



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



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

President and Councillors,

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

**Keith Woodward PSM
Chief Executive Officer**

16 November 2023

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Three Springs during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Three Springs. The Shire of Three Springs warns that anyone who has an application lodged with the Three Springs Shire Council must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Three Springs in respect of the application.

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

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

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on _____

☐ Special Council Meeting held
on _____

☐ Committee Meeting held on _____

☐ Other _____

Report No _____

Report Title _____

Name _____

☐ Elected

☐ Committee

☐ Employee

☐ Contractor

Member

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

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

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

Name: _____ Signed: _____ Date: _____

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

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

OFFICE USE ONLY

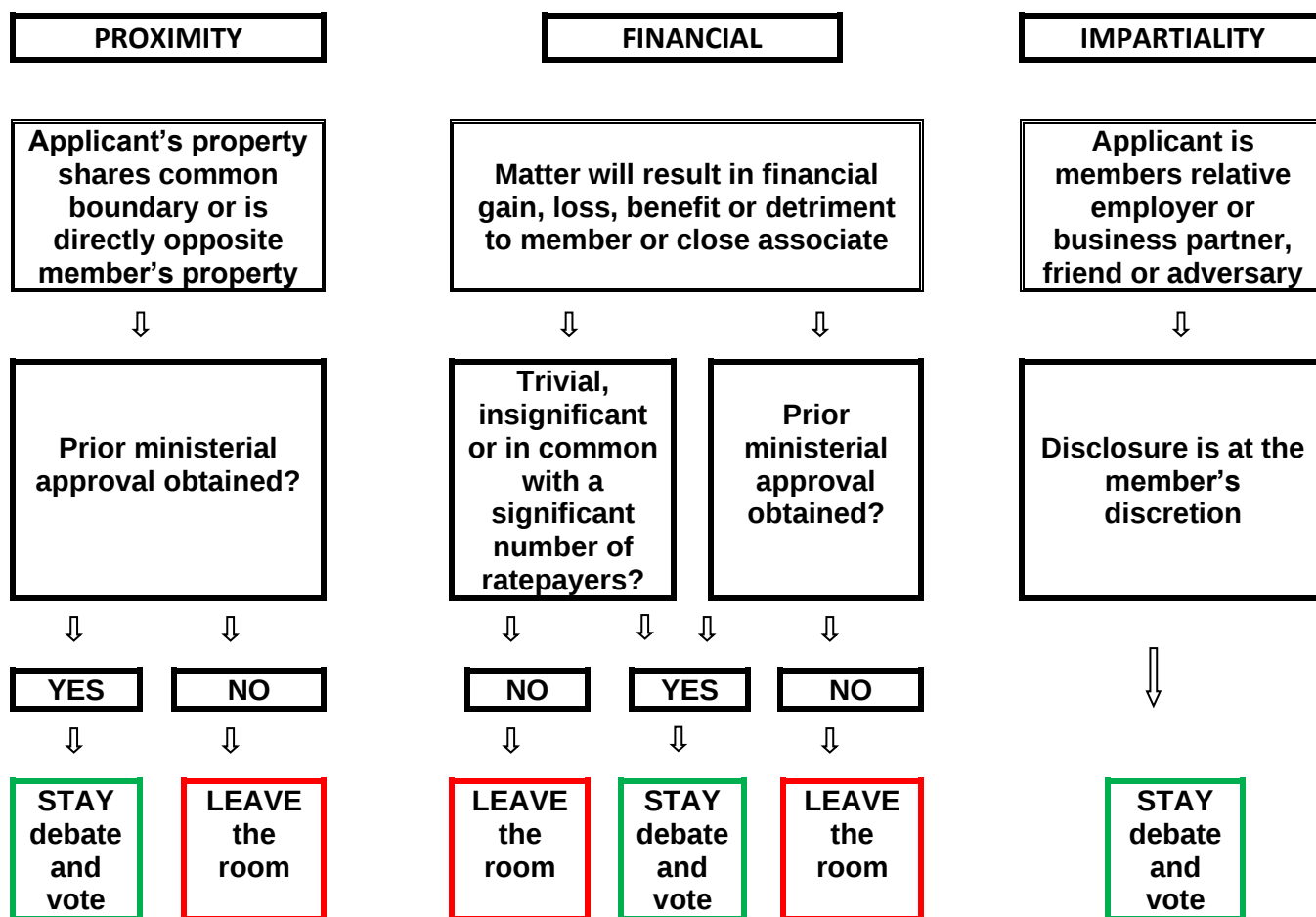
CEO

Signed:

Date:

: _____

Declaring an Interest



Local Government Act 1995 - Extract

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

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

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

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

5.71 - Employees to disclose interests relating to delegated functions.

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

'Local Government (Administration) Regulations 1996 – Extract

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

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

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

Acknowledgement of Country: -

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

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

	Attendance	Apologies	Approved Leave of Absence
Councillor Lane			
Councillor Eva			
Councillor Heal			
Councillor Mutter			
Councillor Ennor			
Councillor Connaughton			
Councillor – vacant			
Chief Executive Officer			
Deputy Chief Executive Officer			
Executive Secretary			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

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

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

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

	Date	Moved	Seconded	Vote
6.1 OCM	25.10.2023	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

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

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Executive Services	
10.1. Good Governance in Practice	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	22 November 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

Council Role:

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

Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for October 2023.
2. Actions Performed under Delegated Authority for October 2023.

Background:

Local Governments are required to fulfil duties and functions prescribed in legislation.

This expectation is prescribed in the *Local Government Act 1995* through the Office of the CEO.

Officer's Comment:

Compliance Table for October 2023

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.34	DLGSC WA Local Government Accounting Manual	October 2023 Report submitted to the 22 November OCM. Reference Minutes	
Emergency Services Levy - Option A Remittance Due by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES -ESL Manual of Operating Procedures		N/a
Elections - Close of Absent Voting / Postal Voting Applications for 'in-person' elections (4th day before Election Day)	Local Government Act 1995	s.4.68(1)(c) Elections Reg.37(3)(4)	DLGSC Elections Timetable DLGSC Returning Officer Manual		Did not proceed to election – councillors nominated unopposed.
Elections - Close of Early Voting 4.00pm or 'in-person' elections.	Local Government Act 1995	s.4.71(1)(3) Elections Reg.59(2)	DLGSC Elections Timetable DLGSC Returning Officer Manual		Did not proceed to election – councillors nominated unopposed.
Election Day - Close of Poll 6.00pm	Local Government Act 1995	s.4.7 s.4.68(1)(e)	DLGSC Elections Timetable DLGSC Returning Officer Manual		Did not proceed to election – councillors nominated unopposed.
Elections - Result declared and published as Local Public Notice by Returning Officer as soon as practicable	Local Government Act 1995	s.4.77 Elections Reg.80	DLGSC Elections Timetable DLGSC Returning Officer Manual		Did not proceed to election – councillors nominated unopposed.
Elections - Declarations of Office for new Elected Members, Shire President / Mayor and Deputy Shire President / Mayor sworn in following Election Day (2 months from declaration of result - s.2.32(c))	Local Government Act 1995	s.2.29	DLGSC Elections Timetable DLGSC Returning Officer Manual	New Elected Members along with Shire President and Deputy Shire President sworn in on 25 October 2023	
Elections - Report to Minister (by 14th day after election)	Local Government Act 1995	s.4.79 Elections Reg.81	DLGSC Elections Timetable DLGSC Returning Officer Manual	Form 20 – Report to Minister submitted 02.11.2023	

Primary Returns - Request new Elected Members - required to be lodged with CEO within 3 months of making Declarations of Office dd/mm/yyyy	Local Government Act 1995	s.5.75(1)	WALGA - Governance Subscription Guideline - Primary and Annual Returns Management DLGSC Operational Guideline No.21 Disclosure of Financial Interests in Returns	New Elected Members were returning Members and therefore do not have to complete Primary Returns. Annual Returns completed July 2023	
Elections - Election Papers collected and secured in one or more parcels by Returning Officer	Local Government Act 1995	s.4.84(a) Elections Reg.82	DLGSC Returning Officer Manual	Electoral Commission has not provided Election papers as of yet.	No Election
Elections - Destruction of Election Papers - parcels which are more than 4 years old may be destroyed, supervised by CEO and witnessed by at least 2 employees OR to secure paper destruction company	Local Government Act 1995	s.4.84(a) Elections Reg.82	DLGSC website - Returning Officer Manual	N/a	
Election of Shire President / Mayor, Deputy President / Mayor - elected from amongst the Councillors - conducted in accordance with Schedule 2.3, Div.1	Local Government Act 1995	s.2.11(1)(b) Schedule 2.3, Div.1		Elected at OCM 25.10.2023	
CEO Authority to Speak on behalf of the LG - if new Shire President / Mayor is elected, seek / obtain written authority from Shire President for CEO to speak on behalf of the Local Government.	Local Government Act 1995	s.5.41(f)		As per Council Policy 1.7 – Official Communications	
Establishment of Audit Committee - following Elections, Council must establish an Audit Committee - with membership of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee.	Local Government Act 1995	s.7.1A s.5.8 s.5.9 s.5.10 s.5.11A s.5.11		At OCM 25/10/2023 All Elected Members on Audit Committee	
Establishment of Committees - following Elections, Council may establish committees (other than Audit) of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee.	Local Government Act 1995	s.5.8 s.5.9 s.5.10 s.5.11A s.5.11		At OCM 25/10/2023	

Establishment of Committees - Each committee has been established with a Terms of Reference, that details the purpose of the Committee and the scope of matters that the Committee will deal with.	Local Government Act 1995	s.5.8		At OCM 25/10/2023 – all Committees have a Term of Reference	
Election of Committee Presiding Members and deputies - conducted in accordance with Schedule 2.3, Div.1	Local Government Act 1995	s.5.12 Schedule 2.3, Div.1		At OCM 25/10/2023 – all Committees have a Term of Reference	
Financial Interests Register - Review • Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles). • Returns that are removed are to be kept by the CEO as LG Record for at least 5 years after the person ceased to be a Designated Employee.	Local Government Act 1995	s.5.88(3)(4)		Register has been updated.	
Gift Register - Review After a person ceases to be an Elected Member [s.5.87A] or CEO [s.5.87B] required to disclose gifts, the CEO is required to remove from the register all records relating to that person. These records must be retained as LG records for a period of at least 5-years and be made available for public inspection.	Local Government Act 1995	s.5.89A(6) & (7)		Gift Register has been reviewed – no gifts to disclose. Previous Elected Member removed from the Register.	
Elected Member Induction - Provide an induction for newly elected Councillors.	n/a	n/a	WALGA website - Webinar Introduction to the Local Government Act for Elected Members WALGA website - Webinar Communications for Elected Members WALGA website - Webinar Chairing of Meetings WALGA website - Webinar Decision Making	All 3 newly elected Councillors were re-elected unopposed.	

			in Practice - Delegations WALGA website - Webinar Local Government Gift Declaration WALGA website - Governance Services - Infopage - AASB 124 Related Party Disclosure DLGSC website - Operational Guideline No.4 Elected Member Induction State Records Office website - Elected Member Record Keeping Information Sheet.	Biennial Next due 2023	
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985.	Valuation of Land Act 1978	s.37		Carried out by the City of Greater Geraldton	

Execution of Delegation for October 2023

Date	File Ref	Delegation Number	Decision Detail	Applicant	Initiating Officer	1 st Auth.	2 nd Auth.	Comment
04-Oct-23	PMT ID: F3100483 41563	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Muni and Maxi	CBA-Muni	AFO	DCEO	CEO	Funds Transfer from the Muni Account to the Maximiser Account totalling \$1,100,000.00 PMT ID: F310048341563
6-Oct-23	PMT ID: F3100685 29581	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$24,036.00 PMT ID: F310068529581
19-Oct-23	PMT ID: F3101992 77340	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	CEO	Funds Transfer from the Maximiser Account to the muni Account for Creditor Payments totalling \$105,000.00 PMT ID: F310199277340
19-Oct-23	PMT ID: F3101993 22027	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$325,416.90 PMT ID: F310199322027

19-Oct-23	PMT ID: F3101993 22308	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$35,340.00 PMT ID: F310199322308
24-Oct-23	PMT ID: F3102495 55288	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni	CBA-Muni	Erin	Erin	DCEO	Funds Transfer from the Maximiser Account to the Muni Account totalling \$50,000.00 PMT ID: F310249555288
25-Oct-23	PMT ID: F3102596 10304	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	Erin	DCEO	CEO	Fortnightly Payroll through the CBA Muni Bank \$47866.97 PMT ID: F310259610304
26-Oct-23	PMT ID: F3102697 15317	CS002 - Payments from Municipal Fund and Trust Fund	Funds Transfer between Maxi and Muni for payments	CBA-Muni	AFO	DCEO	CEO	Funds Transfer from the Maximiser Account to the muni Account for Creditor Payments totalling \$90,000.00 PMT ID: F310269715317
26-Oct-23	PMT ID: F3102697 27378	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	AFO	DCEO	CEO	Weekly Creditor Payments totalling \$202,259.08 PMT ID: F310269727378

Statutory Environment:

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

5.41. Functions of CEO

The CEO's functions are to —

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

Local Government (Audit) Regulations 1996

17. *CEO to review certain systems and procedures*

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

Policy Implications:

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

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

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

Financial/Resources Implications:

Nil

Strategic Implications:

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

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

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

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.1
That Council Accepts: 1. The Governance Compliance Calendar report for October 2023. 2. The Execution of Delegation report for October 2023.	

10. REPORTS OF OFFICERS

Works and Services	
10.2 Award Tender RFT2023/24-02 Bitumen and Aggregate	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	
Date:	22 February 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	CONFIDENTIAL – Evaluation Report, Tender RFT2023/24-02 Bitumen and Aggregate

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:

This report recommends that *Tender RFT2023/24-02 Bitumen and Aggregate* be awarded as per the recommendation in the confidential 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 2023/24 bitumen seal program.

Resurfacing or resealing roads is part of the Council's asset preservation program which is funded by the Federal Governments Programs, 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 must be completely rehabilitated or reverts back to an unsealed road.

Officer's 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 requested three companies to tender with three tender submissions received via the WALGA Preferred Supplier Program.

Consultation:

The tenders were assessed by WALGA and the qualitative criteria.

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:

Procurement Policy 1.5

Financial/Resources Implications:

Shire of Three Springs Adopted Budget 2023/24

1. Australian Government Local Roads and Community Infrastructure Program Phase 4: \$189,834
2. Shire of Three Springs: \$40,000

3. Main Roads: \$600,999

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Nil	Nil

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

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.2
That Council: 1. Award <i>Tender RFT2023/24-02 Bitumen and Aggregate</i> to: Company:..... 2. 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 – <i>RFT 2023/24-02</i>, subject to the same stipulated agreement of terms. Company:.....	

10. REPORTS OF OFFICERS

Works and Services	
10.3 Capital Works Progress Update 2023-2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	22 November 2023
Author:	Malcolm Elliot, Supervisor of Works
Attachment (s):	Capital Works Report 2023-2024 Grade Map

Council Role:

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

Report Purpose:

That Council accepts the Capital Works Report for October 2023.

Background:

This report provides Council with the 2023-2024 Capital Works progress update.

Officers Comment:

Construction:

- Commenced Dudawa Road seal widening
- Commenced Lovelock soak project
- Firebreaks within townsites, surrounding areas and rubbish tip
- Pothole repairs

Maintenance Grader:

- Maintenance grading carried out on following roads:

Simpson Road, Broad Road, Bateman Road, Weir Road, McKenzie Road, Witson Well, Thomas Road, Strutton Road, Turkey Flat Road.

Contractor Works:

- Dudawa Haulage on Dudawa Road

General Parks and Gardens:

- Nominated as finalists for 2 categories in the Tidy Towns competition – to take place 24 November in Kings Park
- Preparation of oval for upcoming Cricket Australia Schools Tournament
- Preparations for the Christmas decorations in town
- Ongoing maintenance on shire buildings and houses
- Pest Control carried out on all shire buildings

Plant Vehicles and machinery:

- Doctors car-service and new tyres
- DCEO car – new tyres
- Supervisor of Parks and Gardens – car service
- Works Supervisor and Risk Coordinator – new cars
- P5006 - Maintenance Grader – aircon repair and serviced
- P5002 – software updates
- P5565 – software updates
- P5750 – aircon repairs

Waste Landfill site:

- General maintenance works.
- Extinguished fire at tip

Staff Recruitment and Training:

- All depot crew completed asbestos awareness training
- All depot crew completed white card training

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial/Resources Implications:

Shire of Three Springs Adopted Budget 2023-2024

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
Council Objectives	Outcome
Nil	Nil

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

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.3
That Council accepts the Capital Works Report for October 2023.	

10. REPORTS OF OFFICERS

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

Council Role:

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

Report Purpose:

That Council accepts the Community Development Report for October 2023.

Background:

This report provides Council with the Community Development update.

Officer's Comment:

Community Citizen of the Year Awards (CCYA)	CCYA are managed under Council Policy 3.5 Australia Day – Citizenship Award and Australia Day Council WA. The Awards recognise individuals and organisations making a notable contribution during the current year and/or to those who have given outstanding service over a number of years. The Awards will be presented on Australia Day 2024 celebrations.
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Tidy Towns Sustainable Communities Awards (TTSCA) 2023	TTSCA is managed by the Keep Australia Beautiful Council. The Shire submitted the following projects for the TTSCA entry. Both projects have been selected among the top six finalists in the TTSCA categories: 1. Keeping Three Springs Clean Program - Litter Prevention 2. Classroom Recycling Challenge - Community Containers for Change The award recipients will be announced at the Gala event on Friday, 24 November 2023, at Fraser's restaurant in King's Park, Perth.
Returned & Services League (RSL) Banners Project	The RSL Banners Project was managed by the Shire of Three Springs. The project received grant support from the Department of Veterans Affairs to produce the RSL Banners. The project focused on creating banner images to honour the World War One and World War Two heroes. The Carnamah Historical Society generously provided images of the war heroes. The information for banners was collected from the Australian War Memorial, UNSW Canberra, and the National Archives of Australia.
Remembrance day 2023	Three Springs Remembrance Day is organised by the Three Springs RSL Club. The formalities were held at Jack Thorpe Garden on 11 November 2023 at 11 am. Shire supported the ceremony by providing attendees with chairs and a PA system. The Shire would like to thank Cathy Reed for providing the wreath.
Official Communication - Facebook page and the Shire website.	The Shire has updated its Facebook Page and website about ongoing activities.

Grants:

Australia Day Community Grants (ADCG)	ADCG is managed by the National Australia Day Council (NADC), with the support of the Australian Federal Government.
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	Shire of Three Springs has been successful with the grant application worth \$10,000.00 to fund the celebration of Three Springs Australia Day 2024.
Local Roads and Community Infrastructure Program – (LRCIP) Phase 4	LRCIP Grant is managed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The Shire received a notification advising that Councils will be able to access \$329,104.00 Phase 4 funding allocations from July, with projects to be delivered by June 2025. Ordinary Council Meeting (Wednesday, 22 March 2023), item no. 10.4 Tender 22/23-02 Three Springs Multi-Purpose Hall, section Officer Comments, "4. Approve the resubmission of the Community Netball Courts project into the Australian Government Local Roads and Community Infrastructure Program Phase Four."
RAF Project Grants	RAF Project Grants are managed by the Regional Arts WA. The Shire submitted an application worth \$30,000 to host an artist in Three Springs. The Grant funding will be used to host workshops to produce Silo Projection Project artwork.
Thank a Volunteer Day Grants Program 2023	Thank a Volunteer Day Grants Program 2023 is managed by the Department of Communities. The Shire has been successful at the Thank a Volunteer Day Grants Program 2023 to fund the Volunteer Week celebration on Saturday, 09 December 2023.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
People are motivated, work together and have an increased pride and participation	3.1.6 Actively facilitate, support and participate in community events.

in the community.	
A well engaged and informed community that actively participates.	4.1.6 Actively facilitate, support and participate in community events. 4.1.5 Support and acknowledge volunteers

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

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
A prosperous, thriving and innovative local economy.	1.1 Develop tourism infrastructure and increase the length of stay.
A collaborative and forward-thinking community that is guided by strong leadership.	4.1 A well engaged and informed community that actively participates.

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.4
That Council accepts the Community Development report for October 2023.	

10. REPORTS OF OFFICERS

Corporate Services	
10.5 Monthly Financial Report for Period 31 October 2023	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	22 November 2023
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 31 October 2023

Council Role:

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

Report Purpose:

That Council accepts the monthly financial report for the period ending 31 October 2023.

Background:

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

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

Officer's Comment:

At the time of writing this report, there were still several outstanding invoices etc. and end of year calculation have yet to be done, so the closing surplus is an estimate only and is subject to change until 2022-2023 year has been audited.

The 2023-2024 Budget was adopted in August 2023.

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

Consultation:

Nil

Statutory Environment:

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

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

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

(1A) In this regulation —

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

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (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 as at 31 October 2023 is \$7,444,005. Cash available is made up of Unrestricted cash \$5,293,366 and Restricted cash of \$2,150,639 being primarily made up of various reserves.

Rates Debtors balance as at 31 October 2023 is \$835,851. Rates Notices for 2023-24 were issued on the 28th August 2023. The rates collected as at end of October 2023 was \$2,039,597 – 70.93%

October 2023:

Operating Revenue – Operating revenue of \$3,178,611 is made up of Rates – 44%, Grants - 52%, Fees and Charges - 3%, Other Revenue - 0% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of \$1,159,639 is made of Depreciation - 0% (depreciation will be run after completion of Annual Financial Report audit), Employee Costs – 48%, Materials and Contracts – 25%, Insurance – 20%, Utilities – 5%, Loss on Disposal of Assets – 0% and Other Expenditure – 2%.

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Nil	Nil

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

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.5
That Council accepts the monthly financial report for the period ending 31 October 2023.	

10. REPORTS OF OFFICERS

Corporate Services	
10.6 Accounts for Payments 31 October 2023	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	22 November 2023
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 31 October 2023

Council Role:

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- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts the payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:

Financial regulations require a schedule of payments made through the Council's bank accounts, be presented to Council for their inspection. The list includes details for each account paid, incorporating the payee's name, amount of the payment, date of payment and sufficient information to identify the transaction.

Officer's Comment:

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

Local Government (Financial Management) Regulations 1996 Section 12 and 13.

12. Payments from municipal fund or trust fund, restrictions on making

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2022-2023.

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Nil	Nil

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

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.6
That Council accepts: 1. The accounts for payment as presented for <i>October</i> 2023 from the CBA Municipal Fund totalling \$630,258.44. 2. Represented by Cheque # 11673, Electronic Fund Transfers No's 19217 - 19300 and Direct Debits 15285.1 - 15285.2, 15291.1 – 15296.8, 15327.1 – 15334.7, 15338.1 – 15344.2 and 15353.1 - 15355.2. 3. Licensing Fund totalling \$18133.10 represented by Direct Debit No. 15281.1, 15290.1, 15300.1 – 15326.1, 15337.1 and 15347.1 – 15348.1. Total Payments for October 2023 \$648,391.54	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

- 12.1. Elected Members
- 12.2. Staff

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

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

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 13 December 2023 @ 5.30pm.

16. CONFIDENTIAL ITEMS

16.1. RECOMMENDATION TO CLOSE COUNCIL MEETING

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

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

Once all negotiations have been completed for Agenda Item 16.1.1, this will be considered an “exempt document” in accordance with Schedule 1 of the *Freedom of Information Act 1992* denying public access.

16. CONFIDENTIAL ITEMS

Executive Services	
16.1.1 Chief Executive Officer Employment Contract between the Shire of Three Springs and Mr Keith Woodward	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	P72
Disclosure of Interest:	
Date:	22 November 2023
Author:	Deputy Chief Executive Officer
Attachment (s):	Confidential: Chief Executive Officer Employment Contract between the Shire of Three Springs and Mr Keith Woodward

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Report Purpose:

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	16.1.1
That Council:	

OFFICER'S RECOMMENDATION	16.2
That Council re-open the meeting to members of the public after discussion of confidential items.	

17. MEETING CLOSURE

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

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

Signed: _____
Presiding Officer

Date: 13 December 2023