



AGENDA
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
22 FEBRUARY 2023
COMMENCING AT 5.30 PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
22 FEBRUARY 2023**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 22 February 2023, in the Council Chambers, Railway Road, Three Springs commencing at 5.30pm.

**Keith Woodward PSM
Chief Executive Officer**

17 February 2023

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

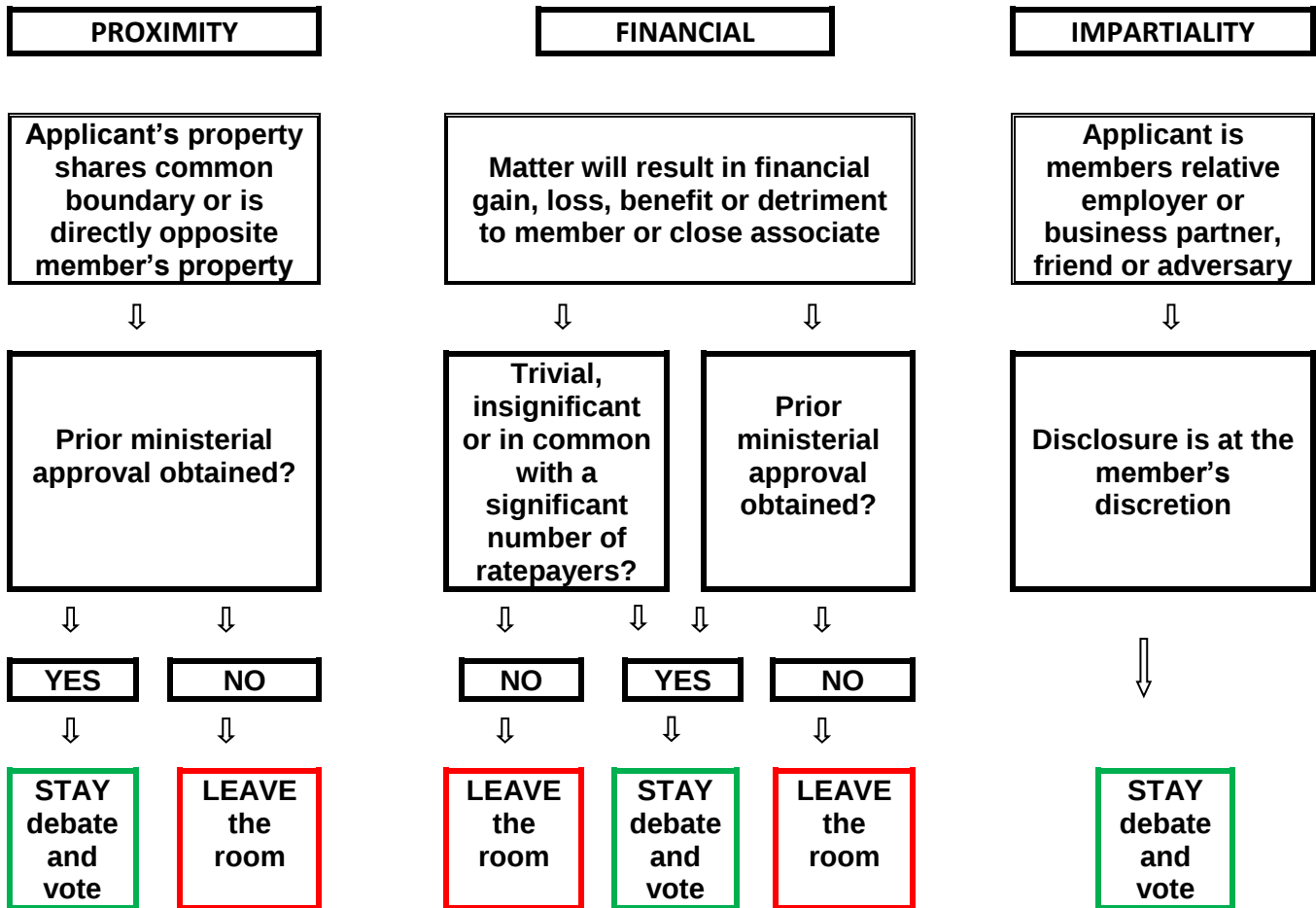
CEO

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			
Community Development Officer			
Executive Secretary			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.

	Date	Moved	Seconded	Vote
6.1	OCM 14/12/2022	Cr.	Cr.	
6.2	AEM 06/02/2023	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The Shire President reminds Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting prior to the matter being discussed.

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:	22 February 2023
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 December 2022 and January 2023.
2. Actions Performed under Delegated Authority for December 2022 and January 2023.

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 December 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 website - WA Local Government Accounting Manual	December 2022 Report and January 2023 submitted to the February 2023 OCM. Reference Minutes	
Emergency Services Levy - 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 website - Manual of Operating Procedures	Option B Payment made 24 Nov 22 – EFT18444	
Emergency Services Levy - Option B Payment Due by: 21 December and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures		DFES -ESL website - Manual of Operating Procedures	Submitted Form A to DFES 22.8.22 - OCR225032	
Council / Committee Meeting Schedule - At least once per year, determine meeting schedule for next 12 months (see January - and give Local Public Notice)	Local Government Act 1995	s.5.25(1)(g) Admin.Reg.12		July OCM 061/2022. Local Public Notice advertised.	
Annual Report - Accepted , by Absolute Majority, by no later than 31st December	Local Government Act 1995	s.5.53 s.5.54	DLGSCI website - WA Local Government Accounting Manual	Annual Report accepted by Absolute Majority at OCM 14 December 2022.	
Elections - Declarations of Office for new Elected Members, Shire President / Mayor and Deputy Shire President / Mayor sworn in following Election Day (2 months from declaration of result - s.2.32(c))	Local Government Act 1995	s.2.29	DLGSC website - Elections Timetable DLGSC website - Returning Officer Manual	Next elections October 2023	
Master Compliance Calendar - Review Review the Master Compliance Calendar content and consult with the LGs CEO, Executive and key employees to identify any additional Compliance Actions for inclusion in the next year's Master Compliance Calendar.	n/a	n/a		Ongoing	

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Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985	Valuation of Land Act 1978	s.37			Prepared by the City of Geraldton.
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Compliance Table for January 2023

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	January 2023 submitted to the February 2023 OCM. Reference Minutes	
Emergency Services Levy - Option A Remittance Due by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES -ESL Manual of Operating Procedures	N/A	
Primary Returns - 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	DLGSC Operational Guideline No.21 Disclosure of Financial Interests in Returns		No new designated employees
Financial Interests Register - Review Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles) or for Elected Members who have resigned. Returns that are removed are to be kept by the CEO as LG Record for at least 5 years after the person ceased to be a Designated Employee.	Local Government Act 1995	s.5.88(3)(4)		Financial Register is up to date	
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed	Valuation of Land Act 1978	s.37		Prepared by the City of Geraldton	

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• registered plans and amendments under the Strata Titles Act 1985					
Review Council Member Continuing Professional Development Policy LG must review the policy after each ordinary election.	Local Government Act 1995	s.5.128		Policy reviewed October 2022.	
Compliance Audit Return - Commence Audit Commence the Compliance Audit Return as an internal audit. Due: 31 March	Local Government Act 1995	s.7.13(1)(i) Audit.Regs. 13, 14 and 15		Will be submitted to the March 2023 OCM.	
Council / Committee Meeting Schedule - At least once per year, give Local Public Notice of the meeting schedule for next 12 months	Local Government Act 1995	s.5.25(1)(g) Admin.Reg.12		July OCM - 061/2022. Local Public Notice advertised.	
Primary Returns - New Elected Members - required to be lodged with CEO within 3 months of making Declarations of Office Due by: dd/mm/yyyy	Local Government Act 1995	s.5.75(1)	WALGA - Governance Subscription - Guideline - Primary and Annual Returns Management DLGSC Operational Guideline No.21 Disclosure of Financial Interests in Returns		Next Elections October 2023
Revaluation of Assets - Plant and Equipment - Commence Work LG must revalue all assets within the Plant and Equipment Class by the expiry of each 3-yearly interval after 30 June 2016	Local Government Act 1995	FM.Reg.17A(4)		N/a	
Revaluation of Assets - Land, Buildings and Infrastructure - Commence Work LG must revalue all assets within the Land Building and Infrastructure Class by the expiry of each 3-yearly interval after 30 June 2017	Local Government Act 1995	FM.Reg.17A(4)		Rescheduled for June 2023	
Revaluation of Assets - All Other Classes of Assets - Commence Work LG must revalue all other classes of assets (other than, Plant and Equipment and Land Building and Infrastructure classes) by the expiry of each 3-yearly interval after 30 June 2018	Local Government Act 1995	FM.Reg.17A(4)		Roads Renewal required in 2023	

Execution of Delegation for December 2022

Date	File Ref	Delegation Number	Decision Detail	Applicant	Initiating Officer	1 st Auth.	2 nd Auth.	Comment
2-Dec-22	PMT ID: F212020 084963	CS002 - Payments from	Transfer from Maxi to Muni for	CBA-Muni	CSO2	CSO2	Deputy CEO	Transfer of Funds from the Maximiser

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		Municipal Fund and Trust Fund	Creditor payments					account to the Municipal Account for the amount of \$30,000.00 to Cover Creditor payments PMT ID: F212020084963
02-Dec-22	PMT ID: F212020 123714	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	CSO2	CEO	Deputy CEO	Weekly Creditor Payments totalling \$264,355.15 PMT ID: F212020123714
06-Dec-22	PMT ID: F212060 302288	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	Finance Officer	DCEO	CEO	Fortnightly Payroll through the CBA Muni Bank \$59,584.35 PMT ID: F212060302288
07-Dec-22		CC001 - Sponsorship, Donations and Waiver of Fees	Waiving of fees to North Midlands Hospital for hire of chairs and tables	NMHS	CEO			Request from NMHS to waive fees for which CEO agreed
07-Dec-22	ADM019 1	CC001 - Sponsorship, Donations and Waiver of Fees	Donation from SoTS to TS Primary School for end of year Endeavour Award	Three Springs Primary School	CEO			Annual Donation from SoTS to Three Springs Primary School
09-Dec-22	PMT ID: F212090 537600	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	CSO2	Deputy CEO	CEO	Weekly Creditor Payments totalling \$32,473.46 PMT ID: F212090537600
19-Dec-22	PMT ID: F212191 119283	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds between the Maximiser and Municipal Accounts	CBA-Maxi	FO	DCEO	CEO	Transfer of Funds to Cover Payroll and Creditor Payment for Week Ending 22/12/2022. \$150,000.00 PMT ID: F212191119283
20-Dec-22	PMT ID: F212201 227132	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	FO	Deputy CEO	CEO	Fortnightly Payroll through the CBA Muni Bank \$48,661.45 PMT ID: F212201227132
21-Dec-22	PMT ID: F212211 267756	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Cheque funds banked to Muni Account for Licensing.	CBA-Muni	FO	FO	Deputy CEO	Transfer of Cheque Funds Banked to Muni Account to the Licensing Account as Cheque would not clear in time for DoT direct Debit. PMT ID: F212211267756
21-Dec-22	PMT ID: F212211 349106	CS002 - Payments from Municipal	Weekly Creditor Payments	CBA-Muni	CSO2	Deputy CEO	CEO	Weekly Creditor Payments totalling \$51,513.28 PMT

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		Fund and Trust Fund						ID: F212211349106
03-Jan-23	PMT ID: F301031 781130	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds between the Maximiser and Municipal Accounts	CBA-Maxi	FO	FO	CEO	Transfer of Funds from the Maximiser Account to the Municipal Account \$60,000.00 PMT ID: F301031781130
03-Jan-23	PMT ID: F301031 784124	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	FO	FO	CEO	Fortnightly Payroll through the CBA Muni Bank \$44,934.53 PMT ID: F301031784124
12-Jan-23	PMT ID: F301122 263379	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	FO	CEO	Weekly Creditor Payments totalling \$30,319.30 PMT ID: F301122263379
17-Jan-23	PMT ID: F301172 488127	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds between the Maximiser and Municipal Accounts	CBA-Maxi	FO	FO	CEO	Transfer of Funds from the Maximiser Account to the Municipal Account \$100,000.00 PMT ID: F301172488127
17-Jan-23	PMT ID: F301172 493587	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	FO	FO	CEO	Fortnightly Payroll through the CBA Muni Bank \$39,889.16 PMT ID: F301172493587
19-Jan-23	PMT ID: F301192 655512	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	FO	CEO	Weekly Creditor Payments totalling \$61,250.54 PMT ID: F301192655512
24-Jan-23	PMT ID: F301242 850317	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	FO	CEO	Weekly Creditor Payments totalling \$362.68 PMT ID: F301242850317
25-Jan-23	PMT ID: F301252 991386	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	FO	CEO	Weekly Creditor Payments totalling \$17,469.52 PMT ID: F301252991386
31-Jan-23	PMT ID: F301313 248840	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	FO	FO	CEO	Fortnightly Payroll through the CBA Muni Bank \$41,935.99 PMT ID: F301313248840
31-Jan-23	PMT ID: F301313 266682	CS002 - Payments from Municipal Fund and Trust Fund	Transfer of Funds between the Maximiser and Municipal Accounts	CBA-Maxi	FO	FO	CEO	Transfer of Funds from the Maximiser Account to the Municipal Account \$100,000.00 PMT ID: F301313266682

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 December 2022 and January 2023. 2. The Execution of Delegation report for December 2022 and January 2023.	

10. REPORTS OF OFFICERS

Executive Services	
10.2. Local Government Elections 2023	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0166
Disclosure of Interest:	Nil
Date:	22 February 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Western Australian Electoral Commission Correspondence

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 to appoint the Western Australian Electoral Commission (WAEC) to run the 2023 Ordinary Election for the Shire of Three Springs as a Postal Voting Election, and to approve the associated expenditure of \$14,000.

Background:

Council has received correspondence from the WAEC requesting that Council appoint the WAEC under section 4.20(4) of the Local Government Act 1995 and also to declare the annual election as a Postal Election under section 4.61(2) of the Local Government Act 1995.

Officer's Comment:

Postal elections are convenient and independently run which is more appealing to electors as opposed to having to attend a polling booth in person on a particular day.

The 2019 and 2021 Shire of Three Springs elections were managed by the WAEC.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Part 4, Division 7, section 4.20 — Provisions about electoral officers and the conduct of elections

4.20. *CEO to be returning officer unless other arrangements made*

- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

4.61. *Choice of methods of conducting election*

- (1) *The election can be conducted as a —*
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

- (2) *The local government may decide* to conduct the election as a postal election.*

** Absolute majority required.*

Local Government Act 1995, Part 6, Division 4, Section 6.8 (1) (B)

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
(a) is incurred in a financial year before the adoption of the annual budget by the local government; or
(b) is authorised in advance by resolution; or*
(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy Implications:

Nil

Financial/Resources Implications:

The WAEC cost to manage the 2023 elections is \$14,000. These costs will be included in the 2023/2024 Shire budget.

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:

Absolute Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.2
That Council authorise: 1. In accordance with section 6.8 (1) (B) in advance include \$14,000 in the 2023/2024 Shire Budget for the purpose of Election. 2. In accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required. 3. In accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.	

10. REPORTS OF OFFICERS

Executive Services	
10.3 Proposed Temporary Workforce Accommodation	
Agenda Reference:	A535
Location/Address:	Lot 10205 Skipper Road, Arrowsmith East
Name of Applicant:	Beach Energy Limited
File Reference:	A535
Disclosure of Interest:	Nil
Date:	15 February 2023
Author:	Simon Lancaster, Planning Advisor Keith Woodward, Chief Executive Officer
Attachment (s):	Attachment 10.3.a – received application Attachment 10.3.b – received submissions Attachment 10.3.c – Schedule of Submissions Attachment 10.3.d – Applicant Response to Submissions

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 establish temporary workforce accommodation upon Lot 10205 Skipper Road, Arrowsmith East.

The advertising period for this application has concluded and no objections were received.

This report recommends that Council approve the application subject to conditions.

Background:

The applicant has been issued with a petroleum exploration permit (EP320) by the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967* over the western portion of the Shire of Three Springs and south-eastern portion of the Shire of Irwin.

Lot 10205 is a 1,157.7951ha property owned by Viridis Ag Pty Ltd and used for agricultural purposes, that is bordered by the Arrowsmith Rover to the north and Skipper Road to the south. The property is cleared excepting for pockets of remnant vegetation along tributary lines and on isolated outcrops in the north-eastern corner.

Figure 10.3(a) – Location map of Lot 10205 Skipper Road, Arrowsmith East



Figure 10.3(a) – Aerial photo of Lot 10205 Skipper Road, Arrowsmith East



Officer's Comment:

The drill rig site would have activities conducted on a 24-hour basis for an anticipated 80-95 day period, with up to 8 personnel on-site in a rig camp. The main workforce accommodation camp would be sited 500m east of the drill rig site and would house up to 60 personnel and would include the cooking and associated utility facilities.

The main workforce accommodation camp would be located in a cleared area towards the eastern boundary of Lot 10205, the camp would be setback approximately 2km north of Skipper Road and 1½km south-east of Arrowsmith River.

The drill site camp would be located in a cleared area setback approximately 2.1km north of Skipper Road and 550m south-east of Arrowsmith River.

The camps would generally consist of 3 & 4 person transportable accommodation buildings and other modular buildings (typically 12m x 3m) delivered to the site by truck (estimated 20 loads). The camps would be serviced by a mobile wastewater system and water would be brought to site in mobile water tankers.

A copy of the submitted application is provided as **separate Attachment 10.3(a)**.

Given that the drill is required to be manned at all times and will be operating 24 hours a day for an approximate 3 month period it is considered appropriate in this instance that the workforce should be housed at the drill site rather than a remote location (e.g. Three Springs townsite 45km to the east or Dongara 53km to the north-west).

Consultation:

The application was advertised for comment from 31 January 2023 until 13 February 2023 with the Shire undertaking the following actions:

- notice being placed on the Shire website;
- correspondence inviting comment being sent to the landowners within 5km of the proposed temporary workforce accommodation camp sites;
- correspondence inviting comment being sent to the following government agencies and service authorities:
 - Australian Gas Infrastructure Group;
 - ATCO Gas
 - Department of Biodiversity, Conservation & Attractions
 - Department of Fire & Emergency Services
 - Department of Health
 - Department of Jobs, Tourism, Science & Innovation
 - Department of Mines, Industry Regulation & Safety
 - Department of Planning, Lands & Heritage
 - Department of Primary Industries & Regional Development
 - Department of Water & Environment Regulation
 - Main Roads WA
 - Telstra

- Water Corporation
- Western Power
- display of the application at the Shire office.

At the conclusion of the advertising period the Shire has received 11 submissions, with 10 of these being from government agencies either offering no objection or technical comment, and 1 from a nearby landowner providing comment. A copy of the received submissions has been included as **separate Attachment 10.3(b)** and a Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 10.3(c)**. The applicant was also provided with a copy of the received submissions (redacted in the instance of a submission being from a private landowner) and their responses to the raised issues has been provided as separate Attachment 10.3(d).

Statutory Environment:

Section 38 of the *Petroleum and Geothermal Energy Resources Act 1967* allows the registered holder of a petroleum exploration permit to explore for petroleum and to carry on such operations and execute such works as are necessary for that purpose in the permit area. Under Section 5 of the Act petroleum is defined to include any naturally occurring hydrocarbon whether in gaseous, liquid or solid state.

The applicant has been issued with a petroleum exploration permit by the Department of Mines, Industry Regulation & Safety and the scope of this application to Council is limited to the matter of the temporary workforce accommodation camps and the access points onto, and use of the local road network, and not the ultimate purpose for which the camps are required to serve, as this is addressed by the overriding State approval.

Lot 10205 Skipper Road, Arrowsmith East is zoned 'Rural' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme').

The application would meet the definition of 'Workforce Accommodation' which is classified as an 'A' use within the 'Rural' Zone which is a use that must be advertised for comment prior to consideration.

'Workforce Accommodation' is defined under the Scheme and Schedule 1 Part 6 Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

"workforce accommodation means premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors."*

The Scheme lists the objective of the 'Rural' zone as being:

"To provide for the sustainable use of land for the agricultural industry and other uses complementary to sustainable agricultural practices, which are compatible with the capability of the land and retain the rural character and amenity of the locality."

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;...
- (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;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;...
- ...(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (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;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;...
- ...(zb) any other planning consideration the local government considers appropriate.”

Policy Implications:

The Western Australian Planning Commission’s ‘Workforce Accommodation Position Statement’ provides guidance in relation to the assessment of this application. The Position Statement notes that under the *Planning and Development Act 2005* planning decision-makers can:

Control	Not control
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1 Where a planning application is required, the terms of an approval related to: (a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location & appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site. 2 Where a planning application is required the ability to approve /refuse a proposal considering local planning scheme requirements.	1 Any matters specified by a State Agreement Act. 2 The issuing of a mining tenement made under the <i>Mining Act 1978</i> – which can include a general purpose lease for ‘any other purpose directly connected with mining operations’ (may be located in a townsite). 3 That workforce accommodation needs to be met by permanent accommodation rather than ‘camps’. 4 That workforce accommodation be located in a town rather than a mine-site. 5 Whether the land for workforce accommodation is owned by the Crown or held in fee simple. 6 Requirement for ‘community contributions’ by workforce accommodation proponents. 7 Requirements for workforce accommodation to achieve ‘legacy benefits’.
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A copy of the WAPC Position Statement can be viewed at the following link:

https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement_Workforce_Accommodation.pdf

Financial/Resources Implications:

In the event that the applicant’s operations have an impact on the condition of the local road network, it is considered reasonable that a contribution to maintenance be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides compensation commensurate with additional wear imposed by traffic movements associated with their operations.

Strategic Implications:

The Vision for the Shire of Three Springs Local Planning Strategy notes that:

“The Shire recognises the growth of the mining and resources industry within the MidWest region and considers this to be an opportunity to create new businesses and jobs. Three Springs will play a key role in providing infrastructure for industry, particularly in respect to power generation. It is noted, however, that the Shire will not encourage the extraction, storage or use of nuclear materials including power generation.”

Section 3.3.1 of the Strategy lists the objective for the ‘Rural Hinterland’ objective as being *“to support the sustainable continuation of primary industry and agriculture activity as key economic drivers for the Shire”* and notes the following of relevance to this application:

Strategies	Actions
To only consider the establishment of Transient Workforce Accommodation facilities within the ‘General Agriculture’ zone when it can be demonstrated that there is no opportunity to house workers within an existing settlement.	Include ‘Transient Workforce Accommodation’ as an ‘A’ (discretionary subject to advertising) use in the ‘General Agriculture’ zone and a prohibited use in the ‘Priority Agriculture’ zone.

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

Strategic Community Plan 2018-2028				
Ref	Strategy	Still Relevant	Priority	Time frame
1.3.1	Promote existing and new industry opportunities to increase employment	Yes	High	Ongoing
4.2.4	Encourage business to employ local where possible.	Yes	High	Ongoing

The exploration phase of this project is considered to have limited short-term economic benefit to the local area, but in the event that the applicant proceeds to a following stage then there would likely be local employment opportunities created.

Voting Requirements:

Simple majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.3
That Council grant planning approval for the establishment of temporary (exploration phase) workforce accommodation camps upon Lot 10205 Skipper Road, Arrowsmith East subject to the following:	
Conditions:	
1 Development shall generally be in accordance with the approved plans dated 22 February 2023 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government. 2 Any additions to or change of use of any part of the development or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition. 3 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government. 4 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan. 5 The location, design and construction/upgrading of the access point(s) onto the road network shall be to the requirements of the local government. 6 The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network and relating to the development shall be to the requirements of the local government. 7 All parking of vehicles associated with the development shall be provided for within the property boundary. 8 The applicant shall make payment to the local government for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development (or where agreed to by the local government, the applicant may instead arrange for such repair, reinstatement or replacement works to be undertaken to the	

- satisfaction of the local government).
- 9 The development shall be connected to on-site wastewater and effluent disposal systems that are located, designed, installed and operated to the requirements of the Department of Health and the approval of the local government.
 - 10 The development shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
 - 11 The applicant must obtain any/all necessary consents of the landowners relevant to the site and the access to the sites.

Advice Notes:

- (a) In relation to condition 3 the Management Plan is to include sections relating to Fire Management, Emergency Response Plan, Waste Management, Noise/Light/Dust Management and Post Camp Rehabilitation (that details post-closure obligations and clean-up and rehabilitation of the site) to the approval of the local government. In the event that the camps are sited within an area identified upon the Department of Fire & Emergency Services State Map of Bushfire Prone Areas the Fire Management Plan must be submitted as a separate document and prepared and implemented to the requirements of the Department of Fire & Emergency Services.
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the obtaining of any required approvals from the Department of Health, the Department of Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation, Australian Gas Infrastructure Group (Dampier Bunbury Natural Gas Pipeline) and Main Roads WA. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (c) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (d) If an applicant is 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.

10. REPORTS OF OFFICERS

Works and Services

10.4 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:	22 February 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Capital Works Report 2022-2023 Grade Map

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 December 2022 and January 2023.

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:	10.4
That Council accepts the Capital Works Report for December 2022 and January 2023.	

10. REPORTS OF OFFICERS

Executive Services	
10.5 Community Development Officer Update	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	22 February 2023
Author:	Raman S Viridi, Community Development Officer
Attachment (s):	Nil

Council Role:

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

Report Purpose:

That Council accepts the Community Development Report for December 2022 and January 2023.

Background:

This report provides Council with the Community Development update.

Officer's Comment:

Three Springs Silos Community Opening Night Event (TSSCON Event)	TSSCON Event was managed by the Shire of Three Springs. The event was held on Saturday, 10 December 2022, at Main Street, Three Springs. - The Shire screened Three Springs Silos Video ad, Movie: The Grinch and Merry Christmas Song video by Three Springs Primary School students. - More than 120 community members attended the
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Ordinary Council Meeting Agenda – 22 February 2023

	event. • A board member from the Corporate Bulk Handling group attended the event and provided positive feedback. • The Shire, Three Springs Lions Club and volunteers organised free sausage sizzle for the attendees. • Three Springs Community members organised popcorn and soft drinks for attendees. The event was a success, with positive feedback from community members.
Three Springs Seniors Christmas Dinner Event (TSSCD Event)	The TSSCD event was organised by the Shire of Three Springs with help from shire staff and local volunteers. The TSSCD event was held on Saturday, 19 November 2022, at Three Springs Community Hall. The event had the following activities: • Community volunteers prepared dinner for senior community members. • The Three Springs Lions Clubs served drinks. • Three Springs Sporting Club (Jack Antonio) assisted attendees by driving the bus. The event was a success, with positive feedback from community members.
Australia Day 2023 Community Event	Australia Day 2023 Community Event was held at the Three Springs Aquatic centre. A total of estimated 95 individuals attended the event. The event had the following activities: • The event started at 8 am. • Traditional Australian breakfast was served to attendees. • The Lions Club helped the Shire with extra BBQ and volunteers. • Welcome to Country was given by local Elder Elaine Walley. • Warwick Trant was hired to perform at the event. The event was a success, with positive feedback from community members.

Ordinary Council Meeting Agenda – 22 February 2023

Australia Day Citizenship Award (ADCA).	The ADCA is managed by Council Policy 3.6 and the Australia Day Council of WA. • The Shire received two nominations for ADCA. ▪ Cathy Reed ▪ Gemma Mclevie • Cr Ennor presented Community Citizen of the Year award to Cathy Reed. • Cr Eva presented Community Citizen of the Year - Youth (under 25) award to Gemma Mclevie. • Cr Heal presented a Certificate of Achievement to Jack Antonio.
Official Communication - Facebook page and the Shire website.	The Shire has updated its Facebook Page and website about ongoing activities. The first Yakabout of the year 2023 was issued on Monday, 06 February 2023.

Grants:

Regional Event Scheme 2023-24 (RES 2023-24)	RES 2023-24 is managed by Tourism WA. An application has been submitted to fund the 'Re-imagining Three Springs' Event in October 2023.
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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.	1.1.2 Participate in the "Wildflower Way" Tourist Drive. 1.1.6 Rebrand and promote Three Springs as an attractive place to live and work.
People are motivated, work together and	3.1.6 Actively facilitate, support and participate

Ordinary Council Meeting Agenda – 22 February 2023

have an increased pride and participation in the community.	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:

OFFICER'S RECOMMENDATION:	10.5
That Council accepts the Community Development Report for December 2022 and January 2023.	

10. REPORTS OF OFFICERS

Corporate Services	
10.6 Regulation 17 and Financial Management Review	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0057
Disclosure of Interest:	Nil
Date:	22 February 2023
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	The “Regulation 17 Review” and “Regulation 5 (2) (c) - Financial Management Review”.

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 :

- receive the review of Council’s Risk Management Framework, Internal Controls, Legislative Compliance (Reg 17) and Financial Management (FMR); and
- request that a report is presented to Council by December 2023 confirming that the ‘matters’ identified for improvement in the ‘*Regulation 5 (2) (c) Financial Management Review*’ and “*Regulation 17 Review*”, have been appropriately managed to comply with legislation.

Background:

From 27 June 2018, local governments are required to conduct a review of their audit systems and procedures, and their financial management systems no less than every

three years. Previously local governments were required to conduct these reviews no less than every two years and four years respectively.

Staff engaged Avant Edge Consulting (AEC) to conduct both reviews at the same time. This review was completed in December 2022.

Officer's Comment:

AEC attended on site and conducted the reviews. Their reports are attached with recommendations. It is noted that no non-compliance with legislative requirements were identified in either report.

The Financial Management Review identified the findings under three separate sections:

1. Medium risk rated issues (management action recommended) – 3 findings relating to:
 - a. Contract Management – recommend comprehensive guidelines / protocols be developed for contract management so that it can be applied consistently by the relevant person(s) responsible over contract management;
 - b. Information Technology General Controls – recommends improvements such as a IT Strategy Plan, review the IT Disaster Recovery Plan, assess Server security, and develop an IT policy and procedures which govern staff logons and passwords, internet usage etc.: and
 - c. Procurement – recommendations include formalising service contracts for all ongoing service providers, implement standing orders for monthly accounts from local suppliers, and review continual and ongoing use of the same suppliers to ensure best value for money.
2. Low risk rated issues (management consideration recommended) – 2 findings relating to:
 - a. Asset Management – suggests an asset management policy be developed, physically review location of assets; and
 - b. Accounts Payable – Issues identified have been addressed during the Interim and Annual audits by the OAG, however due to timing of this review have been included in the report.
3. Observation issues (no management action required but may be considered) – 4 findings relating to:
 - a. Sole Source Suppliers – when using sole suppliers suggests CEO approval only and clear documentation;
 - b. Cash handling and End of Day processing – suggests installation of CCTV in the reception area and installation of a duress alarm;
 - c. Unused Purchase Orders – review Purchase Orders status regularly; and

- d. Shire Policies and Procedures – suggests reviewing of Policies and formal procedures at least once every 2 to 3 years.

The Regulation 17 Review identified low risk issues in the matter of Risk Management and Internal Controls. Suggestions are:

- Review, update and further improve the shires Operational and Strategic Risk Register
- Audit and Risk Committee meetings to include a standard agenda item relating to risk management.
- Further enhance the Fraud risk policy and develop a Whistle Blower policy
- Formalise an Induction policy and program for new staff and councillors.
- Develop a formal Gift policy.
- Review Schedule of Authorisations.

Some action has already occurred to address some of these findings. The CEO, in conjunction with staff will consider each finding and implement action as deemed necessary and appropriate.

Consultation:

Nil

Statutory Environment:

Local Government (Audit) Regulations 1996 – Regulation 17

“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 subregulation (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.*
[Regulation 17 inserted: Gazette 8 Feb 2013 p. 868; amended: Gazette 26 Jun 2018 p. 2387.]”

Local Government (Financial Management) Regulations 1996 – Regulation 5 2 (c)

“5. CEO’s duties as to financial management

- (2) The CEO is to —
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.**

[Regulation 5 amended: Gazette 31 Mar 2005 p. 1047 and 1053; 26 Jun 2018 p. 2388.]”

Policy Implications:

Council Policy 2.6 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:

An allocation was included in the 2022/23 Adopted Budget to engage a consultant/auditor to undertake the reviews

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
4. 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

OFFICERS RECOMMENDATION:

10.6

That Council :

- receive the review of Council's Risk Management Framework, Internal Controls, Legislative Compliance (Reg 17) and Financial Management (FMR); and
- request that a report is presented to Council by December 2023 confirming that the 'matters' identified for improvement in the '*Regulation 5 (2) (c) Financial Management Review*' and "*Regulation 17 Review*", have been appropriately managed to comply with legislation.

10. REPORTS OF OFFICERS

Corporate Services	
10.7 Monthly Financial Report for Period 31 December 2022 & 31 January 2023	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	22 February 2023
Author:	Bob Waddell, Bob Waddell & Associates, Consultant
Attachment (s):	Monthly Financial Report 31 December 2022 & 31 January 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 monthly financial report for the period ending 31 December 2022 and January 2023.

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.

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 January 2023 is \$5,182,943. Cash available is made up of Unrestricted cash \$3,906,771 and Restricted cash of \$1,816,173 being primarily made up of various reserves.

Rates Debtors balance as at 31 January 2023 is \$289,612. Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of January 2023 was \$2,177,614 - 88.26%

Jan 2023:

Operating Revenue – Operating revenue of \$3,092,792 is made up of Rates – 52%, Grants - 42%, Fees and Charges - 4%, Other Revenue - 1% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of \$3,382,643 is made of Depreciation - 44%, Employee Costs – 25%, Materials and Contracts – 14%, Insurance – 6%, Utilities - 3%, Loss on Disposal of Assets – 7% and Other Expenditure – 1%.

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:	10.7
That Council accepts the monthly financial report for the period ending 31 December 2022 and 31 January 2023.	

10. REPORTS OF OFFICERS

Corporate Services	
10.8 Accounts for Payments as at 31 December 2022 and 31 January 2023	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	13 February 2023
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 31 December 2022 List of creditors paid as at 31 January 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 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:	10.8
That Council accepts: - The accounts for payment as presented for <i>December</i> 2022 from the CBA Municipal Fund totalling \$391,049.62 - Represented by Cheque No. 11665 - 11666, Electronic Fund Transfers No's 18456 – 18545 and Direct Debits 14391.1 – 14424.1, 14435.1 - 14437.1, 14467.1, 14478.1 - 14478.6, and 14500.1. - Licensing Fund totalling \$17,802.65, represented by Direct Debit No. 13439.1, 14432.1 - 14434.1, 14443.1 - 14447.1, 14473.1 - 14475.1 and 14491.1 - 14493.1. Total Payments for December 2022 \$408,852.27 - The accounts for payment as presented for <i>January</i> 2023 from the CBA Municipal Fund totalling \$144,302.82. - Represented by Cheque No. 11667, Electronic Fund Transfers No's 18546 – 18607 and Direct Debits 14459.1– 14514.1, 14525.1 - 14535.1, 14544.1 - 14555.1, 14559.1 - 14559.4. - Licensing Fund totalling \$4,816.70, represented by Direct Debit No. 14521.1 - 14524.1 and 14563.1 - 14564.1. Total Payments for January 2023 \$149,119.52	

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, 22 March 2023 @ 5.30pm.
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16. CONFIDENTIAL ITEMS

16.1. RECOMMENDATION TO CLOSE COUNCIL MEETING

Reason for Confidentiality. Local Government Act 1995: Section 5.23 (2) (c) " the personal affairs of any person" and "A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

It is a requirement of the *Freedom of Information Act 1992* that all this information is returned to the Chief Executive Officer at the completion of these items for appropriate filing to maintain confidentiality.

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 *Freedom of Information Act 1992* denying public access.

16. CONFIDENTIAL ITEMS

Executive Services	
16.1.1 Confidential Report – Westrac Contract	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0439
Disclosure of Interest:	Nil
Date:	22 February 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Confidential Attachments

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 contract award to Westrac Caterpillar for the maintenance of the Shire's heavy road construction equipment and grants an exemption from Shire of Three Springs Procurement Policy 1.5. This decision is based on the following considerations:

Consultation:

- WALGA
- Westrac
- McLeod's

Statutory Environment:

Local Government Act 1995

Local Government (Functions and General) Regulations 1996 (Regulations)

Policy Implications: 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:

Absolute Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	16.1.1
That Council approves: 1. The contract is awarded to Westrac Caterpillar for the maintenance of the Shire's heavy road construction equipment. 2. Grant an exemption from Shire of Three Springs Procurement Policy 1.5.	

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: 22 March 2023