



MINUTES FOR THE  
ORDINARY COUNCIL MEETING  
HELD ON  
WEDNESDAY  
21 OCTOBER AT 5.00 PM



**Disclosure of Interest Form**  
(Elected Members/Committee Members/Employees/Contractors)

*Local Government Act 1995 (Section 5.65, 5.70 & 5.71)*

To: Chief Executive Officer

☐ Ordinary Council Meeting held  
on \_\_\_\_\_

☐ Special Council Meeting held  
on \_\_\_\_\_

☐ Committee Meeting held on \_\_\_\_\_

☐ Other \_\_\_\_\_

Report No \_\_\_\_\_

Report Title \_\_\_\_\_

Name \_\_\_\_\_

☐ Elected  
Member

☐ Committee

☐ Employee

☐ Contractor

Type of Interest (\*see overleaf for further information)

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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

*Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.*

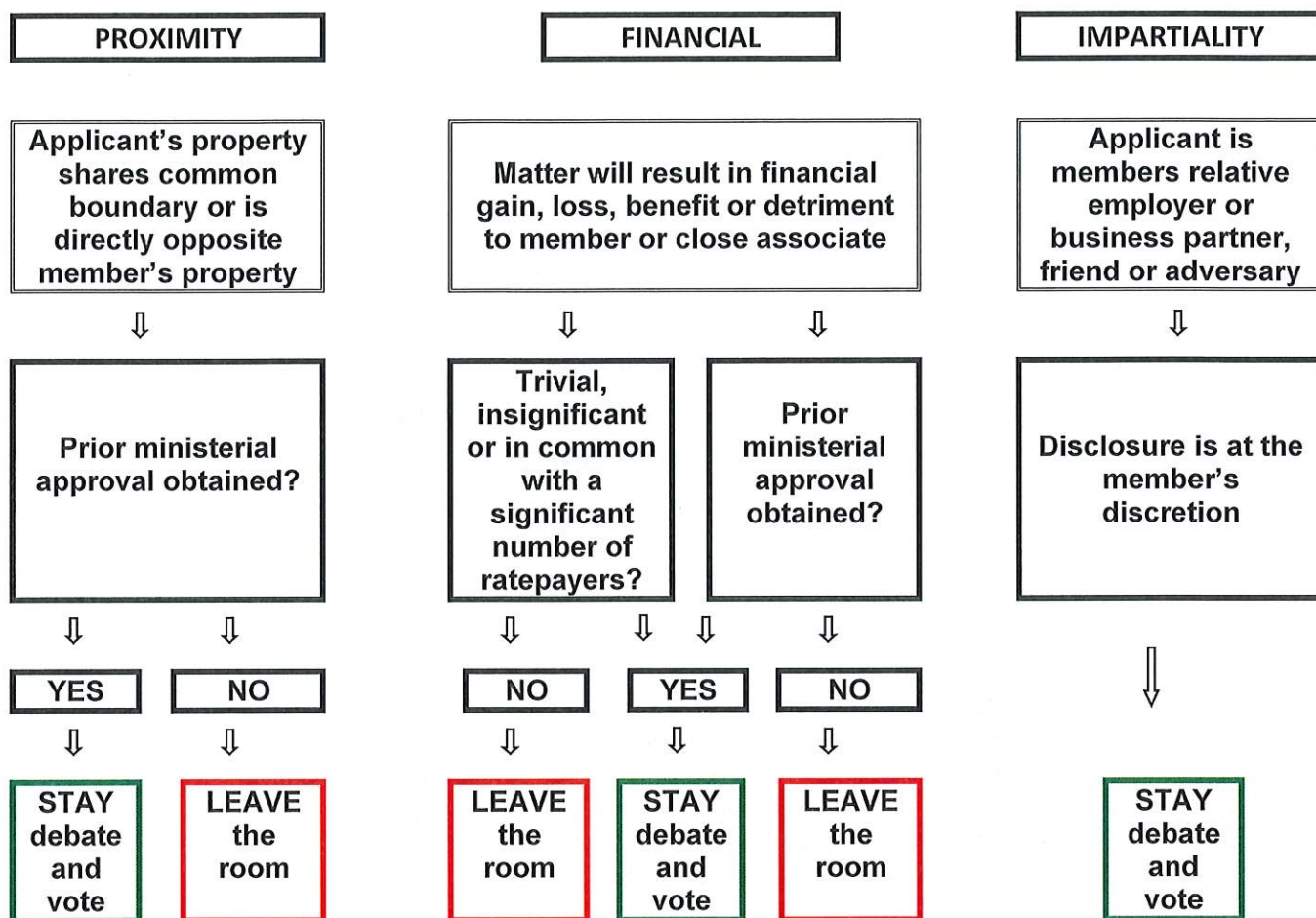
OFFICE USE ONLY

CEO  
:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## \* Declaring an Interest



### Local Government Act 1995 - Extract

#### 5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
  - (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
  - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

#### 5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

#### 5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

### 'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

*"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*



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## MINUTES

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5.03pm

#### ***Welcome to Country:-***

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

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

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane	<b>Present</b>		
Councillor Connaughton	<b>Present</b>		
Councillor Heal	<b>Present</b>		
Councillor Mutter	<b>Present</b>		
Councillor Mills	<b>Present</b>		
Councillor Ennor	<b>Present</b>		
Councillor Eva	<b>Present</b>		
Chief Executive Officer	<b>Present</b>		
Deputy Chief Executive Officer	<b>Present</b>		
Manager of Works & Services	<b>Present</b>		
Executive Secretary	<b>Present</b>		

### 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. Connaughton	November	Cr. Mutter	Cr. Eva	7/0	21/10/20
5.2	Cr. Connaughton	December	Cr. Mutter	Cr. Eva	7/0	21/10/20

### 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	16/09/2020	Cr. Lane	Cr. Ennor	7/0

## **7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

President Chris Lane acknowledged the recent passing of Donna vant Veer and also Joselyn Mitchell who passed away recently.

## **8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS**

<b>Councillor</b>	<b>Activity</b>
Cr. Lane	9/09/20 – Visitors Meet & Greet @ Eco Caravan Park 14/09/20 – Agenda Briefing 16/09/20 – Ordinary Council Meeting 26/09/20 – Welcome at WAORRA Briefing Weekly Catch up with CEO
Cr. Connaughton	06/09/20 – Completed “Serving on Council” Training 14/09/20 - Agenda Briefing 16/09/20 – Ordinary Council Meeting
Cr. Heal	02/09/20 – LEMC Meeting 14/09/20 – Agenda Briefing 16/09/20 – Ordinary Council Meeting
Cr. Mutter	14/09/20 - Agenda Briefing 16/09/20 – Ordinary Council Meeting
Cr. Mills	14/09/20 - Agenda Briefing 16/09/20 – Ordinary Council Meeting
Cr. Ennor	14/09/20 - Agenda Briefing 16/09/20 – Ordinary Council Meeting
Cr. Eva	14/09/20 - Agenda Briefing 16/09/20 – Ordinary Council Meeting

## **9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.1. Good Governance in Practice</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Chief Executive Officer, Keith Woodward
Attachment (s):	

### Council Role:

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

### Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for month of September 2020.
2. Actions Performed under Delegated Authority for the month of September 2020.

### 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 CEO duties which require the management of legislative compliance.



**Officer's Comment:**

**Compliance Table for October 2020**

Compliance Action	Compliance Requirement	Section / Ref	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
<b>October - Take Action</b>				
<b>Monthly Financial Report</b> LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.34	September 2020 report submitted to the October 2020 OCM. Reference Minutes	
<b>Emergency Services Levy - Option A Remittance Due by: 21st of the month</b> Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	N/A	
<b>Elections - Close of Absent Voting / Postal Voting Applications</b> for 'in-person' elections (4th day before Election Day)	Local Government Act 1995	s.4.68(1)(c) Elections Reg.37(3)(4)	N/A	
<b>Elections - Close of Early Voting</b> 4.00pm or 'in-person' elections.	Local Government Act 1995	s.4.71(1)(3) Elections Reg.59(2)	N/A	
<b>Election Day - Close of Poll</b> 6.00pm	Local Government Act 1995	s.4.7 s.4.68(1)(e)	N/A	
<b>Elections - Result declared and published</b> as Local Public Notice by Returning Officer as soon as practicable	Local Government Act 1995	s.4.77 Elections Reg.80	N/A	
<b>Elections - Declarations of Office</b> 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	N/A	
<b>Elections - Report to Minister</b> (by 14th day after election)	Local Government Act 1995	s.4.79 Elections Reg.81	N/A	
<b>Primary Returns</b> - 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)	N/A	
<b>Elections - Election Papers</b> collected and secured in one or more parcels by Returning Officer	Local Government Act 1995	s.4.84(a) Elections Reg.82	N/A	
<b>Elections - Destruction of Election Papers</b> - 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	N/A	
<b>Election of Shire President / Mayor, Deputy President / Mayor</b> - 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	N/A	
<b>CEO Authority to Speak on behalf of the LG</b> - 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)	N/A	

<b>Establishment of Audit Committee</b> - 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	N/A	
<b>Establishment of Committees</b> - 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	N/A	
<b>Establishment of Committees</b> - 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	N/A	
<b>Election of Committee Presiding Members and deputies</b> - conducted in accordance with Schedule 2.3, Div.1	Local Government Act 1995	s.5.12 Schedule 2.3, Div.1	N/A	
<b>Election Papers</b> - 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	N/A	
Appointment of Elected Members to External Bodies -			N/A	
<b>Financial Interests Register - Review</b> • Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles). • 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)	N/A	
<b>Gift Register - Review</b> 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.	Local Government Act 1995	s.5.89A(6) & (7)	N/A	
<b>Elected Member Induction</b> - Provide an induction for newly elected Councillors.	n/a	n/a	N/A	
<b>Valuer General Information</b> 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	N/A	Under Investigation



## Execution of Delegation for September 2020

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
08-Sep-20	ADM0164	GO004-Execution of Contract Documents	<i>Astro Tourism Service Agreement</i>	Shire of Three Springs	CEO	
01-Sep-20	PMT ID: 166483655	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 01 September 2020 - \$38,230.82
04-Sep-20	Chq 11615	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Telstra	NAB	Deputy Chief Executive Officer	Creditors Payment - Telstra # 11615 - \$5.72
04-Sep-20	PMT ID: 166678049	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 166678049 for \$102,632.35
04-Sep-20	PMT ID: 166686592	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Deputy Chief Executive Officer	Transfer \$450,000.00 from Muni A/C to Maxi A/C
08-Sep-20	PMT ID: 166822237	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer \$40,000.00 from Maxi A/C to Muni A/C
08-Sep-20	PMT ID: 166823344	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 166823344 for \$95,157.80
11-Sep-20	PMT ID: 167061023	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 10/09/2020 - \$3,697.35
11-Sep-20	PMT ID: 167063502	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Deputy Chief Executive Officer	Transfer \$650,000.00 from Muni A/C to Maxi A/C
15-Sep-20	PMT ID: 167326715	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 15 September 2020 - \$38,870.47
18-Sep-20	Chq 11616	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Telstra	NAB	Deputy Chief Executive Officer	Creditors Payment - Telstra # 11616 - \$16.72
18-Sep-20	PMT ID: 167520638	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 167520638 for \$101,815.49
18-Sep-20	PMT ID: 167521293	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Deputy Chief Executive Officer	Transfer \$400,000.00 from Muni A/C to Maxi A/C
25-Sep-20	PMT ID: 167894837	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to GFH A/C	NAB	Deputy Chief Executive Officer	Transfer \$200,000.00 from Muni A/C to GFH A/C
25-Sep-20	PMT ID: 167898167	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 22/09/2020 - \$252.05
25-Sep-20	PMT ID: 167898241	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 23/09/2020 - \$637.69
25-Sep-20	PMT ID:	CS002 - Payments	Transfer Funds from	NAB	Deputy	Transfer Funds to



	167898309	from Municipal Fund and Trust Fund	Muni Account to Licensing Account		Chief Executive Officer	Licensing Account Banking 24/09/2020 - \$758.75
30-Sep-20	PMT ID: 168148254	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 29 September 2020 - \$41,650.93
01-Sep-20	PMT ID: 166483655	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Senior Finance Officer	Fortnightly Payroll PPE 01 September 2020 - \$38,230.82
4-Sep-20	PMT ID: 166654243	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 03/09/2020 - \$1,527.95
04-Sep-20	Chq 11615	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Telstra	NAB	Senior Finance Officer	Creditors Payment - Telstra # 11615 - \$5.72
04-Sep-20	PMT ID: 166678049	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 166678049 for \$102,632.35
04-Sep-20	PMT ID: 166686592	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Senior Finance Officer	Transfer \$450,000.00 from Muni A/C to Maxi A/C
08-Sep-20	PMT ID: 166822237	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Senior Finance Officer	Transfer \$40,000.00 from Maxi A/C to Muni A/C
08-Sep-20	PMT ID: 166823344	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 166823344 for \$95,157.80
11-Sep-20	PMT ID: 167061023	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 10/09/2020 - \$3,697.35
11-Sep-20	PMT ID: 167063502	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Senior Finance Officer	Transfer \$650,000.00 from Muni A/C to Maxi A/C
15-Sep-20	PMT ID: 167326715	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Senior Finance Officer	Fortnightly Payroll PPE 15 September 2020 - \$38,870.47
15-Sep-20	PMT ID: 167326615	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 15/09/2020 - \$79.25
18-Sep-20	PMT ID: 167493908	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 17/09/2020 - \$478.25
18-Sep-20	Chq 11616	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Telstra	NAB	Senior Finance Officer	Creditors Payment - Telstra # 11616 - \$16.72
18-Sep-20	PMT ID: 167520638	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 167520638 for \$101,815.49
18-Sep-20	PMT ID: 167521293	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Senior Finance Officer	Transfer \$400,000.00 from Muni A/C to Maxi A/C
25-Sep-20	PMT ID: 167894837	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to GFH A/C	NAB	Senior Finance Officer	Transfer \$200,000.00 from Muni A/C to GFH A/C
25-Sep-20	PMT ID: 167898167	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 22/09/2020 - \$252.05
25-Sep-20	PMT ID: 167898241	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 23/09/2020 - \$637.69
25-Sep-20	PMT ID: 167898309	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 24/09/2020 -

						\$758.75
30-Sep-20	PMT ID: 168133139	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 30/09/2020 - \$706.45
30-Sep-20	PMT ID: 168148254	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Senior Finance Officer	Fortnightly Payroll PPE 29 September 2020 - \$41,650.93
4-Sep-20	PMT ID: 166654243	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 03/09/2020 - \$1,527.95
15-Sep-20	PMT ID: 167326615	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 15/09/2020 - \$79.25
18-Sep-20	PMT ID: 167493908	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 17/09/2020 - \$478.25
30-Sep-20	PMT ID: 168133139	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 30/09/2020 - \$706.45

**Consultation:**

Nil

**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 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.*

**Policy Implications:**

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

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

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

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

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

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



<b>'Corporate Business Plan 2020 – 2024'.</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

<b>070/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION</b>	<b>10.1</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Eva</b> <b><u>SECONDED:</u> Cr. Ennor</b></p> <p>That Council Accepts:</p> <ol style="list-style-type: none"> <li>1. The Governance Compliance Calendar report for September 2020.</li> <li>2. The Execution of Delegation report for September 2020.</li> </ol> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 7/0</b></p>	

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.2. External Committees</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Chief Executive Officer, Keith Woodward
Attachment (s):	

### 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:

1. Revoke the Council decision 20 November 2019, report 9.2. "*Appoint Representative to External Committees*".
2. Authorise the appointment of Councillors as representatives to external committees.

### Background:

The Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

**Officer's Comment:**

Nil

**Consultation:**

Nil

**Statutory Environment:**

All Committees are established under provisions of Subdivision 2 – Committees and their meetings s 5.8 to 5.18 of the *Local Government Act 1995*.

The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the council. In accordance with s.5.9 (2) of the members a committee is to comprise of:

5.9. *Committees, types of*

(2) *A committee is to comprise —*

(a) *council members only; or*

(b) *council members and employees; or*

(c) *council members, employees and other persons; or*

(d) *council members and other persons; or*

(e) *employees and other persons; or*

(f) *other persons only.*

**Policy Implications:**

Nil

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

<b>'Strategic Community Plan 2018-2028'.</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.
Improved long term planning and strategic management.	4.5.2. Maintain links with bodies such as MWDC.
Working in partnership with all community, government and corporate stakeholders.	4.5.2 Continued involvement with Government and corporate stakeholders such as the Regional Road Group.
To be strong advocates representing the community's interest	4.6.1. Continue to lobby government and corporate entities to ensure adequate services and facilities are available for the community.



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

<b>'Corporate Business Plan 2020 – 2024'.</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Aligned to the CSP objectives	

<b>COUNCIL DECISION</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Lane</b> <b><u>SECONDED:</u> Cr. Connaughton</b></p> <p>That Standing Orders Section 18.2 be suspended at 5.12pm to enable Shire President to explain the matter in full with Council.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 7/0</b></p>

<b>COUNCIL DECISION</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Lane</b> <b><u>SECONDED:</u> Cr. Eva</b></p> <p>That Standing Orders Section 18.2 be resumed at 5.15pm</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 7/0</b></p>

**Voting Requirements:**  
Absolute Majority

**Officer's Recommendation:**

<b>071/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION</b>	<b>10.2</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Connaughton</b> <b><u>SECONDED:</u> Cr. Eva</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Revoke the Council decision 20 November 2019, report 9.2. "Appoint Representative to External Committees".</li> <li>2. Authorise the appointment of Councillors as representatives to the Shire of Three Springs external committees. <ul style="list-style-type: none"> <li><b>A. WALGA Conference Delegates</b> <ul style="list-style-type: none"> <li>• Cr. Lane</li> <li>• Proxy Cr. Connaughton</li> </ul> </li> <li><b>B. Northern Country Zone of WALGA</b></li> </ul> </li> </ol>	

- Cr. Lane
- Proxy Cr. Connaughton

**C. *Wildflower Country Inc Committee***

- Cr. Mutter
- Proxy Cr. Ennor

**D. *MRWA Regional Road Group***

- Cr. Connaughton
- Proxy Cr. Mills

**E. *Three Springs LEMC***

- Cr. Heal
- Proxy Cr. Eva

**F. *Development Assessment Panel***

- Cr. Connaughton
- Cr. Ennor

**CARRIED:  
VOTED: 7/0**

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.3. Appoint Representative to Internal Committee's</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Chief Executive Officer, Keith Woodward
Attachment (s):	

### 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.

### Report Purpose:

That Council:

1. Revoke the Council decision 20 November 2019, report 9.1. *"Appoint Representative to Internal Committees"*.
2. Authorise the appointment of Councillors as representatives to Internal Committees.

### Background:

The Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

### Officer's Comment:

- In November or December 2020 a new committee report will be presented to Council. This will involve the establishment of a Council Committee associated with the *'Three Springs Agriculture Catchment Group'*. This committee will include three Councillors, Shire employees and other persons (farmers).
- The CEO recommends that all Councillors be appointed to the internal Audit Committee.
- Note: At the September 2020 Council meeting the *'Internal'* Chief Executive Officer Performance and Salary Review Committee was appointed.



**Consultation:**

Nil

**Statutory Environment:**

All Committees are established under provisions of Subdivision 2 – Committees and their meetings s 5.8 to 5.18 of the *Local Government Act 1995*.

The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the council. In accordance with s.5.9(2) of the members a committee is to comprise of:

*5.9. Committees, types of*

- (2) *A committee is to comprise —*
- (a) council members only; or*
  - (b) council members and employees; or*
  - (c) council members, employees and other persons; or*
  - (d) council members and other persons; or*
  - (e) employees and other persons; or*
  - (f) other persons only.*

**Policy Implications:**

Nil

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

<b>'Strategic Community Plan 2018-2028'.</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.
Improved long term planning and strategic management.	4.5.2. Maintain links with bodies such as MWDC.
Working in partnership with all community, government and corporate stakeholders.	4.5.2 Continued involvement with Government and corporate stakeholders such as the Regional Road Group.
To be strong advocates representing the community's interest	4.6.1. Continue to lobby government and corporate entities to ensure adequate services and facilities are available for the community.

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

'Corporate Business Plan 2020 – 2024'.	
Scope Statement:	Project Outputs:
Aligned to the CSP objectives	

**Voting Requirements:**

Absolute Majority

**Officer's Recommendation:**

072/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION	10.3
<p style="text-align: right;"><b><u>MOVED: Cr. Mutter</u></b> <b><u>SECONDED: Cr. Eva</u></b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Revoke the Council decision 20 November 2019, report 9.1. <i>"Appoint Representative to Internal Committees"</i>.</li> <li>2. Appoint councillors to the following Shire of Three Springs internal Audit Committee.   Cr. Lane  Cr. Connaughton  Cr. Heal  Cr. Mutter  Cr. Mills  Cr. Ennor  Cr. Eva</li> <li>3. Appoint Councillors to the following Shire of Three Springs Community Fund Assessment Committee.   Cr. Eva  Cr. Ennor  CEO</li> </ol> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 7/0</b></p>	

## 10. REPORTS OF OFFICERS

Executive Services	
<b>10.4. Christmas Shutdown</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Chief Executive Officer, Keith Woodward
Attachment (s):	

### 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 consider closing the various Shire departments during the Christmas period.

### Background:

1. In previous years Council has resolved to close the Shire Office and depot over the Christmas New Year period. Shire staff will take annual or accumulated leave for the days on which the office/depot is closed.
2. Generally, the town is very quiet at that time of the year and previously it does not seem to have been inconvenient to the general public to have the office and depot closed.
3. Therefore, the office and depot will be closed from 2.00pm Wednesday 23/12/20 and reopen again on Monday, 4 January 2021.



**Officer's Comment:**

The following table shows the specific dates Shire departments will be closed during the Christmas period:

Department	Closed	Open
Shire Administration Office	2.00pm Wednesday 23/12/20	Monday 04/01/21
Library	2.00pm Wednesday 23/12/20	Monday 04/01/21
Swimming Pool	Closed Christmas day and Boxing Day	
Tip	Open	
Depot	2.00pm Wednesday 23/12/20	Tuesday 05/01/21
<i>(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck who will operate as normal on all public holidays)</i>		

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial/Resources Implications:**

Nil

**Strategic Implications:**

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

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

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

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

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

<b>073/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION</b>	<b>10.4</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Connaughton</b> <b><u>SECONDED:</u> Cr. Mills</b></p> <p>That Council approve the shutdown period from 2.00pm Wednesday 23/12/20 returning to work on Monday 4/1/2021 and the Depot Staff returning to work on Tuesday 05/01/2021.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 7/0</b></p>	

## 10. REPORTS OF OFFICERS

Works and Services	
<b>10.5 Capital Works Progress Update 2020-2021</b>	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0155
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Manager of Works and Services, Marc Bennett
Attachment (s):	Maintenance Grading Map September 2020

### Council Role:

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

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### Report Purpose:

That Council accept the Capital Works Report for September 2020.

### Background:

This report provides Council with the 2020-2021 Capital Works progress update.

### Officers Comment:

Program	Budget	Actual	Delivery Time Frame
<b>Roads</b>			
Morawa Road Re-Seal/shoulders	\$369,688		Aug - Dec 2020
Sheppard Road Re-Sheet	\$131,828		Apr - May 2021
Neburu Road Re-Sheet	\$131,828		Feb - Mar 2021
Hydraulic Road Re-Sheet	\$131,828		Mar - Apr 2021
Arrino West Second Coat	\$102,000		Dec 2020
Neburu Road Second Coat	\$100,575		Dec 2020
Walter Street Re-Seal	\$ 28,025		Dec 2020



Maley Street Re-Seal	\$ 28,025		Dec 2020
<b>Plant &amp; Equipment</b>			
CEO Car	\$ 47,000	\$46,772	Aug 2020
MWS Car	\$ 49,000	\$46,140	Aug 2020
Garden Truck	\$ 60,000		Aug 2020
Ford Escape (sell)	\$ 18,000		Aug 2020
Western Star (sell)	\$ 80,000		May 2021
Holden Calais (sell)	\$ 20,000		Jan 2021
Amrok (sell)	\$ 20,000	\$28,000	Aug 2020
Fuel System	\$ 15,000		Sept 2020
Mitsubishi Canter (sell)	\$ 5,000		Sept 2020
Truck Body (sell)	\$ 6,000	\$13,350	Aug 2020
<b>Infrastructure</b>			
Footpath Slaughter Street	\$ 62,750		Sept - Oct 2020
Kerb & Drainage	\$ 54,356		Sept - June 2021
Skate Park	\$ 10,000		Feb - Mar 2021
<b>Building</b>			
Housing	\$ 80,800		Jan - June 2021
Building	\$ 25,000		Jan - June 2021
Work Shop Extension	\$ 45,000		Aug - Dec 2020
Foreman's Office (demolition)	\$ 10,000		Dec 2020
Building Signs	\$ 28,895		Jan - Jun 2021
Duffys Store	\$ 10,000		Jan - Mar 2021
<b>Furniture &amp; Equipment</b>			
Pool Sand filter	\$ 50,000		Sept 2020
<b>Drought Funding</b>			
New Gym	\$180,000		Oct - Dec 2020
Sports Club Air Con	\$ 30,000		Oct 2020
ECLC Solar	\$ 25,000		Oct 2020
Pool Lights	\$ 40,000		Nov 2020
Main Street Revitalisation	\$479,104		Oct - Dec 2020
Lovelock	\$100,000		May - Jun 2021
Dominican Park	\$ 55,000		Oct - Dec 2020

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Purchasing Policy 3007.1

**Financial/Resources Implications:**

Shire of Three Springs Adopted Budget 2020-2021

**Strategic Implications:**

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

<b>'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Nil	Nil



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

<b>'Corporate Business Plan 2020 – 2024'. Governance/Leadership</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Provide and maintain good quality tourism infrastructure and facilities.	Maintain and enhance attractions in line with asset plan.
Continue to implement the main street revitalisation plan.	Reactivate the development strategy.
Investigate options for water harvesting	Support and encourage best practice water utilisation management.

**Voting Requirements:**  
Simple Majority.

**Officer's Recommendation:**

<b>074/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION</b>	<b>10.5</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Heal</b> <b><u>SECONDED:</u> Cr. Connaughton</b></p> <p>That Council accept the Capital Works Report for September 2020.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 7/0</b></p>	

## 10. REPORTS OF OFFICERS

Works and Services	
<b>10.6 Tender 2020/21-1 Wet and Dry Hire of Plant and Equipment</b>	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0349
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Manager of Works and Services, Marc Bennett
Attachment (s):	CONFIDENTIAL – Evaluation Report RFT 2020/21-1

### Council Role:

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

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### Report Purpose:

This report recommends that '*Tender RFT2020/21-1 Wet and Dry Hire Plant and Equipment*' be awarded as per the recommendation in the Confidential Evaluation Report.

### Background:

The intent of this tender is to supply wet, dry hire plant and equipment to supplement the Council's own construction work force.

The tender was advertised in the West Australian Newspaper on Saturday 5 September 2020. By the close of tender at 4.00pm Tuesday 22 September 2020 the Shire received tender submissions from the following companies:

1. Dudawa Haulage
2. Breakaway Earthmoving
3. Brooks Hire
4. Thurkle's Earth Moving

**Officers Comment:**

The evaluation process complied with the tender Evaluation Criteria and the Shire's Purchasing Policy.

**Consultation:**

The tenders were assessed by the Shire's Chief Executive Officer, the Deputy Chief Executive Officer and the Manager of Works and Services.

**Statutory Environment:**

Local Government Act 1995, Part 3, Division 3 s. 3.57.

Local Government (Function and General) Regulation 1996, Part 4, Division 5, r.11 to 24G.

Regulation 18 (4) of the Local Government (Functions and General) Regulations states:

*"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."*

All tenders were evaluated against the selection criteria by which each tender is assigned a score based on the tenderers capacity to meet the tender objectives.

The Contract will be awarded to a Tenderer who best demonstrates the ability to carry out the required service at a competitive price. The tendered prices were assessed via qualitative and compliance criteria to determine the most advantageous outcome to Council.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

**Policy Implications:**

Purchasing Policy 05

**Financial/Resources Implications:**

Shire of Three Springs Adopted Budget 2020-2021

**Strategic Implications:**

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

<b>'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Nil	Nil

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

<b>'Corporate Business Plan 2020 – 2024'. Governance/Leadership</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>



Nil	Nil
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**Voting Requirements:**

Absolute Majority.

**Officer's Recommendation:**

075/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION	10.6
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Connaughton</b> <b><u>SECONDED:</u> Cr. Eva</b></p> <p>That Council award Tender RFT 2020/21-1 Wet and Dry Hire of Plant and Equipment Tender to:</p> <p><b>Company: Dudawa Haulage</b></p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED: 7/0</b></p> <p><b>Note:</b> <i>Cr. Mills</i> declared a Financial Interest - trivial and insignificant, he remained in the meeting and voted.</p> <p><i>Cr. Ennor</i> declared an Impartiality interest and remained in the meeting and voted.</p> <p>The following Councillors declared an Impartiality interest i.e. friendship and remained in the meeting and voted:</p> <p><i>Cr. Lane</i> <i>Cr. Connaughton</i> <i>Cr. Mutter</i> <i>Cr. Eva</i> <i>Cr. Heal</i></p>	

## 10. REPORTS OF OFFICERS

Works and Services	
<b>10.7 Award Tender 2020/21-2 SUPPLY &amp; LAYING OF BITUMEN</b>	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0349
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Manager of Works and Services
Attachment (s):	CONFIDENTIAL – Evaluation Report RFT 2020/21-2

### Council Role:

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

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### Report Purpose:

This report recommends that “*Tender RFT2020/21-2 for the Supply and Laying of Bitumen*” be awarded as per the recommendation in the WALGA Panel Evaluation Report.

### Background:

Local Government can acquire bitumen services through the WALGA Preferred Supply Panel. The Shire used this system to obtain tender rates for the Shire's 2020/21 bitumen seal program.

Resurfacing or resealing roads is part of the Council's asset preservation program which is funded by the Federal Governments Roads to Recovery Program, Regional Road Group Program and council funds. The preservation goal is to improve and restore the road surface and to prevent water ingress into the road foundation.

Bitumen seal hardens with age, cracks, loses stone and under such conditions progressively allows water into the road foundation. Bitumen spray seals provide a cost effective flexible layer over existing road surfaces or new foundations. This

treatment involves spraying hot bitumen over the existing surface, quickly tipping a layer of stone on top and rolling the stone into the bitumen.

Bitumen based treatments are also known as flexible pavements because they can move and spring back under stress without cracking. This is essential to prevent traffic damage, to stop water undermining the road foundation and to provide a long road life. If the bitumen maintenance practice does not preserve the road foundation, then the road will slowly deteriorate until it has to be completely rehabilitated or reverts back to an unsealed road.

The tender was advertised via the WALGA Preferred Supply Panel on Friday 18 September 2020. By the close of tender at 12.00pm Tuesday 06 October 2020 the Shire received tender submissions from the following companies:

1. Boral
2. Bitutek
3. Downer

**Officers Comment:**

Local Government can purchase bitumen services through the WALGA Preferred Supply Panel. This acquisition process is permitted in the *Local Government Act 1995* (Functions and General) Regulation (s.3.57) "(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA". Under the *Local Government (Functions and General) Regulations*, a tender exemption applies to WALGA's Preferred Supplier Contracts.

**WALGA Preferred Supplier Program**

- The WALGA preferred Supplier Program complies with the *Local Government Regulation 1996 (Function and General)*.
- Purchasing through WALGA means that you do not have to tender. A tender exemption applies to all of our Preferred Supplier Contracts. This saves on time, money and risks associated with tendering.
- All of the WALGA contract/tender suppliers are established by procurement specialists using a rigorous public and compliant market process. WALGA preferred suppliers are pre-qualified to provide Members with the safeguard of a quality-assured process, legal compliance, probity, risk mitigation and security of supply.

The Shire asked four companies to tender with three tender submissions received via the WALGA Preferred Supplier Program.

**Consultation:**

The tenders were assessed by WALGA.

**Statutory Environment:**

Local Government Act 1995, Part 3, Division 3 s. 3.57.

Local Government (Function and General) Regulation 1996, Part 4, Division 5, r.11 to 24G.

**Policy Implications:**

Purchasing Policy 05

**Financial/Resources Implications:**



**Strategic Implications:**

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

<b>'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership</b>	
<b>Council Objectives:</b>	<b>Outcome:</b>
Nil	Nil

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

<b>'Corporate Business Plan 2020 – 2024'. Governance/Leadership</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Absolute Majority.

**Officer's Recommendation:**

<b>076/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION</b>	<b>10.7</b>
<div style="text-align: right;"><b><u>MOVED: Cr. Ennor</u></b> <b><u>SECONDED: Cr. Connaughton</u></b></div> <p>That Council:</p> <ol style="list-style-type: none"><li>Award "Tender RFT2020/21-2 for the Supply and Laying of Bitumen" to: <b>Company: Boral</b></li><li>Should negotiations with the preferred tenderer not progress, the Chief Executive Officer is authorised to award the second ranked Tenderer, as per the Confidential Evaluation Report – RFT 2020/21-2, subject to the same stipulated agreement of terms. <b>Company: Downer</b></li></ol> <div style="text-align: right;"><b>CARRIED:</b> <b>VOTED:7/0</b></div>	

<b>Corporate Services</b>	
<b>10.8. Financial Statement for Period Ending 30 September 2020</b>	
Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Deputy Chief Executive Officer
Attachment (s):	10.8 - Financial Report September 2020

**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 30 September 2020.

**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:**

Refer 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 complied on variances greater than the materiality threshold adopted by the council of \$10,000 or 10% whichever is greater. 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*
- (c) *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*
- (e) *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*
- (c) *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*
- (c) *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 is \$4,306,859. Total cash is made up of Unrestricted cash \$2,444,587 and Restricted cash \$1,862,272 backed by various reserves.

Rates notices for 2020-2021 were issued in August 2020. Rates Debtors as at end of September 2020 \$720,473. 67.6% of rates paid by end of September 2020 – Over 60% of rates collected in Sept 2020. Second Instalment is due on 16 November 2020.

**Strategic Implications:**

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

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

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

<b>'Corporate Business Plan 2020 – 2024'.</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

<b>077/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION</b>	<b>10.8</b>
<p style="text-align: right;"><b><u>MOVED:</u> Cr. Eva</b> <b><u>SECONDED:</u> Cr. Connaughton</b></p> <p>That Council accepts the monthly financial report for the period ending 30 September 2020.</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED:7/0</b></p>	

## 10. REPORTS OF OFFICERS

Corporate Services	
<b>10.9 Accounts for Payments 30 September 2020</b>	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	2 <sup>nd</sup> October 2020
Author:	Finance and Payroll Officer
Attachment (s):	Lists of creditors paid as at 30 September, 2020 is attached at 10.9

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### Council Role:

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

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### Report Purpose:

That Council accepts 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 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 2020-2021.

**Strategic Implications:**

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

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

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

<b>'Corporate Business Plan 2020– 2024'.</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Nil	Nil

**Voting Requirements:**

Simple Majority.

**Officer's Recommendation:**

<b>078/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION</b>	<b>10.9</b>
<p style="text-align: right;"><b><u>MOVED: Cr. Mutter</u></b> <b><u>SECONDED: Cr. Heal</u></b></p> <p>That Council accepts:</p> <ol style="list-style-type: none"> <li>1. The accounts for payment as presented for September, 2020 from the Municipal Fund totalling \$343,445.25. Represented by Electronic Fund Transfers No's 16393 – 16489, Cheque No 11615 - 11616 and Direct Debits 12502.01 – 12554.1.</li> <li>2. Licensing Fund totalling \$14,571.65. Represented by EFT No 16490.</li> </ol> <p>Total Payments for September 2020 \$358,016.90</p> <p style="text-align: right;"><b>CARRIED:</b> <b>VOTED:7/0</b></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 18 November 2020 at 5pm.

**16. CONFIDENTIAL ITEMS**

Nil

**17. MEETING CLOSURE**

There being no further business the Presiding Officer closed the meeting at 5.25pm.

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

Signed:  \_\_\_\_\_

Presiding Officer  
Date: 18 November 2020

