



AGENDA
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
28 SEPTEMBER 2022
COMMENCING AT 5 PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
28 SEPTEMBER 2022**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 28 September 2022, in the Council Chambers, Railway Road, Three Springs commencing at 5pm.

Keith Woodward
Chief Executive Officer

23 September 2022

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

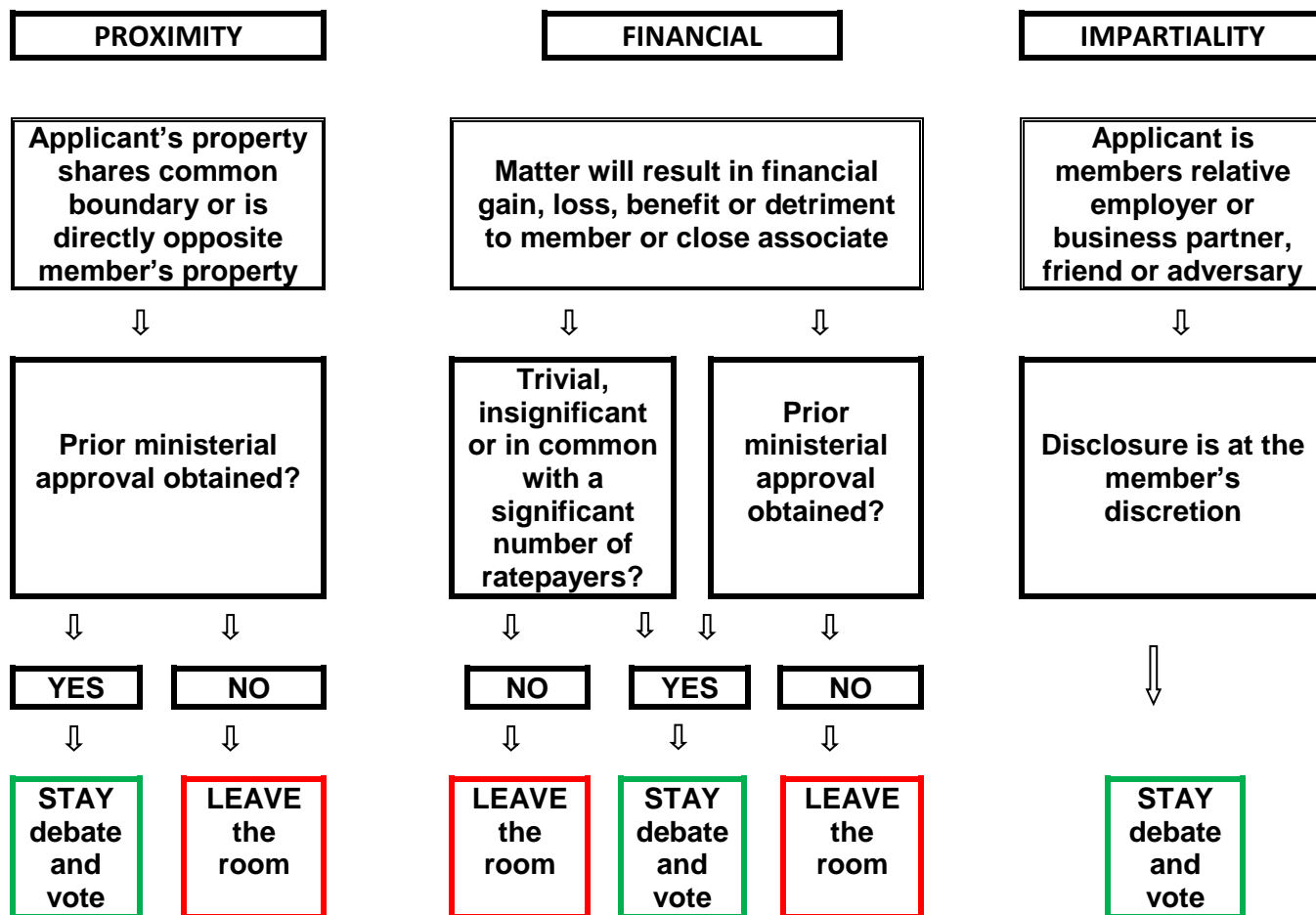
CEO

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.

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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 Absence
Councillor Lane			
Councillor Connaughton			
Councillor Heal			
Councillor Mutter			
Councillor Mills			
Councillor Ennor			
Councillor Eva			
Chief Executive Officer			
Deputy Chief Executive Officer			
Acting Manager of Works			
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	24/08/2022	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:	28 September 2022
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 August 2022.
2. Actions Performed under Delegated Authority for August 2022.

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 August 2022

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.34	DLGSC WA Local Government Accounting Manual	July 2022 reports submitted to the August OCM. Minutes reference.	
Emergency Services Levy - Option A Remittance DUE by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES -ESL Manual of Operating Procedures	N/a	
Elected Members - Review Meeting Attendance Register - check EMs have not been absent for 3 consecutive meetings without Leave of Absence being granted - refer concerns to the CEO	Local Government Act 1995	s.2.25	Meeting Attendance Register	Register is up to date and no EM has been absent for more than 3 consecutive meetings	
Elections - Statewide Public Notice Enrolment Eligibility Claims - CEO to give notice of the closing date and time for elector enrolments. (to be given 70th to 56th days)	Local Government Act 1995	s.4.39(2)	DLGSC Elections Timetable DLGSC Returning Officer Manual	Next Elections 2023	
Elections - DUE NOW for CEO to advise Electoral Commissioner of the need to prepare an updated residents roll Due by 56th day before Election Day	Local Government Act 1995	s.4.40(1)	DLGSC Elections Timetable DLGSC Returning Officer Manual	Next Elections 2023	
Elections - Statewide Public Notice Call for Nominations - from 56 days and no later than 45th day before Election Day.	Local Government Act 1995	s.4.47(1)	DLGSC Elections Timetable DLGSC Returning Officer Manual	Next Elections 2023	
Elections - Close of Rolls at 5pm on 50th day before Election Day. Enrolment eligibility claims received by 5pm can continue to be processed with a decision on eligibility required for inclusion in the Owners and Occupiers Roll, as appropriate before it is certified by the CEO on the 36th day before Election Day [refer s.4.4(1)]	Local Government Act 1995	s.4.39(1)	DLGSC Elections Timetable DLGSC Returning Officer Manual	Next Elections 2023	

Annual Returns - Elected Members and Designated Employees to provide an Annual Return by no later than 31 August CEO's Annual Return must be lodged with the President / Mayor.	Local Government Act 1995	s.5.76(1)	DLGSC Operational Guideline No.21 Disclosure of Financial Interests in Returns	All Annual Returns received before 31 August 2022.	
Annual Budget - During period 1 June to 31 August , Local Government is to prepare and adopt, by absolute majority, an Annual Budget for the next financial year.	Local Government Act 1995	s.6.2(1)	DLGSC WA Local Government Accounting Manual	Budget Adopted at SCM 11 August 2022.	
Food Act and Public Health Act reporting - Enforcement agencies must report to the Dep't CEO on performance of functions under Acts. Reporting has been combined and must be submitted online by 31 August .	Food Act 2008 Public Health Act 2016	s.121(1) s.22(1)	Department of Health website - Reporting requirements pages	Report submitted by EHO on 5 August 2022 – Submission Ref: submission is ID.ANON-6BR4-RKC5-K	
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985	Valuation of Land Act 1978	s.37		Carried out by the City of Greater Geraldton	

Execution of Delegation for August 2022

Date	File Ref	Delegation Number	Decision Detail	Applicant	Initiating Officer	1 st Auth.	2 nd Auth.	Comment
03-Aug-22	PMT ID: F208032894 923	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni Bank	CBA-Muni	Finance Officer	Deputy CEO	CEO	Fortnightly Payroll through the CBA Muni Bank \$40,079.70 PMT ID: F207192005082
03-Aug-22	PMT ID: F208032897 609	CS002 - Payments from Municipal Fund and Trust Fund	Transfer from Muni to Licensing for Cheque Payment of \$409.75	CBA-Muni	Finance Officer	Finance Officer	Deputy CEO	Transfer Cheque Funds \$409.75 deposited to Muni account to Licensing Account PMT ID: F208032897609
12-Aug-22	PMT ID: F208123460 386	CS002 - Payments from Municipal Fund and Trust Fund	Transfer from Muni to Licensing for Cheque Payment of \$1,739.00	CBA-Muni	Finance Officer	Finance Officer	Deputy CEO	Transfer Cheque Funds \$1,739.00 deposited to Muni account to Licensing Account PMT ID: F208123460386
15-Aug-22	PMT ID: F208153602 098	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer from Maximiser Account to Municipal Account for Creditor payments	CBA-Muni	Finance Officer	Deputy CEO	CEO	Transfer of Funds from the Maximiser account to the Municipal Account for the amount of \$300,000.00 to Cover Creditor payments and

			and Payroll					Payroll PMT ID: F208153602098
15-Aug-22	PMT ID: F208153603 628	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	Finance Officer	Deputy CEO	CEO	Weekly Creditor Payments totalling \$357,489.17 PMT ID: F208153603628
16-Aug-22	PMT ID: F208163674 017	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni Bank	CBA-Muni	Finance Officer	Deputy CEO	CEO	Fortnightly Payroll through the CBA Muni Bank \$38,103.23 PMT ID: F208163674017
24-Aug-22	ADM0183	GO004- Execution of Contract Documents	Public Transport Authority Lease	Public Transport Authority and the Shire of Three Springs.	CEO	CEO	Shire President	The new licence is for a 10-year period.
26-Aug-22	PMT ID: F208264321 680	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	CSO2	Finance Officer	Deputy CEO	Weekly Creditor Payments totalling \$37,475.98 PMT ID: F208264321680

Statutory Environment:

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

5.41. Functions of CEO

The CEO's functions are to —

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

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

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

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

Policy Implications:

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

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

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

Financial/Resources Implications:

Nil

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.1
That Council Accepts: 1. The Governance Compliance Calendar report for August 2022. 2. The Execution of Delegation report for August 2022.	

10. REPORTS OF OFFICERS

Executive Services	
10.2. Town Planning Scheme Review	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	19 September 2022
Author:	Keith Woodward, Chief Executive Officer & Simon Lancaster, Planning Advisor
Attachment (s):	Attachment 10.2(a) – Three Springs Townsite Current Zoning Map Attachment 10.2(b) – Three Springs Townsite Strategy Map Attachment 10.2(c) – Scheme Review Flowchart

Council Role:

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

Report Purpose:

The 2022-2023 Shire budget allocated \$20,000 for a review of its Local Planning Scheme ('the Scheme').

The cost of the Scheme review is \$27,000. Council is requested to approve a budget amendment of \$7,000. The variation in the budget will be reconciled during the Mid Year Budget Review process.

This report also recommends that Council resolve to formally commence the preparation of a new Scheme.

Background:

Local governments are involved in planning for local communities by ensuring appropriate planning controls exist for land use and development. They do this by, amongst other things, preparing and administering their Schemes and Local Planning Strategies. Schemes contain planning controls such as designation of appropriate land-uses, residential densities and development standards. Local governments must base their planning decisions on the provisions and controls in their Scheme. All Schemes and policies are required to be consistent with State Government planning objectives and requirements.

Officer's Comment:

The current Shire of Three Springs Local Planning Scheme No.2 was gazetted on 27 January 2017 and requires review to ensure the Shire's statutory planning document is consistent with the recent updates to the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations').

The Regulations introduced a standardised state-wide template for the layout of Schemes and the 2020 review and update to the Regulations means that the Shire's current Scheme No.2 requires updating to ensure it is consistent with legislation. The review of the Scheme will ensure it remains contemporary and is also more robust to challenge in the event that Council finds itself subject to appeal.

It is not intended that the Scheme Review would be one of major overhauling of the existing Scheme No.2, rather a fine-tuning exercise with changes generally limited to the following:

- Updating the Scheme Text provisions to reference those as contained in the Regulations to ensure consistency and assist Council in statutory matters.
- Inserting into the Zoning Table and Schedules the updated and standardised land use definitions as contained in the Regulations and the current Regulations review.
- Standardise the zonings upon the Scheme Map and their corresponding objectives in the Scheme Text.
- Modifications to the Scheme Maps to correct minor anomalies where privately owned land has been identified for public purposes and where Crown Land has not been identified as Reserves and ensuring also that their Reserve zonings match the assigned (or Council sought) management purpose.

The one aspect where the Scheme Review will seek to introduce new aspects is around the Three Springs townsite to reflect Council's previously adopted strategic planning directions as contained in the Three Springs Townsite Local Planning Strategy (e.g. industrial zone expansion south, residential zone expansion to the north-west, rural-residential expansion to the east) and considering whether a 'Rural Townsite' zone rather than a 'Residential' zone might be more appropriate for a couple of key locations where there are existing legacy/lomixed-used use type buildings on-ground.

A copy of the current Scheme's Three Springs Townsite Zoning Map has been provided as **Attachment 10.2(a)** and a copy of the Three Springs Strategy Map (that would provide guidance on the new Scheme Townsite Zoning Map) has been provided as **Attachment 10.2(b)**.

The complete statutory Three Springs Local Planning Scheme No.2 Scheme document and maps and strategic Three Springs Townsite Strategy document can be accessed at the below link:

<https://www.wa.gov.au/government/document-collections/shire-of-three-springs-planning-information>

Consultation:

The minimum consultation process required for the Scheme Review, and subsequent advertising, of a Local Planning Scheme is set by the Act and Regulations.

Following a resolution to prepare a new Local Planning Scheme (as contained in the recommendation) Council is required under Part 4 of the Regulations to provide notification of the resolution to stakeholders that may be affected by the Scheme. This is required to include all relevant government agencies and service authorities, the surrounding local governments, and must invite within 21 days any recommendations in respect of the resolution and requests for issues for consideration in Scheme No.3.

The draft Scheme No.3, in the event that it is adopted by Council at a future meeting would be subject to a wider consultation process that is set by the Regulations, at the conclusion of which Scheme No.3 would be returned to Council for its consideration of the received submissions i.e. under the statutory process the Scheme will come before a minimum of 2 future Council meetings (pre and post advertising) to provide opportunity for further input on its content.

Statutory Environment:

Local Governments can purchase town planning services through the WALGA Preferred Supply Panel. This acquisition process is permitted in the Local Government Act 1995 (Functions and General) Regulation (s.3.57) “(b) *the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA*”. Under the Local Government (Functions and General) Regulations, a tender exemption applies to WALGA’s Preferred Supplier Contracts. WALGA Contracts are rigorously market tested using a compliant procurement process to ensure that the highest quality offerings are delivered at the best possible value.

Section 88 of the *Planning and Development Act 2005* (‘the Act’) requires Local Governments to review their planning scheme every 5 years. Schemes are prepared and adopted under Part 5 of the Act and in compliance with the Regulations.

Part 5 (Local Planning Schemes) of the Act and Part 4 (Preparation or adoption of Local Planning Scheme) of the Regulations provide the procedure by which a Scheme is required to be reviewed. A flowchart illustrating the Scheme Review process has been provided as **Attachment 10.2(c)**.

To formally begin the process of preparing a new Scheme it is necessary for Council to pass a resolution worded in accordance with the requirements of the Regulations. The WAPC will require a copy of Council’s resolution and a supporting explanation outlining the intent and reasons.

In essence the initiation resolution as contained in the recommendation is a procedural one to simply commence the Scheme Review, that is a process that can generally be expected to take 2 years and will be returned to Council for its consideration on at least 2 further occasions. The first being a future meeting when Council will be presented with the draft Scheme (inclusive of Text and Maps) for its

consideration. It is at this future meeting that Council considers the document and whether it wishes to then proceed to the next stages which involve referring the draft Scheme No.3 to the Environmental Protection Authority and Western Australian Planning Commission seeking their necessary consents to go to the subsequent stage of public advertising of the Scheme, after which it is again returned to Council for its consideration of the received submissions.

Policy Implications:

Council Purchasing Policy states; *“Purchasing from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is to be obtained.”*

Financial/Resources Implications:

The variation in the budget will be reconciled during the Mid Year Budget Review process.

Strategic Implications:

The review of the Scheme will assist Council in meeting the following as contained within its Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028			
Outcome	Strategy	Priority	Timeframe
11. 1.2 - Increase the availability of land and improve services for housing and industry	12. 1.2.1 & 3.2.1 - Review the town planning scheme and develop a town planning strategy	Medium	<2 years
13. 3.2 - Managed population growth across a range of demographics, particularly aged and families			
14. 1.3 - Increase the diversity of the existing business base	15. 1.3.1 - Promote existing and new industry opportunities to increase employment	High	Ongoing
16. 1.6 - Attract and maintain a stable workforce	17. 1.6.3 - Develop a new Light Industrial Area	Medium	Ongoing
18. 3.2 - Managed population growth across a range of demographics, particularly aged and families	3.2.3 - Identify land use options such as special rural in the new Town Planning Scheme	High	<1 year
19. 4.3 - Continue to provide quality local government services and facilities	4.3.2 - Ensure compliance with all relevant legislation	High	Ongoing

This item is relevant to the Council's Corporate Business Plan 2020-2024 in that it will assist on delivering outcomes relating to the key strategic goals identified within the document.

Voting Requirements:

Absolute Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.2
That Council resolve to:	
<ol style="list-style-type: none">1. Approve the additional expenditure of an estimated \$7,000 toward the Local Planning Scheme Review.2. The cost variation to be reconciled during the Mid Year Budget Review process.3. That Council resolve to prepare Shire of Three Springs Local Planning Scheme No.3 in accordance with Part 5 of the <i>Planning and Development Act 2005</i> and part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> encompassing all land contained within the Shire boundaries. The proposed Local Planning Scheme No.3 is to replace the Shire of Three Springs Local Planning Scheme No.2.	

10. REPORTS OF OFFICERS

Works and Services	
10.3 Capital Works Progress Update 2022-2023	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	28 September 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Capital Works Report 2022-2023

Council Role:

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

Report Purpose:

That Council accepts the Capital Works Report for August 2022.

Background:

This report provides Council with the 2022-2023 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 2022-2023

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
Council Objectives	Outcome
Nil	Nil

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.3
That Council accepts the Capital Works Report for August 2022.	

10. REPORTS OF OFFICERS

Executive Services	
10.4 Community Development Officer Update	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	
Disclosure of Interest:	Nil
Date:	28 September 2022
Author:	Raman S Virdi, Community Development Officer
Attachment (s):	Nil

Council Role:

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

Report Purpose:

That Council accepts the Community Development Report for September 2022.

Background:

This report provides Council with the Community Development update.

Officer's Comment:

Silos Projection Project	<p>The Silos Projection Project is funded by the Shire of Three Springs and Lotterywest grants.</p> <p>The Shire of Three Springs placed an order for the projector, lens and carry case on 02 August 2022 and the projector is expected to be delivered by 31 October 2022.</p>
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CDO Training	<p>The Community Development Officer attended the following training:</p> <ol style="list-style-type: none"> 1. Communications Comes to Town on 26 August 2022. 2. Smart Cities for Community Development on 29 August 2022.
Three Springs 360 Off-Road Racing Event	<p>The Shire of Three Springs Off-Road Racing event is organised by Western Australia Off Road Racing Association (WAORRA).</p> <p>A representative from WAORRA visited the Shire of Three Springs on 15 September 2022 to inspect the racing track.</p> <p>A notification including event cancellation was published on WAORRA's Facebook account following the track inspection.</p>
Keeping Three Springs Beautiful Day (KTSB Day)	<p>KTSB day was funded by the KABCCL Grant.</p> <p>The Shire of Three Springs and Three Springs Primary School organised Keeping Three Springs Beautiful Day.</p> <p>The Three Springs Primary School staff & Students, and members from Three Springs MEEDAC, Three Springs Police and Three Springs community participated in the event.</p>
Stronger Together Group	<p>Stronger Together Group originated from bi-monthly Community Development Officers meeting.</p> <p>The Stronger Together group aims to share information, support each other and explore collaboration opportunities between Shires, Community Resource Centres and North Midlands Project located in the North Midlands region.</p> <p>The first Stronger Together Group meeting was held on 18 August 2022 at Mingenew North Midlands Exchange. The next meeting will be held at the Shire of Three Springs Community Hall on 13 October 2022.</p>
Official Communication - Facebook page and the Shire website.	<p>The fourth edition of the Shire Newsletter was published on 08 September 2022.</p> <p>The Shire has updated its Facebook Page and website about ongoing activities.</p>

Grants:

Keep Australia Beautiful Council Community Litter Grants (KABCCL Grant)	<p>KABCCL grant is managed by the Keep Australia Beautiful Council.</p> <p>The Shire of Three Springs applied \$1,280.00 to organise the Keeping Three Springs Clean Program.</p> <p>The Shire of Three Springs was successful at the KABCCL Grant application. The Shire received \$1,000.00 for the KTSB Day event.</p>
Reconnect WA Grant	<p>Reconnect WA grant is managed by RAC.</p> <p>The Shire of Three Springs has been unsuccessful at the Reconnect WA grant.</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.

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

A collaborative and forward-thinking community that is guided by strong leadership.	4.1 A well engaged and informed community that actively participates.
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Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.4
That Council accepts the Community Development Report for September 2022.	

10. REPORTS OF OFFICERS

Corporate Services	
10.5 Monthly Financial Report for Period 31 August 2022	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	28 September 2022
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	10.5 Monthly Financial Report 31 August 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 monthly financial report for the period ending 31 August 2022.

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 2021-2022 year has been audited.

The 2022-2023 Budget was adopted in August.

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

Consultation:

Nil

Statutory Environment:

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

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

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

(1A) *In this regulation —*

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

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

(b) *budget estimates to the end of the month to which the statement relates; and*

© *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 August 2022 is \$4,476,870. Cash available is made up of Unrestricted cash \$2,685,739 and Restricted cash of \$1,791,131 being primarily made up of various reserves.

Rates Debtors balance as at 31 August 2022 is \$2,196,324. Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of August 2022 was \$270,320 -10.96%

August 2022:

Operating Revenue – Operating revenue of \$2,749,328 is made up of Rates – 54%, Grants - 43%, Fees and Charges - 3%, Other Revenue - 0% and Interest Earnings – 0%.

Operating Expenses – Operating expenses of \$388,147 is made of Depreciation - 0% (depreciation will be run after completion of Annual Financial Report audit), Employee Costs – 62%, Materials and Contracts – 30%, Insurance – 0%, Utilities – 8%, Loss on Disposal of Assets – 0% and Other Expenditure – 0%.

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.5
That Council accepts the monthly financial report for the period ending 31 August 2022.	

10. REPORTS OF OFFICERS

Corporate Services	
10.6 Accounts for Payments as at 31 August 2022	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	28 September 2022
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 31 August 2022

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 payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:

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

Officer's Comment:

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

Local Government (Financial Management) Regulations 1996 Section 12 and 13.

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

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

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

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2022-2023.

Strategic Implications:

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

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

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

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.6
<p>That Council accepts:</p> <ol style="list-style-type: none"> 1. The accounts for payment as presented for <i>August</i> 2022 from the CBA Municipal Fund totalling \$442,482.56 represented by Electronic Fund Transfers No's 18218 – 18292 and Direct Debits 14048.1 – 14066.6, 14101.1 – 14117.1 and 14126.1 – 14131.1. 2. Licensing Fund totalling \$30,992.30 represented by Direct Debit No. 14093.1 – 14100.1, 14118.1 – 14124.1 and 14134.1 – 14135.1. <p>Total Payments for August 2022 is \$473,474.86</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

<p>The Next Ordinary Council Meeting will be held on Wednesday, 26 October 2022 @ 5pm.</p>
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16. CONFIDENTIAL ITEMS

16.1. RECOMMENDATION TO CLOSE COUNCIL MEETING

OFFICER'S RECOMMENDATION	16.1.
<p>In accordance with the <i>Local Government Act 1995</i> - Reason for Confidentiality Section 5.23(2) (c), "a contract entered into, or which may be entered into by the local government".</p> <p>It is a requirement of the <i>Freedom of Information Act 1992</i> that all this information is returned to the Chief Executive Officer at the completion of these items for appropriate filing to maintain confidentiality.</p> <p>Once all negotiations have been completed for Agenda Item 16.1.1 this will be considered an "exempt document" in accordance with Schedule 1 of the <i>Freedom of Information Act 1992</i> denying public access.</p>	

16. REPORTS OF OFFICERS

CORPORATE SERVICES	
16.1.1 Disposal of Lot 16 Touche Street - Acceptance of Tender	
Agenda Reference:	
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	A291
Disclosure of Interest:	Nil
Date:	28 September 2022
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Nil

Council Role:

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-

Report Purpose:

This report makes a recommendation that Council accepts a tender for the sale of Lot 16 Touche Street, Three Springs.

Background:

At the Ordinary Council Meeting held 27 July 2022, Council resolved to invite tenders for the sale of Lot 16 Touche Street, Three Springs.

Tender documents were prepared and advertised. Tenders closed on 19 September 2022.

OFFICERS RECOMMENDATION:	16.1.1
That Council accepts the tendered purchase price from of \$.....including GST, offered for Council owned property, Lot 16 Touche Street, Three Springs.	

OFFICER'S RECOMMENDATION	16.2
That Council re-open the meeting to members of the public after discussion of 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: 26 October 2022