



AGENDA FOR
SPECIAL COUNCIL MEETING
TO BE HELD ON
THURSDAY
11 AUGUST 2022
COMMENCING AT 5PM



**SHIRE OF THREE SPRINGS
SPECIAL COUNCIL MEETING NOTICE PAPER
11 AUGUST 2022**

President and Councillors,

A special meeting of Council is called for Thursday, 11 August 2022, in the Council Chambers, Railway Road, Three Springs commencing at 5pm.

**Keith Woodward
Chief Executive Officer**

9 August 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 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: _____

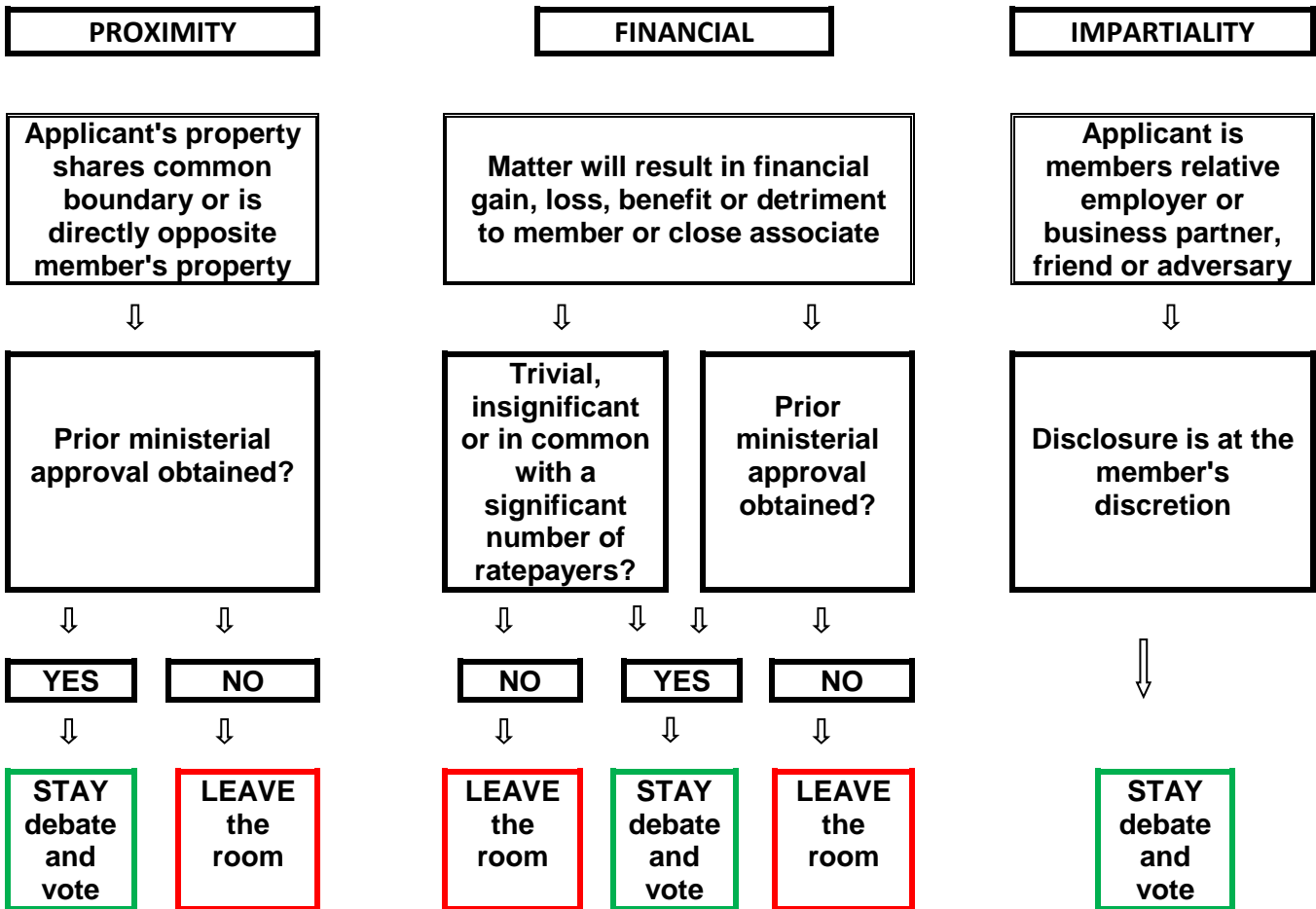
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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:

Welcome to Country:-

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

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

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane			
Councillor Connaughton			
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		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

Corporate Services	
10.1. Report Title 2022-23 Annual Budget	
Agenda Reference:	ADM0116
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	11 August 2022
Author:	Deputy Chief Executive Officer
Attachment (s):	Shire of Three Springs Statutory Budget 2022-23

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 approves the Shire of Three Springs Annual Budget 2022-23.

Background:

The Annual Budget 2022-23 has been prepared in accordance with the Corporate Business Plan and the Strategic Resources Plan (Long Term Financial Plan) as adopted by Council.

The Budget has been workshopped with Council in June – July 2022.

Officer's Comment:

The Statutory Compliant Budget has now been prepared and includes the information required by the Local Government Act 1995, Local Government

(Financial Management) Regulations 1996 and Australian Accounting Standards. This Budget is submitted for adoption.

The budget continues to deliver on strategies adopted by the Council and maintains a high level of service across all programs while ensuring renewing of assets at sustainable levels.

There are still several outstanding invoices and the end of year calculation has to be completed. Once this occurs the carried forward surplus may change as a result of 2021-2022 final audit.

The presented budget is based on an expected surplus of nearly \$1.9M carrying forward from the 2021/22 year. This surplus is largely due to the \$1M FAG pre-payment and nearly \$900k in carried over or underspent budgets such as:

- Timing of the Purchase of the Caterpillar loader \$305k carried over to 2022/23
- Road expenditure \$100k less than anticipated. Some works have been carried over
- Only half the capital works on housing was completed and the rest have been carried over or the projects have been cancelled.

Consultation:

Council
Bob Waddell
WATC
Executive
Staff

Statutory Environment:

Local Government Act 1995, section 6.2 & 6.35 (5)
Local Government Financial Management Regulation 22-33

Policy Implications:

This Budget is based on the principles of the Strategic Resource Plan 2020-2035 (Long Term Financial Plan), the Strategic Community Plan 2018-2028 and the Corporate Business Plan 2020-2024.

Financial/Resources Implications:

The 2022/23 Budget is the main document relating to Council's Income and Expenditure for the coming Financial Year.

Strategic Implications:

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

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

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

'Corporate Business Plan 2020–2024	
Scope Statement:	Project Outputs:

Voting Requirements:

Absolute Majority required as shown.

Simple Majority required as shown.

OFFICERS RECOMMENDATION and COUNCIL DECISION:	10.1
<p><u>MOVED:</u> <u>SECONDED:</u></p>	
<p>Officer's Recommendation: PART A – MUNICIPAL FUND BUDGET FOR 2022/23 - ABSOLUTE MAJORITY REQUIRED</p> <p>Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget as attached to this agenda and the minutes, for the Shire of Three Springs for the 2022/23 financial year which includes the following:</p> <ul style="list-style-type: none"> • Statement of Comprehensive Income by Nature and Type showing a net surplus for 2021-2022 of \$1,872,018 • Statement of Cash Flows • Rates Setting Statement showing an amount required to be raised from rates of \$2,312,845 • Notes to and Forming Part of the Budget • Transfers to and from Reserves • Elected Members Fees as adopted at the Ordinary Council Meeting held 22 June 2022 	
<p><u>CARRIED:</u> <u>Voted:</u></p>	
<p><u>MOVED:</u> <u>SECONDED:</u></p>	
<p>PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS – ABSOLUTE MAJORITY REQUIRED</p> <p>1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum payments on Gross Rental and Unimproved Values.</p>	

- a) General Rates -
GRV 12.7549 cents in the dollar
UV 1.2917 cents in the dollar

- b) Minimum Rates –
GRV \$500.00
UV \$500.00

2. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalment;
- i) Due date/first instalment 22 September 2022
 - ii) Second instalment 28 November 2022
 - iii) Third instalment 2 February 2023
 - iv) Fourth instalment 11 April 2023
3. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates through an instalment option of \$12.00 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996 Council adopts an interest rate of 5.5% where the owner has elected to pay rates through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable (modified from the usual 10% in compliance with clause 14 of the Local Government (COVID-19 Response) Order 2020).

CARRIED:

Voted:

MOVED:

SECONDED:

PART C – MATERIAL VARIANCE – SIMPLE MAJORITY REQUIRED

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, the level to be used in financial activity in 2022/2023 for reporting material variances shall be 10% and \$10,000, whichever is the greater.

CARRIED:

Voted:

MOVED:

SECONDED:

PART D – GENERAL FEES AND CHARGES – ABSOLUTE MAJORITY
REQUIRED

Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges for 2022/2023 as included as attachment of this agenda and minutes.

CARRIED:

Voted:

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 24 August 2022 @ 5pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE