



MINUTES OF
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
20 NOVEMBER 2019



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.

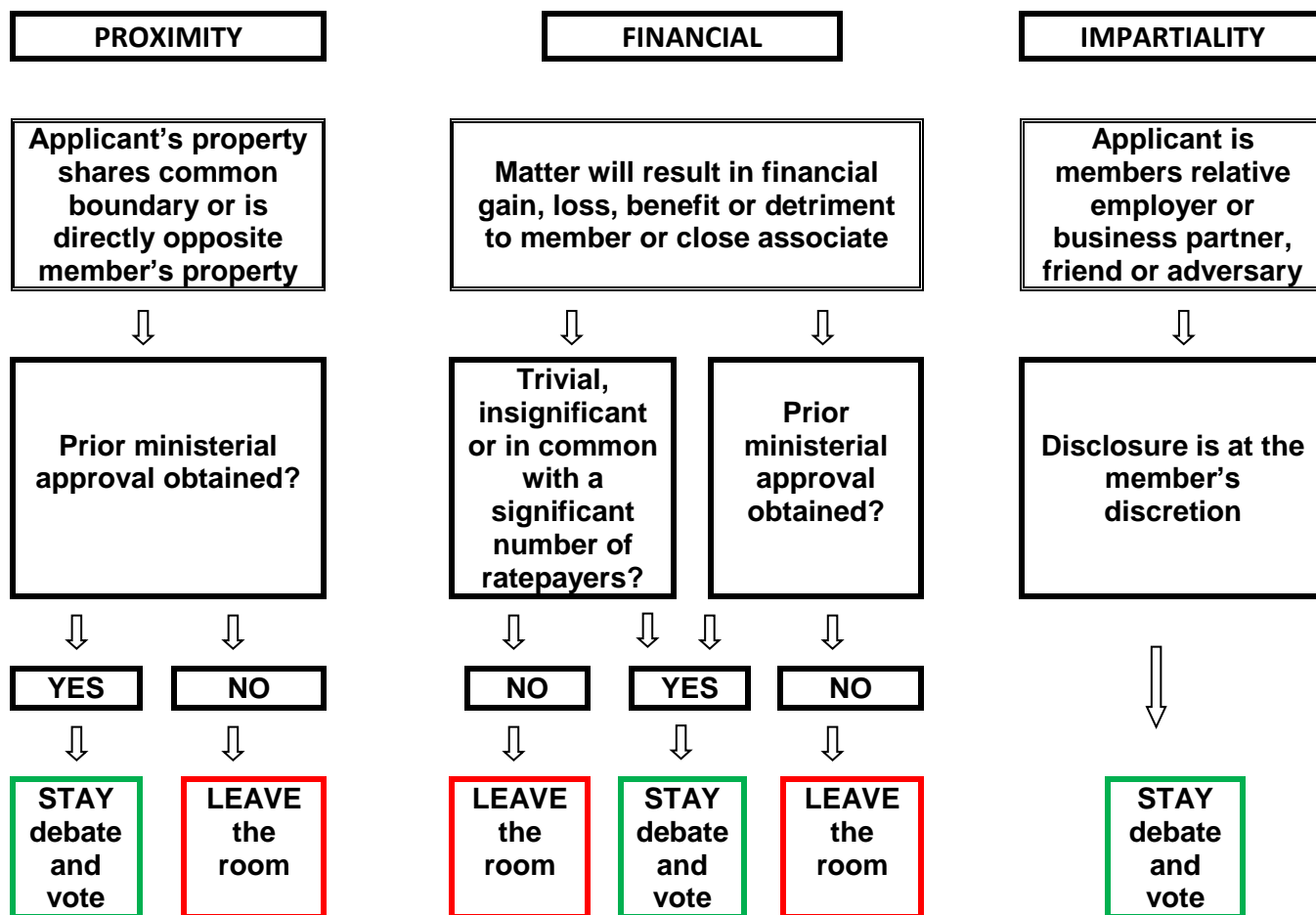
OFFICE USE ONLY

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.....	5
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	5
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
4. PUBLIC QUESTION TIME	5
5. APPLICATIONS FOR LEAVE OF ABSENCE	5
6. CONFIRMATION OF PREVIOUS MEETING MINUTES.....	5
6.1 Confirmation of Minutes of Ordinary Meeting held	16 October 2019
6.2 Confirmation of Minutes of Special Council Meeting held	7 November 2019
7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....	5
8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	6
8.1 Presentation from Beach Petroleum	
8.2 Presentation North Midland Project	
9. REPORTS OF OFFICERS	8
9.1 Appoint Representatives to Internal Committee	
9.2 Appoint Representatives to External Committees	
9.3 Ordinary Council Meeting Dates 2020	
9.4 Good Governance in Practice	
9.5 Proposed Extractive Industry Renewal	
9.6 Three Springs Community Action Group	
9.7 Financial Statements for Month Ending	
9.8 Accounts for Payment	
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	47
11. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	48
11.1. ELECTED MEMBERS	48
12. QUESTIONS BY MEMBERS WITHOUT NOTICE.....	48
13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	48
14. TIME AND DATE OF NEXT MEETING	48
15. CONFIDENTIAL ITEMS	48
16. MEETING CLOSURE.....	48

**MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 20 NOVEMBER 2019**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 2.17pm

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

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane	Present		
Councillor Connaughton	Present		
Councillor Heal	Present		
Councillor Mutter	Present		
Councillor Mills	Present		
Councillor Ennor	Present		
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Manager Works	Present		
Minutes Clerk	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. Heal	December	Cr. Lane	Cr. Mutter	7	11/12/19
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	Confirmation of Minutes of Ordinary Meeting held:	16 October 2019	Cr. Connaughton	Cr. Heal	7
6.2	Confirmation of Minutes of Special Council Meeting held:	7 November 2019	Cr. Ennor	Cr. Heal	7

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

24/10/2019 President Cr Lane attended Wildflower Country Meeting

07/11/2019 President Cr Lane attended Special Council Meeting

11/11/2019 President Cr Lane attended Remembrance Day at Three Springs Primary School

24/10/2019 Cr Mutter attended Wildflower Country Meeting

07/11/2019 Cr Mutter attended Special Council Meeting

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

8.1	Presentation	Beach Petroleum
8.2	Presentation	North Midlands Project

9. REPORTS OF OFFICERS

Executive Services	
9.1 Appoint Representative to Internal Committee's	
Agenda Reference:	201101
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0329
Disclosure of Interest:	Nil
Date:	11 November 2019
Author:	Chief Executive Officer-Keth Woodward
Attachment (s):	Government of Western Australia, Department of Local Government and Communities, Local Government Operational Guideline "Number 09-Revised September 2013 Audit in Local Government-The appointment, function and responsibility of Audit Committees".

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 Council decision 9.2.1 Council Appointments from the Ordinary Council meeting held 15 November 2017.
2. Authorise the appointment of Councillors as representatives to the Shire of Three Springs internal Audit committee.

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.

Previously Council passed the following resolution at the Ordinary Council Meeting held on the 15 November 2017, Council Decision 140291.

140291 COUNCIL RESOLUTION – Item 9.2.1

MOVED: Cr Thomas

SECONDED: Cr Lake

That Council appoints the following representatives:-

a) Northern Country Zone of WALGA: Cr Lane and Cr Connaughton

b) WALGA Conference Delegates: Cr Lane and Cr Thomas

c) Wildflower Country Inc Committee: Cr Lake and Cr Mutter (Proxy)

d) North Midlands Medical Practice: All Councillors

e) MRWA Regional Road Group: Cr Connaughton and Cr Heal (Proxy)

f) Three Springs LEMC: Cr Heal and Cr Thorpe (Proxy)

g) Community Action Group: Cr Mutter and Cr Lane (Proxy)

h) Shire of Three Springs Audit Committee: All Councillors

CARRIED

Voted: 7/0

Officers Comment:

The CEO recommends that all Councillors be appointed to the internal Audit Committee.

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:

Council Policy 1003 Election to Committees

Financial/Resources Implications:

Nil

Strategic Implications:

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

'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership	
Council Objectives:	Outcome:
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 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'. Governance/Leadership	
Scope Statement:	Project Outputs:
This project includes a range of key activities that will enable the Shire to be a highly professional organization providing excellence in all areas of governance, management and leadership.	Investigate new sources of revenue and income.
Continue to lobby and advocate for key government and infrastructure services, and solve community issues and act on opportunities.	Advocacy on key issues

Voting Requirements:

Absolute Majority

Officer's Recommendation:

201101 OFFICER'S RECOMMENDATION and Council Resolution: 9.1

MOVED: Cr. Mutter
SECONDED: Cr. Connaughton

That Council:

1. Revoke Council decision 9.2.1 'Council Appointments from the Ordinary Council meeting held on the 15 November 2017.
2. Appoint councillors to the following Shire of Three Springs internal Audit Committee.

A. Audit Committee

Cr. Lane
Cr. Connaughton
Cr. Heal
Cr. Mutter
Cr. Mills
Cr. Ennor
Cr. Eva

CARRIED:
Voted: 7/0

Executive Services	
9.2 Appoint Representative to External Committees	
Agenda Reference:	201102
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0329
Disclosure of Interest:	Nil
Date:	11 November 2019
Author:	Chief Executive Officer-Keth 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 Council decision 9.2.1 Council Appointments from the Ordinary Council meeting held 15 November 2017.
2. Authorise the appointment of Councillors as representatives to the Shire of Three Springs 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.

Previously Council passed the following resolution at the Ordinary Council Meeting held on the 15 November 2017, Council Decision 140291.

*140291 COUNCIL RESOLUTION – Item 9.2.1
MOVED: Cr Thomas*

SECONDED: Cr Lake

That Council appoints the following representatives:-

- a) Northern Country Zone of WALGA: Cr Lane and Cr Connaughton*
- b) WALGA Conference Delegates: Cr Lane and Cr Thomas*
- c) Wildflower Country Inc Committee: Cr Lake and Cr Mutter (Proxy)*
- d) North Midlands Medical Practice: All Councillors*
- e) MRWA Regional Road Group: Cr Connaughton and Cr Heal (Proxy)*
- f) Three Springs LEMC: Cr Heal and Cr Thorpe (Proxy)*
- g) Community Action Group: Cr Mutter and Cr Lane (Proxy)*
- h) Shire of Three Springs Audit Committee: All Councillors*

CARRIED

Voted: 7/0

Officers Comment:

Terms of Reference were possible and general committee information was emailed to Councillors.

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:

Council Policy 1003 Election to Committees

Financial/Resources Implications:

Nil

Strategic Implications:

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

'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership	
Council Objectives:	Outcome:
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 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'. Governance/Leadership	
Scope Statement:	Project Outputs:
This project includes a range of key activities that will enable the Shire to be a highly professional organization providing excellence in all areas of governance, management and leadership.	Investigate new sources of revenue and income.
Continue to lobby and advocate for key government and infrastructure services, and solve community issues and act on opportunities.	Advocacy on key issues

Voting Requirements:

Absolute Majority

Officer's Recommendation:

201102 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION: 9.2

MOVED: Cr. Mutter
SECONDED: Cr. Eva

That Council:

1. Revoke Council decision 9.2.1 Council Appointments from the Ordinary Council meeting held 15 November 2017.
2. Authorise the appointment of Councillors as representatives to the Shire of Three Springs external committees.

A. WALGA Conference Delegates

- Cr. Lane
- Proxy Cr. Connaughton

B. Northern Country Zone of WALGA

- Cr. Lane
- Proxy Cr. Mutter

C. *Wildflower Country Inc Committee*

- Cr. Mutter
- Proxy Cr. Ennor

D. *North Midlands Medical Practice-All*

- Cr. Lane
- Cr. Connaughton
- Cr. Heal
- Cr. Mutter
- Cr. Mills
- Cr. Ennor
- Cr. Eva

E. *MRWA Regional Road Group -*

- Cr. Connaughton
- Proxy Cr. Mills

F. *Three Springs LEMC*

- Cr. Heal
- Proxy Cr. Ennor

G. *Development Assessment Panel*

- Cr. Connaughton
- Cr. Ennor

CARRIED:
Voted: 7/0

Executive Services	
9.3 Ordinary Council Meeting Dates 2020	
Agenda Reference:	201103
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM206
Disclosure of Interest:	Nil
Date:	11 November 2019
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 the proposed Ordinary Council Meeting dates and starting times for 2020.

Background:

The proposed meeting dates for 2020, being the third Wednesday of the month (except February and December when it will be held on the second Wednesday) commencing at 4.00pm are as follows:

There will be no Ordinary Council meeting in January 2020:

- 12 February
- 18 March
- 15 April
- 20 May
- 17 June
- 15 July
- 19 August
- 16 September
- 21 October

- 18 November
- 9 December

Council are required to give local public notice of the proposed dates as per Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

Officers Comment:

Nil

Consultation:

Nil

Statutory Environment:

Local Government (Administration) Regulations 1996

12. *Meetings, public notice of (Act s. 5.25(1)(g))*

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
- are to be held in the next 12 months.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

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

'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership	
Council Objectives:	Outcome:
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.
Working in partnership with all community, government and corporate stakeholders	4.3.2. Ensure compliance with all relevant legislation.
To be strong advocates representing the community's interest	

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'. Governance/Leadership	
Scope Statement:	Project Outputs:
Continue to lobby and advocate for key government and infrastructure services, and solve community issues and act on opportunities.	Advocacy on key issues

Voting Requirements:

Simple Majority

Officer's Recommendation:

201103 COUNCIL RESOLUTION and OFFICER'S RECOMMENDATION: Item 9.3

MOVED: Cr. Mutter
SECONDED: Cr. Heal

That Council:

That Council ENDORSE the following dates for Ordinary Council meetings for 2020 commencing at 4.00pm:

- 12 February
- 18 March
- 15 April
- 20 May
- 17 June
- 15 July
- 19 August
- 16 September
- 21 October
- 18 November
- 9 December

CARRIED:
Voted: 7/0

Executive Services	
9.4 Good Governance in Practice	
Agenda Reference:	201104
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0329
Disclosure of Interest:	Nil
Date:	11 November 2019
Author:	Chief Executive Officer-Keth Woodward
Attachment (s):	Compliance Calenders

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:

The Council approves the Chief Executive Officer reporting monthly regarding the Shire's legislative compliance via 'the Compliance Calendar system'.

Background:

Local Governments are required to fulfil duties and functions prescribed in legislation and the community and State Government rightly expect that Local Governments will fulfil them.

This expectation is prescribed in the *Local Government Act 1995* through the CEO duties which require the management of legislative compliance:

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.

Recent changes to the Local Government Act 1995, will see the Auditor General undertake the financial and performance audits for all Local Governments. Local Governments can prepare for this by ensuring that operational activities and processes support legislative compliance.

Implementing a Compliance Calendar provides a systemic approach to managing compliance.

The Compliance Calendar process initiates compliance work via reminders and creates auditable records for how compliance has been achieved. A Compliance Calendar process can contribute to improved compliance outcomes and reduced risk.

Officers Comment:

Nil

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 the Council policy and legislation reducing the organisation's risk.

Financial/Resources Implications:

Nil

Strategic Implications:

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

‘Strategic Community Plan 2018-2028’. Foundation 4: Civic Leadership	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

Voting Requirements:

Simple Majority

Officer’s Recommendation:

201104 COUNCIL RESOLUTION and OFFICER’S RECOMMENDATION: 9.4
<p style="text-align: right;"><u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Connaughton</p> <p>That Council:</p> <p>Approves the Chief Executive Officer formally reporting on a monthly basis a regarding the Shire’s legislative compliance via ‘the Compliance Calendar system’.</p> <p style="text-align: right;"><u>CARRIED:</u> <u>Voted: 7/0</u></p>

Executive Services	
9.5 Proposed Extractive Industry Renewal	
Agenda Reference:	TP 11/19-01
Location/Address:	Lot 10213 Skipper Road, Arrowsmith East
Name of Applicant:	C & R Patmore
File Reference:	ADM0168
Disclosure of Interest:	Nil
Date:	4 November 2019
Author:	Shire of Three Springs Chief Executive Officer Keith Woodward Shire of Chapman Valley, DCEO/Planning Advisor Shire of Chapman Valley Simon Lancaster
Attachment (s):	9.1.1 Application

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 type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, local planning schemes and policies. |
| <input type="checkbox"/> | Review | When Council reviews decisions made by Officers. |
| <input checked="" 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). |

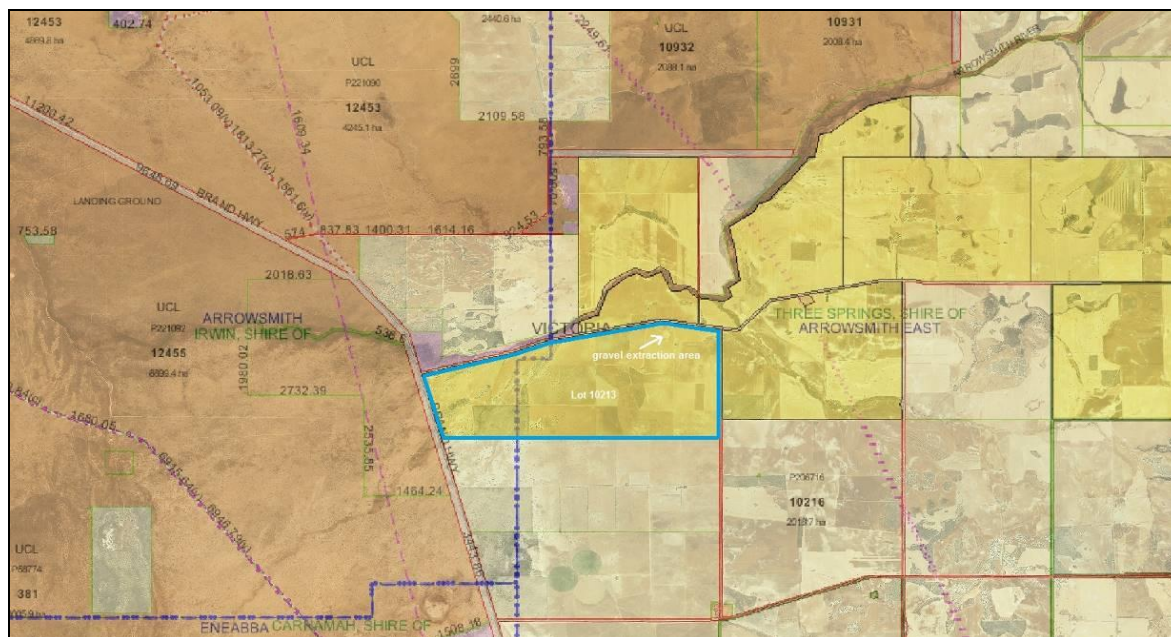
Report Purpose:

Council is in receipt of an application seeking to continue the Extractive Industry (Gravel) upon Lot 10213 Skipper Road, Arrowsmith East. The operation was first approved by Council at its 18 May 2011 meeting and approval has been periodically renewed since this time. This report recommends that Council grant conditional approval to the application for a further period of 5 years

Background:

Lot 10213 is a 1,819.5ha farming property located on the eastern side of Brand Highway and the southern side of Skipper Road. The entrance to the gravel pit fronts Skipper Road and is located approximately 6km east of the Brand Highway intersection.

Figure 9.1.1(a) – Location Plan of Lot 10213 Skipper Road, Arrowsmith East



The Extractive Industry is located upon a previously cleared portion of Lot 10213, away from areas of remnant vegetation or watercourses, and was approved by Council at its 18 May 2011 meeting, with condition that the approval was for 12 months and for the extraction of 6,000m³ of gravel.

On 31 October 2011 the landowner applied to extend the gravel extraction operation to 50,000m³ and this was approved by the Shire.

The applicant received periodic subsequent extensions of approval with 2015 correspondence from the carting contractor (Dudawa Haulage) estimating gravel extraction to have been 25,000m³ in the period 2011-2015, with potential for up to 10,000m³ annually in future years dependant upon demand (typically Main Roads WA or Shire projects).

The applicant applied to continue the Extractive Industry (Gravel) on 5 September 2019 advising that:

"I would like to renew our Extractive Industry approval which has expired. Please find attached map from Google Earth dated 13-8-2018 and is still current. No further expansions are planned at this stage. However if gravel requirements demand further expansion, it would be approx. 100m to the South. The gravel is mainly used on-farm, for Shire use and for Main Roads requirements. Rehabilitation has already been done to old areas to the extent possible without hindering operations. The nearest dwelling (other than our own) is 3.2km away, to the North East and is not affected by the operations."

Background information to the application has been provided as **Attachment 9.1.1**.

Figure 9.1.1(b) – Aerial Photo of Extractive Industry operation upon Lot 10213



Officers Comment:

The Environmental Protection Authority's 'Guidance for the assessment of environmental factors – separation distances between industrial and sensitive land uses' notes that dust and noise are the impacts most commonly associated with Extractive Industries (that do not involve blasting).

The EPA Guidelines do not prescribe a buffer distance for Gravel Extractive Industries, instead deeming that buffer distances should be set on a case by case basis. However, as some form of indication it is noted that the EPA Guidelines prescribe a buffer distance of 300-500m for Sand Extractive Industries (dependent upon the size of the operation).

The nearest residence to the Extractive Industry is located 150m south-east of the quarrying area but it is noted that this would not be deemed a 'third-party residence' given it is located upon the same property as the Extractive Industry. There is another residence upon Lot 10213, 800m to the south-west. The nearest 'third party residence' to the Extractive Industry is located 600m north-west of the extraction area, and is upon Lot 10204 which is owned by Viridis Ag Pty Ltd.

Figure 9.1.1(c) – Neighbouring residences to Extractive Industry



The impacts often associated with Extractive Industries, other than noise and dust impacts from the quarrying activities themselves, can relate to associated truck movements. It is noted that the Extractive Industry has operated on an intermittent, as required, basis since its commencement and it is considered likely that this would continue to be the case.

The applicant has advised that the anticipated traffic impacts associated with the Extractive Industry would be as follows:

“The maximum truck movements per day would be around 10. However there has only been a total of 16 truck movements for the entire year of 2019 and 90 for 2018. I don't anticipate any major changes in forthcoming years. This is a small scale operation.”

There are 2 access points onto Skipper Road from the Extractive Industry site, the more direct western access point, and the eastern access point which is associated with the residence. Either access point offers reasonable sightlines to vehicles, particularly from the raised elevation afforded to truck drivers, although it is considered that the eastern access point might offer the better sightlines of the two.

Figure 9.1.1(d) – View of Extractive Industry from western access point



Figure 9.1.1(e) – View facing west along Skipper Road from western access point



Figure 9.1.1(f) – View facing east along Skipper Road from western access point



Figure 9.1.1(g) – View of Extractive Industry from eastern access point



Figure 9.1.1(h) – View facing west along Skipper Road from eastern access point



Figure 9.1.1(i) – View facing east along Skipper Road from eastern access point



Consultation:

The application was advertised for comment from 16 September 2019 until 14 October 2019 with the Shire writing to all landowners within 5km of the Extractive Industry site inviting comment, and also the following government agencies and service authorities;

- ATCO Gas;
- Department of Biodiversity, Conservation & Attractions;
- Department of Fire & Emergency Services;
- Department of Mines, Industry Regulation & Safety;
- Department of Planning, Lands & Heritage;
- Department of Primary Industries & Regional Development;
- Department of Water & Environment Regulation;
- Horizon Power
- Main Roads WA;
- Telstra;
- Water Corporation;
- Western Power.

The Shire received 7 submissions, with all of these being from government agencies either offering no objection or technical comment, no objections were received.

A summary of the received comments is provided as follows (copies of the received submissions can be provided to Councillors upon request):

(Department of Biodiversity, Conservation & Attractions)

No objection

(Water Corporation)

Reticulated water or sewerage services are not available to the subject lot. This application does not appear to impact on the Water Corporation's infrastructure or operations.

(Department of Fire & Emergency Services)

It is unclear from the documentation provided if State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) has been applied to this proposal.

Exemptions from the requirements of SPP 3.7 should be applied pragmatically by the decision maker and are identified in Planning Bulletin 111/2016.

(Department of Primary Industries & Regional Development)

Recommend that biosecurity protocols are maintained for the site for a minimal biosecurity risk for the landowner, the adjoining farms and along the transport route. Ensure the rehabilitation and decommissioning measures for the site after extraction is completed so the land may support an activity of a similar nature as prior to the establishment of the extractive industry.

(Main Roads WA)

Lot 10213 abuts the Main Roads controlled Brand Highway. Skipper Road provides auxiliary

connection to the Brand Highway. It is considered that the proposal would have no detrimental impact on the level of service, amenity or safety of users of the existing Main Roads network. Accordingly, Main Roads has no objection to the proposal.

Additionally, Main Roads has identified the requirement for sealing of the intersection of Skipper Road and Brand Highway and is undertaking a review to determine the appropriate treatment.

(ATCO Gas)

ATCO does not have any gas infrastructure within this immediate area.

(Department of Water & Environment Regulation)

The proposal lacks detail regarding the length of time the quarry is proposed to operate, how dust will be managed during the operation and details regarding how toxic hazardous substance e.g. fuels and oils will be managed. The proposal does not include any information regarding how the proponent would manage a spill.

The proposal provides an approximate location for the mining site but does not provide details regarding the dimension of the new excavation site

The proposed excavation is to a depth of less than 1m as per the Shire's policy, which is unlikely to intersect the ground water in this area.

As part of this new proposal a mine closure plan should be developed, for further details regarding the information required in a mine closure plan refer to: Water Quality Protection Note WQPN 15: Basic raw material extraction and also the Mining Proposal and Mine Closure Plan for Small Mining Operations.

The proponent has identified that they will rehabilitate the existing pit however there is minimal information regarding the mine closure plan and the monitoring of this site. The mining proposal does not intersect any contaminated sites.

There are no recorded Threatened Ecological Communities on the property.

The proposal is located within the Arrowsmith, Ground Water Area. There are no groundwater licence recorded for this site, if water is required for this operation the proponent will need to contact the Department of Water and Environmental Regulation.

There are no water courses within the mining footprint and no ground water licenced bores within 5km.

Statutory Environment:

Lot 10213 Skipper Road, Arrowsmith East, is zoned 'Rural' under the Shire of Three Springs Local Planning Scheme No.2 ('the Scheme'). The western portion of Lot 10213 is also within the 'Special Control Area 2 – Strategic Mineral Resource Protection' although the Extractive Industry location is outside of this.

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

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

The gravel quarrying operation would meet with the land use definition of 'Extractive Industry' which is defined by the Scheme as follows:

“means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;*
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.”*

'Extractive Industry' is listed as an 'A' land use (i.e. a use that must be advertised prior to determination) in the 'Rural' zone.

Section 9 of the Scheme sets out the following:

“The aims of this Scheme are —

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy;*
- (b) To protect areas of agricultural significance for sustainable food production;*
- (c) To encourage economic growth in rural areas by identifying appropriate areas for more intensive and diversified use of rural land for high value products compatible with surrounding farm practices;*
- (d) To encourage processing and value adding industries to be located within the Shire, and promoting tourism;*

- (e) *To provide opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure;*
- (f) *To ensure development in rural areas is planned so as not to prejudice productive rural land uses, to protect and enhance rural landscapes and environmental values, and to ensure accessibility to services and facilities;*
- (g) *To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the local government are realised;*
- (h) *To promote and safeguard public health, safety and general welfare of the community;*
- (i) *To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and*
- (j) *To protect the character of significant landscapes as part of the environmental heritage and sense of place and as a resource for tourism.”*

Policy Implications:

Council adopted its Extractive Industry Local Planning Policy at its 18 May 2011 meeting. The Policy Statement for which is as follows:

- “1 The extraction of basic raw materials to a depth of 1m or less to be used for improvements the same farming property or for municipal purposes, including the building of roads, is exempt from obtaining planning consent.*
- 2 Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, lightspill, odour, visual intrusion or contamination.*
- 3 No extractive industry will be approved until such time as Council has received advice from the Indigenous Affairs Department and Department of Environment and Conservation in relation to heritage and flora and fauna issues respectively. An extractive industry will not be approved if there are substantiated objections from either of these agencies.*
- 4 An application for an extractive industry will not be favourably considered by Council unless the following information has been submitted with the application for planning consent form:*
 - A surveyed plan of the site showing the proposed area of extraction in relation to topographical features, area of remnant vegetation, existing and proposed access and internal roads, existing buildings, proposed stockpile area and setback distances from property boundaries;*
 - A cross section of the proposed extraction area showing the depth of extraction, height and battering of the pit walls and face, and access ramp/area;*

- *A rehabilitation plan for the area of extraction prepared in accordance with DEC guidelines showing the re-contouring of the land and areas of re-planting.*
 - *Written submission detailing the type and quantity of material to be mined, stages of extraction (if applicable), depth of extraction, life expectancy of the resource, specific hours of operation; number of vehicular movements per week and machinery to be used.*
- 5 *Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.*
- 6 *Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.*
- 7 *Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50m of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled.*
- 8 *Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.*
- 9 *The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1km from the closest neighbouring residence upon which the Council may entertain extended operating times:*
- *Monday to Saturday - 7:00am to 6:00pm;*
 - *Sundays and Public Holidays - no operations.*
- 10 *The Extractive industry will generally be approved for a 1 year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis. For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.*
- 11 *Should there be any conflict between this Policy and the Shire of Three Springs Town Planning Scheme, the Town Planning Scheme shall prevail."*

Financial/Resources Implications:

Nil

Strategic Implications:

Section 3.3.5 of the Shire of Mingenew Local Planning Strategy notes the following strategies of relevance to this application:

“To support the extraction of basic raw materials in areas that are suitable in terms of existing land use and environmental considerations.

To ensure appropriate buffer distances between inappropriate and incompatible development and existing or future basic raw materials sites.

To ensure that mining transport routes are appropriately maintained to a safe and responsible standard.”

The Shire of Three Springs Strategic Community Plan 2018-2028 identifies the objective of *“maintain and improve road conditions to create safer roads”* and access to gravel is vital in achieving this. The Strategic Community Plan also lists the following strategy:

Ref	Strategy	Still Relevant	Priority	Timeframe
2.6.3	Effectively manage the acquisition of gravel and rehabilitation of gravel pits.	Yes	Medium	Ongoing

Voting Requirements:

Simple Majority

Officer’s Recommendation:

201105 COUNCIL RESOLUTION and OFFICER’S RECOMMENDATION: 9.5	
<p style="text-align: right;"><u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Mills</p> <p>That Council:</p> <p>Grant renewal of the planning approval for the Extractive Industry (Gravel) upon Lot 10213 Skipper Road, Arrowsmith East subject to the following conditions:</p> <ol style="list-style-type: none"> 1 Development shall be in accordance with the attached approved plan(s) dated 20 November 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government. 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition. 3 The approval is valid for a period of 5 years (until 20 November 2024) after 	

which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.

- 4 Vehicle access points into the property shall be to the satisfaction of the local government.
- 5 Repairing of any damage to Skipper Road including the surface is required by reason of use of the road in connection with the development to the approval of the local government with all costs met by the landowner.
- 6 The landowner is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
- 7 The activities upon Lot 10213 shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.
- 8 No blasting of material is permitted as part of extraction operations.
- 9 The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:
 - Monday to Saturday - 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- 10 The development must comply with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection Act 1986* in respect to noise emissions and should noise or dust monitoring be required in relation to the extractive operations as they take place upon Lot 10213, all costs shall be met by the landowner.
- 11 The landowner must undertake post-closure rehabilitation of the development to the approval of the local government, and post-closure obligations shall have regard for the following documents to ensure that the rehabilitation of the Extractive Industry site improves the visual and conservation values of the landscape:
 - Department of Planning Lands & Heritage's 'Visual Landscape Planning in Western Australia';
 - Department of Mines, Industry Regulations & Safety's 'Mining Proposal and Mine Closure Plan for Small Mining Operations; &
 - Department of Water & Environment Regulation's 'Water Quality Protection Note WQPN 15: Basic raw material extraction'.
- 12 Post closure requirements shall become applicable upon the earlier of the following events:
 - acknowledgement by the landowner that extractive activities are completed; or
 - the approval period for the development having expired.

Notes:

- (i) In relation to condition 4 the local government may, in the event of safety concern, require the landowner to undertake works including (but not

necessarily limited to) the following, with all costs met by the landowner:

- installation of Advanced Warning and Trucks Entering signage along Skipper Road;
 - upgrading works to, or relocation of, the access point.
- (ii) In relation to condition 7 the local government may, in the event of complaint being received give direction for landscaping to be installed and maintained, and this shall be undertaken by the landowner at their expense, to the approval of the local government.
- (iii) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, or compliance, that may be required under separate legislation including but not limited to the following where required, *Environmental Protection Act 1986* and the *Mines Safety and Inspection Act 1994*. It is the landowner's responsibility to obtain any additional approvals required before the development lawfully commences.
- (iv) The Department of Water & Environment Regulation have advised that the proposal is located within the Arrowsmith groundwater area, and if groundwater is required for the Extractive Industry operation the landowner will need to contact the Department's licensing section.
- (v) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

CARRIED:
Voted: 7/0

Executive Services	
9.6 Three Springs Community Action Group	
Agenda Reference:	201106
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0328
Disclosure of Interest:	Nil
Date:	11 November 2019
Author:	Chief Executive Officer-Keth Woodward
Attachment (s):	Correspondence from the Three Springs Community Action Group.

Council Role:

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

Report Purpose:

That Council approves the donation of \$1,000 to the Three Springs Community Action Group (TSCAG).

Background:

The Shire received correspondence from the TSCAG on the 24 October 2019 requesting a donation of \$1,000.00.

Officers Comment:

The Officer considers the TSCAG funding submission (24 October 2019) to be missing particular elements when measured against the criteria prescribed in *Policy 3005 Cash Contributions/Self Supporting Loans to Clubs/Organisation and Support to new Businesses in Three Springs*, however the TSCAG is referenced in the 'Strategic Community Plan 2018-2028' (CSP) and the objectives/outcomes in the TSCAG align with the CSP. The common good of the community, the proven track record, the high number of substantial free events/projects and the TSCAG volunteer effort is exceptional.

Consultation:

The Officer being new to the position is seeking Council's guidance on this matter.

Statutory Environment:

Local Government Act 1995

2.7. Role of council

(1) The council —

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

6.10. Financial management regulations

Regulations may provide for —

- (a) the security and banking of money received by a local government; and*
- (b) the keeping of financial records by a local government; and*
- (c) the management by a local government of its assets, liabilities and revenue; and*
- (d) the general management of, and the authorisation of payments out of —*
 - (i) the municipal fund; and*
 - (ii) the trust fund,**of a local government.*

Policy Implications:

Policy 3005 Cash Contributions/Self Supporting Loans to Clubs/Organisation and Support to new Businesses in Three Springs.

The Policy States:

Any application made to Council from any Club, or Organisation, seeking the provision of a cash contribution or self-supporting loan shall be in accordance with, as well as accompanied by, the following information

- *as a general principle, funds for any project will only be considered where maximum Government (State and Federal) funding has been obtained, the Club, or Organisation, is ineligible for Government funding, or Government funding has been refused (in whole or part).*

Council will be seeking evidence of procurement of, or attempted procurement of, Government grant monies.

Ordinary Council Meeting Agenda – 20 November 2019

- *it must be demonstrated that Council funding is necessary to the success of the project;*
- *funds will only be permitted to be used for projects upon land under the care, or control, of Council, unless it otherwise determines;*
- *detailed project financial information including budget estimates, quotes etc. accompanied by project drawings and specifications, to a satisfactory standard, must be provided;*
- *detailed financial information about the Club or Organisation will also need to be provided. Such information will need to include financial statements.*

Where Council considers the information as provided in accordance with the above to be satisfactory, the provision of any funds will be in accordance with the following;

- *payment will only be made at the conclusion of the project, and then only in strict accordance with the determination as to amount and conditions as set by Council; unless otherwise agreed upon;*
- *Council reserves the right to approve/decline any application irrespective of previous decisions of a similar nature and no prior decision in any way or manner can be construed as setting a precedent.*

In the case of new businesses established in Shire owned premises, Council will consider offering assistance including free rent and utility subsidies.

Where a business is conducted from within Council owned buildings a written lease agreement will be entered into.

Any business that seeks exemption from lease payments and this is granted will need to re-apply to Council on an annual basis for continuation of that exemption.

To assess the TSCAG submission the flowing table measured the submission against the Policy 3005 directives:

Policy 3005 Directives	Evidence
<i>as a general principle, funds for any project will only be considered where maximum Government (State and Federal) funding has been obtained, the Club, or Organisation, is ineligible for Government funding, or Government funding has been refused (in whole or part).</i>	Refer to the attached Correspondence
<i>It must be demonstrated that Council funding is necessary to the success of the project.</i>	Refer to the attached Correspondence
<i>Funds will only be permitted to be used for projects upon land under the care, or control, of Council, unless it otherwise determines.</i>	Not applicable

Ordinary Council Meeting Agenda – 20 November 2019

<i>Detailed project financial information including budget estimates, quotes etc. accompanied by project drawings and specifications, to a satisfactory standard, must be provided.</i>	Not supplied
<i>Detailed financial information about the Club or Organisation will also need to be provided. Such information will need to include financial statements.</i>	Refer to the attached Correspondence

Financial/Resources Implications:

Account 102220 Donations and Gifts update as of the 11 November 2019:

Budget	Expenditure	Balance
\$1,500.00	\$580.00	\$920.00

The request is for a donation of \$1,000.00. The proposed expenditure will cause Account 102220 Donations and Gifts into deficit.

Account 102220 Donations and Gifts will be balanced as part of the mid-year financial review in January/ February 2020.

Strategic Implications:

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

'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership	
Council Objectives:	Outcome:
People are motivated, work together and have an increased pride and participation in the community.	3.1.2 Continue to support the Community Action Group as an independent group
Working in partnership with all community, government and corporate stakeholders.	3.1.5 Continue to support community organisations.
To be strong advocates representing the community's interest	3.1.6 Actively facilitate, support and participate in community events
	3.3.3 Support youth activities
	4.1.5 Support and acknowledge volunteers
	4.1.6 Actively facilitate, support and participate in community events

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'. Governance/Leadership	
Scope Statement:	Project Outputs:
Nil	

Voting Requirements:

Absolute Majority

Officer's Recommendation:

201106 COUNCIL RESOLUTION and OFFICER'S RECOMMENDATION: 9.6	
<p style="text-align: right;"><u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Mutter</p> <p>That Council approves:</p> <ol style="list-style-type: none">1. The donation of \$1,000.00 from Account 102220 Donations and Gifts.2. Account 102220 Donations and Gifts is balanced as part of the mid-year financial review, January/ February 2020.3. Council agrees that the \$1,000.00 donation will be in November/December 2019 and not at the conclusion of this financial year. <p style="text-align: right;"><u>CARRIED:</u> <u>Voted: 7/0</u></p>	

9.7 REPORTS OF OFFICERS

CORPORATE SERVICES	
9.7	FINANCIAL STATEMENT FOR PERIOD ENDING 31ST OCTOBER 2019
Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	12 November 2019
Author:	Deputy Chief Executive Officer
Attachment (s):	9.7.1 SOTS Financial Report Oct 2019

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 financial report for the period ending 31 October 2019.

Background:

The Provision of the FM Regulations 1996 34 (4) 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.

Officers 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 compiled 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:

As at 31 October 2019 operating revenue is \$2,598,825. The operating Revenue is made up of Rates 83%, Grants & Subsidies 10%, Fees and Charges 5% and others 2%.

The Operating Expenditure is \$1,582,548. The Operating expenditure is made up of Employee Costs 35%, Depreciation 36%, Insurance 12%, Materials & Contracts 12%, Utilities 4% and others 1%.

Rates notices were issued on 25 September 2019 and first instalment is due on 8 November 2019. The shire has collected 20.5% of total outstanding rates. Outstanding rates debtors \$1,738,302 and General Debtors \$159,023.

Total Cash Available is \$3,028,401. Total cash is made up of Unrestricted cash \$1,542,637 and Restricted cash \$1,485,765 backed by various reserves.

Strategic Implications:

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

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

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'. Governance/Leadership	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officers Recommendation:

201107 COUNCIL RESOLUTION and OFFICERS RECOMMENDATION: 9.7
<p style="text-align: right;"><u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Ennor</p> <p>That Council accept the Financial Report for the Financial period ending 31 October 2019.</p> <p style="text-align: right;"><u>CARRIED:</u> <u>VOTED:7/0</u></p>

Finance	
9.8 ACCOUNTS FOR PAYMENT – 31st OCTOBER 2019	
Agenda Reference:	201108
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	
Date:	12 November 2019
Author:	Finance and Payroll Officer – Donna Newton
Attachment (s):	Lists of creditors paid as at 31 October, 2019 is attached

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 notes the accounts for payment as presented in October 2019 from Municipal Fund.

Background:

Nil

Officer Comment:

The invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods. The rendition of services and as to prices.

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 / Resource Implication:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2019-2020.

Strategic Implications

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

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

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'. Governance/Leadership	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements

Simple Majority

201108 COUNCIL RESOLUTION and OFFICERS RECOMMENDATION: 9.8
<p style="text-align: right;"><u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Eva</p> <p>That Council notes the accounts for payment as presented in October, 2019 from the Municipal Fund totalling \$760,141.37. Represented by Electronic Fund Transfers No's 15548 – 15674 Cheque No's 11571 – 11511578. Direct Debits 12045.1 – 12045.7, 12065.1, 12066.1, 12072.1 – 12072.7, 12076.1, 12078.1, 12081.1 and 12083.1 – 120837. Licensing Fund totalling \$23,932.95 represented by Direct Debit No 12098.1. Total Payments for October 2019 \$784,074.32</p> <p style="text-align: right;"><u>CARRIED:</u> <u>VOTED: 7/0</u></p>

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. **BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
Nil
12. **QUESTIONS BY MEMBERS WITHOUT NOTICE**
Nil
13. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
Nil
14. **TIME AND DATE OF NEXT MEETING**

The Next Ordinary Council Meeting will be held on Wednesday 11th December 2019 at 4pm.

15. **CONFIDENTIAL ITEMS**
Nil

16. **MEETING CLOSURE**

There being no further business the Presiding Officer closed the meeting at 2.48pm.

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

Signed: _____

Presiding Officer
Date: 11th December 2019