



AGENDA  
ORDINARY COUNCIL MEETING  
TO BE HELD ON  
WEDNESDAY  
15 DECEMBER 2021  
COMMENCING AT 5PM



**SHIRE OF THREE SPRINGS  
ORDINARY COUNCIL MEETING NOTICE PAPER  
15 DECEMBER 2021**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 15 December 2021, in the Council Chambers, Railway Road, Three Springs commencing at 5pm.

**Keith Woodward  
Chief Executive Officer**

**9 December 2021**

**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

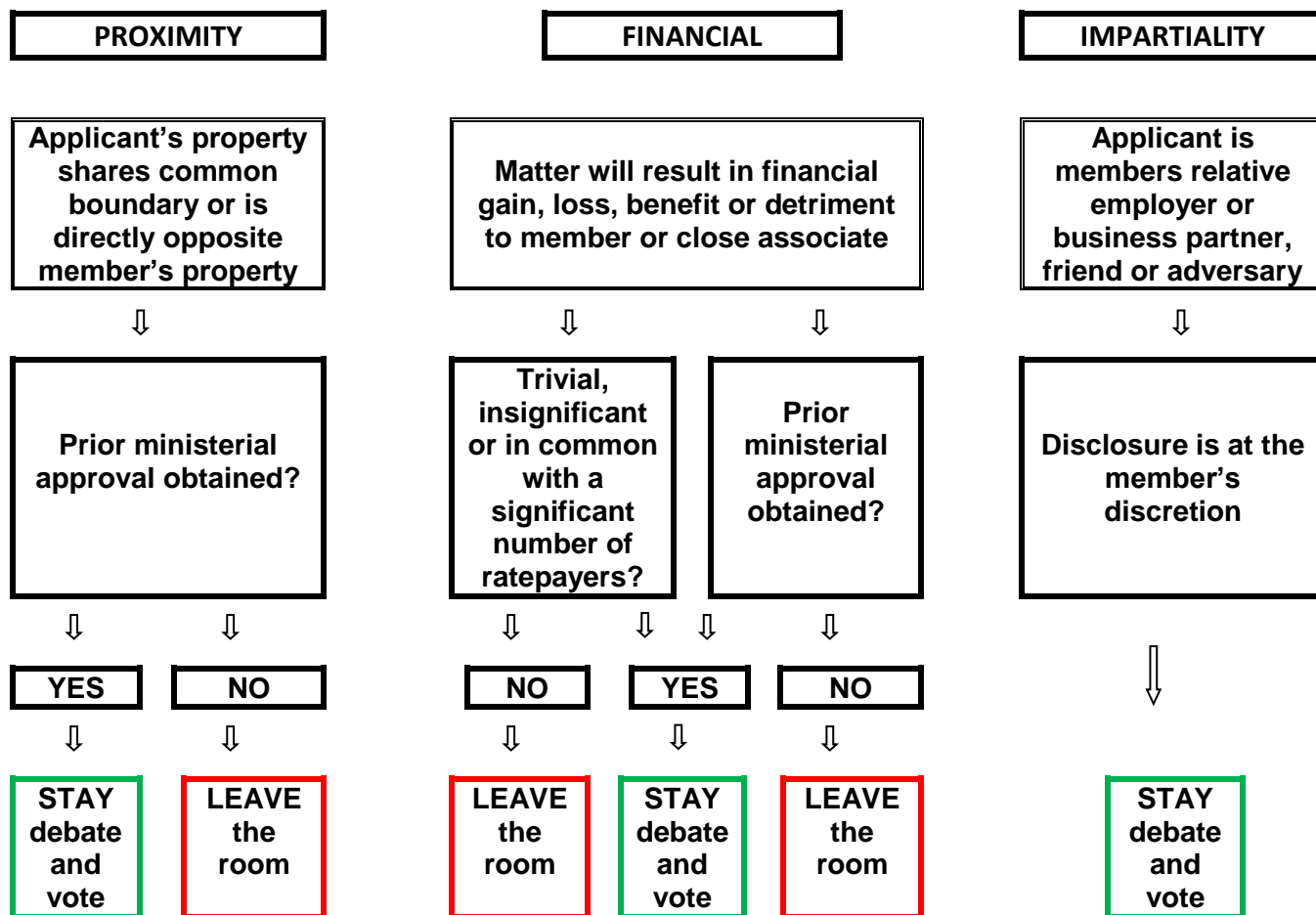
CEO

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>3</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 Local Government Act Review	
10.3 Annual Review of the Delegation Register	
10.4 Capital Works Progress Update 2021-2022	
10.5 Community Development Officer Update	
10.6 Monthly Financial Report for Period 30 November 2021	
10.7 Accounts for Payments as at 30 November 2021	
<b>11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>28</b>
<b>12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....</b>	<b>28</b>
12.1. ELECTED MEMBERS .....	29
12.2. STAFF .....	28
<b>13. QUESTIONS BY MEMBERS WITHOUT NOTICE .....</b>	<b>28</b>
<b>14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....</b>	<b>28</b>
<b>15. TIME AND DATE OF NEXT MEETING .....</b>	<b>28</b>
<b>16. CONFIDENTIAL ITEMS .....</b>	<b>28</b>
<b>17. MEETING CLOSURE.....</b>	<b>28</b>

## 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 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			
Councillor Heal			
Councillor Mutter			
Councillor Mills			
Councillor Ennor			
Councillor Eva			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager of Works & Services			
Community Development 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 24/11//2021	Cr.	Cr.	

### 7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

## 8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

<b>Councillor</b>	<b>Activity</b>
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
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:	15 December 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

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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:

1. The Governance Compliance Calendar report for November 2021.
2. Actions Performed under Delegated Authority for November 2021.

### 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 2021**

Compliance Action	Compliance Requirement	Section / Ref	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
<b>Monthly Financial Report</b> 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	November 2021 Report submitted to the December 2021 OCM. Reference Minutes.	
<b>Emergency Services Levy - Option A Remittance Due by: 21st of the month</b> 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.	N/a	The Shire does not practice option A. Option B is activated during the months of September / March / June.
<b>Primary Returns</b> - 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	Primary Return has been given to new Senior Member of staff for completion and return.	
<b>Financial Interests Register - Review</b> • 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)	Register has been updated.  Returns that have been removed have been placed in a separate folder and will be retained for 5 years.	
<b>Elected Members</b> - 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	Attendance Register is up to date.	
<b>Elections - Enrolment Eligibility Claims (Owners and Occupiers) Register</b> - 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	Register up to date for 2021 Local Elections.	

<b>Policy Review - Code of Conduct</b> 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.Regis. Part 9 Rules of Conduct Regs.	New Code of Conduct Policy was adopted by Council on 24 March 2021.	
<b>Elections - Declarations of Office</b> 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	Declaration of Office at SCM 18/10/2021	
<b>Valuer General Information Due 14th day</b> of each month - providing schedules of: <ul style="list-style-type: none"> <li>• building licenses issued</li> <li>• building license works completed</li> <li>• registered plans and amendments under the Strata Titles Act 1985</li> </ul>	Valuation of Land Act 1978	s.37		Prepared by the City of Geraldton

### **Execution of Delegation for November 2021**

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
04-Nov-21	PMT ID: F111047499810	CS002 - Payments from Municipal Fund and Trust Fund	Transfer from Muni to Trust Account	CBA	Deputy Chief Executive Officer	Transfer from Muni to Trust Account - EFT PMT ID: F111047499810 for \$82.60
05-Nov-21	PMT ID: F111057580198	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licens A/C	CBA	Deputy Chief Executive Officer	Transfer Funds from CBA Muni A/C to CBA Licens A/C - EFT PMT ID: F111057580198 for \$386.05
16-Nov-21	PMT ID: F111168120591	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licensing A/C to CBA Muni A/C	CBA	Deputy Chief Executive Officer	Transfer \$33.45 from CBA Licens A/C to CBA Muni A/C to Due to Eftpos in October 2021 deposits going into opposite accounts. PMT ID: FF111168120591
18-Nov-21	PMT ID: F111188296057	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID: F111188296057 for \$20,284.10
23-Nov-21	PMT ID: F111238531302	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Deputy Chief Executive Officer	Fortnightly Payroll PPE 23/11/2021 - \$41,760.85 PMT ID: F111238531302
25-Nov-21	PMT ID: F111258678138	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID: F111258678138 for \$4,668.13
29-Nov-21	PMT ID: F111298868874	CS002 - Payments	Weekly Payment - Creditors	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID

		from Municipal Fund and Trust Fund				F111298868874 for \$240.00
04-Nov-21	PMT ID: F111047499810	CS002 - Payments from Municipal Fund and Trust Fund	Transfer from Muni to Trust Account	CBA	Finance Officer	Transfer from Muni to Trust Account - EFT PMT ID: F111047499810 for \$82.60
05-Nov-21	PMT ID: F111057580198	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licens A/C	CBA	Finance Officer	Transfer Funds from CBA Muni A/C to CBA Licens A/C - EFT PMT ID: F111057580198 for \$386.05
12-Nov-21	PMT ID: F111127935527	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA LMaximiser A/C to CBA Muni A/C	CBA	Finance Officer	Transfer \$100,000.00 from CBA Maxi A/C to CBA Muni A/C to cover Creditor Payments. PMT ID F111127935527
12-Nov-21	PMT ID: F111127976467	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Finance Officer	Creditor Payments - EFT PMT ID: F111127976467 for \$120,332.86
18-Nov-21	PMT ID: F111188296057	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Finance Officer	Creditor Payment - EFT PMT ID: F111188296057 for \$20,284.10
10-Nov-21	PMT ID: F111107778852	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Customer Service Officer 2	Fortnightly Payroll PPE 09/11/2021 - \$53,611.50
16-Nov-21	PMT ID: F111168120591	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licensing A/C to CBA Muni A/C	CBA	Customer Service Officer 2	Transfer \$33.45 from CBA Licens A/C to CBA Muni A/C to Due to Eftpos in October 2021 deposits going into opposite accounts. PMT ID: FF111168120591
23-Nov-21	PMT ID: F111238531302	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Customer Service Officer 2	Fortnightly Payroll PPE 23/11/2021 - \$41,760.85 PMT ID: F111238531302
29-Nov-21	PMT ID: F111298868874	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Customer Service Officer 2	Creditor Payment - EFT PMT ID F111298868874 for \$240.00

### **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.

<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>
<p>That Council Accepts:</p> <ol style="list-style-type: none"> <li>1. The Governance Compliance Calendar report for November 2021.</li> <li>2. The Execution of Delegation report for November 2021.</li> </ol>	

## 10. REPORTS OF OFFICERS

Executive Services	
10.2. Local Government Act Review	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0080
Disclosure of Interest:	Nil
Date:	15 December 2021
Author:	Keith Woodard, Chief Executive Officer
Attachment (s):	Shire of Three Springs Local Government Act Reform Consultation Report

### Council Role:

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

### Report Purpose:

Council endorses the Shire of Three Springs Local Government Act Reform' Consultation' Report, December 2021 and authorises the submission of the report to the Western Australian Department of Local Government, Sport and Cultural Industries.

### Background:

The State Government has announced the most significant package of major reforms for WA local government since the Local Government Act 1995 was passed more than 25 years ago.

Major changes to the Local Government Act and Regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents

and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

**Officer's Comment:**

Refer to the attached report.

**Consultation:**

The Department of Local Government, Sport and Cultural Industries (DLGSC) is inviting comments from local governments and the wider community to inform the implementation of the proposed reforms. The feedback received will inform the drafting of legislation. The consultation period runs between 10 November 2021 and 24 February 2022.

This matter was discussed with the Shire of Three Springs Council and Executive staff. The feedback from Council has been incorporated into the attached report.

**Statutory Environment:**

Local Government 1995

**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:
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:****10.2**

The Chief Executive Officer submits the Shire of Three Springs' consultation' report to the Western Australian Department of Local Government, Sport and Cultural Industries.



## 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:	15 December 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	2021/2022 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 2021/2022 Delegation Register.

### Background:

At the December 2020 Ordinary Council meeting, the following resolution was adopted:

091/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION	10.3
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Eva</b> <b><u>SECONDED:</u> Cr. Lane</b></p> <p>That Council adopt the December 2020/2021 Delegation Register.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 6/0</b></p>	

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:

<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 2020/21 to 2021/22.

**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'.

<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>OFFICERS RECOMMENDATION:</b>	<b>10.3</b>
That Council adopts the December 2021/2022 Delegation Register.	

## 10. REPORTS OF OFFICERS

### Works and Services

#### 10.4. Capital Works Progress Update 2021-2022

Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	15 December 2021
Author:	Mohammed Rahman, Manager of Works and Services
Attachment (s):	Capital Works Report 2021-2022

#### 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 Capital Works Report for November 2021.

#### Background:

This report provides Council with the 2021-2022 Capital Works progress update.

#### Officers Comment:

Refer to the attached status report.

#### Consultation:

Nil

#### Statutory Environment:

Nil

#### Policy Implications:

Purchasing Policy 3007.1

**Financial/Resources Implications:**

Shire of Three Springs Adopted Budget 2021-2022

**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>
Provide and maintain good quality tourism infrastructure and facilities.	Maintain and enhance attractions in line with the 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 utilization management.

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

<b>OFFICER'S RECOMMENDATION:</b>	<b>10.4</b>
That Council accepts the Capital Works Report for November 2021.	

## 10. REPORTS OF OFFICERS

Executive Services	
10.5 Community Development Officer Update	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	
Disclosure of Interest:	Nil
Date:	15 December 2021
Author:	Raman S Viridi, Community Development Officer
Attachment (s):	Nil

### Council Role:

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- ☒ 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 2021.

### Background:

This report provides Council with the Community Development update.

### Officer's Comment:

Australia Day 2022 Community Grant.	Australia Day 2022 Community Grant is managed by the National Australia Day Council.  Application for Australia Day 2022 Community Grant was submitted on 16 November 2021.  Grant amount of \$15,000 has been applied.
Australia Day Citizenship	The ADCA is managed by Council Policy 3.6 and

Award (ADCA).	<p>Australia Day Council of WA.</p> <p>The Shire has received four ADCA nominations.</p> <p>The Nominations will be submitted to Australia Day Council of WA on 10 December 2021.</p>
Bush Fire Brigade (BFB) Medals	<p>BFB Medals are managed by DEFS.</p> <p>Officer was asked to prepare acknowledgement letters and post the award to their recipients. Shire do not have authorising officer to sign the acknowledgement letters.</p> <p>DEFS was contacted and made aware of the situation.</p> <p>Ranelle Clarke from DEFS accepted the awards and suggested that DEFS will prepare acknowledgement letters and post medals directly to recipients.</p>
Shire of Three Springs Community Small Grant (TSCSG).	<p>The TSCSG is managed by Council Policy 2.8. The Policy does not state when the funding rounds would be advertised. However, the Community Grants Program guideline states that the funding rounds will close in March and November.</p> <p>The Shire did not receive any submissions for funding.</p> <p>The Shire has advertise the TSCSG Round 2 on the Shire website, Facebook and Yakabout.</p> <p>Final date of application submission is 10 January 2022.</p> <p>Any submissions received will be managed through the TSCSG Committee and then through Council.</p>
CCTV Map Coverage	<p>CCTV Cameras were installed by IP Cameras Australia Pty Ltd.</p> <p>It was notified by IP Cameras Australia Pty Ltd that map is not available for CCTV camera network around The Shire of Three Springs. The location details were received as below.</p> <ul style="list-style-type: none"> <li>• On top of Sports Pavilion roof</li> <li>• Toilet behind Shire</li> <li>• Swimming Pool</li> <li>• Eco Park L</li> <li>• Eco Park R</li> <li>• Skate Park</li> <li>• Toilet Block Lion's Den</li> <li>• Main Rd Intersection</li> <li>• Heritage Building main road</li> <li>• Information Bay</li> </ul>

		<ul style="list-style-type: none"> <li>• North view of main street</li> <li>• South View of main street</li> <li>• Netball Courts</li> <li>• Side of Pool Admin building</li> <li>• Pavilion doors S</li> <li>• Pavilion Doors E</li> <li>• Pavilion doors N</li> <li>• Community Hall entry</li> <li>• Playgroup</li> <li>• Child Care</li> <li>• New Child Care</li> </ul> <p>CCTV Camera Network is due to be serviced. Peter Herington from IP Cameras Australia Pty Ltd will visit the Shire of Three Springs on 10 December 2021.</p> <p>An update will be provided by the officer after the visit.</p>
Cultural Accelerator (CTAP)	Tourism Program	<p>CTAP is managed by Regional Art Australia.</p> <p>Under CTAP four grant options are available</p> <ul style="list-style-type: none"> <li>• Flash Marketing Campaign \$2,500</li> <li>• Targeted Marketing Campaign \$10,000</li> <li>• Experience Initiative \$10,000</li> <li>• Partnership Initiative \$15,000</li> </ul> <p>Closing date for CTAP grant application is 22 January 2022.</p> <p>Approved grant applicants are required to complete projects by 31 October 2022.</p>
Tourist Radio		<p>Chris Lewis from ABC radio has been contacted. A quote is requested by CDO for 4 hour loop audio on 03 December 2021.</p> <p>The Shire will use the money from the CTAP grant for Tourist Radio.</p>
Wild Flower Committee (WFC)		<p>The CDO has been nominated and approved as the WFC secretary. The next WFC meeting will be on 16 December 2021 in the Shire of Three Springs Council Chambers.</p>
Official Communication - Facebook page and the Shire website.		<p>Official communication is managed by Council Policy 1.7.</p> <p>The Shire has updated its Facebook Page and website about ongoing activities accordingly.</p>



**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.

<b>Strategic Community Plan 2018-2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Develop tourism infrastructure and increase length of stay	1.1.2 Participate in the "Wildflower Way" Tourist Drive  1.1.6 Rebrand and promote Three Springs as an attractive place to live and work
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

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

<b>Corporate Business Plan 2020-2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
A prosperous, thriving and innovative local economy	1.1 Develop tourism infrastructure and increase 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:**

<b>OFFICER'S RECOMMENDATION:</b>	<b>10.3</b>
That Council accepts the Community Development Report for November 2021.	

## 10. REPORTS OF OFFICERS

Corporate Services	
10.4 Monthly Financial Report for Period 30 November 2021	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	15 December 2021
Author:	Rajinder Sunner, Deputy Chief Executive Officer
Attachment (s):	10.4 Monthly Financial Report 30 November 2021

### 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 November 2021.

### 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, there were still several outstanding invoices etc. and end of year calculation have yet to be done, so the closing surplus is an estimate only and is subject to change until 2020-2021 year has been audited.

**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*
- © *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*
- © *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*
- © *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*
- © *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 2021 is \$3,793,321. Cash available is made up of Unrestricted cash \$1,675,491 and Restricted cash \$2,117,830 backed by various reserves.

Rates Debtors balance as at 30 November 2021 \$384,081. Rates Notices for 2021-22 were issued in September 2021. Rates collected as at end of November 2021 was \$2,003,663 – 83.91%. Second instalment was due on 29 November 2021.

**Nov 2021:**

**Operating Revenue** – Operating revenue of \$3,011,733 is made up of Rates - 78%, Grants - 14%, Fees and Charges - 6% and other Revenue -2%.

**Operating Expenses** – Operating expenses of \$2,551,026 is made of Depreciation - 41%, Employee Costs – 27%, Materials and Contracts – 20%, Insurance – 9% and Utility and Other Charges – 3%.

**Strategic Implications:**

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

**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:****10.4**

That Council accepts the monthly financial report for the period ending 30 November 2021.

## 10. REPORTS OF OFFICERS

Corporate Services	
10.5 Accounts for Payments as 30 November 2021	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	15 December 2021
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 30 November 2021

### 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 2020-2021.

**Strategic Implications:**

This item is relevant to the Council's 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 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>10.5</b>
<p>That Council accepts:</p> <ol style="list-style-type: none"> <li>1. The accounts for payment as presented for November 2021 from the CBA Municipal Fund totalling \$215,221.57</li> <li>2. Represented by Cheque No. 11658, Electronic Fund Transfers No's 17586 – 17635, 17642 - 17653 and Direct Debits 13317.1 – 13384.1.</li> <li>3. Licensing Fund totalling \$14,436.20, represented by Direct Debit No. 13387.1.</li> <li>4. Trust Fund totalling \$240.00, represented by Electronic Fund Transfers No's 17639 – 17641.</li> </ol> <p><b>Total Payments for November 2021 \$229,897.77</b></p>	

**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 23 February 2022 @ 5pm.**

**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: 23 February 2022