



MINUTES  
ORDINARY COUNCIL MEETING  
HELD ON  
WEDNESDAY  
24 AUGUST 2022  
COMMENCING AT 5 PM



## 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

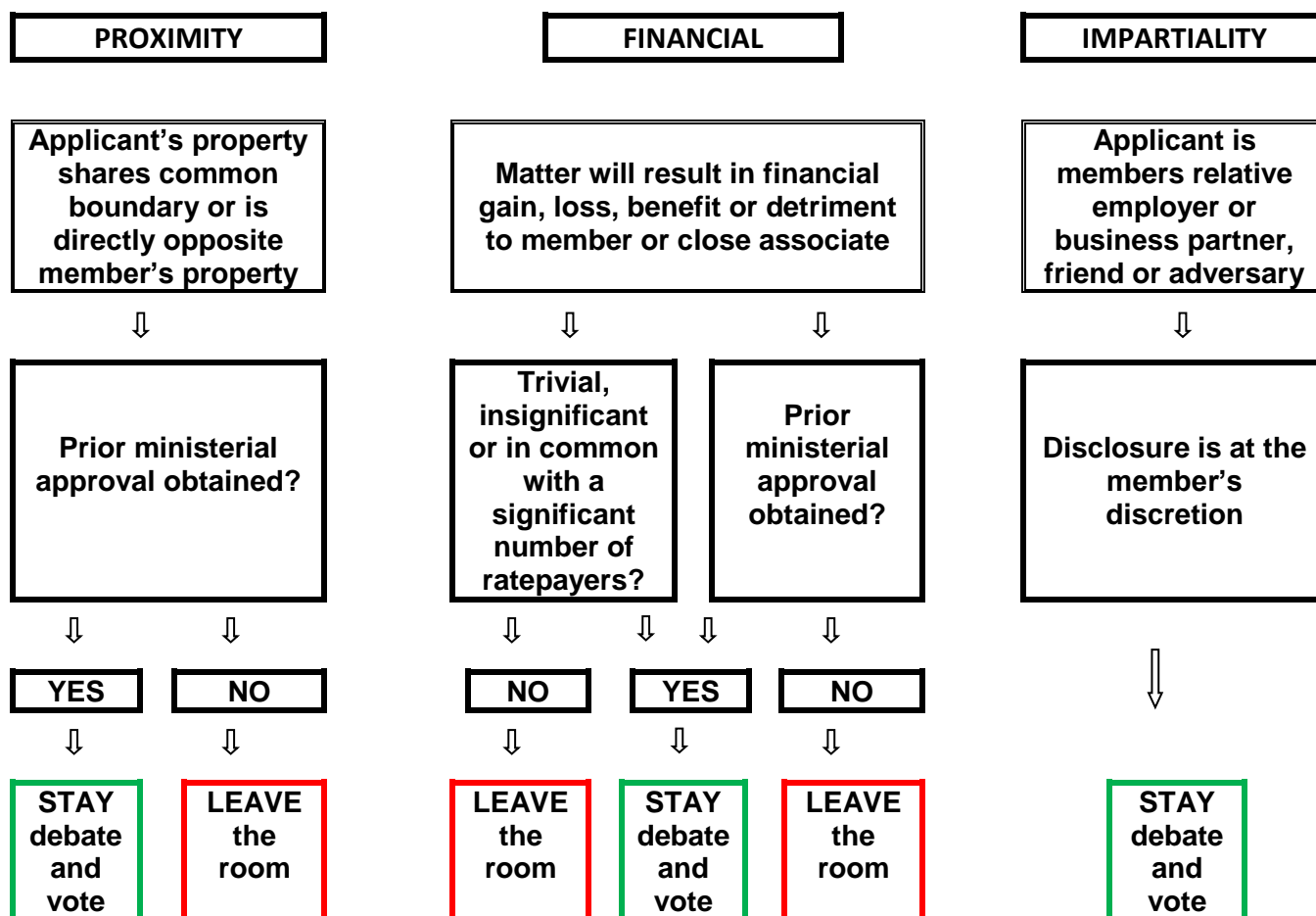
CEO

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: 05:00 pm

#### ***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	Present		
Councillor Connaughton	Present		
Councillor Heal		Apology	OCM 27.07.22
Councillor Mutter	Present		
Councillor Mills	Present		
Councillor Ennor	Present		
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Acting Manager of Works	Present		
Executive Secretary		Apology	
Community Development Officer	Present		

### 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 4. PUBLIC QUESTION TIME

Nil

### 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	27/07/2022	Cr. Lane	Cr. Ennor	6/6
6.2	SCM	11/08/2022	Cr. Lane	Cr. Eva	6/6

### 7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

## 8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

<b>Councillor</b>	<b>Activity</b>
Cr. Lane	25 July Strategic briefing 26 July – Stike Energy briefing – Community Hall 27 July – Stike Energy briefing – Community Hall 27 July OCM
Cr. Connaughton	25 July Strategic briefing 27 July OCM
Cr. Heal	6 July – LEMC meeting 25 July Strategic briefing
Cr. Mutter	
Cr. Mills	25 July Strategic briefing
Cr. Ennor	25 July Strategic briefing 27 July OCM
Cr. Eva	6 July – LEMC meeting 25 July Strategic briefing 27 July OCM

## 9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.1. Good Governance in Practice</b>	
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 August 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

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### Council Role:

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

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### Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for July 2022.
2. Actions Performed under Delegated Authority for July 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 July 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
<b>Monthly Financial Report</b> LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.3 4	DLGSC WA Local Government Accounting Manual	June 2022 reports were submitted to the May 2022 OCM. Minutes reference	
<b>Report on Elected Member Training Due by: 31 July</b> LG must prepare a report on the training completed by Council members in the previous financial year. CEO must publish the report on the LG's website within one month of the end of the financial year.	Local Government Act 1995	s.5.127		21-22 Elected Member Training Register is up to date and on Shire Website	
<b>Emergency Services Levy - Option A Remittance Due by: 21st of the month</b> Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES - ESL Manual of Operating Procedures	N/a	
<b>Primary Returns</b> - Request Primary Return from any new employee who is a Designated Employee. Return must be received by CEO within 3 months of the person's start day	Local Government Act 1995	s.5.75	<b>WALGA</b> - Governance Subscription - Guideline - Primary and Annual Returns Management <b>DLGSC</b> Operational Guideline No.21 Disclosure of Financial Interests in Returns	No new Designated Employees	
<b>Financial Interests Register - Review</b> Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles) or for Elected Members who have resigned. Returns that are removed are to be kept by the CEO	Local Government Act 1995	s.5.88(3)(4)		Financial Interests Register is up to date	



as LG Record for at least 5 years after the person ceased to be a Designated Employee.					
<b>Emergency Services Levy - End of Year Reconciliation Report Due by: 31 July</b> Schedule 6 Form C	DFES - ESL Manual of Operating Procedures	Clause. 5.13.4	DFES - ESL Manual of Operating Procedures	N/A	Option B is exercised by the Shire of Three Springs
<b>Annual Returns</b> - Request Elected Members and Designated Employees to provide an Annual Return by no later than <b>31 August</b> CEO's Annual Return must be lodged with the President / Mayor	Local Government Act 1995	s.5.76(1)	<b>DLGSC</b> Operational Guideline No.21 Disclosure of Financial Interests in Returns	Annual Returns have been provided to Council and relevant Staff. A reminder has been sent to those who have still not returned the completed form	
<b>Elections</b> - Electoral Commission agreement to conduct the election required by: (80th day)	Local Government Act 1995	s.4.20(2)(3)(4) s.4.61(2)(4)	<b>DLGSC</b> Elections Timetable <b>DLGSC</b> Returning Officer Manual	Next LG Elections 2023	
<b>Valuer General Information</b> <b>Due 14th day</b> 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 Geraldton	

### Execution of Delegation for July 2022

Date	File Ref	Delegation Number	Decision Detail	Applicant	Initiating Officer	1 <sup>st</sup> Auth.	2 <sup>nd</sup> Auth.	Comment
08-Jul-22	PMT ID: F207081416583	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni to Licensing for Cheque Payment	CBA- Muni	Finance Officer	Finance Officer	Deputy CEO	Transfer Cheque Funds \$ 32.70 deposited to Muni account to Licensing Account PMT ID: F207081416583
08-Jul-22	PMT ID: F207081419879	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA- Muni	Finance Officer	Deputy CEO		F207081419879
19-Jul-21	PMT ID: F207192005082	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 \$38,070.70 PMT ID: F207192005082
20-Jul-21	PMT ID: F207202063673	CS002 - Payments from Municipal Fund and Trust Fund	One off Final Payrun for resigned employee	CBA- Muni	Finance Officer	Deputy CEO	CEO	One off Payroll through the CBA Muni Bank \$120.93 PMT ID: F207202063673
21-Jul-21	PMT ID: F207212181706	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	Finance Officer	Deputy CEO	CEO	Weekly Creditor Payments totalling \$51,657.84 PMT ID: F207212181706
29-Jul-21	PMT ID: F207292677	CS002 - Payments	Weekly Creditor	CBA-Muni	Finance Officer	Deputy CEO	CEO	Weekly Creditor Payments

	382	from Municipal Fund and Trust Fund	Payments					totalling \$69,303.29 PMT ID: F207292677382
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**Statutory Environment:**

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

**5.41. Functions of CEO**

*The CEO's functions are to —*

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

Local Government (Audit) Regulations 1996

**17. CEO to review certain systems and procedures**

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

**Policy Implications:**

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

1. *Optimise the achievement of our vision, mission, strategies, goals and objectives.*

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

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

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

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

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

<b>Corporate Business Plan 2020 - 2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

<b>069/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.1</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Mutter</b> <b><u>SECONDED:</u>Cr. Ennor</b></p> <p>That Council Accepts:</p> <ol style="list-style-type: none"> <li>1. The Governance Compliance Calendar report for July 2022.</li> <li>2. The Execution of Delegation report for July 2022.</li> </ol> <p style="text-align: right;"><b>CARRIED:</b> <b>Voted: 6/6</b></p>

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.2. Public Transport Authority Lease</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0183
Disclosure of Interest:	Nil
Date:	24 August 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Confidential Licence to Occupy

### Council Role:

- |                                     |                |   |
|-------------------------------------|----------------|---|
| <input type="checkbox"/>            | Advocacy       | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.  |
| <input checked="" type="checkbox"/> | 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.   |
| <input type="checkbox"/>            | Legislative    | Includes adopting local laws, local planning schemes and policies.  |
| <input type="checkbox"/>            | Review         | When Council reviews decisions made by Officers.  |
| <input type="checkbox"/>            | 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 authorises:

1. The licence between the Public Transport Authority and the Shire of Three Springs.
2. The payment of an annual licence fee of \$1 (payable on demand) to the Public Transport Authority.
3. The signing and applying the common seal of the licence documents.

### Background:

The previous licence between the Public Transport Authority and the Shire of Three Springs was reported to Council in November 2010. The Council passed the following resolution:

*OFFICER RECOMMENDATION – ITEM 9.3.2*

*That Council:*

- 1. Accepts the offer of a 10 year Licence to Occupy the Railway Station and adjacent land from the Public Transport Authority of WA for an annual licence fee of \$1 (payable on demand).*
- 2. Authorises the Shire President and Chief Executive Officer to sign the licence and apply the common seal.*

**Officer's Comment:**

The new licence is for a 10-year period.

Council is liable for service charges (water, power etc) and is required to hold a Public Liability Insurance Policy which we currently have as part of the Local Government Insurance Scheme.

**Consultation:**

Burgess Rawson – agents for Public Transport Authority WA.

**Statutory Environment:**

Local Government Act 1995, section 9.49A Execution of Documents.

**Policy Implications:**

1.15 Execution of Documents

**Financial/Resources Implications:**

The annual licence fee is \$1 which is payable on demand and to date no invoice has been received.

**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:**

**070/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.2**

**MOVED: Cr. Connaughton**

**SECONDED: Cr. Mutter**

That Council authorises:

1. The licence between the Public Transport Authority and the Shire of Three Springs.
2. The payment of an annual licence fee of \$1 (payable on demand) to the Public Transport Authority.
3. The signing and applying the common seal of the licence documents.

**CARRIED:**

**Voted: 6/6**

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.3. Proposed 1.8m high front boundary fence</b>	
Agenda Reference:	CEO
Location/Address:	21 (Lot 166) corner Mayrhofer & Maley Streets, Three Springs
Name of Applicant:	C & N Houdek
File Reference:	A493
Disclosure of Interest:	Nil
Date:	15 August 2022
Author:	Planning Advisor & Chief Executive Officer
Attachment:	Form of Application for Planning Approval

### Council Role:

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

### Report Purpose:

Council is in receipt of an application to install a 1.8m high colorbond along both street frontages of 21 (Lot 166) corner Mayrhofer & Maley Streets in the Three Springs townsite. This report recommends that Council grant approval to the application in part only. Alternative wording is provided in the comments section of this report in the event that Council considers that the application should be approved in whole.

### Background:

Lot 166 is a 1,027m<sup>2</sup> property located on the eastern corner of the Mayrhofer & Maley Street intersection.

There is an existing single storey residence and shed upon the property and a low, visually permeable fence along both street frontages.

The applicant is seeking approval to install a 1.8m high colorbond fence along both the Mayrhofer & Maley Street frontages, the fence would be blue, with cream posts and top and bottom railings.

The applicant is seeking to have a 1.8m high fence as they are intending to get a German Shephard and a higher fence would assist in keeping the dog within the property and reduce the chance of it barking at passers-by. The applicant has also advised that as their home is opposite the early learning centre to the north-west and the sportsgrounds to the west the higher fence would reduce noise and incidence of headlights shining at the house when cars exit after sports training. A copy of the application that provides further background and supporting information has been provided as **separate Attachment 10.3** for Council's information.

**Figure 10.3(a) – Location Map 21 (Lot 166) corner Mayrhofer & Maley Streets**



**Figure 10.3(b) – Aerial photo of 21 (Lot 166) corner Mayrhofer & Maley Streets**





#### Officer's Comment:

The staff recommendation is for approval of a 1.8m high fence along the Maley Street frontage only, and a 1.2m high visually impermeable fence topped by visually permeable materials to a height of 1.8m.

However, given that the property is located opposite the vehicular entrances to both the Early Learning Centre and the Sports Grounds and subject to associated noise and light impacts, Council might consider that a 1.8m high fence along both street frontages should be supported and the following wording might therefore be considered appropriate:

*"That Council approve the installation of a 1.8m high fence along the Mayrhofer Street and Maley Street frontages of 21 (Lot 166) corner Mayrhofer & Maley Streets, Three Springs subject to the following conditions:*

- 1 The fence shall consist of colours and materials and be to a finish to the approval of the Shire.*
- 2 The fence must be maintained in a condition and appearance to the approval of the Shire.*
- 3 The fence must be truncated at a 45° angle at a distance of not closer than 1.5m from all vehicle access points.*

*Note:*

*Should the applicant be aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such*

*application must be lodged within 28 days from the date of determination.”*

**Figure 10.3(c) – View of Lot 166 from Mayrhofer & Maley Street intersection**



**Figure 10.3(d) – View of Lot 166 from Mayrhofer Street looking north**



**Figure 10.3(e) – View of Lot 166 from Maley Street looking south**





#### **Consultation:**

No consultation has been undertaken in relation to this application. However, should Council wish to advertise the application for comment this can occur under Section 4.1.2 of the State Planning Policy 7.3 - Residential Design Codes (the 'R-Codes'). This would involve the Shire writing to adjoining landowners/occupiers that it considers may be affected by the proposal inviting comment within a period of not less than 14 days. Council may also wish to display a sign onsite advising of the opportunity to make comment. At the conclusion of the advertising period any received submissions would be presented to a future meeting of Council for determination.

#### **Statutory Environment:**

21 (Lot 166) corner Mayrhofer & Maley Streets, Three Springs is zoned 'Residential R10/30' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme'). The objectives listed in Schedule 1 Part 3 Clause 16 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the 'Residential' zone are as follows:

- “• To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development*

- (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State Planning Policy...
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...
- ...(m) the compatibility of the development with its setting, including –
- (i) the compatibility of the development with the desired future character of its setting; and
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following –
- (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;...
- ...(s) the adequacy of –
- (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;...
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...
- ...(zb) any other planning consideration the local government considers appropriate.”

### Policy Implications:

The R-Codes establishes the following Design Principles and Deemed-to-Comply provisions relating to fencing. Given that the proposed fence does not meet with the deemed-to-comply provisions it exceeds Shire staff delegated authority and has been presented to Council for determination.

Design principles Development demonstrates compliance with the following design principles (P)	Deemed-to-comply Development satisfies the following deemed-to-comply requirements (C)
<b>5.2.4 Street walls and fences</b> <b>P4</b> Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need: <ul style="list-style-type: none"> <li>• for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and</li> <li>• for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.</li> </ul>	<b>C4.1</b> Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence (refer Figure 12). <b>C4.2</b> Solid pillars that form part of front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1 (Refer Figure 12).
<b>5.2.5 Sight lines</b>	<b>C5</b> Walls, fences and other structures truncated

<p>P5 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.</p>	<p>or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin:</p> <ol style="list-style-type: none"> <li>a driveway that intersects a street, right-of-way or communal street;</li> <li>a right-of-way or communal street that intersects a public street; and</li> <li>two streets that intersect. (refer Figure 9a).</li> </ol>
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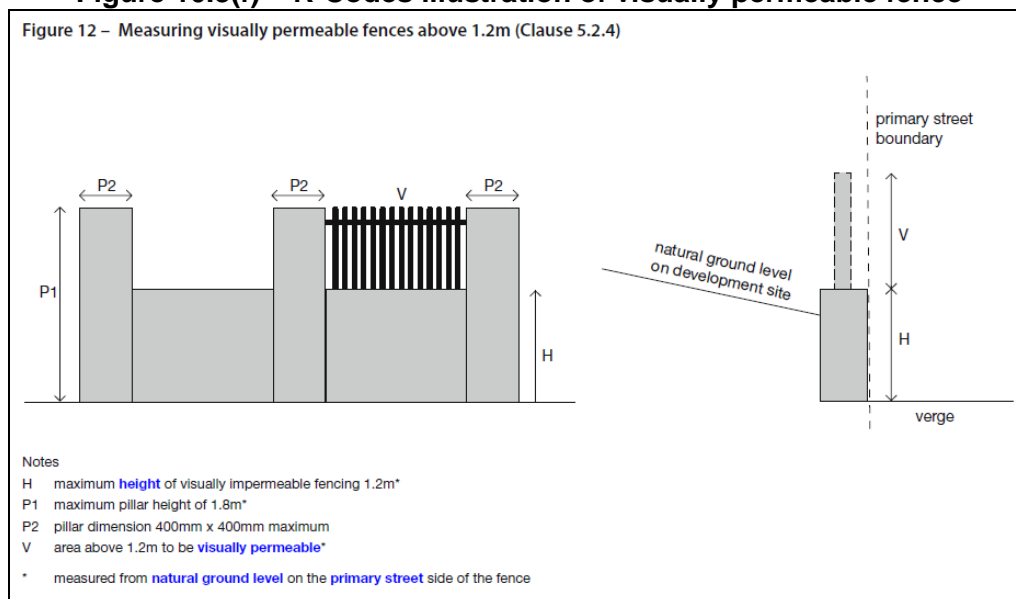
The R-Codes define 'visually permeable' as follows:

*"Visually permeable*

*In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:*

- continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
- continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate;*
- or*
- a surface offering equal or lesser obstruction to view."*

**Figure 10.3(f) – R-Codes illustration of visually permeable fence**

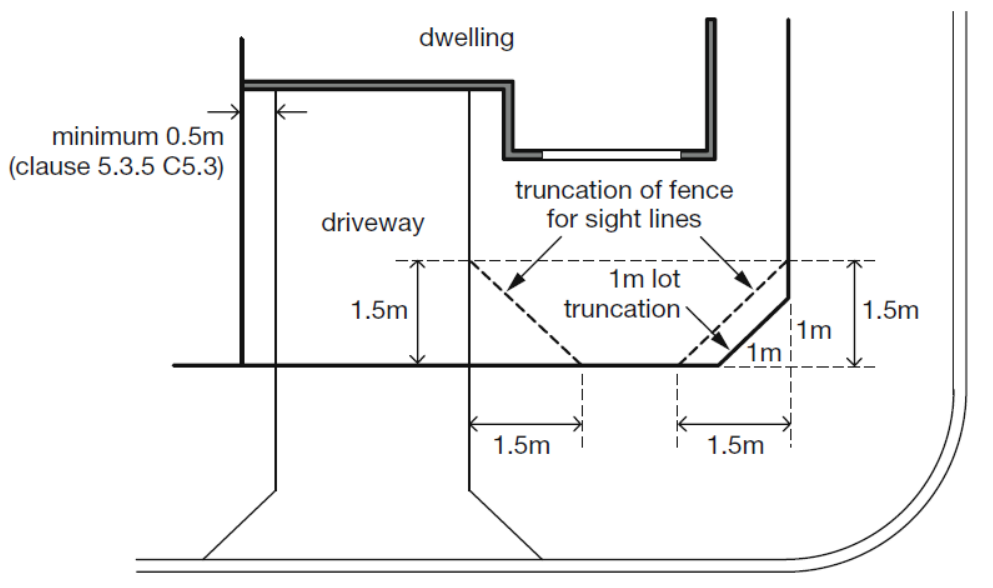


**Figure 10.3(g) – R-Codes illustration of 1.5m truncation for driver/pedestrian visibility**

**Figure 9a – Locations of truncations or reduced fence height**

### Intent

The purpose of Figure Series 9 is to illustrate areas to be kept clear for the purposes of clause 5.2.5 C5.



The R-Codes Explanatory Guidelines make the following comments in relation to the issue of fencing:

## 5 Design elements of the R-Codes Volume 1 – Streetscape

General guidelines

### 5.2 Street walls and fences

(Clause 5.2.4 of R-Codes Volume 1)

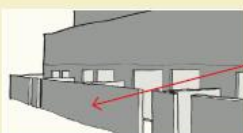
#### Height of street walls and fences

In recent times and with the trend for larger houses and smaller lots, there is a tendency for some owners to construct high walls or fences at or near the street. This is often justified by the proponent for reasons of privacy, security or protection from traffic noise or headlights.

High walls and solid fences on the front boundary are undesirable because they visually affect the streetscape and generally separate residents from their street and what occurs in it (refer to figure 35).

#### Provide a clear distinction between private and public areas

Buildings that facilitate a visual connection between the street and private spaces can provide opportunities for high levels of casual surveillance of the street. Appropriate treatment of street walls and fences can clearly define the boundary between private and public areas and contribute to an enhanced streetscape. This reinforces a visual connection between street users and private spaces.



Fencing is non-permeable and prevents visual connection between private and public property.



Fencing is permeable and allows visual connection with the street while providing security and delineating private and public property.

**Figure 35:** Fencing should not impede visual surveillance of the street by either being too high and/or non-permeable.

Part 5 only

### 5.2.1 Street walls and fences – Part 5 of R-Codes Volume 1

(Clause 5.2.4 of R-Codes Volume 1)

Fences (excluding pillars) higher than 1.2m should be visually permeable along all street types, including communal streets (refer to Figure 12 in the R-Codes Volume 1). Where a dwelling fronts onto an arterial road carrying high traffic volumes, or where protection is needed from headlight glare from such a road, there may be a case to justify a high wall especially to provide privacy to an outdoor living area. In these circumstances a solid wall of up to 1.8m high would be acceptable for a minimal proportion of the frontage, on approval by the decision-maker and provided the remainder of the frontage provides for views to the street. Design principles are provided in the R-Codes Volume 1 to guide circumstances where a decision-maker could grant such approval.

Ideally, outdoor living areas should be located behind the setback line (R-Codes Volume 1 clause 5.3.1), however, in some circumstances the only possible location for an outdoor living area will be in the street setback area. Where a narrow lot faces north to the street, the street setback area may be the only possible area open to winter sun. In these cases, part of the area should be permitted to be screened from view for privacy. Where a private courtyard is unavoidable in the front setback area, screening with dense planting and/or a permeable fence that will provide reasonable privacy is appropriate (refer to figures 36 - 38).



**Figure 36:** Traditional and low fences are acceptable.



**Figure 37:** High walls are not acceptable unless in exceptional circumstances.



## 5 Design elements of the R-Codes Volume 1 – Streetscape

Part 5 only



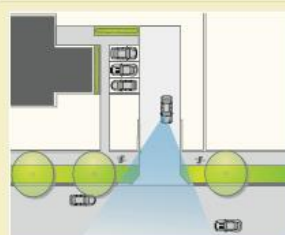
**Figure 38:** High street walls should be limited to the minimum necessary and be visually permeable.

General guidelines

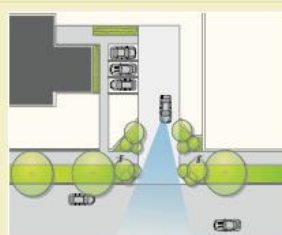
### 5.3 Sight lines

(Clause 5.2.5 of R-Codes Volume 1)

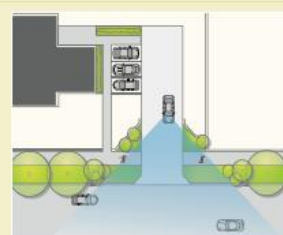
**Driveways** need to maintain adequate sightlines where they intersect **streets**, rights-of-way, and footpaths to ensure visibility and safety. Also, the corner of **lots** located at intersecting streets should maintain adequate sight lines. **Walls** are to be reduced in height to 0.75m within a 1.5m truncation to meet the **deemed-to-comply** provision. This is illustrated in **figure 9a** of the R-Codes Volume 1 (refer to figure 41).



Inadequate truncations are provided resulting in poor sight lines.



Adequate truncations are provided, however, the landscaping has not been designed to facilitate clear views to the street.



Truncations are provided to the street in a manner that enables a safe view of the pedestrian and vehicular traffic before leaving the property boundary.

**Figure 41:** Walls and fences should be truncated where the crossover meets the property boundary to ensure that vehicles can account for on-coming pedestrians and vehicles at the conflict point.

### Financial/Resources Implications:

Nil.

### Strategic Implications:

The Three Springs Townsite Local Planning Strategy identifies 21 (Lot 166) corner Mayrhofer & Maley Streets, Three Springs as being within 'Precinct 4 – Residential West' and lists the following objectives and provisions:

Objectives	Planning Provisions
4.4 Provide for a built form that maintains the general residential appearance of the area.	<p>P4.8 In the case of residential redevelopment new buildings and development proposals shall respect the predominant orientation, scale and size of buildings and regular street pattern. New development is not to be sited in a way that would create an undesirable pattern of development for the area.</p> <p>P4.9 The development of second-hand transportable dwellings is discouraged.</p> <p>P4.10 Where there is an existing pattern of uniform setbacks, any new buildings, residential or commercial, shall be sympathetic to this continuity. Where adjoining buildings abut the street frontage, new development should preferably also abut the street frontage.</p> <p>P4.11 Roof materials for residential areas should include corrugated galvanised iron, zincalume coated steel and other material that are in keeping with the surrounding pattern of residential development.</p> <p>P4.12 Ancillary buildings or outbuildings should generally be located to the rear of allotments.</p>

Section 4.15 of the Three Springs Townsite Strategy also notes of the townsite's built form that

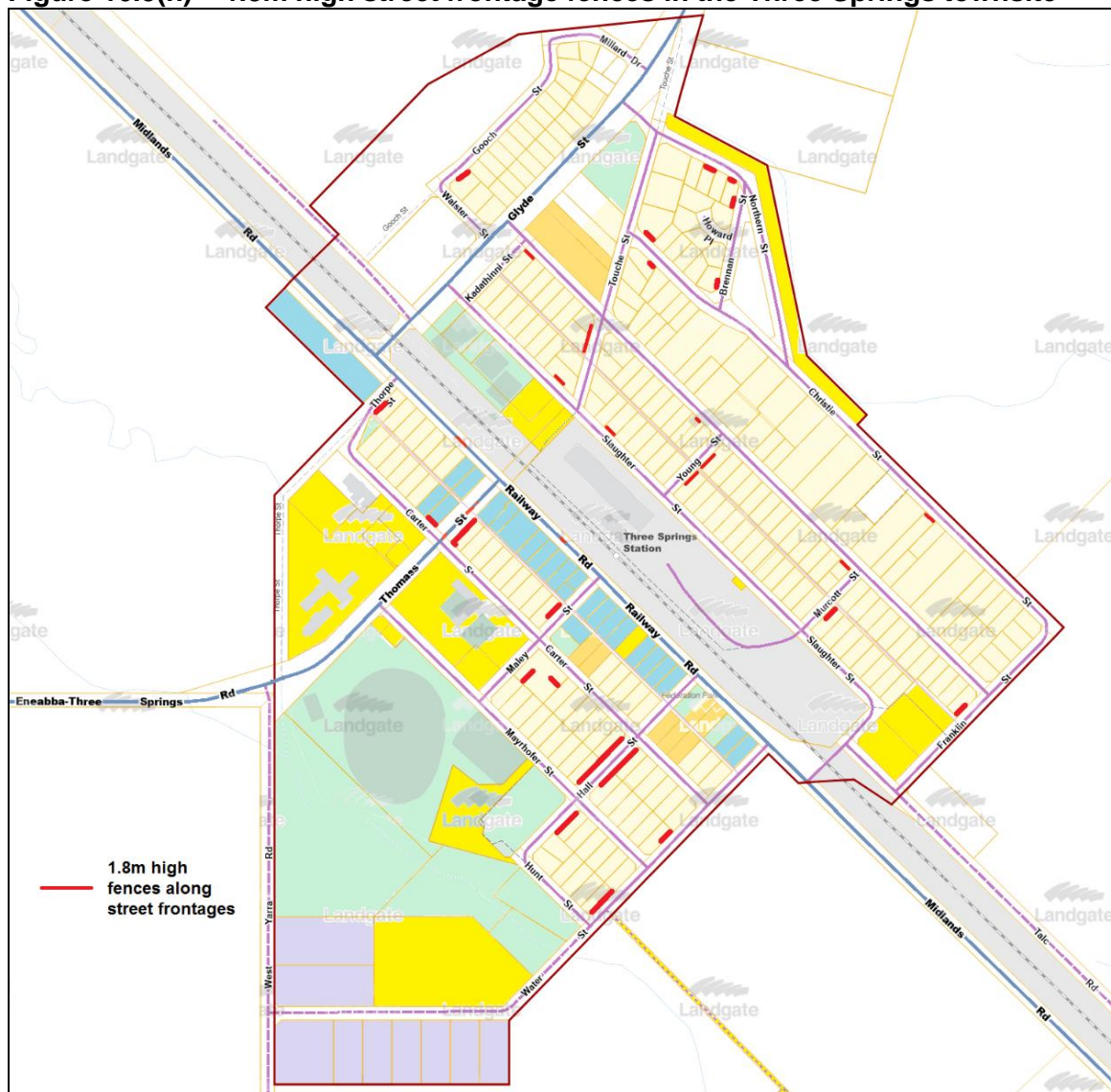
*“Architectural style can refer to a combination of factors that influence building construction, such as built form, construction materials and local character. Architectural styles evolve over time and reflect the historic*

context and growth of an area. The local architecture of Three Springs spans many eras from the 1900s to the present, nevertheless there are still common elements from different periods that can, when possible, be incorporated into new development.

Early residences incorporate hipped iron roofs with verandahs (see plate 5). There is also a mixture of residences from the 1960's to 1980's of brick and tile style that retain the simple architectural form of these early residences including low front fences (see Plate 6)."

The front boundary of residential properties in the Three Springs townsite is characterised by low front fences and where high street boundary fences exist these are generally along the longer/side boundary of the property and not the shorter/front boundary. **Figure 10.3(h)** illustrates where high front fences are present in the Three Springs townsite.

**Figure 10.3(h) – 1.8m high street frontage fences in the Three Springs townsite**





**Voting Requirements:**  
Simple majority.

**Officer's Recommendation:**

071/2022	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.3
<p data-bbox="927 398 1326 465" style="text-align: right;"><b><u>MOVED: Cr. Connaughton</u></b> <b><u>SECONDED: Cr. Mills</u></b></p> <p data-bbox="228 506 1390 636">That Council approve the installation of a 1.8m high fence along the Maley Street frontage of Lot 166, and a 1.2m high visually impermeable fence topped by visually permeable materials to a total fence height of 1.8m along the street corner truncation and Mayrhofer Street frontages of Lot 166 subject to the following conditions:</p> <ol data-bbox="228 640 1390 904" style="list-style-type: none"><li>1 The fence shall consist of colours and materials and be to a finish to the approval of the Shire.</li><li>2 The visually permeable materials (i.e. horizontal or vertical slats or lattice or railings) shall be to the approval of the Shire.</li><li>3 The fence must be maintained in a condition and appearance to the approval of the Shire.</li><li>4 The fence must be truncated at a 45° angle at a distance of not closer than 1.5m from all vehicle access points.</li></ol> <p data-bbox="228 909 1390 1070">Note: Should the applicant be aggrieved by this determination there is a right (pursuant to the <i>Planning and Development Act 2005</i>) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.</p> <p data-bbox="943 1111 1102 1178" style="text-align: right;"><b>CARRIED:</b> <b>Voted: 5/5</b></p> <p data-bbox="228 1218 1082 1245">Note: <i>Cr. Ennor declared an interest and remained in the meeting</i></p>		

## 10. REPORTS OF OFFICERS

Works and Services	
<b>10.4 Capital Works Progress Update 2022-2023</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	24 August 2022
Author:	Malcolm Elliott, Acting Works Supervisor
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 July 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:**

072/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4
<div><div><b>MOVED: Cr. Mutter</b> <b><u>SECONDED: Cr. Mills</u></b></div><div>That Council accepts the Capital Works Report for July 2022.</div><div><b>CARRIED:</b> <b>Voted: 6/6</b></div></div>

## 10. REPORTS OF OFFICERS

Executive Services	
10.5 Community Development Officer Update	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	
Disclosure of Interest:	Nil
Date:	24 August 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 July 2022.

### Background:

This report provides Council with the Community Development update.

### Officer's Comment:

Dominican Park Corflute Panel	<p>The Dominican Park corflute panel will be donated to the Dominican Sister in Perth by the Shire of Three Springs.</p> <p>Cr Chris Connaughton and Community Development Officer will present the Dominican Park Corflute Panel and a certificate to Dominican Sisters on 22 July 2022.</p>
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Silos Projection Project	<p>The Silos Projection Project is funded by the Shire of Three Springs and Lotterywest grants.</p> <p>Creative Technology from Perth completed the Silos Projection research trial on 23 July 2022.</p> <p>The RAC Reconnect WA grant application to fund the trailer and fit-out cost of projector and equipment is in progress.</p>
Three Springs Netball Courts Resurfacing	<p>The Netball Courts are managed by the Shire of Three Springs.</p> <p>Khoury Engineering Services from Geraldton performed a Preliminary Investigation of Netball Court Surface Failures.</p>
Official Communication - Facebook page and the Shire website.	<p>The Third edition of the Shire Newsletter was published on 12 August 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 Keeping Australia Beautiful Council.</p> <p>The Shire of Three Springs applied \$1,280.00 to organise the Keeping Three Springs Clean Program.</p>
Reconnect WA Grant	<p>Reconnect WA grant is managed by RAC.</p> <p>An application is in progress to fund the trailer and fit-out cost of projector and equipment.</p>

#### **Consultation:**

Nil

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Nil

#### **Financial/Resources Implications:**

Nil

#### **Strategic Implications:**

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

<b>Strategic Community Plan 2018 - 2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Develop tourism infrastructure and increase 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</p>

	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 the length of stay.
A collaborative and forward-thinking community that is guided by strong leadership.	4.1 A well engaged and informed community that actively participates.

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

073/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.5
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Eva</b> <b><u>SECONDED:</u> Cr. Mutter</b></p> <p>That Council accepts the Community Development Report for July 2022.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>Voted: 6/6</b></p>	

## 10. REPORTS OF OFFICERS

Corporate Services	
<b>10.6 Monthly Financial Report for 31 July 2022</b>	
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 August 2022
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 31 July 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 July 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 will be adopted in August.

**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 July 2022 is \$4,317,702. Cash available is made up of Unrestricted cash \$2,525,847 and Restricted cash of \$1,791,855 being primarily made up of various reserves.

Rates Debtors balance as at 31 July 2022 is \$57,397 Rates Notices for 2022-23 will also be issued in August 2022.

**July 2022:**

**Operating Revenue** – Operating revenue of \$80,060 is made up of Rates – 0%, Grants - 99%, Fees and Charges - 0%, Other Revenue - 0% and Interest Earnings – 0%.

**Operating Expenses** – Operating expenses of \$169,576 is made of Depreciation - 0% (depreciation will be run after completion of Annual Financial Report audit), Employee Costs – 47%, Materials and Contracts – 49%, Insurance – 0%, Utilities – 4%, 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:**

**074/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.6**

**MOVED: Cr. Eva**

**SECONDED: Cr. Connaughton**

That Council accepts the monthly financial report for the period ending 31 July 2022.

**CARRIED:**

**Voted: 6/6**

## 10. REPORTS OF OFFICERS

Corporate Services	
10.7 Accounts for Payments as at 31 July 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:	24 August 2022
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 31 July 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 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.

<b>Strategic Community Plan 2018-2028</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Nil	Nil

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

<b>Corporate Business Plan 2020-2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:****075/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.7**

**MOVED: Cr. Mutter**  
**SECONDED: Cr.Ennor**

That Council accepts:

1. The accounts for payment as presented for *July* 2022 from the CBA Municipal Fund totalling \$159,413.21 represented by Electronic Fund Transfers No's 18158 – 18216 and Direct Debits 13944.1– 13976.6, 13994.1 – 13996.1, 14007.1 and 14009.1 - 14017.6.
2. Licensing Fund totalling \$8,711.55 represented by Direct Debit No. 13992.1 - 13993.1, 14005.1- 14006.1, 14008.1, 14029.1 - 14049.1 and EFT number 18217

**Total Payments for July 2022 is \$168,124.76**

**CARRIED:**  
**Voted: 6/6**

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

12.1. ELECTED MEMBERS - Nil

12.2 STAFF - Nil

**13. QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil

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

Nil

**15. TIME AND DATE OF NEXT MEETING**

The Next Ordinary Council Meeting will be held on Wednesday, 28 September 2022 @ 5pm.
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**16. CONFIDENTIAL ITEMS**

Nil

**17. MEETING CLOSURE**

There being no further business the Presiding Officer closed the meeting at 5:33 pm.

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

Signed: \_\_\_\_\_  
Presiding Officer

Date: 28 September 2022