



MINUTES
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
23 NOVEMBER 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

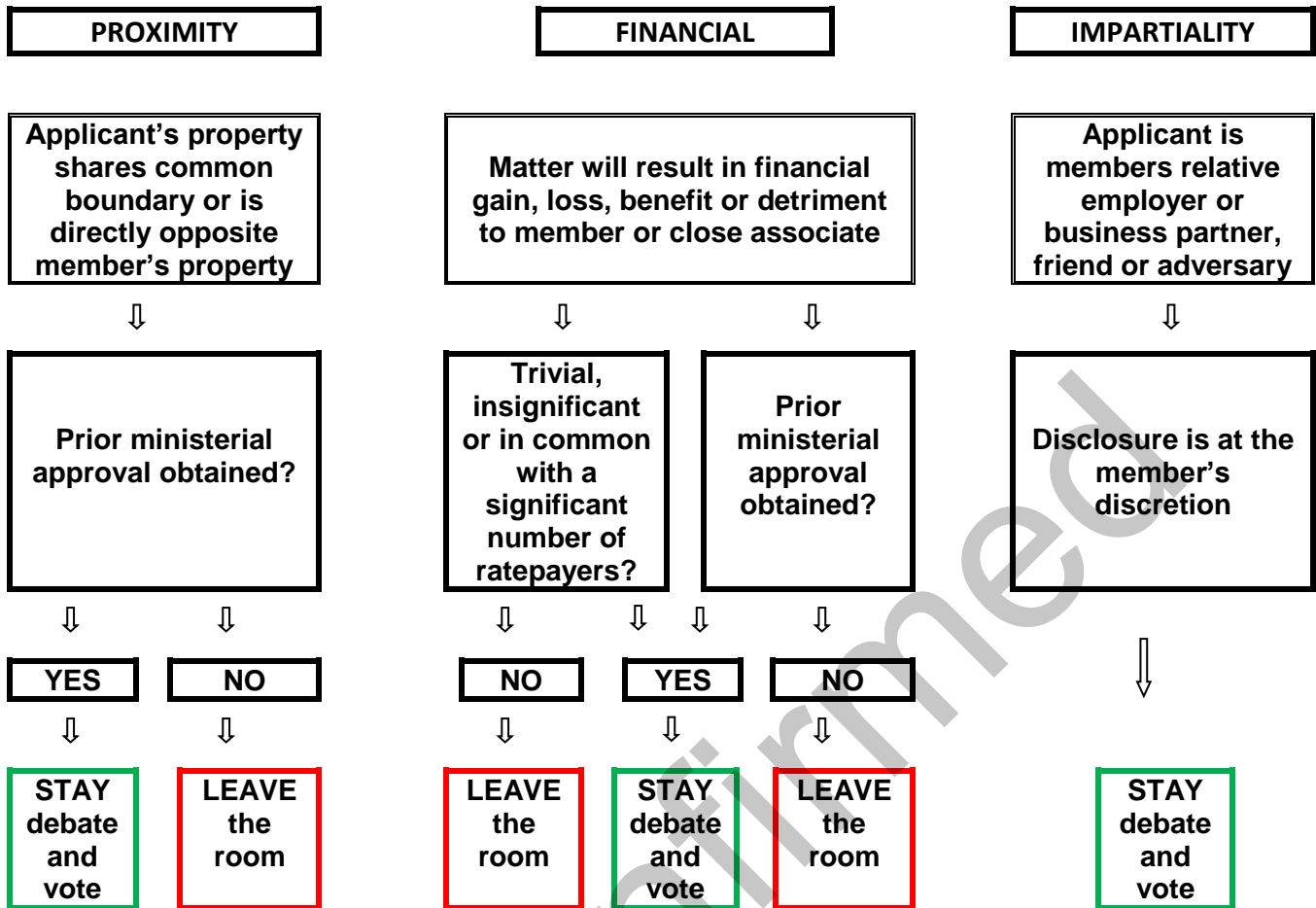
CEO

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.

TABLE OF CONTENTS

| | |
|---|-----------|
| 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS..... | 2 |
| 2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE | 2 |
| 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 2 |
| 4. PUBLIC QUESTION TIME | 2 |
| 5. APPLICATIONS FOR LEAVE OF ABSENCE | 2 |
| 6. CONFIRMATION OF PREVIOUS MEETING MINUTES..... | 2 |
| 7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION..... | 2 |
| 8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS..... | 3 |
| 9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS..... | 3 |
| 10. REPORTS OF OFFICERS | 4 |
| 10.1 Good Governance in Practice | |
| 10.2 Capital Works Progress Update 2022-2023 | |
| 10.3 Community Development Officer Update | |
| 10.4 Monthly Financial Report for Period 31 October 2022 | |
| 10.5 Accounts for Payments as at 31 October 2022 | |
| 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 24 |
| 12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING..... | 24 |
| 12.1. ELECTED MEMBERS | 24 |
| 12.2. STAFF | 24 |
| 13. QUESTIONS BY MEMBERS WITHOUT NOTICE | 24 |
| 14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN..... | 24 |
| 15. TIME AND DATE OF NEXT MEETING | 24 |
| 16. CONFIDENTIAL ITEMS..... | 24 |
| 16.1.1 Matter to be Considered Behind Closed Doors - Chief Executive Officer's Annual Performance Review, 2021-2022 | |
| 17. MEETING CLOSURE..... | 25 |

AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5.02pm

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 | | | Approved Leave |
| Councillor Heal | Present | | |
| Councillor Mutter | | | Approved Leave |
| Councillor Mills | | Apology | |
| Councillor Ennor | Present | | |
| Councillor Eva | Present | | |
| Chief Executive Officer | Present | | |
| Deputy Chief Executive Officer | Present | | |
| Executive Secretary | 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. Ennor | December | Cr. Eva | Cr. Heal | 4/0 | 14.12.22 |
| 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 | 26/10/2022 | Cr. Lane | Cr. Eva | 4/0 |

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Shire President Chris Lane acknowledged the recent passing of Mr. Morris Van Buerle, Mr. Michael Pruesker and also Mr. Warren Hill, all long term residents of Three Springs.

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 | OCM 26/10/2022 |
| Cr. Connaughton | OCM 26/10/2022 |
| Cr. Heal | |
| Cr. Mutter | OCM 26/10/2022 |
| Cr. Mills | |
| Cr. Ennor | OCM 26/10/2022 |
| Cr. Eva | OCM 26/10/2022 |

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

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: | 23 November 2022 |
| Author: | Keith Woodward, Chief Executive Officer |
| Attachment (s): | Nil |

Council Role:

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

Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for October 2022.
2. Actions Performed under Delegated Authority for October 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 October 2022

| Compliance Action | Compliance Requirement | Section / Ref | Good Practice Resources and LG Operational Procedures | Records Ref (Evidence of completion) | Comments. If Action not completed, report on plan to rectify non-compliance |
|--|---|-------------------------------------|---|--|---|
| Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates. | Local Government Act 1995 | s.6.4 FM.Reg.34 | DLGSC WA Local Government Accounting Manual | October 2022 reports submitted to the November 2022 OCM. Minutes reference | |
| Emergency Services Levy - Option A Remittance Due by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A | DFES - ESL Manual of Operating Procedures | Clause 5.13. | DFES -ESL Manual of Operating Procedures | N/A | |
| Elections - Close of Absent Voting / Postal Voting Applications for 'in-person' elections (4th day before Election Day) | Local Government Act 1995 | s.4.68(1)(c) Elections Reg.37(3)(4) | DLGSC Elections Timetable DLGSC Returning Officer Manual | Next LG Elections 2023 | |
| Elections - Close of Early Voting 4.00pm or 'in-person' elections. | Local Government Act 1995 | s.4.71(1)(3) Elections Reg.59(2) | DLGSC Elections Timetable DLGSC Returning Officer Manual | Next LG Elections 2023 | |
| Election Day - Close of Poll 6.00pm | Local Government Act 1995 | s.4.7 s.4.68(1)(e) | DLGSC Elections Timetable DLGSC Returning Officer Manual | Next LG Elections 2023 | |
| Elections - Result declared and published as Local Public Notice by Returning Officer as soon as practicable | Local Government Act 1995 | s.4.77 Elections Reg.80 | DLGSC Elections Timetable DLGSC Returning Officer Manual | Next LG Elections 2023 | |
| 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 Elections Timetable DLGSC Returning Officer Manual | Next LG Elections 2023 | |

Ordinary Council Meeting Minutes – 23 November 2022

| | | | | | |
|--|---------------------------|---|---|------------------------|--|
| Elections - Report to Minister (by 14th day after election) | Local Government Act 1995 | s.4.79 Elections Reg.81 | DLGSC Elections Timetable DLGSC Returning Officer Manual | Next LG Elections 2023 | |
| Primary Returns - Request new Elected Members - required to be lodged with CEO within 3 months of making Declarations of Office. | 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 LG Elections 2023 | |
| Elections - Election Papers collected and secured in one or more parcels by Returning Officer | Local Government Act 1995 | s.4.84(a) Elections Reg.82 | DLGSC Returning Officer Manual | Next LG Elections 2023 | |
| Elections - Destruction of Election Papers - parcels which are more than 4 years old may be destroyed, supervised by CEO and witnessed by at least 2 employees OR to secure paper destruction company | Local Government Act 1995 | s.4.84(a) Elections Reg.82 | DLGSC website - Returning Officer Manual | Next LG Elections 2023 | |
| Election of Shire President / Mayor, Deputy President / Mayor - elected from amongst the Councillors - conducted in accordance with Schedule 2.3, Div.1 | Local Government Act 1995 | s.2.11(1)(b) Schedule 2.3, Div.1 | | Next LG Elections 2023 | |
| CEO Authority to Speak on behalf of the LG - if new Shire President / Mayor is elected, seek / obtain written authority from Shire President for CEO to speak on behalf of the Local Government. | Local Government Act 1995 | s.5.41(f) | | Next LG Elections 2023 | |
| Establishment of Audit Committee - following Elections, Council must establish an Audit Committee - with membership of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee. | Local Government Act 1995 | s.7.1A s.5.8 s.5.9 s.5.10 s.5.11A s.5.11 | | Next LG Elections 2023 | |

Ordinary Council Meeting Minutes – 23 November 2022

| | | | | | |
|--|---------------------------|---|--|------------------------|--|
| Establishment of Committees - following Elections, Council may establish committees (other than Audit) of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee. | Local Government Act 1995 | s.5.8 s.5.9 s.5.10 s.5.11A s.5.11 | | Next LG Elections 2023 | |
| Establishment of Committees - Each committee has been established with a Terms of Reference, that details the purpose of the Committee and the scope of matters that the Committee will deal with. | Local Government Act 1995 | s.5.8 | | Next LG Elections 2023 | |
| Election of Committee Presiding Members and deputies - conducted in accordance with Schedule 2.3, Div.1 | Local Government Act 1995 | s.5.12 Schedule 2.3, Div.1 | | Next LG Elections 2023 | |
| Election Papers - election of Shire President / Mayor, Deputy President / Mayor and Committee Presiding Members and deputies - Election Papers collected and secured in parcels | Local Government Act 1995 | s.4.84(a) Elections Reg.82 | | Next LG Elections 2023 | |
| Appointment of Elected Members to External Bodies - | | | | Next LG Elections 2023 | |
| Financial Interests Register - Review • Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles). • Returns that are removed are to be kept by the CEO as LG Record for at least 5 years after the person ceased to be a Designated Employee. | Local Government Act 1995 | s.5.88(3)(4) | | Register is up to date | |

Ordinary Council Meeting Minutes – 23 November 2022

| | | | | | |
|---|----------------------------------|-----------------------------|--|-------------------------------|--|
| <p>Gift Register - Review After a person ceases to be an Elected Member [s.5.87A] or CEO [s.5.87B] required to disclose gifts, the CEO is required to remove from the register all records relating to that person. These records must be retained as LG records for a period of at least 5-years and be made available for public inspection.</p> | <p>Local Government Act 1995</p> | <p>s.5.89A(6) & (7)</p> | | <p>Register is up to date</p> | |
| <p>Elected Member Induction - Provide an induction for newly elected Councillors.</p> | <p>n/a</p> | <p>n/a</p> | <p>WALGA website - Webinar Introduction to the Local Government Act for Elected Members</p> <p>WALGA website - Webinar Communications for Elected Members</p> <p>WALGA website - Webinar Chairing of Meetings</p> <p>WALGA website - Webinar Decision Making in Practice - Delegations</p> <p>WALGA website - Webinar Local Government Gift Declaration</p> <p>WALGA website - Governance Services - Infopage - AASB 124 Related Party Disclosure</p> <p>DLGSC website - Operational Guideline No.4 Elected Member Induction</p> <p>State Records Office website - Elected Member Record Keeping Information Sheet</p> | <p>Next LG Elections 2023</p> | |

Ordinary Council Meeting Minutes – 23 November 2022

| | | | | | |
|--|----------------------------|------|--|--------------------------------------|--|
| Valuer General Information Due 14th day of each month - providing schedules of: <ul style="list-style-type: none"> • 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 October 2022

| Date | File Ref | Delegation Number | Decision Detail | Applicant | Initiating Officer | 1 st Auth. | 2 nd Auth. | Comment |
|-----------|------------------------|---|--|-----------|--------------------|-----------------------|-----------------------|---|
| 04-Oct-22 | PMT ID: F210046 436518 | CS002 - Payments from Municipal Fund and Trust Fund | Weekly Creditor Payments | CBA-Muni | CSO2 | CSO2 | Finance Officer | One Off Weekly Creditor Payment, Due to CEO on Leave and DCEO Being On Leave Unexpectedly and Creditors Demanding Payment totalling \$11,019.09 PMT ID: F210046436518 |
| 04-Oct-22 | PMT ID: F210046 459206 | CS002 - Payments from Municipal Fund and Trust Fund | Weekly Creditor Payments | CBA-Muni | CSO2 | CSO2 | Finance Officer | One Off Weekly Creditor Payment, Due to CEO on Leave and DCEO Being On Leave Unexpectedly and Creditors Demanding Payment totalling \$19,499.55 PMT ID: F210046459206 |
| 05-Oct-22 | PMT ID: F210056 529153 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer from Muni to Licensing for Cheque Payment of \$397.00 | CBA-Muni | CSO2 | CSO2 | Finance Officer | Transfer Cheque Funds \$379.00 deposited to Muni account to Licensing Account for Daily Banking 01/09/2022 PMT ID: F210056529153 |
| 12-Oct-22 | PMT ID: F210126 945761 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer from Muni to Licensing for Cheque Payment of \$94.05 | CBA-Muni | CSO2 | CSO2 | Finance Officer | Transfer Cheque Funds \$94.05 deposited to Muni account to Licensing Account for Daily Banking 11/10/2022 PMT ID: F210126945761 |
| 13-Oct-22 | PMT ID: F210137 090347 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer from Muni to Licensing for Cheque Payment of \$417.60 | CBA-Muni | Finance Officer | Finance Officer | Deputy CEO | Transfer Cheque Funds \$417.60 deposited to Muni account to Licensing Account for Daily Banking PMT ID: F210137090347 |
| 14-Oct-22 | PMT ID: F210147 144807 | CS002 - Payments from | Weekly Creditor Payments | CBA-Muni | Finance Officer | Finance Officer | Deputy CEO | Weekly Creditor Payments totalling |

Ordinary Council Meeting Minutes – 23 November 2022

| | | | | | | | | |
|-----------|------------------------|---|---|----------|-----------------|-----------------|------------|--|
| | | Municipal Fund and Trust Fund | | | | | | \$55,632.27 PMT ID: F210147144807 |
| 19-Oct-22 | PMT ID: F210197364136 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer from Muni to Licensing for Cheque Payment of \$94.05 | CBA-Muni | Finance Officer | Finance Officer | Deputy CEO | Transfer Cheque Funds \$94.05 deposited to Muni account to Licensing Account for Daily Banking PMT ID: F210197364136 |
| 19-Oct-22 | PMT ID: F210197362388 | CS002 - Payments from Municipal Fund and Trust Fund | Funds Transfer from Municipal Account to Maxi Account Due To Excess Funds | CBA-Muni | Finance Officer | Finance Officer | Deputy CEO | Funds Transfer from Municipal Account to Maxi Account Due To Excess Funds for the amount of \$250,000.00 PMT ID: F210197362388 |
| 20-Oct-22 | PMT ID: F210207477304 | CS002 - Payments from Municipal Fund and Trust Fund | Weekly Creditor Payments | CBA-Muni | CSO2 | Finance Officer | Deputy CEO | Weekly Creditor Payments totalling \$44,112.66 PMT ID: F210207477304 |
| 25-Oct-22 | PMT ID: F210257720190 | CS002 - Payments from Municipal Fund and Trust Fund | Weekly Creditor Payments | CBA-Muni | CSO2 | Finance Officer | Deputy CEO | Weekly Creditor Payments totalling \$1,142.64 PMT ID: F210257720190 |
| 27-Oct-22 | PMT ID: FF210277884369 | CS002 - Payments from Municipal Fund and Trust Fund | Transfer from Maxi to Muni for Creditor payments | CBA-Muni | CSO2 | CSO2 | Deputy CEO | Transfer of Funds from the Maximiser account to the Municipal Account for the amount of \$150,000.00 to Cover Creditor payments PMT ID: FF210277884369 |
| 27-Oct-22 | PMT ID: F210277916542 | CS002 - Payments from Municipal Fund and Trust Fund | Weekly Creditor Payments | CBA-Muni | CSO2 | Finance Officer | Deputy CEO | Weekly Creditor Payments totalling \$162,793.85 PMT ID: F210277916542 |

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:

| 091/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.1 |
|--|
| <p style="text-align: right;"><u>MOVED:</u> Cr. Heal <u>SECONDED:</u> Cr. Eva</p> <p>That Council Accepts:</p> <ol style="list-style-type: none"> 1. The Governance Compliance Calendar report for October 2022. 2. The Execution of Delegation report for October 2022. <p style="text-align: right;">CARRIED: Voted: 4/0</p> |

10. REPORTS OF OFFICERS

| Works and Services | |
|---|---|
| 10.2 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: | 23 November 2022 |
| Author: | Keith Woodward, Chief Executive Officer |
| Attachment (s): | Capital Works Report 2022-2023 |

Council Role:

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

Report Purpose:

That Council accepts the Capital Works Report for October 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:

| 092/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.2 |
|---|
| <p><u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Ennor</p> <p>That Council accepts the Capital Works Report for October 2022.</p> <p>CARRIED: Voted: 4/0</p> |

10. REPORTS OF OFFICERS

| Executive Services | |
|--|---|
| 10.3 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: | 23 November 2022 |
| 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 October 2022.

Background:

This report provides Council with the Community Development update.

Officer's Comment:

| | |
|--|---|
| Three Springs Silos Community Opening Night Event (TSSCON Event) | <p>TSSCON Event will be managed by the Shire of Three Springs.</p> <p>The event will be held on Saturday, 10 December 2022, on Main Street, Three Springs.</p> |
| Three Springs Seniors Christmas Dinner Event (TSSCD Event) | <p>In previous years, the TSSCD event was organised by the Community Action Group (CAG). The CAG is currently inactive.</p> <p>The TSSCD event will be held on Saturday, 19 November 2022, at Three Springs Community Hall.</p> |

| | |
|---|--|
| Three Springs RSL – Remembrance day event | <p>The Remembrance event is organised by the Three Springs RSL.</p> <p>The event was held on Friday, 11 November 2022, at Jack Thorpe Garden.</p> <p>The Shire participated in the event and provided the following:</p> <ul style="list-style-type: none"> • One gazebo/shade cover • 30 Chairs • PA System • Photos of the day |
| Shire of Three Springs Community Small Grant (TSCSG). | <p>The TSCSG is managed by Council Policy 2.8.</p> <p>The TSCS Grant was open for applications from Tuesday, 01 November 2022, to Monday, 14 November 2022.</p> <p>The Shire did not receive any application for the TSCSG.</p> |
| Official Communication - Facebook page and the Shire website. | <p>The Shire has updated its Facebook Page and website about ongoing activities.</p> <p>The Yakabout issue 251 has been delayed by a week due to insufficient information on various topics. The issue was scheduled to be published on Monday, 14 November 2022.</p> |

Grants:

| | |
|---|---|
| Regional Event Scheme 2023-24 (RES 2023-24) | <p>RES 2023-24 is managed by Tourism WA.</p> <p>An application has been submitted to fund the 'Re-imagining Three Springs' Event in October 2023.</p> |
| Australia Day Community Event Grant – 2023 (ADCE Grant) | <p>ADCE Grant is managed by National Australia Day Council (NADC).</p> <p>The Shire submitted an application for \$15,000 to hold an Australia Day event on Thursday, 26 January 2022.</p> <p>NADC sent out a letter advising that some applicants may not receive funding this year.</p> |

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

| Strategic Community Plan 2018 - 2028 | |
|---|--|
| Council Objectives: | Outcome: |
| Develop tourism infrastructure and increase the length of stay. | 1.1.2 Participate in the "Wildflower Way" Tourist Drive. 1.1.6 Rebrand and promote Three Springs as an attractive place to live and work. |
| People are motivated, work together and have an increased pride and participation in the community. | 3.1.6 Actively facilitate, support and participate in community events. |
| A well engaged and informed community that actively participates. | 4.1.6 Actively facilitate, support and participate in community events. |

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

| Corporate Business Plan 2020 - 2024 | |
|---|---|
| Scope Statement: | Project Outputs: |
| A prosperous, thriving and innovative local economy. | 1.1 Develop tourism infrastructure and increase 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:

| 093/2022 | OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION | 10.3 |
|-----------------|--|-------------|
| | <p style="text-align: right;"><u>MOVED:</u> Cr. Ennor <u>SECONDED:</u> Cr. Heal</p> <p>That Council accepts the Community Development Report for October 2022.</p> <p style="text-align: right;">CARRIED: Voted: 4/0</p> | |

10. REPORTS OF OFFICERS

| Corporate Services | |
|--|---|
| | |
| 10.4 Monthly Financial Report for Period 31 October 2022 | |
| Agenda Reference: | DCEO |
| Location/Address: | Shire of Three Springs |
| Name of Applicant: | Shire of Three Springs |
| File Reference: | ADM0243 |
| Disclosure of Interest: | Nil |
| Date: | 23 November 2022 |
| Author: | Krys East, Deputy Chief Executive Officer |
| Attachment (s): | Monthly Financial Report 31 October 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 October 2022.

Background:

The Provision of the FM Regulations 1996 and associated regulations requires a monthly financial report to be presented at an ordinary council meeting within 2 months of the period end date.

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:

At the time of writing this report, there were still several outstanding invoices etc. and end of year calculation have yet to be done, so the closing surplus is an estimate only and is subject to change until 2021-2022 year has been audited.

The 2022-2023 Budget was adopted in August.

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

Consultation:

Nil

Statutory Environment:

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

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

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

(1A) *In this regulation —*

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

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

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) *budget estimates to the end of the month to which the statement relates; and*
 - © *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - © *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing —*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
 - © *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown —*

- (a) *according to nature and type classification; or*
- (b) *by program; or*
 - © *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —*

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications:

Nil

Financial/Resources Implications:

Total Cash Available as at 31 October 2022 is \$5,482,964. Cash available is made up of Unrestricted cash \$3,692,142 and Restricted cash of \$1,790,823 being primarily made up of various reserves.

Rates Debtors balance as at 31 October is \$556,794. Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of October 2022 was \$1,910,076 - 77.43%

October 2022:

Operating Revenue – Operating revenue of \$2,885,674 is made up of Rates – 53%, Grants - 43%, Fees and Charges - 3%, Other Revenue - 1% and Interest Earnings – 0%.

Operating Expenses – Operating expenses of \$1,097,338 is made of Depreciation - 0% (depreciation will be run after completion of Annual Financial Report audit), Employee Costs – 42%, Materials and Contracts – 31%, Insurance – 20%, Utilities – 6%, Loss on Disposal of Assets – 0% 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:

| | | |
|---|---|------|
| 094/2022 | OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION | 10.4 |
| <p style="text-align: right;"><u>MOVED:</u> Cr. Heal <u>SECONDED:</u> Cr. Eva</p> <p>That Council accepts the monthly financial report for the period ending 31 October 2022.</p> <p style="text-align: right;">CARRIED: Voted: 4/0</p> | | |

10. REPORTS OF OFFICERS

| Corporate Services | |
|--|--|
| | |
| 10.5 Accounts for Payments as at 31 October 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: | 15 November 2022 |
| Author: | Kate O'Donnell, Customer Service Officer |
| Attachment (s): | List of creditors paid as at 31 October 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.

| 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:

| 095/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.5 |
|--|
| <p style="text-align: right;"><u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Ennor</p> <p>That Council accepts:</p> <ol style="list-style-type: none"> The accounts for payment as presented for <i>October</i> 2022 from the CBA Municipal Fund totalling \$335,767.73 represented by Electronic Fund Transfers No's 18311 – 18404 and Direct Debits 14248.1 – 14249.1, 14252.1 – 14277.6, 14284.1 – 14286.1 and 14317.1 – 14318.1 Licensing Fund totalling \$12,364.95 represented by Direct Debit No. 14250.1 – 14251.1, 14278.1 – 14279.1, 14295.1 – 14313.1 and 14322.1 – 14329.1 <p>Total Payments for October 2022 is \$348,132.68</p> <p style="text-align: right;">CARRIED: Voted: 4/0</p> |

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, 14 December 2022 @ 5pm.

16. CONFIDENTIAL ITEMS

096/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 16.1

MOVED: Cr. Ennor
SECONDED: Cr. Heal

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.

CARRIED:
Voted: 4/0

Note: *The Presiding Officer advised the meeting that the Chief Executive Officer had disclosed an interest in writing relating to the next item for discussion 16.1.1 "Chief Executive Officer's Annual Performance Review, 2021-2022" and the Chief Executive Officer left the meeting at 5.20pm accompanied with the Deputy Chief Executive Officer, Community Development Officer and the Executive Secretary.*

16. CONFIDENTIAL ITEMS

| Executive Services | |
|---|---|
| 16.1.1 Matter to be Considered Behind Closed Doors. Chief Executive Officer's Annual Performance Review, 2021-2022 | |
| Agenda Reference: | CEO |
| Location/Address: | Shire of Three Springs |
| Name of Applicant: | Cr. Chris Lane |
| File Reference: | P72 |
| Disclosure of Interest: | Keith Woodward, Chief Executive Officer. |
| Date: | 23 November 2022 |
| Author: | Krys East, Deputy Chief Executive Officer |
| Attachment (s): | Chief Executive Officer 'Annual Performance Review Council Report', 23 November 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:

Financial/Resources Implications:

As per report recommendations.

Strategic Implications:

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

| Strategic Community Plan 2018-2028 | |
|---|---|
| Council Objectives: | Outcome: |
| 1.6 Attract and maintain a stable workforce | A long-term strategically focused Shire that is efficient, respected and accountable. |

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:

097/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 16.1.1

That Council:

MOVED: Cr. Ennor
SECONDED: Cr. Heal

CARRIED:
Voted: 4/0

Note: The Chief Executive Officer, Deputy Chief Executive Officer and Executive Secretary returned to the meeting at 5.28pm.

098/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 16.2

That Council re-open the meeting to members of the public after discussion of confidential items.

MOVED: Cr. Eva
SECONDED: Cr. Ennor

CARRIED:
Voted: 4/0

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 5.30 pm.

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

Signed: _____
 Presiding Officer

Date: 14 December 2022