip
- Potholes on Morawa Three Springs Road
- Potholes on Arrino West Road

- Lovelocks Soak upgrade works – ongoing – initially lots of trouble with collapsing trenches and incoming water - have controlled the water problems which have solved the collapsing problems and have been making good progress since.

- Repair blowout Skipper Road.

Maintenance Grader:

- Maintenance grading carried out on following roads:

  Robb Road, Skipper Road, Beekeepers Road, Kangaroo Road, Dog Hole Road, Turkey Flat Road and Dookanooka Road.

Contractor Works:

- Dudawa Haulage on Dudawa Road

Recreation and Buildings:

1. 47 Williamson Street & 65 Carter Street
    - GBCC Geraldton has quoted for new kitchens at both locations. Awaiting completion to award the purchase order.
2. Bowling Club
    - Awaiting approval for kitchen renovation.
3. Christmas Tree and Town Decorations
    - Decorations for the Christmas tree are expected this week. Plan to place the tree at Jack Thorpe Gardens on Monday, 11 December. Following that, we'll plan and implement town decorations.
4. New Gardener Position
    - Collecting resumes for the vacancy. The application closing date is 8 December.
5. Community Hall
    - Dishes have been put away. A couple of doors require painting to complete the renovation.
6. Pest Control
    - Pest control has been carried out on all shire buildings.
7. Park and Gardens

Location	Comment
Football Oval	Preparation of oval for upcoming Cricket Australia Schools Tournament. Cancelled. Limited water due to Lovelock's construction. Additional water via a water truck.
Hockey Oval	Playing surface requires dethatching.
Railway Road Park	The digital information sign is to be installed to replace the manual information sign—footing installation on 7/12/23 and the installation of the digital sign in January 2024.

Jack Thorpe Gardens	The garden bed irrigation pipe was stolen.
Aquatic Centre	Retic has now been fixed.
Cemetery	Received the first quote for a picket fencing and waiting for other quotes.
Administration Office Garden	Nothing to report.
Garden across from the hardware shop	Road trains damaged the kerb — suggestion: No long vehicle parking sign.
Byrne Park	No comment.
Dominican Park	Irrigation programming error caused localised flooding.
Mayrhofer Park	No comment.
Tourist Centre	Tourism signage was replaced.
Federation Park	Someone cut the retic pipe.
Skate Park	No comment
Information Bay/ Entrances	Damaged kerbing at both eastern entrances.
Caravan Park	New signage has been installed.

Plant Vehicles and machinery:

- P5565 (Bobcat) has been serviced
- 0TS (CEO car) serviced

***Waste Landfill site**:*

- General maintenance works.
- Extinguished fire at the tip

Staff Recruitment and Training:

- Supervisor of Works, Supervisor of Parks and Gardens and Risk Coordinator all completed a 2-day cemetery training course in Geraldton

Consultation:
Nil

Statutory Environment:
Nil

Policy Implications:
Nil

Financial/Resources Implications:
Shire of Three Springs Adopted Budget 2023-2024

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

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

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

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

Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.6
That Council accepts the Capital Works Report for November 2023.	

10. REPORTS OF OFFICERS

Executive Services	
10.7 Community Development Officer Update	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	13 December 2023
Author:	Raman S Virdi, Community Development Officer
Attachment (s):	Nil

Council Role:

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

Report Purpose:
That Council accepts the Community Development Report for November 2023.

Background:
This report provides Council with the Community Development update.

Officer's Comment:

Community Citizen of the Year Awards (CCYA)	CCYA are managed under Council Policy 3.5 Australia Day – Citizenship Award and Australia Day Council WA. The Awards recognise individuals and organisations making a notable contribution during the current year and/or to those who have given outstanding service over a number of years. The Awards will be presented on Australia Day 2024 celebrations.

Community Hall Opening Ceremony (CHOC) Event	CHOC event was organised by the Shire of Three Springs on Thursday, 30 November 2023 at 5 PM. The purpose of the event was to exhibit the recent renovations made to the kitchen and ablutions at Three Springs Community Hall. The Shire displayed a visual narrative of Three Springs, encapsulating our past, present, and future through informational pictures at the event.
Volunteer Week – Christmas Tree and Silo Movie Night (VW-CTSMN) Event	VW-CTSMN Event is organised by the Shire in collaboration with the Three Springs Lions Club. The event will be held at Jack Thorpe Garden on Saturday, 09 December 2023.
Disability Access and Inclusion Plan (DAIP) Review	The Shire of Three Springs is obligated, under the Disability Services Act 1993, to submit a Disability Access and Inclusion Plan (DAIP) to the Department of Communities. The current DAIP is scheduled for a comprehensive review. The timeline for this review process is outlined as follows: 1. Stakeholder Consultation: 05 December 2023 to 15 January 2024 • Community Survey: 05 December 2023 to 15 January 2024 • Internal Staff Survey: 05 December 2023 to 12 January 2024 • Community Consultation Workshop: 15 January, 2024 • Staff Consultation Workshop: 08 January, 2024 2. First Draft of DAIP: 02 February, 2024 3. Draft Review of the Document: February 2024 4. Expected Adoption of DAIP at Ordinary Council Meeting: March 2024
Official Communication - Facebook page and the Shire website.	The Shire has updated its Facebook Page and website about ongoing activities.

Grants:

Australia Day Community Grants (ADCG)	ADCG is managed by the National Australia Day Council (NADC), with the support of the Australian Federal Government.

	Shire of Three Springs has been successful with the grant application worth $10,000.00 to fund the celebration of Three Springs Australia Day 2024.
Local Roads and Community Infrastructure Program – (LRCIP) Phase 4	LRCIP Grant is managed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The Shire received a notification advising that Councils will be able to access $329,104.00 Phase 4 funding allocations from July, with projects to be delivered by June 2025. Ordinary Council Meeting (Wednesday, 22 March 2023), item no. 10.4 Tender 22/23-02 Three Springs Multi-Purpose Hall, section Officer Comments, "4. Approve the resubmission of the Community Netball Courts project into the Australian Government Local Roads and Community Infrastructure Program Phase Four."
RAF Project Grants	RAF Project Grants are managed by the Regional Arts WA. The Shire received an unsuccessful grant notification on Wednesday, 22 November 2023.
Thank a Volunteer Day Grants Program 2023	Thank a Volunteer Day Grants Program 2023 is managed by the Department of Communities. The Shire has been successful at the Thank a Volunteer Day Grants Program 2023 to fund the Volunteer Week celebration on Saturday, 09 December 2023.

Consultation:
Nil

Statutory Environment:
Nil

Policy Implications:
Nil

Financial/Resources Implications:
Nil

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

Strategic Community Plan 2018 - 2028	
Council Objectives:	**Outcome:**
People are motivated, work together and have an increased pride and participation in the community.	3.1.6 Actively facilitate, support and participate in community events.

A well engaged and informed community that actively participates.	4.1.6 Actively facilitate, support and participate in community events. 4.1.5 Support and acknowledge volunteers

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

Corporate Business Plan 2020 - 2024	
Scope Statement:	**Project Outputs:**
A prosperous, thriving and innovative local economy.	1.1 Develop tourism infrastructure and increase the length of stay.
A collaborative and forward-thinking community that is guided by strong leadership.	4.1 A well engaged and informed community that actively participates.

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	**10.7**
That Council accepts the Community Development report for November 2023.	

10. REPORTS OF OFFICERS

Corporate Services	
10.8 Annual Financial Report 2022-23	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0081
Disclosure of Interest:	Nil
Date:	13 December 2023
Author:	Krys East - Deputy Chief Executive Officer
Attachment (s):	10.8.1 Audited Annual Financial Report 2022-2023 10.8.2 Auditors Opinion 10.8.3 Transmittal Letter to CEO - Shire of Three Springs - 30 June 2023

Council Role:

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

Report Purpose:
The Audit and Risk Committee recommends that the Council accepts the Annual Financial Statements, Audit Report and Management Report for 2022-2023 and set the date for the Annual Electors Meeting.

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

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

Officer's Comment:
On the 16th of November 2023, Dry Kirkness (formerly Butler Settineri) and the Office of the Auditor General for Western Australia conducted an audit exit meeting with the Shire President, Deputy Shire President, Chief Executive Officer and Deputy Chief Executive Officer.

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

There was one moderate finding relating to Fair Value assessments of Land and Buildings and Infrastructure assets not being performed in 2022/23.

The auditor's comment is clearly identified below (the black text being the finding from the audit, and the blue text being the Shire's Management comment).

1. Fair Value of Land and Building and Infrastructure Assets - Frequency of Valuations

Finding:
The Shire has not performed an assessment to determine whether its Land and Buildings and Infrastructure assets represent fair value.

Rating: Moderate
Implication
Without a robust assessment of fair value of the Shire's Land and Buildings and Infrastructure assets there is a risk that the fair value of Land and Buildings and Infrastructure assets may not have been assessed adequately and in compliance with AASB 13 Fair Value Measurement, as well as Regulation 17A(4)(b) of the Local Government (Financial Management) Regulations 1996 (the Regulations).

Recommendation
The Shire considers implementing as part of the preparation of financial statements a formal robust process to determine whether indicators exist annually, that would trigger a requirement to perform a formal revaluation of Land and Buildings and Infrastructure assets. Where indicators exist a robust fair value assessment should be performed capturing the requirements of AASB 13 Fair Value Movements. This process is to ensure that the Shire's Land and Buildings and Infrastructure assets are recorded at fair value in compliance with AASB 13 Fair Value Measurement and the Regulations.

This may entail obtaining relevant input from an independent valuer as to whether or not they consider there are any prevailing market factors which may indicate that the fair values of relevant assets are likely to have been impacted to any significant / material extent from the prior year. Where a fair value assessment has been performed internally the Shire may consider having this assessment peer reviewed by an independent valuer to obtain assurance over the valuation methodology applied, inputs and the reasonableness of the valuation model applied.

Management comment
The 2023/24 Budget of the Shire of Three Springs incorporates a provision for conducting an independent Fair Value assessment of the Shire's Land& Building and Infrastructure Assets, as of June 30, 2024. The Shire plans to engage the same

Valuer annually for consultation, seeking guidance on the continued relevance of the stated fair values or determining if a revaluation is necessary.

Responsible person: *Deputy Chief Executive Officer*

Completion date: *30th June 2024*

According to Local Government (Financial Management) Regulation 17A(4)(b), a revaluation of a non-financial asset is mandated when the local government believes the fair value significantly differs from its carrying amount. This reassessment must occur within a maximum of 5 years after the asset's last valuation or revaluation.

However, on October 18, 2023, Subsidiary Legislation 2023/158 r.41 revised Regulation 17A, eliminating the necessity to evaluate whether the fair value differs materially from the carrying amount. The obligation remains to revalue the asset after the 5-year period from its last valuation date.

Given the Shire conducted a valuation of its Land, Building, and Infrastructure assets on June 30, 2021, the next mandatory revaluation is not required until June 30, 2026. The shire has the option of revaluing its assets earlier than this if it chooses to do so.

Consultation:
Bob Waddell & Associates, Finance Officer and Admin Officer, Dry Kirkness audit staff and OAG Director Financial Audit.

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

"5.27. Electors' general meetings

(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year."

"5.53. Annual reports

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

"5.54. Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*

*(2) * Absolute majority required.*

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available."

"5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government."

"5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government."

"6.4. Financial report

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

(2) The financial report is to —

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year."

Local Government (Financial Management) Regs 1996, regulation 51

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

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

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

Local Government Act 1995 Section 7.9(1)

"7.9. Audit to be conducted

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

(a) the mayor or president; and

(b) the CEO of the local government; and

(c) the Minister."

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

"10. Report by auditor

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

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

(a) the financial position of the local government; and

(b) the results of the operations of the local government.

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

[(4A) deleted]

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

Policy Implications:
Nil

Financial/Resources Implications:
Nil

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

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

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

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

Voting Requirements:
Absolute Majority

Officer's Recommendation:

AUDIT AND RISK COMMITTEE'S RECOMMENDATION:	**10.8**

That Council:

1. Accepts the 2022/2023 Annual Report incorporating the audited Financial Statements and auditors report;

2. Acknowledges receipt of the Management letter;

3. Instruct the CEO to give local public notice as soon as practicable that the 2022/2023 Annual Report is available for public inspection;

4. Instruct the CEO to publish the 2022/2023 Annual Report on the Shire of Three Spring's official website within 14 days;

5. Schedule the Annual Electors meeting for Monday 5 February 2024 commencing at 5:00 pm in Council Chambers. Local public notice to be given at least 14 days prior to the meeting date;

6. Instructs that the 2022/2023 Annual Report is to be sent to the Department of Local Government by 21 December 2023, which is within 30 days of acceptance of the auditor's report by the CEO.

10. REPORTS OF OFFICERS

Corporate Services	
10.9 Monthly Financial Report for Period 30 November 2023	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	13 December 2023
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 30 November 2023

Council Role:

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

Report Purpose:
That Council accepts the monthly financial report for the period ending 30 November 2023.

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

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:
At the time of writing this report, the closing surplus is an estimate only and will be amended with the Budget Review that will be presented to Council in March 2024.

The 2023-2024 Budget was adopted in August 2023.

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

Consultation:
Nil

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

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

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

(1A) In this regulation —

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

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for 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 as at 30 November 2023 is $7,074,295. Cash available is made up of Unrestricted cash $4,923,800 and Restricted cash of $2,150,495 being primarily made up of various reserves.

Rates Debtors balance as at 30 November 2023 is $802,333. Rates Notices for 2023-24 were issued on the 28th August 2023. The rates collected as at end of November 2023 was $2,058,002 – 71.95%

November 2023:

Operating Revenue – Operating revenue of $3,260,549 is made up of Rates – 44%, Grants - 52%, Fees and Charges - 3%, Other Revenue - 0% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of $2,482,259 is made of Depreciation - 42%, Employee Costs – 28%, Materials and Contracts – 16%, Insurance – 9%, Utilities – 4%, Loss on Disposal of Assets – 0% and Other Expenditure – 1%.

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

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

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

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

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	**10.9**
That Council accepts the monthly financial report for the period ending 30 November 2023.	

10. REPORTS OF OFFICERSREPORTS OF OFFICERS

Corporate Services	
10.10 Accounts for Payments 30 November 2023	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	13 December 2023
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 30 November 2023

Council Role:

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

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

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

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

Consultation:
Nil

Statutory Environment:
Local Government Act 1995 Section 6.4.
Local Government (Financial Management) Regulations 1996 Section 12 and 13.

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

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

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

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub regulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications:
Nil

Financial/Resources Implications:
Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2022-2023.

Strategic Implications:

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

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

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

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

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	**10.10**

That Council accepts:

1. The accounts for payment as presented for *November* 2023 from the CBA Municipal Fund totalling $476,084.39

2. Represented by Electronic Fund Transfers No’s 19301 - 19402 and Direct Debits 15364.1, 15376.1 – 15383.7, 15403.1 – 15403.7, 15414.1 – 15417.1, 15428.1 - 15428.2, 15433.1 – 15437.1, and 15441.1.

3. Licensing Fund totalling $10,659.30 represented by Direct Debit No. 15375.1, 15384.1 - 15392.1, 15407.1 – 15409.9, 15421.1 – 15425.1, 15429.1, 15440.1 and 15445.1.

   Total Payments for November 2023 $486,743.69

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12.1. Elected Members
12.2 Staff

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

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

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 28 February 2024 @ 5.30pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE

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

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

Signed: ______________________________
Presiding Officer

Date: 28 February 2024