



AGENDA
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
24 NOVEMBER 2021
COMMENCING AT 5PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
24 NOVEMBER 2021**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 24 November 2021, in the Council Chambers, Railway Road, Three Springs commencing at 5pm.

**Keith Woodward
Chief Executive Officer**

18 November 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 Member
- 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: _____

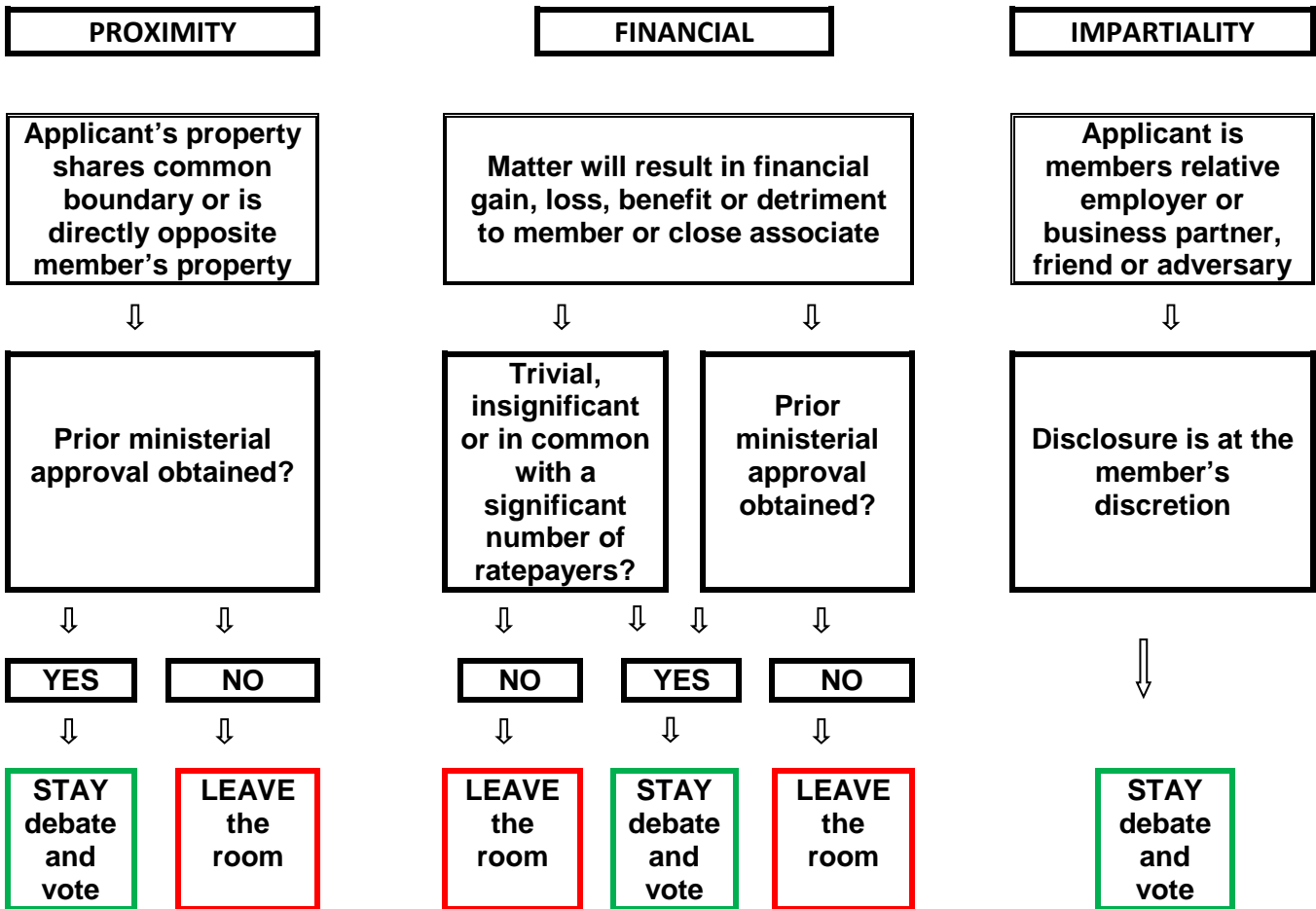
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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 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 27/10/2021	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
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:	24 November 2021
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 October 2021.
2. Actions Performed under Delegated Authority for October 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 October 2021

Compliance Action	Compliance Requirement	Section / Ref	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	October 2021 Report submitted to the November 2021 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.		The Shire does not practice option A. Option B is activated during the months of September / March / June.
Elections - Close of Absent Voting / Postal Voting Applications for 'in-person' elections (4th day before Election Day)	Local Government Act 1995	s.4.68(1)(c) Elections Reg.37(3)(4)	N/a	
Elections - Close of Early Voting 4.00pm or 'in-person' elections.	Local Government Act 1995	s.4.71(1)(3) Elections Reg.59(2)	N/a	
Election Day - Close of Poll 6.00pm	Local Government Act 1995	s.4.7 s.4.68(1)(e)	N/a	
Elections - Result declared and published as Local Public Notice by Returning Officer as soon as practicable	Local Government Act 1995	s.4.77 Elections Reg.80	Published on close of nominations	
Elections - Declarations of Office for new Elected Members, Shire President / Mayor and Deputy Shire President / Mayor sworn in following Election Day (2 months from declaration of result - s.2.32(c))	Local Government Act 1995	s.2.29	At SCM on 18 October 2021	
Elections - Report to Minister (by 14th day after election)	Local Government Act 1995	s.4.79 Elections Reg.81	WA Electoral Commission submit Report on behalf of Shire	
Primary Returns - Request new Elected Members - required to be lodged with CEO within 3 months of making Declarations of Office 18/10/2021	Local Government Act 1995	s.5.75(1)	N/a as all 3 Elected Members completed Annual Returns for 2020/2021	

Elections - Election Papers collected and secured in one or more parcels by Returning Officer	Local Government Act 1995	s.4.84(a) Elections Reg.82	N/a	
Elections - Destruction of Election Papers - parcels which are more than 4 years old may be destroyed, supervised by CEO and witnessed by at least 2 employees OR to secure paper destruction company	Local Government Act 1995	s.4.84(a) Elections Reg.82	N/a	
Election of Shire President / Mayor, Deputy President / Mayor - elected from amongst the Councillors - conducted in accordance with Schedule 2.3, Div.1	Local Government Act 1995	s.2.11(1)(b) Schedule 2.3, Div.1	At SCM 18/10/2021	
CEO Authority to Speak on behalf of the LG - if new Shire President / Mayor is elected, seek / obtain written authority from Shire President for CEO to speak on behalf of the Local Government.	Local Government Act 1995	s.5.41(f)	As per Council Policy 1.7 – Official Communications	
Establishment of Audit Committee - following Elections, Council must establish an Audit Committee - with membership of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee.	Local Government Act 1995	s.7.1A s.5.8 s.5.9 s.5.10 s.5.11A s.5.11	At SCM 18/10/2021 All Elected Members on Audit Committee	
Establishment of Committees - following Elections, Council may establish committees (other than Audit) of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee.	Local Government Act 1995	s.5.8 s.5.9 s.5.10 s.5.11A s.5.11	At SCM 18/10/2021	
Establishment of Committees - Each committee has been established with a Terms of Reference, that details the purpose of the Committee and the scope of matters that the Committee will deal with.	Local Government Act 1995	s.5.8	At SCM 18/10/2021	
Election of Committee Presiding Members and deputies - conducted in accordance with Schedule 2.3, Div.1	Local Government Act 1995	s.5.12 Schedule 2.3, Div.1	At SCM 18/10/2021	
Election Papers - election of Shire President / Mayor, Deputy President / Mayor and Committee Presiding Members and deputies - Election Papers collected and secured in parcels	Local Government Act 1995	s.4.84(a) Elections Reg.82	N/a	

Appointment of Elected Members to External Bodies -			At SCM 18/10/2021	
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). • 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)	Complete	
Gift Register - Review After a person ceases to be an Elected Member [s.5.87A] or CEO [s.5.87B] required to disclose gifts, the CEO is required to remove from the register all records relating to that person. These records must be retained as LG records for a period of at least 5-years and be made available for public inspection.	Local Government Act 1995	s.5.89A(6) & (7)	N/a No person ceased to be an Elected Member	
Elected Member Induction - Provide an induction for newly elected Councillors.	n/a	n/a	All new Councillors were re-elected	
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	Prepared by the City of Geraldton	

Execution of Delegation for October 2021

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
5-Oct-21	PMT ID: F110065813572	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licen A/C	CBA	Chief Executive Officer	Transfer \$386.05 from CBA Muni A/C to CBA Licen A/C to Cover Cheque Payment PMT ID: F109024022810
08-Oct-21	Chq 11655	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Three Springs Engineering	CBA	Chief Executive Officer	Creditors Payment - Three Springs Engineering # 11655 - \$29.00
13-Oct-21	PMT ID: F110136221662	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Chief Executive Officer	Fortnightly Payroll PPE 28 Sept 2021 - \$50,499.00
05-Oct-21	PMT ID: F110055727774	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licen A/C to CBA Muni A/C	CBA	Deputy Chief Executive Officer	Transfer \$55,220.80 from CBA Licen A/C to CBA Muni A/C due to 04/10/2021 Muni Eftpos being Directed Licensing Account PMT ID: F110055727774
5-Oct-21	PMT ID: F110065813572	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licen A/C	CBA	Deputy Chief Executive Officer	Transfer \$386.05 from CBA Muni A/C to CBA Licen A/C to Cover Cheque Payment PMT ID: F109024022810
08-Oct-21	Chq 11655	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Three Springs Engineering	CBA	Deputy Chief Executive Officer	Creditors Payment - Three Springs Engineering # 11655 - \$29.00
13-Oct-21	PMT ID: F110136221662	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Deputy Chief Executive Officer	Fortnightly Payroll PPE 28 Sept 2021 - \$50,499.00
22-Oct-21	PMT ID: F110226764435	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID F110226764435 for \$236,215.94
26-Oct-21	PMT ID: F110266932575	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licen A/C	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID F110266932575 for \$2,054.20
28-Oct-21	PMT ID: F110287108356	CS002 - Payments from Municipal Fund and Trust Fund	Bpay Payment - Telstra	CBA	Customer Service Officer 2	Manual Bpay Payment of \$56.76 for Telstra due to consolidation of Accounts PMT ID: F110287108356
29-Oct-21	Chq 11656	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Three Springs Engineering	CBA	Deputy Chief Executive Officer	Creditors Payment - Three Springs Engineering # 11656 - \$66.00
29-Oct-21	Chq 11657	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - City of Geraldton	CBA	Deputy Chief Executive Officer	Creditors Payment - Three Springs Engineering # 11657 - \$1,770.40
29-Oct-21	PMT ID: F110297194377	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID: F110297194377 for \$84,302.72
01-Oct-21	PMT ID: F110015649383	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licen A/C to CBA Muni A/C	CBA	Customer Service Officer 2	Transfer \$1,536.73 from CBA Licen A/C to CBA Muni A/C due to 28/09/2021 Muni Eftpos being Directed Licensing

						Account PMT ID: F110015649383
01-Oct-21	PMT ID: F110015649456	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licen A/C to CBA Muni A/C	CBA	Customer Service Offlcer 2	Transfer \$9,920.70 from CBA Licen A/C to CBA Muni A/C due to 30/09/2021 Muni Eftpos being Directed Licensing Account PMT ID: F110015649456
01-Oct-21	PMT ID: F110015656991	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Customer Service Offlcer 2	Creditor Payment - EFT PMT ID F110015656991 for \$91,548.39
05-Oct-21	PMT ID: F110055727774	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licen A/C to CBA Muni A/C	CBA	Customer Service Offlcer 2	Transfer \$55,220.80 from CBA Licen A/C to CBA Muni A/C due to 04/10/2021 Muni Eftpos being Directed Licensing Account PMT ID: F110055727774
08-Oct-21	PMT ID: F110086019042	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Customer Service Offlcer 2	Creditor Payment - EFT PMT ID F110086019042 for \$68,740.59
14-Oct-21	PMT ID: F110146279204	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to Licen A/C	CBA	Customer Service Offlcer 2	Transfer \$1,460.95 from CBA Muni A/C to CBA Licen A/C to Cover Cheque Payment PMT ID: F110146279204
19-Oct-21	PMT ID: F110196509816	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to Licen A/C	CBA	Customer Service Offlcer 2	Transfer \$3,304.60 from CBA Muni A/C to CBA Licen A/C to Due to Wrong Eftpos Used on the 14/10/2021 PMT ID: F110196509816
27-Oct-21	Transaction ID: F110276979851	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Deputy Chief Executive Officer	Transaction ID: F110276979851 Fortnightly Payroll PPE 26/10/2021 - \$44,833.04
28-Oct-21	PMT ID: F110287108356	CS002 - Payments from Municipal Fund and Trust Fund	Bpay Payment - Telstra	CBA	Customer Service Offlcer 2	Manual Bpay Payment of \$56.76 for Telstra due to consolidation of Accounts PMT ID: F110287108356

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: <ol style="list-style-type: none">1. The Governance Compliance Calendar report for October 2021.2. The Execution of Delegation report for October 2021.	

10. REPORTS OF OFFICERS

Executive Services	
10.2. Townsite Amenity Initiative	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	24 November 2021
Author:	Keith Woodard, Chief Executive Officer
Attachment (s):	Saliba v Town of Bassendean [2013] WASC 93

Council Role:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- 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:

To make Council aware of the intention to implement a program of gradual "clean-up" of untidy premises throughout the Shire's townsites and to seek its formal support for the initiative.

Background:

Council has indicated on several occasions that some properties within the Shire's townsites are untidy or neglected. This view is shared by the administration and to improve the outlook of the townsite and to build community pride in its presentation, it is intended that a program be implemented to target property owners who have properties that lie in neglect or can be considered untidy or unsightly.

It is noted that the impetus for this initiative has been the interest of the Shire and the councillors in improving the amenity of the townsite.

This program will involve the following process:

- a) Ongoing townsite inspections to identify properties where, because of the presence of overgrown vegetation or the accumulation of rubbish, materials , carbodies etc, the blocks are considered to be untidy or unsightly;
- b) Sending a preliminary letter to the property's owners advising of the townsite initiative and advising that their property has been identified as requiring some action (which will be detailed);
- c) Specifying a period of time in which the owners should;
 - i. conduct the works to clean the site or address the issue; or
 - ii. provide the Shire with a written undertaking explaining why the works cannot be completed within the required time and requesting approval to complete the works within an alternative agreed period of time;
- d) Issuing of formal notice if the works are not completed within the required or agreed timeframe; and
- e) Subject of an item to Council and to Council approval, entering onto a property to conduct the works in the case of non-compliance and recovering the costs through the Local Court.

Officer's Comment:

Generally, the recommended process can appear to be slow and painstaking, however it is implemented in such a manner that every opportunity is granted to all property owners (or tenants) to bring their properties up to scratch and to comply with Council direction without immediately resorting to litigation.

The longer remediation process makes allowances for those who may be socially disadvantaged or unable to respond with the immediacy which could (rightly) be expected in a usual prosecutorial framework. However, the results quickly become evident as most residents and owners support the intent of the initiative and do their best to tidy their properties.

The process ensures that everyone is dealt with in the same manner and provided with the same opportunity to support the initiative but importantly, it succeeds best when those with the wherewithal to comply but who test the process (and Council's resolve) are seen to be brought to task as required.

Consultation:

Nil

Statutory Environment:

Pursuant to Section 3.25 (1) of the Local Government Act 1995, the Shire has the power by service of a notice to owners or occupiers of land to require certain things to be done on that land.

Under Schedule 3.1 (Division 1 - Things a notice may require to be done), clause 5A (1) requires overgrown vegetation, rubbish, or disused material (as specified in a Notice) to be removed from land that the Council considers to be untidy.

Local Government Act 1995:

3.25. Notices requiring certain things to be done by owner or occupier of land

- (1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —
 - (a) is prescribed in Schedule 3.1, Division 1; or
 - (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.
- (2) Schedule 3.1 may be amended by regulations.
- (3) If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.
- (4) A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.
- (5) A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.
- (6) A person who fails to comply with a notice under subsection (1) commits an offence.

[Section 3.25 amended: No. 55 of 2004 s. 687.]

3.26. Additional powers when notices given

- (1) This section applies when a notice is given under section 3.25(1).
- (2) If the person who is given the notice (**notice recipient**) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.
- (3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.
- (4) If a notice recipient —
 - (a) incurs expense in complying with any requirement of the notice; or
 - (b) fails to comply with such a requirement and, as a consequence, is fined or has to pay to a local government the cost it incurs in doing anything under subsection (2),the notice recipient may apply to a court for an order under subsection (6).
- (5) In subsection (4) —

11. court means a court that would have jurisdiction to hear an action to recover a debt of the amount of the expense, fine or cost sought to be recovered by the notice recipient.

- (6) On an application under subsection (4) the court may order —
 - (a) if the notice recipient is the owner, the occupier; or
 - (b) if the notice recipient is the occupier, the owner,

to pay to the notice recipient so much of that expense, fine or cost as the court considers fair and reasonable in the circumstances.

- (7) *In determining what is fair and reasonable the court is to have regard to —*
- (a) *the type of land involved; and*
 - (b) *the terms on which the occupier is occupying the land; and*
 - (c) *any other matter the court considers to be relevant.*

[Section 3.26 amended: No. 1 of 1998 s. 10.]

Schedule 3.1 — Powers under notices to owners or occupiers of land

[Section 3.25(1)]

Division 1 — Things a notice may require to be done

1. *Prevent water from dripping or running from a building on the land onto any other land.*
2. *Place in a prominent position on the land a number to indicate the address.*
3. *Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.*
4. (1) *Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —*
 - (a) *is suitably enclosed to separate it from the public place; and*
 - (b) *where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.*
- (2) *The notice cannot be given to an occupier who is not an owner.*
5. (1) *Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly.*
- (2) *In this item —*

unsightly, *in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.*
- (3) *The notice cannot be given to an occupier who is not an owner.*
- 5A. (1) *Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.*
- (2) *In this item —*

disused material *includes disused motor vehicles, old motor vehicle bodies and old machinery.*

Policy Implications:

Nil

Financial/Resources Implications:

There are only minimal resources required to identify properties for attention, to send letters and notices if required and to conduct follow-up inspections.

If prosecution occurs, there is an opportunity to recover any costs expended against a property's clean-up where the owners have failed to do so, by recovering those costs in court.

In the case of deceased estates where the properties are intestate (i.e. without an owner), clean ups may require expenditure of shire resources (e.g. shire of contractor; shire staff time and equipment etc). In these circumstances, there is usually little opportunity to recover the expenditure until the property can be sold for non-payment of rates and costs recovered from the sale. Where such expenditure may be inevitable, the process will include an item to an OCM for Council's consideration and resolution.

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
<ul style="list-style-type: none"> • A community that is well informed and respects our natural, cultural and built environment • Protect and conserve our natural environment • Three Springs is a comfortable and welcoming place to live and visit, and reflects our lifestyle values • Preservation of local heritage and the unique character of our built environs • An attractive, inviting and functional street 	<p>Outcome 2.3 Three Springs is a comfortable and welcoming place to live and visit, and reflects our lifestyle values</p> <p>Outcome 2.4 Preservation of local heritage and the unique character of our built environs</p>

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
<p>That Council;</p> <ol style="list-style-type: none"> 1. Receives the information report pertaining to the implementation of an initiative to improve the amenity of the Shire's townsites. 2. Supports the initiative, the indicated process and the proposed actions. 	

10. REPORTS OF OFFICERS

Executive Services	
10.3 Community Development Officer Update	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	
Disclosure of Interest:	Nil
Date:	24 November 2021
Author:	Raman S Viridi, 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 2021.

Background:

This report provides Council with the Community Development update.

Officer's Comment:

Home Repair Grant For Seroja Recovery (HRGSR)	<p>The HRGSR funding is administered by the Government of WA and the Department of Fire and Emergency Services. The Recovery Grant reimburses insured homeowners up to \$20,000.</p> <p>The HRGSR funding will be available for local homeowners through direct applications.</p> <p>There are two types of grants available. Recovery Grant and Resilience Grant.</p> <p>Homeowners can apply for one or both types of</p>
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	<p>reimbursement Grants.</p> <ul style="list-style-type: none"> • eligible homeowner can apply for the Recovery grant to cover the cost of clean-up or repairs that were not covered by their insurance policy. <p>Or;</p> <ul style="list-style-type: none"> • resilience Grant to reimburse the building work that improves the resilience of their residential property against future cyclones
Remembrance Day	<p>Remembrance Day was held on 11 November 2021 at Jack Thorpe Gardens.</p> <p>The event was organised by Three Springs - Arrino RSL with assistance from Shire of Three Springs staff members.</p> <p>The event was a success and posted associated photos on the RSL and Shire Facebook.</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 has not received any submissions for funding.</p> <p>The Shire will advertise the SCSG on the Shire website, Facebook and Yakabout in December 2021 and February 2022. Any submissions received will be managed through the SCSG Committee and then through Council.</p>
Australia Day 2022 Community Grant.	<p>The Shire is planning to apply for Australia Day 2022 Community Grant through the National Australia Day Council.</p> <p>The Australia Day celebration will be held at the Shire swimming pool and will include the following activities:</p> <ol style="list-style-type: none"> 1. Breakfast 2. Welcome and Introduction 3. Welcome to Country 4. Australia Day message 5. Acknowledgement and thank you to volunteers 6. Presentation Shire of three Springs Community Citizen of the year awards. 7. Citizenship Ceremony 8. Australian National Anthem 9. Formalities End 10. Pool games (Yet to be decided) <p>The event will commence at 8.00 am and conclude at 11:00 am.</p> <p>The pool will be open for the day without charging entrance fees.</p> <p>The application closing date is 19 November 2021.</p>
Australia Day Citizenship Award (ADCA).	<p>The ADCA is managed by Council Policy 3.6.</p> <p>The Shire has not received any ADCA nominations.</p> <p>The Officer is requesting that Council provide nominations for the associated awards.</p>

<p>The Western Australian Government, Tourism Western Australia. Regional Events Scheme 2022/23 (RES)</p>	<p>The Regional Events Scheme (RES) is an annual funding round administered by Tourism WA. The RES is supported by Royalties for Regions and Tourism WA. The scheme is designed to assist with the development of events as tourist attractions within regional Western Australia.</p> <p>Aims and Objectives The RES aims to support events that:</p> <ul style="list-style-type: none"> • bring additional tourism income to regional communities by increasing visitor numbers and expenditure in the host community (economic impact); • attract media coverage that will help to raise the profile of the region as a tourist destination (media impact); • involve and inspire the local community (social benefits); • extend the length of the traditional tourist seasons and better utilise tourism facilities and services during off-peak or shoulder periods; • improve the vibrancy and vitality of the State; and • support job creation, social amenity and wellbeing in regional WA. <p>The total State wide funding is \$1,000,000 for 2022-23.</p> <p>The Shire can apply for \$5,000 to \$40,000 per year. The grant opens in August 2022.</p> <p>The Officers are investigating the option of funding the Shire's silo projection events through the RES.</p>
<p>Wild Flower Committee (WFC)</p>	<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>
<p>Official Communication - Facebook page and the Shire website.</p>	<p>Official communication is managed by Council Policy 1.7.</p> <p>The Shire has updated its Facebook Page and website about the following events:</p> <ul style="list-style-type: none"> • severe thunderstorm warning on 09 November 2021. • Closure of Shire office on 11 November 2021 for staff training. • Recovery and Resilience Grant Program to assist local homeowners with up to \$20,000 grant. • Three Springs Remembrance Day on 11 November 2021 at Jack Thorpe Gardens.

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:
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.

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

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

10. REPORTS OF OFFICERS

Corporate Services	
10.4 Monthly Financial Report for Period 30 September 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:	24 November 2021
Author:	Rajinder Sunner, Deputy Chief Executive Officer
Attachment (s):	10.4 Monthly Financial Report 31 October 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 October 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 31 October 2021 is \$3,803,058. Cash available is made up of Unrestricted cash \$1,688,078 and Restricted cash \$2,114,980 backed by various reserves.

Rates Debtors as at 31 October 2021 \$494,363. Rates Notices for 2021-22 were issued in September 2021. Rates collected as at end of October 2021 was \$1,893,381 – 79.30%. First instalment was due on 27 September 2021.

OCT 2021:

Operating Revenue – Operating revenue of \$2,808,334 is made up of Rates - 79%, Grants - 5%, Fees and Charges - 5% and other Revenue -1%.

Operating Expenses – Operating expenses of \$2,130,577 is made of Depreciation - 39%, Employee Costs – 27%, Materials and Contracts – 22%, Insurance – 10% and Utility and Other Charges – 2%.

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 31 October 2021.

10. REPORTS OF OFFICERS

Corporate Services	
10.5 Accounts for Payments as 31 October 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:	24 November 2021
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 31 October 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.

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:	10.5
<p>That Council accepts:</p> <ol style="list-style-type: none"> 1. The accounts for payment as presented for October 2021 from the CBA Municipal Fund totalling \$509,798.11 2. Represented by Cheque No. 11655 – 11657, Electronic Fund Transfers No's 17476 - 17585 and Direct Debits 13263.1 – 13292.1 and 13320.2. 3. Licensing Fund totalling \$14,943.05, Represented by Direct Debit No. 13301.1 <p>Total Payments for October 2021 \$524,741.16</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 15 December 2021 @ 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: 15 December 2021