



**SHIRE OF PEPPERMINT GROVE**

# **ATTACHMENTS**

**Ordinary Council Meeting**

23<sup>rd</sup> May 2023

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## **Ordinary Council Meeting**

### **8.3.1 – List of Accounts Paid**

## Accounts Paid - April 2023

Payment / Invoice	Date Description	Amount
<b>EFT Payment</b>		
<b>EFT Payment - EFT00515</b>		
<b>2414 - Open Systems Technology Pty Ltd (Council First)</b>		
SI007701	22/03/23 CF Subscription - APR to JUN 23	21,454.03
SC000648	06/04/23 CR/Adj Note May-June 2023 Subscription	14,302.68
	<b>Total 2414</b>	<b>7,151.35</b>
<b>3050 - ENVIRO SWEEP PTY LTD (EWCS)</b>		
108159	23/03/23 Contract Road Sweeping	1,416.25
	<b>Total 3050</b>	<b>1,416.25</b>
<b>3055 - STRATA GREEN</b>		
152578	07/03/23 Hort supplies	781.00
	<b>Total 3055</b>	<b>781.00</b>
<b>3134 - Sunny Sign Company Pty Ltd</b>		
491234	09/01/23 Traffic signage supplies	431.20
	<b>Total 3134</b>	<b>431.20</b>
<b>3135 - Envisionware Pty Ltd</b>		
AU-5880	24/03/23 Annual Renewal - EXP 02 July 23	1,443.75
	<b>Total 3135</b>	<b>1,443.75</b>
<b>3230 - Sontec Integrated Systems</b>		
19519	21/03/23 sontec door controller box electrical noise	363.00
	<b>Total 3230</b>	<b>363.00</b>
<b>3405 - PORTER CONSULTING ENGINEERS</b>		
00023157	30/03/23 Forrest St traffic advice	1,210.00
	<b>Total 3405</b>	<b>1,210.00</b>
<b>3431 - Salary Packaging Australia Pty Ltd (SPA)</b>		
PJ000770	06/04/23 FORTNIGHT 2023-20 - From Payroll	358.35
03042023	03/04/23 Novated DB 03042023	10.54
PJ000774	20/04/23 FORTNIGHT 2023-21 - From Payroll	358.35
	<b>Total 3431</b>	<b>727.24</b>
<b>3604 - Officeworks</b>		
606552825	18/03/23 Marbig Extra Heavy Duty Stapler	263.00
606534274	18/03/23 Marbig Extra Heavy Duty Stapler	376.67
	<b>Total 3604</b>	<b>639.67</b>
<b>3626 - Cr Doug Jackson</b>		
CR D JACKSON	31/03/23 CR D JACKSON 2ND QTR DEC- IT ALLOW	300.00
2ND QTR DEC- IT		
CR D JACKSON	31/03/23 CR D JACKSON 3RD QTR MAR- IT ALLOW	300.00
3RD QTR MAR- IT		
	<b>Total 3626</b>	<b>600.00</b>
<b>3786 - Profounder Turfmaster Pty Ltd</b>		
INV-0964	28/03/23 Mowing - Manners Hill Park	4,620.00
	<b>Total 3786</b>	<b>4,620.00</b>
<b>3880 - Go Doors Pty Ltd</b>		
106523	28/03/23 Go Doors maintenance agreement	441.10
	<b>Total 3880</b>	<b>441.10</b>
<b>3888 - Kelly Bucksey Photographer</b>		
KBINV-1163	22/03/23 Photograph headshots of councillors and senior staff	385.00
	<b>Total 3888</b>	<b>385.00</b>
<b>3909 - Ting (Jessica) LU</b>		
REIMBURSEMENT	21/03/23 REIMBURSEMENT E0027 JTL RE-SEND Funds NPC	58.70
E0027 JTL RE-		
	<b>Total 3909</b>	<b>58.70</b>
<b>3914 - Sidrah Samnakay</b>		
REFUND S	05/04/23 REFUND S SAMNAKAY 230405 MHP	800.00
SAMNAKAY		
	<b>Total 3914</b>	<b>800.00</b>

## Accounts Paid - April 2023

Payment / Invoice	Date Description	Amount	
<b>483 - ROYAL FRESHWATER BAY YACHT CLUB</b>			
REFUND 230307 RFBYC	07/03/23 REFUND 230307 RFBYC Rates 22/23 #A6510	25,661.70	
	<b>Total 483</b>	<b>25,661.70</b>	
<b>516 - McLeods Barristers &amp; Solicitors</b>			
129109	31/03/23 Matter No. 43399 Library Mgmt. Committee	322.34	
	<b>Total 516</b>	<b>322.34</b>	
<b>Total EFT00515</b>		<b>47,052.30</b>	
<b>EFT Payment - EFT00516</b>			
<b>3029 - Australian Taxation Office</b>			
PJ000759	09/03/23 FORTNIGHT 2023-18 - From Payroll	16,888.00	
PJ000761	23/03/23 FORTNIGHT 2023-19 - From Payroll	16,976.00	
FBT 4TH QTR JAN- MAR 2022-23	31/03/23 FBT 4TH QTR JAN-MAR 2022-23	4,408.00	
	01/04/23 GST Settlement	33,937.00	
	01/04/23 GST Settlement	13,448.00	-\$ 13,448.00
	<b>Total 3029</b>	<b>58,761.00</b>	
<b>Total EFT00516</b>		<b>58,761.00</b>	
<b>EFT Payment - EFT00517</b>			
<b>3000 - SuperChoice AwareWASuperannuation</b>			
PJ000759	09/03/23 FORTNIGHT 2023-18 - From Payroll	4,390.66	
PJ000761	23/03/23 FORTNIGHT 2023-19 - From Payroll	4,172.47	
MARCH 2023	31/03/23 Superannuation Contribution	21,522.26	
	<b>Total 3000</b>	<b>30,085.39</b>	
<b>Total EFT00517</b>		<b>30,085.39</b>	
<b>EFT Payment - EFT00518</b>			
<b>3029 - Australian Taxation Office</b>			
FBT RTN PERIOD 2020-21 EXTRA	20/04/23 FBT RTN period 2020-21 extra amount	1,220.13	
	<b>Total 3029</b>	<b>1,220.13</b>	
<b>Total EFT00518</b>		<b>1,220.13</b>	
<b>Grand Total - EFT Payment</b>		<b>137,118.82</b>	
<b>Total EFT payments</b>		<b>\$ 137,118.82</b>	
<b>Other</b>			
<b>Other - DD00411</b>			
<b>123 - Synergy</b>			
2045764602	07/03/23 Streetlights - 25 Jan to 24 Feb 2023	3,493.03	
	<b>Total 123</b>	<b>3,493.03</b>	
<b>Total DD00411</b>		<b>3,493.03</b>	
<b>Other - DD00412</b>			
<b>123 - Synergy</b>			
2013787115	10/03/23 Library Electricity - 10 Feb to 09 Mar 2023	3,423.90	
	<b>Total 123</b>	<b>3,423.90</b>	
<b>Total DD00412</b>		<b>3,423.90</b>	
<b>Other - DD00413</b>			
<b>3062 - WATER CORPORATION</b>			
9001300655 0110	13/03/23 Tennis Bay View Tce - 10 Jan to 08 Mar 2023	70.51	
	<b>Total 3062</b>	<b>70.51</b>	
<b>Total DD00413</b>		<b>70.51</b>	
<b>Other - DD00414</b>			
<b>3062 - WATER CORPORATION</b>			
9001305640 0109	13/03/23 The Esplanade - 10 Jan to 08 Mar 2023	477.31	
	<b>Total 3062</b>	<b>477.31</b>	
<b>Total DD00414</b>		<b>477.31</b>	
<b>Other - DD00415</b>			

## Accounts Paid - April 2023

Payment / Invoice	Date Description	Amount	
<b>3062 - WATER CORPORATION</b>			
9016499388 0073	13/03/23 Leake St - 10 Jan to 08 Mar 23	1,211.12	
	<b>Total 3062</b>	<b>1,211.12</b>	
	<b>Total DD00415</b>	<b>1,211.12</b>	
<b>Other - DD00416</b>			
<b>3377 - WESTNET PTY LTD T/AS inet</b>			
136012569	18/03/23 Web Hosting - March 2023	15.99	
	<b>Total 3377</b>	<b>15.99</b>	
	<b>Total DD00416</b>	<b>15.99</b>	
<b>Other - DD00417</b>			
<b>3062 - WATER CORPORATION</b>			
9001298815 0134	23/03/23 63 Johnston St - 24 Jan to 21 Mar 2023	539.32	
	<b>Total 3062</b>	<b>539.32</b>	
	<b>Total DD00417</b>	<b>539.32</b>	
<b>Other - DD00418</b>			
<b>3062 - WATER CORPORATION</b>			
9001298479 0062	24/03/23 Johnson St - 24 Jan to 22 Mar 2023	59.66	
	<b>Total 3062</b>	<b>59.66</b>	
	<b>Total DD00418</b>	<b>59.66</b>	
<b>Other - DD00419</b>			
<b>3899 - Grenke GC Leasing Melbourne Pty Ltd</b>			
11472/2023	24/03/23 63 Johnston St - 24 Jan to 21 Mar 2023	5,672.80	
	<b>Total 3899</b>	<b>5,672.80</b>	
	<b>Total DD00419</b>	<b>5,672.80</b>	
<b>Other - DD00420</b>			
<b>123 - Synergy</b>			
2077780181	03/04/23 Streetlights - 25 Feb to 24 Mar 23	3,155.00	
	<b>Total 123</b>	<b>3,155.00</b>	
	<b>Total DD00420</b>	<b>3,155.00</b>	
<b>Total Direct Debit payments</b>			<b>\$ 18,118.64</b>
<b>Other - CCP00038</b>			
<b>3084 - Shire Credit Cards -NAB Visa flexi purchase</b>			
FEES NAB VISA	11/04/23 FEES NAB VISA 01 MAR TO 28 MAR 23	110.00	
01 MAR TO 28			
ALS LH VISA 01	11/04/23 ALS LH VISA 01 MAR TO 28 MAR 2023	2,408.02	
MAR TO 28 MAR			
CEO DB VISA 01	11/04/23 CEO DB VISA 01 MAR TO 28 MAR 2023	589.65	
MAR TO 28 MAR			
CLS SF VISA 01	11/04/23 CLS SF VISA 01 MAR TO 28 MAR 2023	1,899.18	
MAR TO 28 MAR			
DEPOT RY VISA	11/04/23 Depot RY VISA 01 MAR TO 28 MAR 2023	725.33	
01 MAR TO 28			
DEPOT TW VISA	11/04/23 Depot TW VISA 01 MAR TO 28 MAR 2023	330.08	
01 MAR TO 28			
MCCS MC VISA 01	11/04/23 MCCS MC VISA 01 MAR TO 28 MAR 2023	4,895.32	
MAR TO 28 MAR			
MDS JG VISA 01	11/04/23 MDS JG VISA 01 MAR TO 28 MAR 2023	4,392.94	
MAR TO 28 MAR			
MIS DN VISA 01	11/04/23 MIS DN VISA 01 MAR TO 28 MAR 2023	1,793.07	
MAR TO 28 MAR			
	<b>Total 3084</b>	<b>17,143.59</b>	
	<b>Total CCP00038</b>	<b>17,143.59</b>	<b>17,143.59</b>
<b>Grand Total - Other</b>		<b>35,262.23</b>	<b>\$ 35,262.23</b>
<b>Total Accounts Paid - April</b>			<b>\$ 172,381.05</b>



**FlexiPurchase  
Account Statement**

**Statement for NAB**

**Statement Period:** 01 Mar 2023 to 28 Mar 2023

**Cardholder Name:** Lance Hopkinson



**JSKR VISA Purchasing Card (Client Expenses)**


Date		Details		Approval	Receipt Amount (\$AUD)	
GL Code	CC Code	Department		Net	Tax	Gross
01 Mar 2023	Woolworths/Cottesloe Grov Cottesloe			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$124.65
28515	139	1106		\$113.32	\$11.33	\$124.65
Purchase Woolworths/Cottesloe Grov surfing the western suburbs event						
01 Mar 2023	1st Choice 7403 Bicton			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$250.00
28515	139	1106		\$227.27	\$22.73	\$250.00
Purchase 1st Choice 7403 surfing the western suburbs event						
01 Mar 2023	Bws/535 Stirling Highway Cottesloe			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$12.00
28515	139	1106		\$10.91	\$1.09	\$12.00
Purchase Bws/535 Stirling Highway surfing the western suburbs event						
01 Mar 2023	Woolworths/Cottesloe Grov Cottesloe			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$3.10
28770	139	1106		\$2.82	\$0.28	\$3.10
Purchase Woolworths/Cottesloe Grov kitchen supplies						
08 Mar 2023	Woolworths/Cottesloe Grov Cottesloe			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$3.10
28770	139	1106		\$2.82	\$0.28	\$3.10
Purchase Woolworths/Cottesloe Grov kitchen supplies						
08 Mar 2023	Pos Business Systems Prospect			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$325.00
27160	139	1106		\$295.45	\$29.55	\$325.00
Purchase Pos Business Systems receipt printer replacement						
08 Mar 2023	Peppermint News Agc Peppermint Gr			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$259.60
27180	139	1106		\$236.00	\$23.60	\$259.60
Purchase Peppermint News Agc library newspapers						
14 Mar 2023	Woolworths/Cottesloe Grov Cottesloe			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$22.90
28770	139	1106		\$20.82	\$2.08	\$22.90
Purchase Woolworths/Cottesloe Grov comm centre dishwasher tablets + kitchen supplies						
15 Mar 2023	Adobe Creative Cloud Sydney			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$43.99
28545	129	1005		\$39.99	\$4.00	\$43.99
Purchase Adobe Creative Cloud Adobe monthly payment						
16 Mar 2023	W.A. Library Supplies Forrestdale			<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$894.00
62101	139	1106		\$812.73	\$81.27	\$894.00
Purchase W.A. Library Supplies replacement children's room mat						

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19 Mar 2023	Woolworths/Cottesloe Grov Cottesloe		<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$18.60
28770	139	1106	\$16.91	\$1.69	\$18.60
Purchase Woolworths/Cottesloe Grov JP supplies					
20 Mar 2023	Woolworths/Cottesloe Grov Cottesloe		<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$7.20
28770	139	1106	\$6.55	\$0.65	\$7.20
Purchase Woolworths/Cottesloe Grov kitchen supplies					
20 Mar 2023	Sp Jb Hi-Fi Online Southbank		<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$154.86
28473	139	1106	\$140.78	\$14.08	\$154.86
Purchase Sp Jb Hi-Fi Online adult DVDs					
21 Mar 2023	Mega Music Australia Myaree		<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$282.20
28575	139	1005	\$256.55	\$25.65	\$282.20
Purchase Mega Music Australia oral history recording device					
28 Mar 2023	Account Fees		<b>No Appr Req'd</b>	<input checked="" type="checkbox"/>	\$6.82
27130	129	1106	\$6.20	\$0.62	\$6.82
Account Fees Cc Fp User Fee bank charges					
<b>Total for this period:</b>					<b>\$2,408.02</b>

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature 

Dated 29/03 / 2023

Employee ID: 60

**Approved By**

Signature 

Dated 29/03/2023

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator





FlexiPurchase  
Account Statement

Statement for NAB

Statement Period: 01 Mar 2023 to 28 Mar 2023  
 Cardholder Name: Donald Burnett  
 JSKR VISA Purchasing Card (Client Expenses)



Date	Details		Department	Approval	Receipt Amount (\$AUD)	
	GL Code	CC Code		Net	Tax	Gross
08 Mar 2023	Mosman Fresh Iga	Mosman Park	Approval Req'd	<input checked="" type="checkbox"/>		\$49.95
27140	190	0403	\$45.41	\$4.54	\$49.95	
Purchase Mosman Fresh Iga Catering for mural workshop						
21 Mar 2023	Adobe Acropro Subs	Sydney	Approval Req'd	<input checked="" type="checkbox"/>		\$21.99
27140	190	0403	\$19.99	\$2.00	\$21.99	
Purchase Adobe Acropro Subs Adobe subscription						
22 Mar 2023	Zoom.U.s 888-799-9666		Approval Req'd	<input checked="" type="checkbox"/>		\$230.89
27140	190	0403	\$209.90	\$20.99	\$230.89	
Purchase Zoom.U.s 888-799-9666 Zoom annual subscription						
27 Mar 2023	Demmer Galleries	Osborne Park	Approval Req'd	<input checked="" type="checkbox"/>		\$280.00
27140	190	0401	\$254.55	\$25.45	\$280.00	
Purchase Demmer Galleries Framing of Councillor photo						
28 Mar 2023	Account Fees		No Appr Req'd	<input type="checkbox"/>		\$6.82
27130	190	0403	\$6.20	\$0.62	\$6.82	
Account Fees Co Fp User Fee Bank fee						
<b>Total for this period:</b>						<b>\$589.65</b>

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature [Signature]

Dated 30/03/2023

Employee ID: 5

Approved By

Signature [Signature]

Dated 04/03/2023

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



## Statement for NAB

**Statement Period:** 01 Mar 2023 to 28 Mar 2023

**Cardholder Name:** Robert Young

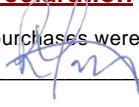


### JSKR VISA Purchasing Card (Client Expenses)

<u>Date</u>	<u>Details</u>	<u>Approval</u>	<u>Receipt</u>	<u>Amount (\$AUD)</u>	
<u>GL Code</u>	<u>CC Code</u>	<u>Department</u>	<u>Net</u>	<u>Tax</u>	<u>Gross</u>
28 Feb 2023	Coles Express 6919 Mosman Park	Approved	<input checked="" type="checkbox"/>	\$124.05	
28360	139	1201	\$112.77	\$11.28	\$124.05
	Purchase Coles Express 6919 Ute Fuel				
01 Mar 2023	Bunnings 453000 O'Connor	Approved	<input checked="" type="checkbox"/>	\$69.97	
28350	139	1201	\$63.61	\$6.36	\$69.97
	Purchase Bunnings 453000 Oil and rags				
07 Mar 2023	Oconnor L/Mwr&c/Saw O Connor	Approved	<input checked="" type="checkbox"/>	\$164.40	
28270	139	1201	\$149.45	\$14.95	\$164.40
	Purchase Oconnor L/Mwr&c/Saw Whipper snipper heads				
13 Mar 2023	Coles Express 6919 Mosman Park	Approval Req'd	<input checked="" type="checkbox"/>	\$93.93	
28360	139	1201	\$85.39	\$8.54	\$93.93
	Purchase Coles Express 6919 Dept Fuel				
14 Mar 2023	Coles Express 6919 Mosman Park	Approval Req'd	<input checked="" type="checkbox"/>	\$122.57	
28360	139	1201	\$111.43	\$11.14	\$122.57
	Purchase Coles Express 6919 Ute Fuel				
14 Mar 2023	Bunnings 453000 O'Connor	Approval Req'd	<input checked="" type="checkbox"/>	\$10.95	
28500	139	1201	\$9.95	\$1.00	\$10.95
	Purchase Bunnings 453000 Tool				
16 Mar 2023	Bunnings 453000 O'Connor	Approval Req'd	<input checked="" type="checkbox"/>	\$7.43	
28500	139	1201	\$6.75	\$0.68	\$7.43
	Purchase Bunnings 453000 Foreshore tap				
24 Mar 2023	Coles Express 6919 Mosman Park	Approval Req'd	<input checked="" type="checkbox"/>	\$125.21	
28360	139	1201	\$113.83	\$11.38	\$125.21
	Purchase Coles Express 6919 Ute Fuel				
28 Mar 2023	Account Fees	No Appr Req'd	<input checked="" type="checkbox"/>	\$6.82	
27130	139	1201	\$6.20	\$0.62	\$6.82
	Account Fees Cc Fp User Fee bank fees				
<b>Total for this period:</b>				<b>\$725.33</b>	

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature  \_\_\_\_\_

Dated 29 / 3 / 23

Employee ID: RY

**Approved By**

Signature  \_\_\_\_\_

Dated 29 / 03 / 2023

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



## FlexiPurchase Account Statement

### Statement for NAB

**Statement Period:** 01 Mar 2023 to 28 Mar 2023

**Cardholder Name:** Stewart Farley



### JSKR VISA Purchasing Card (Client Expenses)

Date		Details		Approval	Receipt	Amount (\$AUD)
GL Code	CC Code	Department	Net	Tax	Gross	
01 Mar 2023	Book Depository London		<b>Approved</b>	<input checked="" type="checkbox"/>	\$776.45	
28471	139	1106	\$705.86	\$70.59	\$776.45	
Purchase Book Depository Junior Book purchases						
01 Mar 2023	Big W/Rockingham Road Spearwood		<b>Approved</b>	<input checked="" type="checkbox"/>	\$398.00	
28471	139	1106	\$361.82	\$36.18	\$398.00	
Purchase Big W/Rockingham Road Junior Book purchases						
02 Mar 2023	Booktopia Pty Ltd Rhodes		<b>Approved</b>	<input checked="" type="checkbox"/>	\$124.59	
28471	139	1106	\$113.26	\$11.33	\$124.59	
Purchase Booktopia Pty Ltd Junior Book purchases						
04 Mar 2023	Big W/Rockingham Road Spearwood		<b>Approved</b>	<input checked="" type="checkbox"/>	\$144.00	
28471	139	1106	\$130.91	\$13.09	\$144.00	
Purchase Big W/Rockingham Road Junior Book purchases						
07 Mar 2023	Book Depository London		<b>Approved</b>	<input checked="" type="checkbox"/>	\$129.03	
28471	139	1106	\$117.30	\$11.73	\$129.03	
Purchase Book Depository Junior Book purchases						
10 Mar 2023	Amazon Marketplace Au Sydney South		<b>Approved</b>	<input checked="" type="checkbox"/>	\$68.45	
28471	139	1106	\$62.23	\$6.22	\$68.45	
Purchase Amazon Marketplace Au Junior Book purchases						
10 Mar 2023	Westbooks Burswood		<b>Approved</b>	<input checked="" type="checkbox"/>	\$61.96	
28471	139	1106	\$56.33	\$5.63	\$61.96	
Purchase Westbooks Junior Book purchases - special order at conference						
13 Mar 2023	Officeworks 0604 Fremantle		<b>Approved</b>	<input checked="" type="checkbox"/>	\$29.62	
28340	139	1106	\$26.93	\$2.69	\$29.62	
Purchase Officeworks 0604 kids craft supplies						
14 Mar 2023	Sp Larrikin House Dandenong Sou		<b>Approved</b>	<input checked="" type="checkbox"/>	\$51.95	
28471	139	1106	\$47.23	\$4.72	\$51.95	
Purchase Sp Larrikin House Junior Book purchases						
14 Mar 2023	Book Depository London		<b>Approved</b>	<input checked="" type="checkbox"/>	\$62.31	
28471	139	1106	\$56.65	\$5.66	\$62.31	
Purchase Book Depository						



Junior Book purchases						
14 Mar 2023	Amazon Marketplace Au Sydney South		<b>Approved</b>	<input checked="" type="checkbox"/>		\$65.64
28471	139	1106	\$59.67	\$5.97	\$65.64	
Purchase Amazon Marketplace Au Junior Book purchases						
20 Mar 2023	Book Depository London		<b>Approved</b>	<input checked="" type="checkbox"/>		\$19.64 CR
28471	139	1106	\$17.85 CR	\$1.79 CR	\$19.64 CR	
Credit Voucher Book Depository refund for Junior book cancellation						
28 Mar 2023	Account Fees		<b>No Appr Req'd</b>	<input checked="" type="checkbox"/>		\$6.82
27130	139	1106	\$6.20	\$0.62	\$6.82	
Account Fees Cc Fp User Fee Account Fees						
<b>Total for this period:</b>						<b>\$1,899.18</b>

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature 

Dated 31 / 3 / 2023

Employee ID: 63

**Approved By**

Signature 

Dated 31 / 3 / 2023

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



**Statement for NAB**

**Statement Period:** 01 Mar 2023 to 28 Mar 2023

**Cardholder Name:** Tim Whitham



**JSKR VISA Purchasing Card (Client Expenses)**

<u>Date</u>	<u>Details</u>	<u>Approval</u>	<u>Receipt</u>	<u>Amount (\$AUD)</u>	
<u>GL Code</u>	<u>CC Code</u>	<u>Department</u>	<u>Net</u>	<u>Tax</u>	<u>Gross</u>
28 Feb 2023	Eg Group/219 Hampton Rd C Sth Fremantle	<b>Approved</b>	<input checked="" type="checkbox"/>	\$105.01	
28360	139	1104	\$95.46	\$9.55	\$105.01
	Purchase Eg Group/219 Hampton Rd C Ute fuel.				
02 Mar 2023	Bunnings 483000 Claremont	<b>Approved</b>	<input checked="" type="checkbox"/>	\$48.00	
28270	139	1104	\$43.64	\$4.36	\$48.00
	Purchase Bunnings 483000 Hardware.				
09 Mar 2023	Bunnings 483000 Claremont	<b>Approved</b>	<input checked="" type="checkbox"/>	\$60.23	
28350	139	1104	\$54.75	\$5.48	\$60.23
	Purchase Bunnings 483000 Safety tape				
20 Mar 2023	Liberty Oconnor Wa Boulder	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$110.02	
28360	139	1104	\$100.02	\$10.00	\$110.02
	Purchase Liberty Oconnor Wa ute fuel				
28 Mar 2023	Account Fees	<b>No Appr Req'd</b>	<input checked="" type="checkbox"/>	\$6.82	
27130	139	1104	\$6.20	\$0.62	\$6.82
	Account Fees Cc Fp User Fee Bank fees				
<b>Total for this period:</b>				<b>\$330.08</b>	

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature  \_\_\_\_\_

Dated 5 / 4 / 2023

Employee ID: TW

**Approved By**

Signature  \_\_\_\_\_

Dated 13 / 04 / 2023

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



## FlexiPurchase Account Statement

### Statement for NAB

**Statement Period:** 01 Mar 2023 to 28 Mar 2023

**Cardholder Name:** Michael Costarella



### JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt	Amount (\$AUD)	
	GL Code	CC Code	Department	Net	Tax	Gross
28 Feb 2023	Planning Institute Of Aus Barton		Approval Req'd	<input checked="" type="checkbox"/>	\$111.50 CR	
	26540	119	1002	\$101.36 CR	\$10.14 CR	\$111.50 CR
	Credit Voucher Planning Institute Of Aus Refund for Heritage Course JG					
12 Mar 2023	Gas & Plumbing Australia Adelaide		Approval Req'd	<input checked="" type="checkbox"/>	\$2,000.00	
	29100	129	0403	\$1,818.18	\$181.82	\$2,000.00
	Purchase Gas & Plumbing Australia Emergency Replacement of pump Valves 40SPZ- Nightly call out 11/3/2023- Part Payment					
09 Mar 2023	The Lord Mayors Distre Perth		Approval Req'd	<input checked="" type="checkbox"/>	\$3,000.00	
	38250	190	0403	\$2,727.27	\$272.73	\$3,000.00
	Purchase The Lord Mayors Distre Donation to the Lord Mayor Appeal for the Kimberley Floods					
28 Mar 2023	Account Fees		No Appr Req'd	<input checked="" type="checkbox"/>	\$6.82	
	27130	190	0403	\$6.20	\$0.62	\$6.82
	Account Fees Cc Fp User Fee Bank fees					
<b>Total for this period:</b>					<b>\$4,895.32</b>	

### Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature Michael Costarella Dated 03 / 04 / 2023

Employee ID: E0005

### Approved By

Signature  Dated 3/04/2023

### On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



**Statement for NAB**

**Statement Period:** 01 Mar 2023 to 28 Mar 2023

**Cardholder Name:** Joel Lee Gajic




**JSKR VISA Purchasing Card (Client Expenses)**

<u>Date</u>	<u>Details</u>	<u>Approval</u>	<u>Receipt</u>	<u>Amount (\$AUD)</u>	
<u>GL Code</u>	<u>CC Code</u>	<u>Department</u>	<u>Net</u>	<u>Tax</u>	<u>Gross</u>
01 Mar 2023	Landgate Midland	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$28.20	
27140	190	1002	\$25.64	\$2.56	\$28.20
Purchase Landgate Landgate encumbrances search for WAP subdivision referral					
07 Mar 2023	Post Newspapers Shenton Park	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$573.06	
27180	190	1002	\$520.96	\$52.10	\$573.06
Purchase Post Newspapers The Post newspaper notice Draft LPP5					
12 Mar 2023	Gas & Plumbing Australia Adelaide	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$3,039.90	
28240	190	1106	\$2,763.55	\$276.35	\$3,039.90
Purchase Gas & Plumbing Australia Emergency plumbing labour and parts part payment					
12 Mar 2023	Gas & Plumbing Australia Adelaide	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$141.90	
28240	190	1106	\$129.00	\$12.90	\$141.90
Purchase Gas & Plumbing Australia Emergency plumbing call out fee					
13 Mar 2023	Post Newspapers Shenton Park	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$573.06	
28120	190	1002	\$520.96	\$52.10	\$573.06
Purchase Post Newspapers The Post newspaper notice Draft LPP5					
20 Mar 2023	Lgpa Perth	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$30.00	
28210	119	1002	\$27.27	\$2.73	\$30.00
Purchase Lgpa RCodes volume 2 changes session					
28 Mar 2023	Account Fees	<b>No Appr Req'd</b>	<input checked="" type="checkbox"/>	\$6.82	
<i>Not Coded</i>	<i>Not Coded</i>	<i>Not Coded</i>	\$6.20	\$0.62	\$6.82
Account Fees Cc Fp User Fee					
<b>Total for this period:</b>				<b>\$4,392.94</b>	

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature  \_\_\_\_\_

Dated 07 / 04 / 2023

Employee ID: E0020

**Approved By**

Signature  \_\_\_\_\_

Dated 12/4/2023





## Statement for NAB

**Statement Period:** 01 Mar 2023 to 28 Mar 2023

**Cardholder Name:** Donovan Norgard



### JSKR VISA Purchasing Card (Client Expenses)

<u>Date</u>	<u>Details</u>		<u>Approval</u>	<u>Receipt</u>	<u>Amount (\$AUD)</u>	
<u>GL Code</u>	<u>CC Code</u>	<u>Department</u>	<u>Net</u>	<u>Tax</u>	<u>Gross</u>	
27 Feb 2023	Bp Exp Myaree	1840 Myaree	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$114.45	
28360	129	1104	\$104.05	\$10.40	\$114.45	
Purchase Bp Exp Myaree 1840 Fuel						
27 Feb 2023	Dmirs - Online Payment	Perth	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$44.00	
28850	129	1104	\$40.00	\$4.00	\$44.00	
Purchase Dmirs - Online Payment High Risk Work License - DN						
04 Mar 2023	Adobe Acropro Subs	Sydney	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$28.99	
28845	129	1104	\$26.35	\$2.64	\$28.99	
Purchase Adobe Acropro Subs Adobe fees						
04 Mar 2023	Bp Exp Myaree	1840 Myaree	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$89.22	
28360	129	1104	\$81.11	\$8.11	\$89.22	
Purchase Bp Exp Myaree 1840 Fuel						
09 Mar 2023	Coles Express	6919 Mosman Park	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$115.82	
28360	129	1104	\$105.29	\$10.53	\$115.82	
Purchase Coles Express 6919 Fuel						
07 Mar 2023	Officeworks	0616 O'Connor	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$92.05	
28845	129	1104	\$83.68	\$8.37	\$92.05	
Purchase Officeworks 0616 Depot stationery						
15 Mar 2023	Parkside Towbars	Osborne Park	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$135.00	
28830	129	1104	\$122.73	\$12.27	\$135.00	
Purchase Parkside Towbars Fitted heavy duty floor mats						
15 Mar 2023	Supafit Seat Covers	Welshpool	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$905.30	
28830	129	1104	\$823.00	\$82.30	\$905.30	
Purchase Supafit Seat Covers Works vehicles x 2 heavy duty seat covers						
17 Mar 2023	Ampol Yangebup	55711f Yangebup	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$127.98	
28360	129	1104	\$116.35	\$11.63	\$127.98	
Purchase Ampol Yangebup 55711f Fuel						
24 Mar 2023	Ampol Wow Murdoch	Murdoch	<b>Approval Req'd</b>	<input checked="" type="checkbox"/>	\$133.44	
28360	129	1104	\$121.31	\$12.13	\$133.44	
Purchase Ampol Wow Murdoch Fuel						

28 Mar 2023	Account Fees		No Appr Req'd	<input checked="" type="checkbox"/>	\$6.82
27130	129	1104	\$6.20	\$0.62	\$6.82
Account Fees Cc Fp User Fee					
Bank fees					
<b>Total for this period:</b>					<b>\$1,793.07</b>

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature \_\_\_\_\_ Dated 29 / 03 / 2023

Employee ID: 169

**Approved By**

Signature \_\_\_\_\_ Dated 29/03/2023

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



## **Ordinary Council Meeting**

### **8.3.2 – Financial Management Statements for the period ended 30<sup>th</sup> April 2023**

To be provided at Ordinary Council Meeting 23rd May 2023



## **Ordinary Council Meeting**

### **8.4.1 – Policy Manual Review**



Shire of  
Peppermint Grove

# Policy Manual

Updated May ~~2022~~2023



# Shire of Peppermint Grove

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## Shire of Peppermint Grove

### What is a Policy?

A policy is a general rule to be applied in the exercise of a function (power or duty) and includes a statement of conditions under which an authorisation may or is to be given or withheld.

A policy will ordinarily apply irrespective of whether a matter is to be determined –

- by an employee with delegated authority; or
- at a meeting of the Council.

Policies should not be confused with delegations and procedures. A delegation for the purposes of the Act, will only apply when –

- a 'person' has a statutory power or duty;
- the person has the power of delegation;
- the person commits that power or duty, in writing to another to perform;
- the person has the power to make the delegation to the delegatee.

A "procedure" (Macquarie dictionary) is "the act or manner or proceeding in any action or process; conduct", and procedural statement can be construed accordingly.

In very simple terms –

Policy provides what can;  
Delegation provides who can;  
Procedures provide how to.

Policies are the province of Council. Delegations are primarily the province of the CEO – ie Council can delegate only to a committee or the CEO, whereas the latter delegates to employees. Procedures are appropriately a function of management.

Only policies should be in the Policy Manual.

## **SECTION ONE**

### **Governance Policies**

**1.1 CODE OF CONDUCT – Rescinded 25 May 2021**

This policy was rescinded on 25 May 2021. Council adopted a new Code of Conduct which is held separately to this manual.

## 1.2 MEETING POLICY AND PROCEDURE

<b>Purpose</b>	To provide a process for effective meetings for the Shire of Peppermint Grove.
<b>Status</b>	GOVERNANCE - OPERATIONAL
<b>Policy</b>	<p>In general, meetings of the Shire of Peppermint Grove will be conducted in accordance with the principles of effective meeting management. The fundamental principles of meetings are as follows:-</p> <p><b>Principles:</b></p> <p>A fair hearing      Every elected member has the right to expect to have a fair hearing at any meeting of Council;</p> <p>Code of Conduct      All elected members and staff present at a meeting have the right and obligation to abide by the Council's Code of Conduct;</p> <p>Majority decision      All members of Council and staff will accept the decision of the majority of members of council except that there is nothing to prevent an elected member from seeking to move a Rescission Motion at a subsequent meeting of Council.</p> <p>Statutory Compliance      Where the local Government Act 1995 provides for requirements relevant to meeting procedure those will be upheld in the course of the meeting.</p> <p>The Shire of Peppermint Grove conducts the following meetings on a monthly basis as determined to be the most useful mix of forums to facilitate strategic discussion and effect good decision-making:</p> <ol style="list-style-type: none"> <li>1.      Concept Forums</li> <li>2.      Agenda Briefing Forums</li> <li>3.      Ordinary Meetings of Council</li> </ol> <p><b>PROCEDURE - CONCEPT FORUMS</b></p> <p>Concept Forums involve Elected Members, staff and, where appropriate, external advisors, experts or proponents. They are to provide the opportunity to exchange information and ideas about issues or ideas that may affect the Shire of Peppermint Grove.</p> <p>Concept forums will generally involve projects or matters that are in the early planning stages and are some time away from being presented to the Council for consideration of a formal decision.</p>

During concept forums:

- The Chief Executive Officer or relevant officers will present on agenda items;
- the Chief Executive Officer seeks input from the Elected Members as input into research and further drafting of concepts for any future report;
- Elected Members are fully informed on matters to enable decisions to be made in the best interests of the Shire;
- Elected Members represent the views of the community.

The input through open and free-flowing exchange of ideas and the willingness to contribute to concept forums will provide invaluable direction to the Chief Executive Officer for research and the preparation of any report on the matter if required.

Concept Forums will be closed to the public and agendas will be Confidential. Concept Forums will generally be held on a monthly basis on the same evening, and immediately following, an Agenda Briefing Forum. Additional Concept Forums may be held at the discretion of the Chief Executive Officer in consultation with the President.

Where considered appropriate to ensure Elected Members are fully informed on a matter, guests including experts, consultants or proponents for an item listed on the agenda may be invited to attend and provide a presentation. They will only be present for so much of that forum that applies to their presentation.

The Chief Executive Officer, in consultation with the President, will prepare the agenda for the Concept Forum. The Chief Executive Officer will ensure timely written notice and a confidential agenda for each forum will be provided to all Elected Members, including briefing papers where necessary.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

As Council's Meeting Procedures will not apply in Concept Forums, it will be responsibility of the Presiding Member to ensure the good conduct of the meeting.

The Presiding Member shall:

1. Advise Elected Members that no decisions will be made during the forum;
2. Encourage all Elected Members present to participate in the sharing and gathering of information;
3. Ensure that all Elected Members have a fair and equal opportunity to participate; and
4. Ensure the time available is liberal enough to allow for all matters of relevance to be identified.

Elected Members, employees and invited experts, consultants or proponents shall disclose their interests on any matter listed in accordance with the meeting procedures of an Ordinary Meeting of Council.

Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future forum by:

- A request to the Chief Executive Officer; or
- A request made during the forum.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A confidential copy of the record is to be forwarded to all Elected Members.

#### **PROCEDURE - AGENDA BRIEFING FORUMS**

These are forums for Elected Members to become more informed on matters prior to formal consideration at the Ordinary Meeting of Council. The forums encourage open dialogue between Elected Members, Officers and members of the public, and allow Elected Members to gain maximum knowledge and understanding of issues prior to presentation at the Ordinary Meetings of Council.

Agenda Forums involve Elected Members, staff, residents and/or their representatives, and external advisors (where appropriate) and will be open to the public.

Agenda forums provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Meeting of Council for formal consideration and decision.

Agenda Briefing Forums are not decision-making forums and items on the agenda are not to be debated at the Forum.

Agenda Briefing Forums occur two weeks prior to a Council meeting and consider the agenda prepared for the next Ordinary Meeting of Council.

The Agenda should be read in conjunction with the agenda for the next Ordinary Meeting of Council which will be issued at the same time. Both agendas will be publicly available in the Library and on the Shire's website.

The Agenda Briefing Forum will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995 and as detailed in the meeting procedure for the Ordinary Meeting of Council.

The Chief Executive Officer will ensure timely written notice and an agenda for each forum will be provided to all Elected Members. The agenda will be available to the public at the Library and on the Shire's website.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

The Meeting Procedures for the Ordinary Meetings of Council will generally apply including procedures around deputations and questions from the public which will be adhered to.

There is to be no debate or decision-making amongst Elected Members on any matters raised, however elected members may seek further information or request additional information be supplied prior to the Ordinary Meeting of Council.

Relevant employees of the Shire will make a presentation on agenda items and be available to respond to questions on matters listed on the agenda.

All Elected Members will be given a fair and equal opportunity to participate.

The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.

Elected Members and employees shall disclose their interests on any matter listed in accordance with the meeting procedure for Ordinary Meetings of Council.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record requests for further information and any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and shall be posted on the Shire's website.

Additional requested information will be provided to elected members prior to the Ordinary Meeting of Council as soon as available unless there is a requirement to clarify information in the officers report or add additional information to the report. This will be clearly shown in the version presented to the council meeting under the heading of 'Further Information. at the end of 'Officers Comment.'

Members of the public may make a deputation by making a written request to the Chief Executive Officer on the working day immediately prior. Deputations must relate to matters listed on the agenda. Deputations are restricted to no more than 5 minutes.

## **ORDINARY MEETINGS OF COUNCIL**

### **1. Convening Meetings**

Council can decide to hold a meeting by resolution.

In the case of special meetings, the President, or at least one third of Councillors, can do so by giving the CEO written notice setting out the date and purpose of the meeting. The CEO will convene a meeting by giving the notice required by the Local Government Act 1995.

Ordinary Meetings will be set each year for the following twelve months.

### **2. Presiding at Meetings**

The President will preside at all Shire of Peppermint Grove Ordinary Meetings of Council at which he/she is present and able to preside at.

If the Presiding Member is not present or is unable to preside, the



Deputy Shire President will automatically take the chair. If he/she is also not present or unable to preside, the elected members present will choose a chair from amongst themselves.

No member who has disclosed an interest in a matter is able to preside while that matter is dealt with.

### **3 Confidentiality**

In general, all Council meetings are open to the public. Any report on a matter that the Chief Executive Officer considers should be dealt with at a closed meeting will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the report will be deferred until immediately before the end of the meeting when the public will be asked to leave.

### **4 Processing Business**

The order of business will be as stated on the agenda paper unless Council resolves otherwise.

Public question time will precede the making of any decisions by Council.

Only business shown on the agenda will be discussed.

At Special Meetings only business specified in the notice of the purpose of the meeting will be discussed.

The order of business used will be as follows:-

1. Declaration of Official Opening
2. Recording of Attendance, Apologies and Leaves of Absence
3. Delegations and Petitions
4. Public Question Time
5. Declarations of Interest
6. Announcements and Declarations by Members
7. Confirmation of Minutes
8. Officer/Committee Reports
9. New Business of An Urgent Nature
10. Motions on Notice
11. Confidential Items of Business
12. Closure

### **5 Apologies and Leave of Absence (S2.25 Local Government Act 1995)**

Leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

A member who is absent from more than 3 consecutive ordinary meetings without obtaining leave is disqualified as a member.

**6 Public Question Time**

Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the council and should not be a statement or personal opinion.

During the Council meeting 15 minutes is allocated to public question time , after public question time, no member of the public may interrupt the meeting's proceedings or enter into conversation.

Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.

All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an ordinary meeting, and at a special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting at the discretion of the President.

The person presiding will control public question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. A person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, people seeking to ask questions will be given two minutes within which to address their question to the Council. The Presiding Member may shorten or lengthen this time at their discretion.

**7 Confirmation of Minutes**

Minutes of all Council meetings are to be submitted to the next Ordinary Council meeting for confirmation. No discussion regarding the minutes will take place other than as to their accuracy. The President must sign and date the minutes to certify confirmation.

**8 Disclosure of Interest**

A member who has a financial, impartiality or proximity interest in any matter that is to be discussed at a meeting of Council or a Committee must disclose the nature of that interest if the member will be in attendance at the meeting.

Disclosure must be made in a written notice to the CEO before the meeting; or at the earliest possible time after the member has

become aware of the interest.

### **9 Announcements by the President Without Discussion**

The person presiding may make any announcements on any matters that he/she considers of interest to Council. No discussion will take place or resolution regarding the matters raised.

### **10 Delegations and Petitions**

In the event that a guest speaker (or speakers) is in attendance as a delegation to address council on a specific issue, the guests will speak immediately after the President has made announcements without discussion. Following presentations, the President may facilitate questions and answers from elected members. Presentations will be limited to 5 minutes unless extended by the Presiding Member.

In the event of any petitions being presented, the Presiding Member will present the petition immediately following any delegation. Where a petition is presented, the Presiding Member shall read aloud the petition and advise council of the number of petitioners. The Presiding Member may move a motion as follows:-

- That the petition be received; or
- That the petition be referred to the Chief Executive Officer for a report to be presented at the next ordinary meeting.

There will be no debate on petitions at the meeting to which they are presented.

### **11 Officer's Reports**

The Chief Executive Officer may make any announcements on any matters relevant to the council as a matter of update for information. No discussion will take place or resolution regarding the matters raised.

The order of reports for consideration will be:

1. Urban Planning
2. Infrastructure
3. Community Development
4. Management/Governance/Policy
5. Corporate

### **13 Motions on Notice**

A member may raise any matter which relates to the good government of the Shire, providing he or she gives notice of the motion to the CEO for distribution to other members.

Such notice should be given at least 7 clear days prior to the day of the meeting to enable distribution to other members and availability to the public prior to the meeting. (7 clear days is 7 business days – therefore Motions on Notice would need to reach the CEO by the Thursday two weeks before the meeting (ie – 9 days prior to the meeting).

Motions on Notice will be treated procedurally by being referred to the Chief Executive Officer, without debate, for a report to be presented to the next Ordinary Meeting of Council.

### **14 Closure**

If the business of an ordinary or special meeting of Council is not completed by 9pm the person presiding may seek the leave of Council to proceed to the transaction of unopposed business, and to then adjourn the meeting. If a simple majority of members agree to this, unopposed business will be transacted and the remaining business will be adjourned to a specified time or to a time to be advised.

### **DEBATE**

All motions under consideration require a mover and a seconder, unless the Local Government Act 1995 requires otherwise. (eg for a motion to revoke a decision which was made by absolute majority see Administration regulation 10)

### **15 Recommended Motions**

The recommendations in reports will be drafted as motions recommended for adoption.

### **16 Moving Recommendations**

The person presiding will invite members to move the recommendations in the reports, in the order they appear in the agenda.

Members may move recommendations individually; or may move a number of recommendations in numerical sequence up to any

recommendation which has been identified as subject to an interest disclosure, or on which Members have indicated they would like to debate or where a member has indicated that they have a disclosure of interest.

#### **17 Recommendations Identified for Interest Disclosure**

Before the recommendation of a report that has been identified as subject to an interest disclosure is moved:

- the person presiding will bring the contents of any written notice of an interest regarding that report to the attention of the meeting;
- any member who has an interest in the report which is not yet disclosed will disclose the nature of the interest;
- any member who has disclosed an interest which is a direct or indirect financial interest or a proximity interest will leave the room while the matter is dealt with unless the interest is of the kind which falls under S5.63 of the Local Government Act 1995.
- Should the member wish to seek council approval to remain in the room but not take part in the discussion or the vote on the matter, they must leave the room while the council determines whether they will be allowed to remain in the room during discussion. In these circumstances, the nature and extent of the interest must also be disclosed. (S 5.68 & 5.69 Local Government Act 1995)

#### **18 Clarification of Reports**

Members may request that Officers explain or clarify reports prior to, or during, any discussion of a recommended motion.

#### **19 No Opposition**

The person presiding will ask the meeting if any member opposes the motion. If it is not opposed the motion will be declared carried without debate or taking a vote.

#### **20 Opposition to the Motion**

If there is opposition to a motion the person presiding will (in the following order):

- invite the mover of the motion to speak to the motion;
- invite any member opposing the motion to speak to it;

- allow other members who wish to speak for or against the motion to speak.

### **21 Members to Only Speak Once**

Members may speak more than once on a motion. The person moving the motion he/she has the right at the end of debate to reply to any matters raised during the debate. Seeking points of clarification or seeking additional information relevant to the report is not considered to be speaking more than once.

### **22 Person Presiding to Control Debate**

The person presiding will ensure that points of view on a motion are given a fair and reasonable opportunity to be expressed and debated. However, he/she is not obliged to permit every member to speak on a motion nor to permit members to speak for excessive periods of time.

The general rule will be:

- each member permitted to speak will have approximately three minutes to present his/her case;
- the person presiding will determine when he or she believes that a motion has been given a fair and reasonable opportunity to be debated;
- all decisions of the person presiding will be final except if a motion of dissent with a ruling is moved by a member, such a motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final; and
- the person presiding will follow the meeting's ruling.

### **23 Amending a Motion**

Amendments to a motion on the table:

- may be moved at the conclusion of any speech on the motion;
- cannot negate the meaning of the substantive motion;
- must be of a minor nature such as omitting, substituting or adding words;
- must be seconded;
- must be accurately recorded by the Minute Secretary to the satisfaction of the mover.
- Only one amendment may be considered at a time, but as

often as an amendment is lost, another amendment may be moved before the substantive motion is put to the vote.

#### **24 Seconding the Amendment**

An amendment must be seconded. Once seconded, the amendment becomes the motion under consideration.

#### **25 Amendment not Seconded**

If an amendment is proposed and not seconded the debate returns to the substantive motion.

#### **26 Amendment Passed**

If an amendment is passed:

- the amended motion is the motion before the meeting;
- the person presiding will follow the same process used when dealing with a motion.

#### **27 Reasons for Decision**

If an amended motion is adopted instead of an officer recommendation and the change from the recommendation is significant, the person presiding will:

- summarise the meeting's reasons for coming to that decision; and
- request the meeting to confirm the reasons for the decision for the purposes of recording in the minutes.

#### **29 All Members Must Vote**

All members present must vote in all decisions of Council unless they cannot participate because of an interest disclosure.

#### **30 Determining the Vote**

The person presiding can ask members to indicate their position on a motion as often as he/she believes is necessary to determine what the vote is. The outcome of the vote will be determined by a simple majority unless the decision requires an absolute majority.

**31 Other Options**

A recommended motion may be:-

- adopted;
- referred back to the Administration for further report;
- amended;
- not adopted;
- replaced by an alternative motion.

**32 Referring Back**

Before a motion to refer a recommendation back to the Administration is debated the person presiding will request that an officer provide advice on the implications of delaying the matter. The motion to refer an item back to the Administration must identify the action to be taken by the officer.

If an elected member moves a motion to refer back an item, the motion will be dealt with immediately, without debate.

**33 Not Adopted**

If a motion is not adopted it is negated. If an officer recommendation is negated the person presiding will:

- summarise the meeting's reasons for coming to that decision;
- request that the meeting confirms those reasons for recording in the minutes.

**34 Proposing an Alternative Motion**

If a recommendation is not adopted an alternative motion may be moved with the simple majority consent of Council. The minutes must show the reasons for the alternative motion being considered and adopted. If the alternative motion is not adopted, discussion will cease on the matter.

**URGENT BUSINESS****35 Person Presiding Consents**

If a matter of urgent business is raised:

- the person presiding will determine whether he/she considers the matter sufficiently urgent to be dealt with at the meeting;
- if he/she considers it is, he/she will permit a motion to be moved; and



- will deal with the motion in the same way as an officer recommendation.

### **36 Meeting consents**

If the person presiding determines a matter is not sufficiently urgent to be dealt with as urgent business:

- a member may move a motion of dissent with the ruling;
- the motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final;
- the person presiding will follow the meeting's ruling and permit a motion to be moved;
- the motion will be dealt with in the same way as an officer recommendation except that, prior to a final vote on the matter. The person presiding shall invite the Chief Executive Officer to provide advice on the impact of the proposed motion.

### **RULES OF DEBATE**

#### **37 Official Title to be Used**

During meetings, speakers should address others by using their accepted title. For example: Mayor, Deputy Mayor, Councillor, or in the case of staff by their position title.

#### **38 Order of Speakers**

When two or more members indicate they wish to speak at the same time, the President will decide who may speak first.

#### **39 Members not to Interrupt**

A member must not interrupt or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

#### **40 President may Participate in Discussion**

The President may discuss any motion before the meeting, provided that he/she addresses the meeting before the right of reply is exercised. The President must exercise a deliberate vote and if the votes are tied may exercise a casting vote.

**41 President to be Heard without Interruption**

If the President wishes to speak during a debate, all other members should be silent so that the President may be heard without interruption.

**42 Members not to Reflect Adversely on Resolution of Council**

A member shall not reflect adversely upon the resolution of the Council except on a motion that the resolution be rescinded.

**43 Members not to Reflect Adversely on other Members or Officers**

A member shall not reflect adversely upon the character or actions of another member or an officer of the Shire of Peppermint Grove nor impute any motive to a member or an officer unless the Council resolves that the motion then before the Council cannot otherwise be adequately considered.

**44 Members to Apologise if Adversely Reflect**

Any member who, in the opinion of the President, uses offensive language or expressions during a Council meeting may be requested by the President to withdraw the statement and formally apologise.

If the member refuses or fails to comply, the President may refuse to hear any further comments from the member on the business currently being discussed.

**45 Relevance to Debate**

Members must ensure that any comments or remarks made are relevant to the business or motion under discussion.

**ORDER****46 Point Of Order**

A member may bring to the President's attention, any breach of these Meeting Procedures by stating the grounds for the breach and the name of the offending member.

A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognised as raising a point of order.

The President shall decide all questions of order or practice. The decision is final and must be accepted by the meeting without discussion or argument unless a different ruling is resolved by majority.

A motion, amendment or other business deemed out of order shall not be further discussed and need not be subject of a resolution.

Where anything said or done by a member is deemed out of order, the President may require the member to make an explanation, retraction or apology.

#### **47 Preservation of Order**

The President's role is to preserve order and he/she may call any member to order whenever he/she believes it necessary.

If a member persists in any conduct which the President decides is out of order, or the member refuses to explain, retract or apologise as requested by the President the President may direct the member not to take part in the proceedings of the meeting other than to record the members vote. The member must comply with this direction.

#### **48 Serious Disorder**

The President may adjourn a Council meeting for fifteen minutes if he/she believes business cannot be effectively continued. Once reassembled, the Council will decide, without debate, whether to continue with business.

If, having once adjourned the meeting, the President again believes that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned by the President.

#### **49 Interpretation**

Where a situation arises where no provision or insufficient provision is made in this Policy, the President shall determine the procedure to be observed, based on the principles of fairness and equity. He/she may use the procedure of the Western Australian Parliament as a guide.

#### **50 Council and Committee Meetings held electronically**

Under Regulation 12 of the Local Government (Administration)

Amendment Regulations 2022, the Shire can conduct up to half of its annual Council and Committee Meetings electronically.

Should the Shire elect to change an in-person meeting to an electronic meeting they must provide appropriate public notice of this fact under Regulation 12, of the Administrative Regulations.

A record of the number of electronic meetings conducted by the Shire must be kept. This will assist managing compliance with the quota threshold.

A decision by the local government to authorize attendance by electronic means, can be made with a simple majority.

#### **Criteria for Elected Members Remote Attendance at Council Meetings**

Council Meetings require a quorum of Elected Members (EM) to attend in order for the meeting to proceed. EM attendance at Council Meetings by electronic means is limited to 50% of meetings per annum. This cap does not apply to EM with a disability.

To facilitate a dial in attendance at Council Meeting, the EM must:

1. Receive approval from the Shire President that they will be attending electronically.
2. The Shire President will consider whether the location from which the person intends to attend the meeting and the equipment used, will enable effective engagement with Council deliberations. A determination will also be made on whether the business of Council can be conducted in a confidential manner.
3. The Elected Member would need to provide details on the location from which they are participating in the meeting, that is, hotel name, city and room number. This information is to be provided to the Shire in advance of the meeting.
4. The other Elected Members would need to be advised of the arrangement and the minutes note the electronic attendance.

#### **Options for Electronic Meetings**

Communications that allow instantaneous contact with each person in attendance at the meeting, are permitted. The Zoom/Teams address for telephoning the Shire of Peppermint Grove Council Chambers:

- Chambers conference phone, 011 61 892 868 602 or the EM can be called on their mobiles. Alternately via Zoom or Teams.

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	<del>19 July 2010</del> <u>23 May 2023</u>

### 1.3 POLICY AND DELEGATIONS REVIEW

<b>Purpose</b>	To ensure good governance through regular review of Statutory and Operational Policies and Delegations
<b>Status</b>	GOVERNANCE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove will:</p> <ol style="list-style-type: none"> <li>1. Review all Statutory and Operational Policies on a bi-annual basis</li> <li>2. New policies or existing policies may be approved or reviewed when necessary and outside of the scheduled review process.</li> <li>3. The Code of Conduct will be reviewed within six (6) months of a Local Government election.</li> <li>4. Delegations will be reviewed annually.</li> </ol>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S 5.103 (2) – Code of Conduct Local Government Act S 5.18 and s 5.46 (2) - Delegations
<b>Adopted/ Amended</b>	18 September 2000 14 August 2007

#### 1.4 ELECTED MEMBERS' ALLOWANCES AND REIMBURSEMENTS

<b>Purpose</b>	<p>The purpose of this policy is to:</p> <ol style="list-style-type: none"> <li>1. Provide elected members with an appropriate level of remuneration and support in fulfilling their role.</li> <li>2. Clarify those payments that elected members have a right to receive and those that are payable at the discretion of the Shire of Peppermint Grove.</li> <li>3. Assist with budgeting and financial management.</li> <li>4. Promote transparency and accountability.</li> </ol>
<b>Status</b>	GOVERNANCE - STATUTORY
<b>Policy</b>	<p>This policy complies with the requirements of the <i>Local Government Act 1995</i> ("the Act") and <i>Local Government (Administration) Regulations 1996</i> ("the Regulations").</p> <p>Section 5.98 of the Act provides that an elected member is entitled to be paid a fee for attending a council or committee meeting. Under section 5.98 (1) of the Act each elected member has the right to decide whether he or she wishes to be paid meeting attendance fees. Each elected member must have the freedom to make their own decision on this matter without influence or pressure from other members. If an elected member wishes to receive meeting fees, he or she is entitled to the prescribed minimum fee under the regulations or to a higher fee set by the Council.</p> <p>The Council of the Shire of Peppermint Grove has determined that elected members will be paid an Annual Attendance Fee in lieu of fees for attending meetings.</p> <p>The Salaries and Allowances Tribunal (SAT) set the range for band 4 Local government and the allowances paid are within the band range.</p>



## **FEES AND ALLOWANCES**

### **Shire President**

The Shire President is entitled to an Annual Attendance Fee in lieu of meeting fees in accordance with Regulation 34 (2), paid quarterly in arrears. The allowance is set at 95% of the maximum of the band.

The Shire President is also entitled to an Annual Shire President Allowance under regulation 33 set at 95% of the maximum of the band.

### **Deputy Shire President**

The Deputy Shire President is entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears, set at 95% of the maximum of the band.

The Deputy Shire President is also entitled to a maximum of 25% of the Annual Shire President Allowance as prescribed in regulation 33A.

### **Elected Members Annual Attendance**

Elected Members are entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears, set at 95% of the maximum of the band.

## **EXPENSES THAT MUST BE REIMBURSED**

Elected members are entitled to be reimbursed upon request for the following expenses covered under Regulation 31:

1. Telephone and facsimile machine rental charges
2. Child care expenses
3. Travel costs

Claims for these expenses must relate to the actual cost incurred and be supported by documentation. Claims are for reimbursement of costs and are not an allowance.

## **EXPENSES THAT MAY BE REIMBURSED**

In accordance with Section 5.98 (3) of the Act and Regulation 32, elected members may be reimbursed for expenses incurred:

	<ol style="list-style-type: none"> <li>1. In performing a function under the express authority of the Shire;</li> <li>2. By reason of being accompanied by no more than one other person while performing an official function where the Shire considers it to be appropriate;</li> <li>3. In performing a function in the elected member's official capacity.</li> </ol> <p>A decision to reimburse these expenses is at the absolute discretion of the Chief Executive Officer and will only be considered following verification of sufficient information. Where a conflict arises relating to a decision not to reimburse an expense, then the matter will be referred to Council.</p> <p><b>Information Technology</b></p> <p>Elected Members are entitled to an annual information and technology allowance as determined each year as part of the budget process.</p> <p>Payment of fees and allowances will be paid by electronic funds transfer (EFT) into the elected members nominated bank account quarterly in arrears .</p> <p>Elected Members are entitled to an annual information technology allowance of \$1,200 per year for costs associated with purchase of electronic equipment for Council purposes. This payment is subject to the elected member receiving agendas, minutes, and other documents in electronic format.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act 1995 S. 5.98 and 5.99 Local Government Administration Regulations 33 and 34 .
<b>Adopted Amended</b>	27 July 2010 24 May 2022

## 1.5 SMOKE FREE POLICY

<b>Purpose</b>	<p>The Shire recognises the extreme negative health impact that tobacco smoke, including environmental tobacco smoke, has on all people exposed to it.</p> <p>Tobacco smoking increases the risk of cancers, cardiovascular and respiratory diseases and other illnesses.</p> <p>It is the greatest single risk factor for health and has been estimated to cause 10 per cent of the total Australian burden of disease (NT Department of Health).</p> <p>The Smoke Free Policy has been developed to protect and promote the best health outcomes for its staff and for the users of our services. The Policy has been developed to:</p> <ul style="list-style-type: none"> <li>• Safeguard our staff against the health impacts of tobacco smoke, including environmental tobacco smoke</li> <li>• Protect those who use our services and visit our facilities</li> <li>• Promote an attitudinal and behavioural change to smoking</li> </ul>
<b>Status</b>	GOVERNANCE - OPERATIONAL
<b>Policy</b>	<p>This Smoke Free Policy applies to the Grove Precinct where tobacco smoking will not be permitted within the buildings and grounds. This policy extends to all staff, contractors, volunteers and customers.</p> <p>Appropriate signage will be provided to advise that the precinct is a smoke free area.</p> <p>The Grove Precinct includes the Shire Office, Community Centre, Library and all grounds.</p>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	22 February 2011

### 1.6 COUNCILLOR'S WORKS REQUESTS

<b>Purpose</b>	To ensure Councillors requests are appropriately identified and handled promptly and efficiently.
<b>Status</b>	
<b>Policy</b>	<p>All general enquiries made by Councillors should be directed to the Chief Executive Officer or Managers</p> <p><b>Special Note</b></p> <ol style="list-style-type: none"> <li>1. The officer in charge will inspect the request or complaint and place it on the list of maintenance works according to priority.</li> <li>2. Special works requests or major works should be discussed with the Chief Executive Officer.</li> <li>3. Regarding major works the CEO can then recommend to the Council that it is / is not possible to modify the Works Program or the matter be placed for consideration on following years budget.</li> </ol>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	18 September 2000

### 1.7 MEMBERS ATTENDANCE AT CONFERENCES, SEMINARS & TRAINING

<b>Purpose</b>	To maximise training opportunities for Elected Members.
<b>Status</b>	
<b>Policy</b>	<ol style="list-style-type: none"> <li>1. That Council support and wherever possible take advantage of appropriate training opportunities for elected members according to the following guidelines -</li> <li>2. Priority be given to any course or Seminar that is specifically relevant to Councillors and attendance at such course or Seminar is subject to approval by Council, or Chief Executive Officer.</li> <li>3. Priority be given to the attendance of any new Councillor at any Induction or Training Course specifically organised for the benefit of new Councillors.</li> <li>4. Conference, Seminars or Courses organised by organizations of which Council is a member or has an interest in would usually be attended by Council's appointed representatives to those organizations, e.g., Local Government Association Conference would be attended by the Local Government Association Delegates.</li> <li>5. In the case of Conferences relevant to specific disciplines the Presiding Member of the relevant Standing Committee would have priority in attending.</li> <li>6. When determining costs of a conference all reasonable costs including travel, accommodation, meals and telephone are to be supported by receipts and paid for by Council. Elected Members can access \$1000 Per anum for attending conferences that match the criteria set out in this policy without needing to refer this to Council. However it is subject to sign off by the CEO. Cost in excess of \$1000 would be referred to Council for approval.</li> <li>7. Conferences in other States would be dealt with in the same way as any other Conference within the State</li> </ol>

	<p>except that whenever attendance at the conference entails travelling outside the State, the proposal be referred for the approval of full Council if time permits.</p> <p>8. Reports of conference attendance to be provided in writing to Council.</p> <p>9. The type of conferences that Councillors attend would generally be related to a particular function or activity in which council is involved rather than individual or personal development type Conference/Seminars.</p>
<b>Complementary Legislation/Agencies</b>	
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	18 September 2000

### 1.8 CONFERENCE ATTENDANCES – REPRESENTATION AND RELATED ISSUES

<b>Purpose</b>	To determine the nature and extent of Council's representation at international/interstate/state conferences, study tours, seminars or conventions
<b>Status</b>	
<b>Policy</b>	<p>The following guidelines are to be considered for any proposal for representatives of the Council to attend conferences, study tours, seminars or conventions:-</p> <ol style="list-style-type: none"> <li>1. when it is considered desirable that the Council be represented at an international/interstate and/or state conference, study tour, seminar or convention, a maximum of two councillors and one officer may attend;</li> <li>2. following attendance at such conferences, the councillors and officer be required to submit a report on the conference proceedings for the Council's information and records;</li> <li>3. a list be maintained on the Council's records of councillors' attendance at conferences;</li> <li>4. the representatives be determined by the Council and a list of previous attendances be submitted on each occasion to assist with that decision;</li> <li>5. where it is not appropriate for the Chief Executive Officer to attend a particular conference, other senior officers be given the opportunity to gain valuable experience as part of their career development.</li> <li>6. Attendance is subject to budget provisions</li> </ol>

<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	18 September 2000



## 1.9 COMMUNITY ENGAGEMENT POLICY

<b>Purpose</b>	The Shire will inform and consult our community on matters that affect them, understanding that the best outcomes come from working together. Feedback will be used to inform and strengthen the Shire's decision-making process.
<b>Status</b>	
<b>Policy</b>	<p>This policy applies to elected members, Shire of Peppermint Grove employees and the Peppermint Grove community, which includes residents, visitors, workers, volunteers and businesses.</p> <p><b>Principles</b> The Shire recognises the importance of open, transparent, accountable, inclusive and appropriate community engagement.</p> <p>The Shire undertakes community engagement to:</p> <ul style="list-style-type: none"> <li>• improve and strengthen decision-making</li> <li>• enable community involvement and participation</li> <li>• understand community priorities and concerns</li> <li>• improve the quality of services and facilities it provides.</li> </ul> <p>Council will take account of the views and opinions expressed by the community and balance this feedback with other factors such as budgetary constraints, legal requirements and the context of the</p> <p><b>When to engage</b> The Shire will embed community engagement in appropriate decision-making processes at all levels of the organisation and, where possible, use community engagement outcomes to help inform actions and decisions.</p> <p>The Shire undertakes to engage when:</p>

- a matter requires information from the community in order for a decision to be properly informed
- a new significant project or plan is being developed or a major review is occurring with an existing project or plan
- a matter affects the rights and entitlements of community members or a significant group within the community
- a matter has a significant impact on the quality of community life, services or facilities
- it is required under the Local Government Act 1995 or other legislation.

The Shire acknowledges that community confidence in consultation is paramount to its success. If a decision has already been made, or the community or the Shire cannot effectively influence the final decision, the Shire will not undertake a community engagement process.

Where routine matters to be determined by Council require consultation it will be undertaken by staff and the results presented to Council to assist in the decision making process.

Where issues affect the strategic direction of the Shire or are sensitive and potentially divisive, consultation will be undertaken following Council's consideration of the issue so that Council's in-principle resolution can guide the consultation process.

#### **Levels of engagement**

Differing levels of participation are legitimate depending on the project goals, timeframe resources and level of interest in the decision to be made.

The Shire may use the International Association for Public Participation (IAP2) spectrum to consider and apply the most suitable level of engagement and to define the role of the community in the decision making process.

#### **Tools and Promotion**

The Shire strives to deliver meaningful, informed and genuine community participation to inform Council's decision

making process. The Shire endeavours to communicate clearly the matters on which it is consulting and to outline any constraints or limitations on the consultation process.

To maintain proactive and best practice community engagement the Shire will explore and utilise contemporary tools of engagement and be open to new and innovative ways to engage. Community engagement techniques will be selected based on the project scope and level of community impact (the number of persons potentially affected by the topic).

Communication methods will be tailored to best encourage participation in each individual project.

**Measurement and evaluation**

The Shire recognises that the level and type of engagement with the community will vary depending on the community interest in the topic and perceived impact. Both quantitative and qualitative measures will be assessed during project evaluation.

**Definitions**

**IAP2** - International Association for Public Participation. An international member association which seeks to promote and improve the practice of public participation and stakeholder engagement.

**IAP2 Spectrum** - - a process document designed to assist with the selection of the level of participation to define the public's role in community engagement, with increasing levels of influence ranging from 'inform', 'consult' and 'involve' to 'collaborate' and 'empower'. Provides a guide as to how to engage with the community in different situations.

**Related Sources**

- IAP2 Public Participation Spectrum
- City of Subiaco Community Engagement Toolkit

<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil

### 1.10 RELATED PARTY TRANSACTION AND DISCLOSURES

<p><b>Purpose</b></p>	<p>The objective of this policy is to ensure that an entity's financial statements contain disclosures necessary for users to understand the potential affects on the financial statements may be affected by the existence of related parties and transactions.</p> <p>This policy outlines required mechanisms to meet the disclosure requirements of AASB 124. The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.</p>
<p><b>Status</b></p>	
<p><b>Policy</b></p>	<p>This Policy is to be applied in:</p> <ul style="list-style-type: none"> <li>Identifying related party transactions and relationships;</li> <li>Identifying outstanding balances including commitments between an entity and its related parties;</li> <li>Identifying circumstances in which disclosure of the above items are required; and</li> <li>Determining the disclosures to be made about those items.</li> </ul> <p><b>Related Parties</b></p> <p>AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.</p> <p>Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.</p> <p>For the purposes of determining the application of the standard, the Shire has identified the following persons as</p>

meeting the definition of Related Party:

An elected Council member;

Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or any Manager reporting directly to the CEO;

Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner; and

Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB10 and AASB11. AASB128 details the criteria for determining where Council has significant influence over an entity.

Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify Related Party Transactions/Parties.

The Shire will therefore be required to assess all transactions made with these persons or entities.

**Related party transactions**

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

Examples of related party transactions are:

- purchases or sales of goods;
- purchases or sales of property and other assets;
- rendering or receiving of services;
- rendering or receiving of goods;
- leases;
- transfers under licence agreements;
- transfers under finance arrangements (example: loans);
- provision of guarantees (given or received);
- commitments to do something if a particular event occurs or does not occur in the future;
- settlement of liabilities on behalf of Council or by Council on behalf of that related party.

#### **Ordinary Citizen Transactions (OCTs)**

These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arms length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Council declares that in its opinion, based on the facts and circumstances, the following OCT (that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course

of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make), no disclosure in the annual Related Party Disclosures - Declaration form will be required for the following transactions:

Paying rates;

Fines;

Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and

Attending Council functions that are open to the public.

Where these services were not provided at arms length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

#### **Disclosure Requirements**

For the purposes of determining relevant transactions above, elected Council members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form.

The Ordinary Citizen Transactions:

Non-material in Nature -A KMP is not required to notify in a RPT Notification, and Council will not disclose in its financial statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature

Material in Nature - A KMP is required to notify in a RPT Notification, and Council will disclose in its financial statements related party transactions that are ordinary citizen transactions assessed to be material in nature.

Materiality Assessment - The Manager of Corporate Services



will review and assess the materiality of the related party transactions' that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the financial statements, having regard to the criteria specified.

Information Extraction - The Finance Officer will identify and extract information specified in against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

As a general rule, Council will utilise \$10,000 as the threshold for materiality.

#### **Register of Relation Party Transaction**

The Finance Officer will maintain and keep up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transaction assessed as being material in nature) during the financial year.

The contents of the register of related party transactions must detail:

The description of the related party transaction;

The name of the related party;

The nature of the related party's relationship with Council;

Whether the notified related party transaction is existing or potential;

A description of the transactional documents the subject of the related party.

### **Procedures**

The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

The preferred method of reporting is for KMPs to provide details of Related Parties and Related Party Transactions to the Manager Corporate Services.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register held within the Corporate Services area.

Should a KMP have any uncertainty as to whether a transaction may constitute a Related Party Transaction they should contact the Manager Corporate Services who will make a determination.

### **Frequency of disclosures**

Elected Council members and KMP will be required to complete a Related Party Disclosures - Declaration form each annually.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

Disclosures must be made immediately prior to the termination of employment of/by a KMP.

### **Confidentiality**

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified.

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective

	<p>transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.</p> <p><b>Associated Regulatory Framework</b></p> <p>AASB 124 Related Party Disclosures Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 Related Party Disclosures - Disclosure Form</p> <p>Application</p> <p>Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed as required.</p>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil

**PRIVACY COLLECTION NOTICE  
RELATED PARTY TRANSACTIONS AND  
DISCLOSURES BY KEY MANAGEMENT  
PERSONNEL**

**Purpose of Collection, Use and Disclosure**

Effective for annual financial periods beginning on or after 1 July 2016, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its general purpose financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures July 2015 (AASB 124)*.

Related parties include Council's key management personnel (KMP), their close family members, and any entities that they or any of their close family members control or jointly control.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under AASB 124, please refer to Council's Related Party Disclosure Policy.

**Notifications by Key Management Personnel**

In order to comply with AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Manager Corporate Services of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

To this end, each KMP must provide a Related Party Disclosure, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the Manager Corporate Services by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy;
- 30 days after a **KMP** commences their term or employment with Council; and
- 30 June (each year).

Note, these related party disclosure requirements are in addition to the notifications KMPs are required to make to comply with the Shire's Code of Conduct.

This includes disclosures relating to Conflicts of Interest (Pecuniary and Non Pecuniary) and Gifts and Benefits. Council's Auditors may audit related party information as part of the annual external audit.

For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

#### **Who are KMPs?**

- An elected Council member;
- Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Director and any Manager reporting directly to the CEO;
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner; and
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

#### **Who are close family members of a KMP Person?**

Close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council and include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner.

Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings, etc) *if* they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

The following table may assist you in identifying your close family members:

Definitely a close family member	Maybe a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your dependents	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
Dependents of your spouse/domestic partner	Any other member of your family if they could be expected to influence, or be influenced, by you in their dealings with Council

#### **What is an entity that I, or my close family member, control or jointly control?**

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

#### **Control**

You control an entity if you have:

- power over the entity;
- exposure, or rights, to variable returns from your involvement with the entity; and
- the ability to use your power over the entity to affect the amount of your returns.

#### **Example of control**

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights. Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company. Fred will need to include the company on his related party disclosure.

**Joint control**

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

**Example of joint control**

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party disclosure and the entity's related party relationship with Fred and Stan.

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Responsible Accounting Officer for a confidential discussion.

**Related Standards:**

*AASB 10 Consolidated Financial Statements, paragraphs 5 to 18, and Appendices A (Defined Terms) and B (Application Guidance).*

*AASB 128 Investments in Associates and Joint Ventures, paragraph 3 (Definitions).*



**SHIRE OF PEPPERMINT GROVE**

**Related Party Transactions and Disclosure by Key Management Personnel**

Name of Key Management Personnel: \_\_\_\_\_

Position of Key Management Personnel: \_\_\_\_\_

Please read the Privacy Collection Notice provided with this notification, which explains what is a related party transaction and the purposes for which the Shire of Peppermint Grove is collecting and will use and disclose, the related party information provided by you in this notification.

Please complete the table below **for each related party transaction with the Shire of Peppermint Grove** that you, or a close member of your family, or an entity related to you or a close member of your family, has previously entered into during the 2018/2019 financial year and which may/may not continue into future years:

If there is no related party transactions, please insert "Nil" in the table below.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of Transaction Documents or Changes to the Related Party Relationship

**Notification**

I, \_\_\_\_\_ ( full name & position)

notify that, to the best of my knowledge, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2017/2018 financial year.

I make this notification after reading the Privacy Collection Notice provided by the Shire of Peppermint Grove, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

SIGNATURE OF NAMED KEY MANAGEMENT PERSONNEL:

\_\_\_\_\_

DATED: \_\_\_\_\_

### **Definitions**

**AASB 10** - the Australian Accounting Standards Board - Consolidated Financial Statements - details the criteria for determining whether Council has significant influence over an entity

**AASB 11** - the Australian Accounting Standards Board - Joint Arrangements - details the criteria for determining whether Council has significant influence over an entity

**AASB 124** - the Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the *Corporations Act 2001*

**AASB 128** - the Australian Accounting Standards Board - Investments in Associates and Joint Ventures - details the criteria for determining whether Council has significant influence over an entity

**The Act** - *the Local Government Act 1993*

**The Regulation** - *the Local Government (General) Regulation 2005*

**Key Management Personnel** - are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of the entity.

**Material (materiality)** - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

**Ordinary Citizen Transaction** - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

**Related Party** - any person or entity that is related to the entity that is preparing its financial statements (referred to in this standard as the 'reporting entity').

**Related Party Transaction** - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

**Significant (significance)** - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

**Remuneration** - means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction.

<b>1.11 ATTENDANCE AT EVENTS POLICY</b>	
<b>Purpose</b>	<p>This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the chief executive officer (CEO).</p> <p>Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.</p>
<b>Status Policy</b>	<p><b>5.90 A. Policy for attendance at events</b></p> <p>(1) In this section —  <b>event</b> includes the following —</p> <ul style="list-style-type: none"> <li>(a) a concert;</li> <li>(b) a conference;</li> <li>(c) a function;</li> <li>(d) a sporting event;</li> <li>(e) an occasion of a kind prescribed for the purposes of this definition.</li> </ul> <p>(2) A local government must prepare and adopt* a policy that deals with matters</p>

relating to the attendance of council members and the CEO at events, including

- - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.
- \* Absolute majority required.
- (3) A local government may amend\* the policy.  
\* Absolute majority required.
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

#### **1. Invitations**

- 1.1 All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the CEO.
- 1.2 Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

## 2 Approval of attendance

2.1 In making a decision on attendance at an event, the council will consider:

- a) who is providing the invitation or ticket to the event,
- b) the location of the event in relation to the local government (within the district or out of the district),
- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
- d) whether the event is sponsored by the local government,
- e) the benefit of local government representation at the event,
- f) the number of invitations / tickets received, and
- g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

**Guidance Note: If the local government is proposing to provide authorisation to the CEO to determine matters in accordance with this policy, then it will be necessary for the policy statement to include specific principles / criteria by which the CEO may make such determinations.**

## 2 Payments in respect of attendance

	<p>2.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.</p> <p>2.2 For any events where a member of the public is required to pay, unless previously approved the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.</p> <p>2.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.</p> <p>2.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.</p>
<b>Related Procedure</b>	
<b>Amendment</b>	
<b>Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local</b>	
<b>Law/Legislation</b>	
<b>Adopted/Amended</b>	
<b>Review History</b>	

## 1.12 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT POLICY

<p><b>Purpose/Objective</b></p>	<p>To establish, in accordance with Clause 15(2) of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> and Shire of Peppermint Grove Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>To give effect to the Shire of Peppermint Grove's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.</p>
<p><b>Scope</b></p>	<p>This Policy applies to complaints made in accordance with Clause 11 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.</p>
<p><b>Definitions</b></p>	<p><b>Act</b> means the <i>Local Government Act 1995</i>.</p> <p><b>Behaviour Complaints Committee</b> means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.</p> <p><b>Behaviour Complaints Officer</b> means a person authorised in writing [by Council resolution or by the CEO exercising delegated authority] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.</p> <p><b>Breach</b> means a breach of Division 3 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.</p>



**Candidate** means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

**Candidate Complaint** means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

**Code of Conduct** means the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.

**Committee** means a committee of Council, established in accordance with s.5.8 of the Act.

**Committee Member** means a Council Member, employee of the Shire of Peppermint Grove or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

**Complaint** means a complaint submitted under Clause 11 of the Code of Conduct.

**Complainant** means a person who has submitted a Complaint in accordance with this Policy.

**Complaint Assessor** means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

**Complaint Documents** means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

**Complaint Form** means the form approved under clause 11(2)(a) of the Code of Conduct *[by Council resolution or by the CEO exercising delegated authority]*.

	<p><b>Council</b> means the Council of the Shire of Peppermint Grove.</p> <p><b>Council or Committee Meeting</b> means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.</p> <p><b>Council Member</b> means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.</p> <p><b>Finding</b> means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.</p> <p><b>Plan</b> means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.</p> <p><b>Response Documents</b> means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.</p>
<p><b>Policy</b></p>	<p><b>1. Principles</b></p> <p><b>1.1 Procedural fairness</b></p> <p>The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:</p> <ul style="list-style-type: none"> <li>• the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;</li> <li>• the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and</li> <li>• any findings made will be based on proper and genuine consideration of the evidence.</li> </ul>

### **1.2 Consistency**

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

### **1.3 Confidentiality**

The Shire of Peppermint Grove will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

### **1.4 Accessibility**

The Shire of Peppermint Grove will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire of Peppermint Grove will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

## **2. Roles**

### **2.1 Behaviour Complaints Officer**

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both

#### Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

#### **2.2 Complaint Assessor**

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

#### **2.3 Behaviour Complaints Committee**

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in the Behaviour Complaints Committee Terms of Reference.

### **3. Procedure**

#### **3.1 Making a complaint**

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [*clause 11(1) of the Code of Conduct*].

A Complaint must be made within one (1) month after the alleged Breach [*clause 11(2)(c) of the Code of Conduct*].

A Complaint must be made by completing the Behaviour

Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

### **3.2 Candidate Complaints**

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

### **3.3 Withdrawing a Complaint**

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint [clause 14 of the Code of Conduct].

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so. After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

### **3.4 Notice to Complainant**

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

### **3.5 Notice to Respondent**

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

### **3.6 Alternative Dispute Resolution**

The Shire of Peppermint Grove recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

### **3.7 Order of Complaints**

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may

decide to progress those Complaints concurrently.

### **3.8 Appointment of Complaints Assessor**

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Peppermint Grove's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

### **3.9 Search of Local Government Records**

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Peppermint Grove's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Peppermint Grove Meeting Procedures/Policy.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

### **3.10 Assessment of the Complaint**

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.



The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

### **3.11 Complaint Report**

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

### **3.12 Complaints Committee Meeting**

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for

any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)\* of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and

implementing a Plan.

### **3.13 Compliance with Plan Requirement**

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

## **4. Decision Making**

### **4.1. Objective and Principles**

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

### **4.2. Dismissal**

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
  - (i) the behaviour was dealt with by the person presiding at the meeting; or
  - (ii) the Respondent has taken remedial action in accordance with the Shire of Peppermint Grove Meeting Procedure Policy.

### **4.3. Finding**

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

#### 4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

#### 4.5. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

### 1.13 WHISTLE BLOWERS POLICY FOR EMPLOYEES, COUNCILLORS AND CONTRACTORS

<p><b>Purpose</b></p>	<p>The Shire recognises that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include, as a fundamental cornerstone, a mechanism whereby employees and others can report their concerns freely and without fear of repercussion. This Whistle blower Policy (Policy) provides such as mechanism and encourages the reporting of such conduct.</p>
<p><b>Status</b></p>	<p>Administrative - Statutory</p>
<p><b>Policy</b></p>	<p>The objectives of this policy are to:</p> <ul style="list-style-type: none"> <li>a) encourage disclosures of potential misconduct;</li> <li>b) help deter potential misconduct;</li> <li>c) ensure that individuals who disclose potential misconduct can do so safely, securely and with confidence that they will be protected and supported;</li> <li>d) ensure that disclosures are dealt with appropriately and on a timely basis;</li> <li>e) provide transparency around receiving, handling and investigating disclosures; and</li> <li>f) meet the Shire's legal and regulatory obligations.</li> </ul> <p>The Shire will not tolerate anyone being discouraged from Speaking Up or being subject to detriment because they want to Speak Up or they have done so. Disciplinary action, up to and including termination of employment or engagement, maybe imposed on anyone shown to have caused detriment to a person because they want to or have, Spoken Up.</p> <p><b>Who the Policy applies to:</b></p> <p>Anyone with information about Potential Misconduct is encouraged to Speak Up.</p> <p>This Policy applies to an individual who is:</p> <ul style="list-style-type: none"> <li>a) a current or former Shire employee, including employees who are permanent, part-time, fixed term or temporary or</li> </ul>

	<p>casual;</p> <p>b) a service provider or contractor who is providing, or has provided goods or services to the Shire, whether paid or unpaid (e.g. volunteering) including their employees; and</p> <p>c) a relative, dependent, or spouse of an individual identified in (a) to (c) above.</p> <p>This policy may be cancelled or varied from time to time. All the Shire's employees will be notified of any variation to this policy by the normal correspondence method. All users of the organisations ICT are responsible for reading this policy prior to accessing the organisation ICT.</p>
<b>Related Procedure</b>	<ul style="list-style-type: none"> <li>• Code of Conduct for Council Members, Committee Members and Candidates</li> <li>• Code of Conduct for Staff</li> </ul>
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	24 May 2022

**SECTION TWO**

**ADMINISTRATIVE POLICIES**

## 2.1 RECORD KEEPING POLICY

<p><b>Purpose</b></p>	<p>The purpose of this policy is to define the principles of the Shire of Peppermint Grove records management function and to document an orderly and efficient approach to the proper management of records. The policy incorporates applicable legislative requirements into standard Shire of Peppermint Grove practices and enumerates basic records management requirements.</p> <p>Records are recognised as an important information resource for the Shire of Peppermint Grove, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire of Peppermint Grove. Due to legislative requirement, the Shire of Peppermint Grove is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.</p> <p>The policy applies to all external and internal records, which are handled, received or generated by the Shire of Peppermint Grove, regardless of their physical format or media type.</p>
<p><b>Status</b></p>	<p>ADMINISTRATIVE - STATUTORY</p>
<p><b>Policy</b></p>	<p>(a) All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles;</p> <p>(b) All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification;</p> <p>(c) All records are to be categorized as to their level of sensitivity and adequately secured and protected from violation, unauthorized access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements;</p> <p>(d) Registers are to be maintained of all records series and special categories, including but not limited to, registers of policies, databases, FOI applications, assets, tenders and quotations, forms, vital records, files and contracts;</p> <p>(e) All contractual arrangements are to ensure the Shire of Peppermint Grove ownership of significant <u>documents</u>;</p>



- (f) Access to the Shire's records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the Freedom of Information Act 1992 and Shire policy. Access to the Shire's records by elected members will be via the Chief Executive Officer in accordance with the Local Government Act 1995;
- (g) Only approved record formats are to be used in effecting the Shire of Peppermint Grove business;
- (h) All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records produced by the State Records Office; and
- (i) Records are not to be removed from the Shire of Peppermint Grove sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

#### **ROLES AND RESPONSIBILITIES**

##### **1. Elected Members**

All Elected Members are to create and maintain records relating to their role as an Elected Member for the Shire of Peppermint Grove in line with legislation and state policies and procedures for the management of records. Political and personal records of Elected Members are exempt.

##### **2. Chief Executive Officer**

In accordance with section 5.41 of the Local Government Act 1995, the Chief Executive Officer is to "Ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law."

##### **3. Managers**

All managers are to ensure that there are records management systems established to manage the records under their control. They are also to ensure that all new staff are inducted as to their record keeping responsibilities.

##### **4. All Staff**

All staff (including contractors) are to create, collect and retain records relating to business activities they perform. They are to;

- (a) Identify significant and ephemeral records, ensuring that the significant ~~records~~ ~~documents~~ are captured into the record keeping system, and that all records are handled in a

manner compliant with legislation and the Shire of Peppermint Grove policies and procedures for record keeping.

- (b) Ensure that only authorised disposal of records occur in accordance with the General Disposal Authority (GDA) for Local Government.

#### **5. Records Staff**

The Records and Administration Officer is responsible for providing a records management service which complies with the Shire of Peppermint Grove records management policy and procedures, and Western Australia State Records Office requirements.

#### **STATUTORY OBLIGATIONS**

There are legislative requirements for managing records, the primary legislation relating to the keeping of public records being the State Records Act 2000 (previously sections 22-23 of the Library Board Act of Western Australia).

In accordance with Section 19 of the State Records Act 2000, the Shire of Peppermint Grove has a Record Keeping Plan that has been approved by the State Records Commission.

Other legislation impacting on records management includes but is not limited to the:

- Evidence Act 1906
- Limitation Act 1935
- Freedom of Information 1992
- Local Government Act 1995
- Financial and Administration and Audit Act 1985
- Criminal Code 1913 (section 85)
- Electronic Transactions Act 2000
- Privacy Act 2001
- Crimes Act 1914

#### **DEFINITIONS**

##### **1. Ephemeral Records**

Ephemeral records are duplicated records and/or those that have only short term value to the Shire of Peppermint Grove, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records or routine enquiries.

##### **2. General Disposal Authority (GDA)**

The General Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a

continuing authority for the disposal and archival of records which document a Local Government's operations.

**3. Government Record**

A record created or received by a government organisation or a government organisation employee in the course of their work for the organisation.

**4. Information Services**

Is the service area within the Administrative Services section of the Shire of Peppermint Grove responsible for records and archives.

**5. Record**

A record is information recorded in any form created or received and maintained by an organisation in the transaction of business and kept as evidence of such activity.

**6. Record Keeping Plan**

The Record Keeping Plan ensures that records are created, managed and maintained over time and disposed of in accordance with principles and standards issued by the State Records Commission. It is the primary means of providing evidence of compliance with the Act, and that best practices have been implemented in the organisation.

**7. Records Disposal**

Disposal is by way of depositing records in the State Archives, managing the records as designated by State Archives, or by destruction in accordance with policy.

**8. Significant Records**

Significant records contain information, which is of administrative, legal, fiscal, evidential or historical value, and are not recorded elsewhere on the public record. They describe an issue, record who was involved, why a decision was made, and may include actual guidelines.

	<p><b>9. State Record</b></p> <p>A parliamentary or government record.</p> <p><b>10. Vital Records</b></p> <p>Vital records are records, which are essential to the continued business of the Shire of Peppermint Grove. Vital records include those that protect the rights of the individual and the organisation, and are absolutely essential for reconstruction in the event of a disaster.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	State Records Act 2000
<b>Adopted/ Amended</b>	OCM 24 <sup>th</sup> May 2022

<b>2.2 PUBLIC INTEREST DISCLOSURE</b>	
<b>Purpose</b>	To ensure that elected members and staff are supported under the <i>Public Interest Disclosure Act 2003</i> .
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove:</p> <ol style="list-style-type: none"> <li>1. Does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire of Peppermint Grove and its officers, employees and contractors</li> <li>2. Is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.</li> <li>3. Will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.</li> <li>4. Does not tolerate any of its officers, employees, or contractors engaging in actions of victimisation or reprisal against those who make public interest disclosures.</li> </ol> <p>Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council. The person holding the position of Manager Corporate and Community Services shall be designated as the Public Interest Disclosure Officer, or PID Officer, for the Shire of Peppermint Grove.</p>
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Public Interest Disclosure Act 2003
<b>Adopted/ Amended</b>	19 July 2004

<b>2.3 SENIOR EMPLOYEES</b>	
<b>Purpose</b>	To designate senior employees as required under the Local Government Act.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	The Chief Executive Officer is the only employee designated as a Senior Employee under the Local Government Act.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S. 5.37
<b>Adopted/ Amended</b>	18 September 2000 Amended 14 August 2007

## 2.4 WORK HEALTH AND SAFETY POLICY

<b>Purpose</b>	The purpose of this policy is to confirm Council's commitment to provide and maintain safe and healthy workplace for all employees, elected members, volunteers and contractors.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>Council recognises the importance of safe and healthy working environment to enable delivery of strategic objectives and is committed to providing the budget and resources to help achieve the Town's health and safety objectives.</p> <p>The Chief Executive Officer is responsible for:</p> <ul style="list-style-type: none"> <li>• Developing and maintaining a positive organisational culture with a high level of health and safety awareness.</li> <li>• Developing, implementing, and maintaining Work Health and Safety management systems that comply with the Work Health and Safety Act 2020.</li> <li>• Empowering staff to identify and report health and safety hazards or incidents.</li> <li>• Implementing induction programs for new employees and contractors in addition to providing ongoing training.</li> <li>• Developing, implementing and maintain systems for thorough and timely investigation of hazards and/or incidents and identifying opportunities for improvement.</li> <li>• Monitoring and maintaining the Town's WHS Committee forum which includes employee and Executive Leadership team representation.</li> <li>• Providing prompt, confidential, and compassionate support and assistance to any employee, contractor or volunteer who may suffer work-related harm.</li> </ul>

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	<i>Work Health and Safety Act 2020</i>
<b>Adopted/ Amended</b>	New 24 May 2022
<b>Review History</b>	February 2020



<b>2.5 COMPLAINTS POLICY</b>	
<b>Purpose</b>	To provide procedures to control the processing of complaints as a way of improving services to our customers, enhancing the image of the Shire, and ensuring that complaints are investigated efficiently and effectively.
<b>Status</b>	ADMINISTRATIVE – OPERATIONAL
<b>Policy</b>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To recognise, promote and protect the customer's right to complain about their dealings with the Shire of Peppermint Grove;</li> <li>• To ensure an accessible complaints procedure is in place;</li> <li>• To recognise the need to be fair to both the complainant and the organisation, or the person complained about;</li> <li>• To provide a mechanism for responding to complaints in a timely and courteous manner;</li> <li>• To determine and implement remedies if appropriate;</li> <li>• To provide adequate resources to support the complaints management process;</li> <li>• To provide an appeal and review process;</li> <li>• To record, assess and review complaints on a regular basis to ensure responsiveness and on-going commitment to service improvement.</li> </ul> <p><b>Definition</b></p> <p>A service complaint is a grievance against a process or the quality of service that a customer receives when dealing with the Shire of Peppermint Grove.</p> <p>Complaints are not:</p> <ul style="list-style-type: none"> <li>• Requests for services;</li> <li>• Requests for information or explanation of policies or procedures;</li> <li>• Lodging of an appeal in accordance with standard policy or procedure.</li> </ul> <p>Complaints can be made:</p> <ul style="list-style-type: none"> <li>• By letter – either through the mail, or email</li> <li>• Verbally – either in person or over the telephone</li> </ul>

Complainants may be residents, members of the public, other local governments, State government agencies, service providers, businesses or community organisations.

Complaints cannot be made where another avenue of appeal already exists e.g. State Administrative Tribunal.

Complaints which when assessed relate to corrupt or improper conduct must be referred to the Shire's nominated Public Interest Disclosure Officer for investigation under the Public Interest Disclosure Act.

#### **Commitment**

This Policy will be disseminated to all staff and included in all staff inductions. Information about how to lodge a complaint will be included on the Shire's website and in a printed brochure available at the Shire.

All complaints will be reviewed in a timely and efficient manner, with a view to resolving issues in a non-confrontational and non-adversarial way.

Complaints will be documented and reviewed regularly as part of on-going service quality assessment.

The privacy of a complainant will be maintained at all times.

#### **Complaints Handling Process**

This Policy will be supported by a complaints handling process map and procedure approved by the Chief Executive Officer.

A Complaints Handling Officer with responsibility for recording and monitoring complaints will be appointed by the Chief Executive Officer. The Complaints Handling Officer will refer the complainant to the appropriate manager for review and response to the complainant.

If the Manager's response is appealed, then it will be referred to the Chief Executive Officer for review and response.

In the event that a complaint is made against the Chief Executive Officer, the Manager of Corporate and Community Services will determine an appropriate course of action which may include referral

	<p>to the Shire President and Deputy Shire President for review and determination.</p> <p>Complaints will be responded to within five working days of being lodged. Appeals will be responded to within five working days of being lodged.</p> <p>Complainants will be advised of the Complaints Handling process available within the Shire of Peppermint Grove.</p> <p>Complainants will be advised of external avenues for further review of their complaint if they are not satisfied with the resolution provided.</p> <p>The Complaints Handling Officer will also provide regular reports to the Chief Executive Officer to ensure on-going service improvement.</p>
<b>Related Procedure</b>	Complaints Process Map and Procedure
<b>Amendment Authority Level</b>	Nil Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/ Legislation</b>	Nil
<b>Adopted/ Amended</b>	New 26 July 2011

<b>2.6 EMPLOYEES PAYMENTS IN ADDITION TO CONTRACTS</b>	
<b>Purpose</b>	To outline the circumstances in which gratuity payments may be made to an employee as a token of appreciation for their commitment and service to the Shire upon termination.
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p><b>Commitment</b> The Shire is committed to recognising long serving employees within the parameters set by the <i>Local Government Act 1995</i> and the associated regulations</p> <p><b>Eligibility for Gratuity Payments</b> An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:</p> <ul style="list-style-type: none"> <li>• Resignation (not as a result of any performance management or investigation being conducted by the Local Government);</li> <li>• Retirement; or</li> <li>• Redundancy.</li> </ul> <p>An employee who has been dismissed by the [Local Government] for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy</p> <p><b>Prescribed amounts for Gratuity Payments</b></p> <p>For 2 years or more \$30 per completed year, pro rata for part time staff with the payment to be at the discretion of the CEO. And a 'Certificate of Appreciation' will be provided.</p> <p>The Shire acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by, legislation or a relevant industrial instrument. The Shire has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.</p>

### **Determining Service**

For the purpose of this policy, continuous service shall be deemed to include:

- Any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

For the purpose of this policy, continuous service shall not include:

- Any period of unauthorised absence from duty unless the Shire determines otherwise;
- Any period of unpaid leave unless the Shire determines otherwise; or
- Any period of absence from duty on parental leave unless the Shire determines otherwise.

### **Financial Liability for Taxation**

The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Shire in relation to any claims or liabilities for taxation in relation to the gratuity payment.

### **Payments in addition to this Policy**

The Shire agrees not to make any gratuity payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and the Shire has caused local public notification to be given in relation to the variation.

### **Financial Implications**

The Shire acknowledges that at the time the policy was introduced, the financial implications were understood and that these financial implications had been investigated based on the workforce position current at that time.

The Shire will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

	<p><b>Consequences of Breaching this Policy</b></p> <p>The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.</p> <p>Variation to this Policy This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	Local Government Act 1995 (Sections 5.36 (2 - 3), 5.41 (g) & 5.50) Local Government (Administration) Regulations 1996 (Reg. 19A)
<b>Adopted/Amended</b>	December 2016

## 2.7 SOCIAL MEDIA

<b>Purpose</b>	To guide all councillors, employees, contractors, agents and volunteers of the Shire of Peppermint Grove in the appropriate use of social media.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Context</b> The Shire of Peppermint Grove recognises that social media provides new opportunities for dynamic and interactive two-way communications which can complement existing communication and further improve information, access and delivery of key services.</p> <p>The intent of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by council staff, councillors and contractors, agents and volunteers of the Shire of Peppermint Grove who purport to use social media for the purpose of conducting Council business.</p> <p><b>Statement</b> The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct council business. It aims to:</p> <ul style="list-style-type: none"> <li>• Inform appropriate use of social media tools for the Shire of Peppermint Grove;</li> <li>• Promote effective and productive community engagement through social media;</li> <li>• Minimise miscommunication or mischievous communications</li> <li>• Help the Shire of Peppermint Grove manage the inherent challenges of speed and immediacy.</li> </ul> <p>The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including – but not limited to:</p> <ul style="list-style-type: none"> <li>• Blogs</li> <li>• Bulletin boards</li> <li>• Citizen journalism and news sites</li> <li>• Forums and discussion boards</li> <li>• Instant messaging facilities</li> <li>• Microblogging sites</li> <li>• Online encyclopaedias</li> <li>• Podcasts</li> <li>• Social networking sites, ,</li> <li>• Video and photo sharing sites Video podcasts</li> <li>• Wikis</li> <li>• Any other websites that allow individuals to use simple publishing tools or</li> </ul>

new technologies emerging from the digital environment.

This policy is not intended to cover personal use of social media where:

- the author publishes information in their personal capacity and not on behalf of, or in association with the Shire of Peppermint Grove; and
- no reference is made to the Shire of Peppermint Grove, its councillors, staff, policies and services, suppliers or other stakeholders or council related issues.
- Individuals should use discretion and keep personal use of social media to a minimum during work hours. For guidance on acceptable levels of personal use of social media during work hours see your manager.

This policy should be read in conjunction with other relevant policies and procedures of the Shire of Peppermint Grove.

#### **Social Media Policy/Guidelines**

When using social media, council staff and contractors are expected to:

- Seek prior authorisation from the CEO
- Adhere to the Shire of Peppermint Grove Code of Conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the integrity, reputation and values of the Shire of Peppermint Grove

The following content is not permitted under any circumstances:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that blog, board, forum or site
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trade Mark protected materials
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation
- Illegal material or materials designed to encourage law breaking
- Materials that could compromise council, employee or system safety
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material which would bring the Council into disrepute
- Personal details or references to councillors, council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages



- Statements which may be considered to be bullying or harassment

If you have any doubt about applying the provisions of this policy, check with the Communications team before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

**Authorisation**

Ensure appropriate authorisation has been obtained before using social media including but not limited to uploading content and acting as a spokesperson on behalf of Council.

**Expertise**

Do not comment outside your area of expertise. Do not commit Council to actions or undertakings.

**Disclosure**

Only discuss publicly available information. Do not disclose confidential information, internal discussions or decisions of Council, employees or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of councillors, Council staff or third parties.

**Accuracy**

Be accurate, constructive, helpful and informative. Correct any errors as soon as practicable. Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.

**Identity**

Be clear about professional identity or any vested interests. Do not use fictitious names or identities that deliberately intend to deceive, mislead or lie. Do not participate anonymously or covertly via a third party or agency.

**Opinion**

Clearly separate personal opinions from professional ones and be mindful of Council's Code of Conduct when discussing or commenting on council matters. In general, don't express personal opinions using Council tags or other identifications. Only where this is not possible, consider using a formal disclaimer to separate official council positions from personal opinions and distance council from comments made by public and other outside interests.

**Privacy**

Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of social media. If asked to remove materials do so as soon as practicable.

**Intellectual Property**

Seek permission from the creator or copyright owner to use or reproduce copyright material including applications, audio tracks (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music. Also seek permission before publishing or uploading material in which the intellectual property rights, such as Trademarks, are owned by a third party e.g. company logos. Seek permission from the website's owner wherever possible before linking to another site (including a social media application).

**Defamation**

Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of another.

**Reward**

Do not publish content in exchange for reward of any kind.

**Transparency**

Do not seek to buy or recompense favourable social media commentary. Encourage online publishers to be open and transparent in how they engage with, or review council personnel, services or wares.

**Political bias**

Do not endorse any political affinity or allegiance.

**Respect**

Always be courteous, patient and respectful of others' opinions, including detractors.

**Discrimination**

Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.

**Language**

Be mindful of language and expression.

**State of Mind**

Do not use social media when inebriated, irritated, upset or tired.

**Be safe**

Protect your personal privacy and guard against identity theft.

**Media**

Do not issue statements or make announcements through social media channels unless authorised. Do not respond directly if approached by media for comment through social media.

Refer the inquiry to the CEO.

**Modification and moderation**

Ensure that any social media sites created or contributed to can be readily edited, improved or removed and appropriately moderated.

**Access**

Be mindful of the requisite government web standards for accessibility. Information made available via non-compliant platforms should be made accessible in another form where practical.

**Be responsive**

Specify the type of comments and feedback that will receive a response and clearly communicate a target response time. Make it easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, Facebook, Skype and Twitter accounts.

**Roles and responsibilities**

Roles	Responsibilities
Members	<ul style="list-style-type: none"> <li>• Seek approval for any council branding of social media;</li> <li>• Register social media account/tools/site with the CEO;</li> <li>• Understand and comply with the provisions in this policy;</li> <li>• Seek training and development for using social media;</li> <li>• Seek advice from the CEO if unsure about applying the provisions of this policy;</li> </ul>
Staff and contractors	<ul style="list-style-type: none"> <li>• Seek approval from relevant manager for business strategy incorporating social media;</li> <li>• Seek advice and authorisation from CEO on using social media and developing a communications plan to support business strategy Seek approval for council branding of social media;</li> <li>• Register social media account/tools/site with the CEO;</li> <li>• Seek training and development for using social media;</li> <li>• Understand and comply with the provisions in this policy;</li> <li>• Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent</li> </ul>

		<p>practicable;</p> <ul style="list-style-type: none"> <li>• Seek advice from the CEO if unsure about applying the provisions of this policy;</li> <li>• Ensure relevant contractors are provided with a copy of this policy.</li> </ul> <p>Familiarise self with the End User Licence Agreements of any external social media tools being used</p>	
	Managers	<p>Approve business strategy incorporating use of social media</p> <p>Ensure staff consult and obtain authorisation from the CEO on their planned use of social media ensure contractors are provided with a copy of the social media policy</p> <p>Offer training for staff using social media</p> <p>Authorise use of social media tools for conducting Council business</p> <p>Provide advice and assist with the development of communication plans using social media</p> <p>Educate councillors, staff and contractors about this policy and their responsibilities when using social media</p> <p>Advise appropriate precautions eg disclaimers</p> <p>Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience</p> <p>Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs</p> <p>Monitor social media accounts/tools/sites registered for conducting Council business</p> <p>Monitor social media for references to the Shire of Peppermint Grove</p> <p>Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council.</p> <p>Advise IT of approval to access social media for business purposes</p>	
	Corporate and Community Services	<p>Facilitate secure access to support delivery of council business via social media</p> <p>Regularly back up and archive internally hosted social media sites</p>	
		<p>Authorise use of social media tools for conducting Council business</p> <p>Provide advice and assist with the development of</p>	

	<p>communication plans using social media          Educate councillors, staff and contractors about this policy and their responsibilities when using social media          Advise appropriate precautions eg disclaimers          Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience          Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs          Monitor social media accounts/tools/sites registered for conducting Council business          Monitor social media for references to the Shire of Peppermint Grove          Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council</p> <p><b>Enforcement</b>          The Shire of Peppermint Grove actively monitors social media for relevant contributions that impact on the Shire, its operations and reputation. The Shire will be able to find and act upon – contributions made by councillors and staff if deemed necessary.</p> <p>This policy will be published and promoted to councillors and staff of the Shire of Peppermint Grove. Breaching this policy may result in disciplinary action, performance management and review. Serious breaches may result in suspension or termination of employment or association. The Shire of Peppermint Grove reserves the right to remove, where possible, content that violates this policy or any associated policies.</p>
<p><b>Related Procedure</b></p>	<ul style="list-style-type: none"> <li>• Community Engagement Policy</li> <li>• Shire of Peppermint Grove Code of Conduct</li> <li>• Shire of Peppermint Grove employment contracts</li> <li>• Shire of Peppermint Grove Human Resource Policy</li> <li>• Shire of Peppermint Grove Information and Communications Technology Policy</li> </ul>

<b>Related Local Law/ Legislation</b>	<ul style="list-style-type: none"><li>• Copyright Act 1968</li><li>• Fair Work Act 2009</li><li>• Freedom of Information Act 1992</li><li>• Local Government Act 1995</li><li>• Equal Opportunity Act 1984</li><li>• Australian Human Rights Commission Act 1986</li><li>• Spam Act 2003</li><li>• Privacy Act 1988</li></ul>
<b>Adopted/ Amended</b>	December 2015

<b>2.8 PURCHASING AND TENDERING</b>	
<b>Purpose</b>	To ensure all purchases of goods and services are conducted efficiently, ethically and in compliance with legislation.
<b>Status</b>	ADMINISTRATIVE – OPERATIONAL
<b>Policy</b>	<p>The Shire of Peppermint Grove is committed to efficient, effective and economical procedures in all purchasing activities.</p> <p>This policy:</p> <ul style="list-style-type: none"> <li>• Provides the Shire of Peppermint Grove with a more effective way of purchasing goods and services.</li> <li>• Ensures that purchasing transactions are carried out in a fair and equitable manner.</li> <li>• Strengthens integrity and confidence in the purchasing system.</li> <li>• Ensures that the Shire of Peppermint Grove receives value for money in its purchasing.</li> <li>• Ensures the Shire of Peppermint Grove is compliant with all regulatory obligations.</li> <li>• Promotes effective governance and definition of roles and responsibilities.</li> <li>• Uphold respect from the public and industry for Shire of Peppermint Grove purchasing practices that withstands probity.</li> </ul> <p><b>Ethics &amp; Integrity</b></p> <p>All officers and employees of the Shire of Peppermint Grove shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Peppermint Grove.</p> <p>The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:</p> <ul style="list-style-type: none"> <li>• full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;</li> </ul>

- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Peppermint Grove policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Peppermint Grove by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation

#### **Value for Money**

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Peppermint Grove. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

- An assessment of the best value for money outcome for any purchasing should consider:
- all relevant whole of life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);



a strong element of competition in the allocation of orders or the awarding of contracts.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

#### **Purchasing Thresholds**

Wherever practicable, all officers and employees of the Shire of Peppermint Grove shall endeavour to engage pre-qualified suppliers sourced directly via the WALGA Preferred Supplier Program.

The WALGA program offers members the benefit of a comprehensive list of pre-qualified, tender exempt suppliers with a 'best price guarantee'. Furthermore, all contracts on the WALGA preferred supplier network are provided with the safeguard of a quality assured process, legal compliance, probity, risk mitigation and security of supply. WALGA manages the Preferred Supplier Contracts on an ongoing basis to ensure optimal performance, best pricing and full compliance is maintained.

In cases where there is no suitable WALGA Preferred Supplier available, the following thresholds and purchasing requirements will automatically apply:

Amount of Purchase	Model Policy
\$0 to \$5,000	Direct purchase from suppliers using purchase order or Corporate Credit Card issued by the Shire.
\$5,001 - \$50,000	Obtain a minimum of two verbal or written quotations from alternate suppliers.
\$50,001 - \$250,000	Obtain three written quotations with price, the specification of goods and services to be provided listed. The procurement decision will be based on value for money and qualitative considerations.
Above \$250,000	A public tender process is required to be conducted, or alternatively, a WALGA eQuote process is to be followed from the tender exempt pre-qualified suppliers.

#### **Regulatory Compliance Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

#### **Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply.

Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

**Note:** The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

#### **Anti-Avoidance**

The Shire of Peppermint Grove shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000, thereby avoiding the need to publicly tender.

#### **Tender Criteria**

The Shire of Peppermint Grove shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For request with a total estimated (Ex GST) price of \$250,000 and above, the panel must contain a minimum of 3 members

#### **Advertising Tenders**

Tenders are to be advertised in a state-wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include;

- a brief description of the goods or services

- required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from whom more detailed information as to tendering may be obtained;
- detailed information shall include;
- such information as the Shire of Peppermint Grove decides should be disclosed to those interested in submitting a tender;
- detailed specifications of the goods or services required;
- the criteria for deciding which tender should be accepted;
- whether or not the Shire of Peppermint Grove has decided to submit a tender; and
- Whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted

#### **Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Peppermint Grove not to compromise its Duty to be Fair.

#### **Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

#### **Opening of Tenders**

No tenders are to be removed from the tender box or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other

Shire Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as

#### **No Tenders Received**

Where the Shire of Peppermint Grove has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$50,000 & \$249,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

#### **Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Shire of Peppermint Grove by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

#### **Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Peppermint Grove may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

#### **Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Peppermint Grove and tenderer have entered into a Contract, a minor variation may be made by the Shire of Peppermint Grove.

	<p>A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.</p> <p><b>Notification of Outcome</b></p> <p>Each tenderer shall be notified of the outcome of the tender following Council resolution.</p> <p><b>Records Management</b></p> <p>All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:</p> <ul style="list-style-type: none"> <li>• Tender documentation;</li> <li>• Internal documentation;</li> <li>• Evaluation documentation;</li> <li>• Enquiry and response documentation;</li> <li>• Notification and award</li> </ul> <p>documentation. For a direct purchasing process this includes:</p> <ul style="list-style-type: none"> <li>• Quotation documentation;</li> <li>• Internal documentation;</li> </ul> <p>Order forms and requisitions. Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Peppermint Grove's internal records management policy</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Regulation 11 & 11A of the Local Government (Functions and General) Regulations 1996 Section 3.57 of the <i>Local Government Act 1995</i>
<b>Adopted/ Amended</b>	December 2016

<b>2.9 INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) USE POLICY</b>	
<b>Purpose</b>	To ensure effective security is maintained by every employee who deals with information and/or information systems and devices.
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p><b>General Use of ICT Equipment</b></p> <ul style="list-style-type: none"> <li>• While the Shire’s network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remain the property of the Shire. Because of the need to protect the Shire’s network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire cannot be guaranteed; and</li> <li>• A degree of personal use is allowed on Shire’s equipment/devices/systems. Employees should exercise conservative judgement regarding the reasonableness of personal use but should be guided by the following principles: <ul style="list-style-type: none"> <li>○ Personal use should be conducted either before or after contracted hours of work or authorized breaks;</li> <li>○ Personal use should be limited and brief, avoiding excessive download or transmission. An example of acceptable personal use would be conducting brief transactions through internet banking;</li> <li>○ Personal use should not breach anything in the policy, particularly relating to the downloading of offensive or copyrighted materials;</li> <li>○ Managers will determine the specific acceptable personal use for their respective business areas as this will differ according to the needs of each group; and</li> <li>○ If there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.</li> </ul> </li> <li>• For security and network maintenance purposes, authorized individuals within the Shire may monitor equipment, systems and network traffic at any time according to the specific nature and requirements of their roles.</li> <li>• The Shire reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.</li> </ul>

All emails sent by Shire staff should include the 'signature' and disclaimer at the foot of the body of the email, in the format specified by the Shire's style guide or as otherwise advised by the CEO

#### **Security and Proprietary Information**

- All information stored on the Shire's corporate systems should be regarded as confidential and care must be exercised before sharing or distributing any information. If there is any uncertainty regarding the level of confidentiality involved then employees should consult their supervisor or manager for guidance;
- Passwords should be kept secure and accounts must not be shared. Authorised users are responsible for the security of their passwords and accounts. Passwords should be changed in accordance with the Shire's advice from the ICT consultant.
- All devices connect to the Shire's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software; and
- People must use caution when opening files received from unknown senders.

#### **Unacceptable Use**

The information in this policy provides a framework for activities which fall into the category of unacceptable use, but do not represent an exhaustive list. Some users are exempted from these restrictions during the course of carrying out responsibilities related to their role. Under no circumstances is any user authorised to engage in any activity that is illegal under local, state, federal or international law while connected to or utilising the Shire's ICT systems or resources.

#### **Systems and Network Activities**

The following activities are not permitted:

- Violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Shire or the end user;
- Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire or the end user does not have an active license;
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is unclear;
- Introduction of malicious programs or code into the network or onto



devices connected to the network;

- Revealing your account password to others or allowing use of your account by others;
- The Shire's equipment is not be used for the downloading or distribution of any material that could be considered as offensive. If a user receives such material they should notify their manager and also the ICT Team;
- Making fraudulent offers of products, items, or services, or running private business interests via any Shire equipment, device or account; and
- Undertaking private work

The following activities are not permitted unless they are within the scope of regular responsibilities for an expressly authorised role/position:

- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorised to access;
- Executing any form of network monitoring which will intercept data not intended for the user's host;
- Attempting to avoid or bypass the Shire's network security measures;
- Interfering with any other user's account, by whatever means; and
- Using the system in a way that could damage or affect the performance of the network in any way.

#### Email and Communications Activities

The following activities are not permitted:

- Except in the course of normal business notifications, sending or forwarding unsolicited electronic messages, including the sending of "junk mail" or other advertising material, jokes, or chain communication to individuals who did not specifically request such material;
- Any form of harassment via electronic/ICT means;
- Unauthorised use, or forging, of email header information;
- Solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies;
- Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- Use of any of the Shire's network or systems for the purpose of generating unsolicited communications;
- Providing information about, or lists of the Shire's employees to parties outside the Shire or to personal email addresses;

- Communicating in a manner that could adversely affect the reputation or public image of the Shire; and
- Communicating in a manner that could be construed as making statements or representations on behalf of the Shire without express permission to do so.

Users should also endeavor to clean out their Inbox, Sent Items, Deleted Items and other email boxes on a regular basis, by either deletion or saving in the central record system. A size limit per mailbox may be implemented to ensure that the system is functioning optimally

#### **Remote Access**

Users with remote access should be reminded that, when they are connected to the Shire's network, their machines are an extension of that network, and as such are subject to the same rules and regulations that apply to the Shire's corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire's network and servers to ensure the security and integrity of data and records.

Users are reminded of the following conditions relating to remote access to the Shire's system:

- Family members must not violate any of the Shire's policies, perform illegal activities, or use the access for outside business interests;
- The device that is connected remotely to the Shire's corporate network should be secure from access by external non-Shire parties and should be under the complete control of the user;
- The use of non-Shire email accounts (e.g. Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Council business, thereby ensuring official business is not confused with personal business; and
- All devices (whether personal or corporate) connected to the Shire's networks via remote access technologies should have up-to-date anti-malicious-code software.

#### **Provision and use of Mobile Phones and Information/communication Devices**

Some Officers will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile devices supplied remain the property of the Shire and users must not change service providers unless permitted to do so.

Where a mobile device provides an email service, all emails sent or received or otherwise processed via the mobile device that are classified as a record of the Shire should be through the Shire's server, to ensure the integrity of the recordkeeping system.

	<p>Where the device includes a digital camera, users are to use the technology in a sensible manner. A failure to do so may lead to disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.</p> <p>It is unlawful for drivers to operate a mobile phone and/or other mobile computing device whilst driving. Phone calls may otherwise be made or received providing the device is accessible while mounted/fixed to the vehicle or does not need to be touched by the user. An employee who operates a mobile phone and/or other mobile computing device whilst driving may face disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.</p> <p><b>Consequences of Breaching This Policy</b></p> <ul style="list-style-type: none"> <li>• Any user found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire may also be obligated to refer any breach of this policy to an external agency where an employee may be held criminally liable for their actions.</li> <li>• Private/personal or unauthorised use of corporate ICT systems and/or devices may result in the user being obligated to pay any extra costs incurred.</li> </ul> <p><b>Variation to This Policy</b></p> <p>This policy may be cancelled or varied from time to time. All the Shire's employees will be notified of any variation to this policy by the normal correspondence method. All users of the organisations ICT are responsible for reading this policy prior to accessing the organisations ICT.</p>
<b>Related Policies Procedures</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Social Media Use Policy</li> </ul>
<b>Amendment Authority Level</b>	Council
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2015

<b>2.10 ACTING CHIEF EXECUTIVE OFFICER</b>	
<b>Purpose</b>	To maintain continuity in the office of the CEO
<b>Status</b>	
<b>Policy</b>	That where the CEO is to be absent from office The CEO is authorised to appoint an Acting CEO from one of the Management Team with authority to exercise the powers and duties of that position. For periods exceeding 4 weeks, Council is to appoint Acting CEO.
<b>Special Note</b>	Depending on the length of absence involved a relieving officer or senior employee will be appointed.  Delegations to the CEO will carry over to the Acting CEO for the period they are acting.
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	Local Government Act S.5.36 provides that a local government is to employ a person to be the CEO of the local government.  Delegation No. 1 to the CEO
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

<b>2.11 DONATIONS</b>	
<b>Purpose</b>	To outline the circumstances in which donations may be made to an eligible recipient.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Commitment</b> The Shire is committed to recognising the value of charitable organisations within the local community and will provide assistance where appropriate.</p> <p><b>Eligibility</b> Priority for assistance will be given to requests where:</p> <ul style="list-style-type: none"> <li>• Applicant is a not-for-profit incorporated organisation and is based in, or has a visible presence or significant impact in either Peppermint Grove or immediately adjacent local government districts;</li> <li>• Applicant can demonstrate that the funded project will provide an on-going benefit to Peppermint Grove residents;</li> <li>• Funding is required for a new initiative or a significant one-off project with evidence of other funding sources having been pursued (successfully or otherwise);</li> <li>• If donation is for an event, entry to the event is free of charge to Peppermint Grove residents to attend or participate; and</li> </ul> <p>Council will consider donations that meet the eligibility criteria on a case by case basis and will make an annual budget provision for donations. The CEO is authorised to approve donations up to \$1000 subject to consultation with the councillors. Request over \$1000 will be presented to council.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	<b>Council</b>

<b>2.12 VEHICLE USE</b>	
<b>Purpose</b>	To achieve higher levels of productivity, more flexible work practices and to remain competitive in the employment market by offering varying levels of vehicle usage to new and existing personal.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire may provide specified staff with a council vehicle for either commuting or private use on the basis of work requirement or as part of a salary package. The provision and use of such vehicles shall be in accordance with the current Management Practices. The following arrangements are provided:</p> <ol style="list-style-type: none"> <li>1. Managers (As below) <ul style="list-style-type: none"> <li>- The vehicle will wherever possible be made available at the discretion of the CEO, during hours for use by other staff.</li> <li>- Members of the employees immediate family are permitted to drive the vehicle within the guidelines provided by the CEO and provided they have a current drivers licence.</li> <li>- Use of vehicle is restricted to the state of WA unless otherwise approved by the CEO.</li> <li>- Fuel card provided.</li> <li>- The vehicle must generally be made available during business hours, for use by other staff members who require a vehicle to carry out their normal duties.</li> <li>- The employees partner is permitted to drive the vehicle within the guidelines provided by the CEO and provided they have a current drivers licence.</li> <li>- Fuel card provided but not to be used for extensive travel.</li> </ul> </li> </ol>

	<p>2. Commuter Use (as below)</p> <ul style="list-style-type: none"> <li>- The vehicle will not be available for the employees use whilst on leave, leave without pay or sick leave of more than three (3) Days duration.</li> <li>- Vehicle is for business use only</li> <li>- Fuel card for officer use only.</li> </ul>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	<b>Council</b>

## 2.13 PUBLIC ART POLICY

<b>Purpose</b>	To maintain and express the unique identity and amenity of the shire of Peppermint Grove through appropriate arts and cultural representations in the public realm.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire has limited public space for public art; however, it will endeavour to incorporate public art where possible, within budgetary constraints, within the following general guidelines; the same criteria will be applied to proposed donations of public artworks;</p> <p>Themes: should reflect and be sympathetic to the values of the shire, including heritage, the environment and local stories</p> <p>Places: The Grove Precinct Reserve, Manners Hill Park, Keane's Point Reserve, and the foreshore, without obstructing or detracting from already established activities, streetscapes or views.</p> <p>Forms: Could include, but is not limited to, street furniture, sculptures, heritage interpretation, virtual installations and artworks for interior display at the Shire offices</p> <p>Source: Wherever possible, public artworks should be sourced from local West Australian artists</p> <p>Other factors: artistic and structural quality and durability of the work, the cost of installation, maintenance and disposal; and the ongoing moral rights of the artist.</p> <p>Approval process: Where a work of art is under consideration, it will be assessed and processed as follows;</p> <ul style="list-style-type: none"> <li>• Assessed against themes;</li> <li>• Assessed for aesthetic quality (a consultant may be engaged to assist council)</li> <li>• Possible sites identified;</li> <li>• Assessed for engineering integrity;</li> <li>• Risk assessment for potential harm, for example, from climbing on artwork;</li> <li>• Estimation of longevity;</li> <li>• Calculation of acquisition, installation and ongoing maintenance costs;</li> <li>• Adequate budget provision for purchases and installation</li> </ul>



**SECTION THREE**

**FINANCIAL POLICIES**

<b>3.1 RATES – PROCEDURE OF COLLECTION</b>	
<b>Purpose</b>	To establish a firm, consistent rate collection policy to apply on a year by year basis.
<b>Status</b>	
<b>Policy</b>	<ol style="list-style-type: none"> <li>1. As soon as possible after the expiry of 35 days following the issue of the Rate Notices, a Final Notice shall be sent to all ratepayers who have not paid the rates imposed, or an instalment.</li> <li>2. After a further period of 30 days, a further notice is to be issued to those debtors who have not responded seeking payment within 14 days to avoid action for collection.</li> <li>3. That action for recovery be taken after that time to the extent allowed in the Act.</li> </ol> <p><b>Special Note:</b> See also Delegation 2.2</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000

<b>3.2 PAYMENT OF ACCOUNTS</b>	
<b>Purpose</b>	To establish procedures for the authorisation, payment and approval of accounts.
<b>Status</b>	
<b>Policy</b>	<p>That the procedures for the authorisation, payment and approval of accounts be as follows –</p> <ol style="list-style-type: none"> <li>1. that an order form be issued for the purchase of goods and services except in the case of small purchases from petty cash.</li> <li>2. that all purchases from petty cash be acquitted by a receipt;</li> <li>3. that where feasible and practical, price be negotiated in advance of a purchase and recorded on the order form.</li> <li>4. that invoices, where practicable, be certified by the person who placed the order so as to indicate – <ul style="list-style-type: none"> <li>(i) that the purchase was duly authorized; and</li> <li>(ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations on the invoice are correct;</li> </ul> </li> <li>5. that the CEO place a list of accounts paid, including credit card purchases under delegated authority before the Council each month in accordance with Financial Management Regulation 13 (1) (together with vouchers and invoices) for recording in the minutes;</li> <li>6. EFT Approvals</li> <li>7. that two signatories be required to all cheques – <ul style="list-style-type: none"> <li>(i) the CEO (or Acting CEO in his/her absence or inability) and Senior Administration Officer or the Manager of Development Services</li> </ul> </li> </ol> <p><b>Special Note:</b> See also Delegation No. 2.2</p>
<b>Adopted Amended</b>	18 September 2000

<b>3.3 ATTENDANCE AT WALGA AGM AND LOCAL GOVERNMENT WEEK</b>	
<b>Purpose</b>	To recognise the importance of providing Council members with the opportunity to meet other persons in local government and to participate in a state wide forum on issues relevant to local government.
<b>Status</b>	
<b>Policy</b>	<p>That budget provision be made for four persons to attend Local Government Week each year, with in-house accommodation, these to be –</p> <ul style="list-style-type: none"> <li>• President</li> <li>• CEO</li> <li>• Two Council-appointed delegates, preference to be given to LGA zone delegates.</li> <li>• Delegates are approved for full registration, including functions listed in the program</li> <li>• Voting delegates at the WALGA AGM will be the shire President and one of the two shire delegates as determined by the President. In the absence of the President, CEO will determine the delegates</li> </ul>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000

<b>3.4 ASSET MANAGEMENT</b>	
<b>Purpose</b>	To set the broad framework for decision making by Council in undertaking asset management in a structured, coordinated and organised approach.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>Asset Management in the Shire is the utilisation of best practise within available resources ensuring that the assets under its control are maintained in a safe and functional condition and replaced according to adopted strategies and plans.</p> <p>Asset Management involves Council, administration and the community; from those that plan services, provide services and manage assets and services to those who use the assets. Council will utilise integrated decision making in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management lifecycle.</p> <p>The primary goal of asset management is to provide the required level of service in the most cost effective way through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets to provide for present and future generations.</p> <p>Asset management is a key objective in the Shire's ten (10) year Strategic Community Plan and Corporate Business Plan and shall be incorporated in to long term financial planning and management plans. The Shire's strategic financial planning will ensure that:</p> <ul style="list-style-type: none"> <li>a) Sufficient funds are allocated as a priority each year for operating, maintenance and refurbishment or replacement of existing assets; and</li> <li>b) Additional funds are identified and allocated where appropriate for the investment in new or upgraded assets.</li> </ul> <p>Long term financial models will be prepared which identify the whole of life costs for all Shire infrastructure assets. Where appropriate this should include performance modelling of assets based on different funding scenarios.</p> <p>Investments in new infrastructure creation shall consider whole of life costs of the asset assessing benefit/cost ratios, net present values and the environmental and social benefits of investment.</p>

	<p>This policy shall be read in conjunction with the ten (10) year Strategic Community Plan, Strategic Plan, four (4) year Corporate Business Plan and various strategic documents including but not limited to:</p> <ul style="list-style-type: none"> <li>• Asset Management Strategy;</li> <li>• Asset Management Plans;</li> <li>• Forward Financial Plans; and</li> <li>• Disability Access and Inclusion Plan.</li> </ul>
<b>Related Procedure</b>	<ul style="list-style-type: none"> <li>• Asset Management Strategy;</li> <li>• Asset Management Plans</li> </ul>
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2014

### 1.13 RISK MANAGEMENT

<b>Purpose</b>	The objective of this Risk Management Policy is to state the Shire of Peppermint Grove's (Shire's) intention to identify potential risk before they occur, so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.
<b>Status</b>	Administrative - Statutory
<b>Policy</b>	<p><b>Risk Management Objectives</b></p> <p>Council is committed to ensuring that risk management:</p> <ul style="list-style-type: none"> <li>• Optimises the achievement of the Shire's values, strategies, goals and objectives.</li> <li>• Aligns with and assists the implementation of Shire Policies.</li> <li>• Provides transparent and formal oversight of the risk and control environment, enabling effective decision- making.</li> <li>• Reflects risk versus return considerations within the Shire's risk appetite.</li> <li>• Embeds appropriate and effective controls to mitigate risk.</li> <li>• Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.</li> <li>• Enhances organisational resilience.</li> <li>• Identifies and provides for the continuity of critical operations.</li> </ul> <p><b>Key Policy Definitions (from AS/NZS ISO 31000:2018)</b></p> <p><b>Risk :</b> The effect of uncertainty on objectives.</p> <p>Note 1: An effect is a deviation from the expected – positive or negative.</p> <p>Note 2: Objectives can have different aspects (as a financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project,</p>

product or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluation, treating, monitoring and reviewing risk.

#### **Roles and Responsibilities**

The CEO is responsible for:

- Implementation of this Policy.
- Measurement and reporting on the performance of risk management.
- Review and improvement of this Policy and the Shire's risk management framework at least biennially, or in response to a material event or change in circumstances.
- The Shire's risk management framework outlines in detail all roles and responsibilities associated with managing risks within the Shire.

#### **Risk Assessment and Acceptance Criteria**

The Shire has quantified its broad risk appetite through the Shires 'Risk Assessment and Acceptance Criteria'. The criteria are included within the risk management framework and as a component of this Policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision -making.

Whilst these risk criteria are necessarily broad in their guidance, they offer insight to staff about risk areas or activities where Council has set reasonable boundaries and before proceeding.

For operational requirements such as Projects, Events, Work Health and Safety, or in rare instances in which the Shire's Risk Assessment and Acceptance Criteria are unclear in determining a level of risk, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's risk appetite.



	<p><b>Monitor and Review</b></p> <p>The Shire will implement and integrate a monitor and review process to report on the achievement of risk management objectives, the management of individual risks and the ongoing identification of issues and trends.</p> <p>This Policy will be kept under review by the Shire's Management Team. It will be formally reviewed biennially.</p>
<p><b>Related Procedure</b></p>	<p>Shire of Peppermint Grove Risk Management Procedures.</p> <p>The Shire's Policy will be aligned with AS/NZS ISO 31000:2018 Risk Management Guidelines, in the management of all risks that may affect the Shire meeting its objectives.</p> <p>Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations, will form part of Strategic, Operational, and Project responsibilities, and e incorporated within the Shire's Integrated Planning and Reporting framework.</p> <p>This policy applies to all Council Members Employees and Contractors involved in any Shire operations.</p>
<p><b>Amendment Authority Level</b></p>	<p>Council</p>
<p><b>Related Delegation</b></p>	
<p><b>Related Local Law/Legislation</b></p>	<p>Local Government (Audit) Regulations 1996 (Regulation 17)</p>
<p><b>Adopted/Amended</b></p>	<p>May 2022</p>

## Appendix B: Risk Assessment and Acceptance Criteria

Shire of Peppermint Grove Measures of Consequence								
Rating (Level)	Compliance	Environment	Financial	Health / People	Property	Reputational	Service Interruption	Projects
<b>Insignificant (1)</b>	No noticeable regulatory or statutory impact	Contained, reversible impact managed by on-site response	Less than \$20,000	Near miss. Minor first aid injuries	Inconsequential damage.	Unsubstantiated, low impact, low profile or 'no news' item	No material service interruption <3 hours	<5% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Minor (2)</b>	Some temporary non-compliances	Contained, reversible impact managed by internal response	\$20,001 - \$150,000	Medical - type injuries	Localised damage rectified by routine internal procedures	Substantiated, low impact, low news item	Short-term temporary interruption – backlog cleared <1 day	5-15% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Moderate (3)</b>	Short term non-compliance but with significant regulatory requirements imposed	Contained, reversible impact managed by internal & external agencies	\$150,001 - \$500,000	Lost-time physical or mental injury <30 days / Multiple staff morale problems	Localised damage requiring internal & external resources to rectify	Substantiated, public embarrassment, moderate impact, moderate news profile	Medium-term temporary interruption – backlog cleared by additional resources <1 week	10-25% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Major (4)</b>	Non-compliance results in termination of services or imposed penalties	Uncontained, reversible impact managed by a coordinated response from external agencies	\$500,001 - \$1.0Mil	Lost-time physical or mental injury >30 days / Widespread staff morale problems	Significant and/or widespread damage requiring internal & external resources to rectify	Substantiated, public embarrassment, high impact, high news profile, third party actions	Prolonged interruption of services – additional resources required; performance affected <1 month	25-50% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Catastrophic (5)</b>	Non-compliance results in litigation, criminal charges, significant damages and/or penalties	Uncontained, irreversible impact	More than \$1.0Mil	Fatality, permanent disability. Shire no longer an employer of choice. Loss of key staff.	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Indeterminate prolonged interruption of services – non-performance >1 month	More than 50% deviation in project outputs (Time, Cost, Scope and Quality) or funding

**Shire of Peppermint Grove Measures of Likelihood**

Level	Rating	Description	In the past	Control Effectiveness
1	Rare	The event may only occur in exceptional circumstances (<5% chance)	Less than once in 15 years	Controls are very strong and operating as intended. There is no scope for improvement
2	Unlikely	The event could occur at some time (<10% chance)	Once in 10 years	Controls are strong and operating as intended
3	Possible	The event should occur at some time (20% chance)	Once in 3 years	Controls are operating as intended, but there is scope for improvement
4	Likely	The event will probably occur in most circumstances (>50% chance)	Once per year	Controls are operating; however, inadequacies exist
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year	Controls are weak, do not exist, or are not being complied with

**Consequence X Likelihood = Risk Rating**

**Shire of Peppermint Grove Risk Rating**

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

### Shire of Peppermint Grove Risk Acceptance Criteria

Risk Rank	Description	Criteria	Responsibility
Low	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Manager
Moderate	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Manager
High	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Managers
Extreme	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous documented monitoring	CEO and/or Council

### Shire of Peppermint Grove Existing Control Ratings

Rating	Foreseeable	Description
Efficient	There is no scope for improvement with all available resources.	Controls are operating as intended and aligned with policies and procedures. Controls are documented, up to date, understood by users, not forgotten or components missed, does not expose the organisation to theft or fraud and is delivered consistently within statutory or service delivery standards. Controls are subject to ongoing monitoring. Controls are reviewed and tested regularly.
Adequate	There is some scope for improvement.	Controls are generally operating as intended; however, inadequacies exist. Limited monitoring of controls. Controls are reviewed and tested, but not regularly.
Inadequate	There is a need for improvement or action.	Controls are not operating as intended. Controls do not exist, or are not being complied with. Controls have not been reviewed or tested for some time.

<b>3.6 STAFF SUPERANNUATION POLICY</b>	
<b>Purpose</b>	To set out the criteria for the payment of employee staff superannuation contributions in addition to payments made in accordance with the <i>Superannuation Guarantee (Administration) Act 1992</i> .
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p>Council will contribute on a matching basis up to an additional 6% of an employee's gross salary to a complying superannuation fund provided that an employee contributes a maximum amount up to 6% of their gross salary, either as an after-tax deduction or via salary sacrifice.</p> <p>Employees are free to contribute more than 6% of their gross salary but Council's contribution is capped at 6%.</p> <p>This policy does not apply to staff employed under the previous policy of council contribution.</p> <p>Council staff employed prior to 1 January 2019 can continue with the matching arrangements under the previous policy.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	Superannuation Guarantee (Administration) Act 1992 Local Government Act 1955 (Part VIA – Employee Superannuation)
<b>Adopted/Amended</b>	December 2015

<b>3.7 INVESTMENT POLICY</b>	
<b>Purpose</b>	To invest the local government's surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirement is being met.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>INVESTMENT OBJECTIVES:</p> <ul style="list-style-type: none"> <li>• To take a conservative approach to investments, but with a focus to add value through prudent investment of funds.</li> <li>• To have investment funds achieve a return consistent with the Bank Bill Swap Rate (BBSW) 90 day Bank Bill Index.</li> <li>• To achieve a high level of security by using recognised ratings criteria</li> <li>• To maintain an adequate level of diversification.</li> <li>• To have ready access to funds for day-to-day requirements, without penalty</li> <li>• To exercise a deliberative preference in favour of "green" investments.</li> </ul> <p>STATUTORY COMPLIANCE</p> <p>All investments are to be made in accordance with: (i) Local Government Act 1995 - Section 6.14; and (ii) Local Government (Financial Management) Regulations 1996 – Regulation 19 and 19C.</p> <p>INVESTING FUNDS</p> <p>When investing funds the Shire:</p> <ol style="list-style-type: none"> <li>i) Shall only deposit funds with 'authorised institutions' meaning: a. an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or b. the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;</li> <li>ii) (Shall not invest in 'foreign currency' meaning a currency except the currency of Australia;</li> <li>iii) Shall not deposit for a fixed term of more than 3 years;</li> <li>iv) Shall not deposit at-call for a term of more than 180 days;</li> <li>v) Shall not invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;</li> <li>vi) Shall not invest in bonds with a term to maturity of more than 3</li> </ol>

- vii) years;  
 Shall have regard for the investment diversification and credit risk matrix as presented in the 'Diversification and Credit Risk Matrix' table below.

#### INVESTMENT DIVERSIFICATION AND CREDIT RISK MATRIX INVESTMENT

Shall be made in accordance with the following matrix table. When placing investments, consideration shall be given to the relationship between credit rating and interest rate.

Diversification and Credit Risk Matrix Table

Long Term Rating	Short Term Rating	Maximum % with any one Institution	Maximum Total
(Standard & Poor's)	(Standard & Poor's)		Total Port
Government Guaranteed Deposits	Government Guaranteed Deposits	100%	100%
AAA Category	A1+	60%	100%
AA Category	A1+	40%	90%

If any of the authorised investments held are downgraded such that they no longer fall within the above listed credit ratings and diversification limits, they shall be divested immediately or as soon as is possible.

The short term rating order 0-365 days is:

- A1+ extremely strong degree of safety regarding timely payment
- A1 a strong degree of safety for timely payment
- A2 a satisfactory capacity for timely payment

Long Term Rating Order is:

- AAA AAA- AA+ an extremely strong capacity to repay ; to
- AA- A+ a very strong capacity to repay ; to

**Green Investments "Green" investments** are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries. When investing surplus Council funds, a deliberative preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will however only be exercised after the foremost investment considerations of credit rating and risk diversification

are fully satisfied.

**Reporting Documentary** evidence must be held for each investment and details thereof maintained in an Investment Register. Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30th June each year and reconciled to the Investment Register. A monthly report shall be submitted to Council with details of the investment portfolio including performance figures/benchmarks and investment diversification/credit risk percentages.

**Investment Performance Benchmark** -Cash 11am Cash rate Cash Plus / or Equivalent / Direct Investments BBSW Bank Bill Index



<b>3.8 CORPORATE CREDIT CARDS</b>	
<b>Purpose</b>	To establish rules for the use and responsibilities of cardholders using the Shire's corporate credit cards.
<b>Status</b>	<b>ADMINISTRATIVE - STATUTORY</b>
<b>Policy</b>	<p><b>AUTHORITY FOR APPROVAL OF CORPORATE CREDIT CARDS</b></p> <p>The Chief Executive Officer has delegated authority to make payments from the Shire's Municipal Fund, and Trust Fund. The Chief Executive Officer must approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issue to council officers.</p> <p>The Shire of Peppermint Grove credit cards are issued by the National Australia Bank.</p> <p>Staff authorised to use credit cards must comply with these procedures in conjunction with all Procurement Procedures and the Shire's Code of Conduct. The employee is solely responsible for the proper use of the Credit Card. The Employee will be held responsible for unauthorised use of the Credit Card, the which could result in criminal conviction and will result in termination of employment.</p> <p><b>Introduction</b></p> <p>Corporate credit cards can deliver significant benefits to the Shire of Peppermint Grove through improved administrative practices and more effective cash management. However, they can also potentially expose the Town to significant risks if not properly controlled.</p> <p>These procedures and associated purchasing procedures are designed to minimise any risks associated with the use of corporate credit cards.</p> <p>It is a condition of use of credit cards that new employees who are authorised to use credit cards are informed of these procedures as part of the induction process with supervisor, manager, director or CEO.</p> <p>The CEO and Managers will be issued with a corporate credit card upon commencement of employment. Other staff requiring access to the corporate credit card will require approval from the CEO via the relevant Manager.</p>

	<p><b>PURCHASES AND USE OF CORPORATE CREDIT CARDS</b></p> <p>The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.</p> <p>Where purchases are made by over the telephone or internet, an invoice should be requested to support the purchase. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required.</p> <p>Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Peppermint Grove employees in that number. This is required to ensure the correct amount of Fringe Benefit Tax is paid by the Shire.</p>
<b>Related Procedure</b>	Procedures have been established for the use of the Credit Card under the delegation of the CEO
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	November 2019

<b>3.9 EX-GRATIA PAYMENTS</b>	
<b>Purpose</b>	An ex gratia payment may occur in circumstances where there is no actual "legal liability or legal obligation" on the Shire of Peppermint Grove to make a payment.
<b>Status</b>	
<b>Policy Scope</b>	This policy will be used to maintain goodwill of the community for minor events that cause a sense of injustice or hardship.
<b>Policy Statement</b>	<p>The Shire of Peppermint Grove will consider making an ex gratia payment to claimants if requested in writing and only after all other reasonable avenues of recourse have been exhausted. For example:</p> <ol style="list-style-type: none"> <li>1. A third party considers they have suffered an injustice or hardship which has, in their view, occurred as a result of services or actions provided by the Shire of Peppermint Grove or its employees; and</li> <li>2. The Shire considers it appropriate to make a small payment as a goodwill gesture in order to preserve good relationships with its community and/or such a payment is considered to be administratively expedient.</li> </ol> <p>The Shire of Peppermint Grove will take no action on claims for personal injury or those that may lead to a subsequent claim for personal injury which has been refused by the Shire 's insurers.</p> <p>The Shire of Peppermint Grove will take no action on claims for professional indemnity or those that may lead to subsequent claims for professional indemnity which have been refused by the Shire 's insurers.</p> <p>In the case of claims for personal property damage up to \$ 500 (that arise as a result of any one occurrence) which are denied by the Shire 's insurer if, at the discretion of the Chief Executive Officer, the claim warrants resolution by an ex gratia payment, it shall be made without prejudice or admission of liability basis and upon the signing of a deed of release by the claimant.</p> <p>The Shire of Peppermint Grove will stand by the decision of the Insurer in respect of any claims for personal property damage in excess of \$500 (that arise as a result of any one occurrence).</p>
<b>Adopted Amended</b>	September 2020

### 3.10 FINANCIAL HARDSHIP POLICY

<b>Purpose</b>	<p>To give effect to our commitment to support the Shire community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Peppermint Grove recognises that these challenges will result in financial hardship for our ratepayers.</p> <p>This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.</p>
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>This policy applies to:</p> <ol style="list-style-type: none"> <li>1. Outstanding rates and service charges as at the date of adoption of this policy; and</li> <li>2. Rates and service charges levied for the 2020/21 financial year</li> </ol> <p>It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the <i>Local Government Act 1995</i> and <i>Local Government (Financial Management) Regulations 1996</i> will apply.</p> <p><b>Payment difficulties, hardship and vulnerability</b></p> <p>Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.</p> <p>Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Peppermint Grove recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.</p> <p><b>Anticipated Financial Hardship due to COVID19</b></p> <p>We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that</p>

additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

#### **Financial Hardship Criteria**

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family
- Your business has been closed by the State Government due to COVID 19 or your business is still traded but had a significant reduction in revenue

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

#### **Small Business Assistance**

The Shire will provide a rate refund or rebate for small business that were closed by the State Government as part of the COVID 19 control measures. The refund/rebate will be for the 3-month period 1 July – 30 September, 2020. Unless there are special circumstance, this support is not available to national companies operating within the Shire.

For small businesses that were not closed due to COVID 19, but had a significant reduction on cashflow/revenue, you may be eligible for a 30% rate refund/rebate for the period 1 April – 30 June for the 2019/20 rates and 1 July – 30 September, 2020 for the 2020/21 rates. The 30% rebate refund will be based on 2019/20 rates raised against this property.

Eligibility criteria will be based on a number of factors which could include participation in the Government Jobkeeper program, receiving lease support from your landlord under the Code of Conduct for Commercial Leases or other supporting evidence considered appropriate by the Shire CEO.

#### **Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Peppermint of any change in circumstance that jeopardises the agreed payment schedule.

The Shire will not be charging instalment establishment charges, interest on instalments or interest on overdue rates for 2020/21.

#### **Deferment of Rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

#### **Debt recovery**

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment

	<p>plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.</p> <p>Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the <i>Local Government Act 1995</i>.</p> <p><b>Review</b></p> <p>We will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.</p> <p><b>Communication and Confidentiality</b></p> <p>We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.</p> <p>We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.</p> <p>We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.</p>
<b>Adopted</b>	April 2020

**SECTION FOUR**

**INFRASTRUCTURE POLICIES**



<b>4.1 RESERVES – PUBLIC USE</b>	
<b>Purpose</b>	To provide direction on the public use of the Shire's three public reserves.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>This Policy applies to the following reserves:</p> <ol style="list-style-type: none"> <li>1. Manners Hill Park (reserve 7802)</li> <li>2. Keane's Point Reserve (reserve 22156)</li> <li>3. Foreshore Reserve (reserve 17113)</li> </ol> <p>Public usage of the Shire's reserves will be determined in accordance with relevant Local Laws and the following conditions:</p> <ol style="list-style-type: none"> <li>1. Public use of reserves is encouraged for individuals, families and groups for recreational and family activities.</li> <li>2. Use of reserves for events and functions will be at the discretion of the CEO, including weddings, is permitted on the basis that they do not negatively impact on local amenity, in particular parking and noise. Other users must have some access to public toilets and other public facilities.</li> <li>3. Commercial use of reserves will be considered on the basis that they do not adversely limit public access to the reserve or impact on the amenity of residents.</li> <li>4. Fees charged for the hire of reserves will be used to offset the cost of maintenance and where necessary, for remedial costs in the event of damage to the reserve and associated facilities.</li> <li>5. A service charge may be applied when Shire staff are required to provide services to accommodate traffic and parking arrangements, or to provide assistance with assessing and erecting approved equipment.</li> <li>6. All applications for hiring of reserves must be submitted on the prescribed form and be approved by the Chief Executive Officer.</li> </ol>

	<p>7. Applications may incur a bond charge, a commercial or non-commercial hire fee, and where necessary a service charge, at a rate determined by Council each year in the schedule of fees and charges.</p> <p>8. Where determined by the Chief Executive Officer due to the nature or size of an event, approval may be sought from Council.</p> <p>9. Consumption of alcohol on a Shire reserve will require approval from the CEO. Sale of alcohol will also require an Occasional Liquor Licence from the Department of Racing, Gaming and Liquor.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	18 September 2000 Amended 14 August 2007

#### 4.2 BULK WASTE VERGE COLLECTION SERVICE

<b>Purpose</b>	To provide a comprehensive, economical and efficient bulk waste removal service for all households in the Shire of Peppermint Grove.
<b>Status</b>	
<b>Policy</b>	<p>1. A combined kerbside Bulk Waste and Bulk Garden Organics Collection Service will be provided to all residential properties within the Shire three times a year, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>a) All items for disposal are to be neatly placed on the front verge. Residents are to be considerate with the placement of these items to ensure they do not obstruct the footpath or the line of sight for pedestrians, cyclists or vehicles.</li> <li>b) Any goods placed out on the verge after the start time will not be collected and the contractor will not return for late pickups.</li> <li>c) Strictly no waste is to be placed on the verge before the advertised dates. Any material put out before this date will be treated as illegal dumping by the Shire Ranger.</li> <li>d) All waste is to be placed at least 0.5m away from fences and 1.0m away from street trees.</li> <li>e) Bulk Garden Organics (Greenwaste) and Bulk Waste must be placed in clearly separate piles at least 1 metre apart.</li> <li>f) The maximum amount of waste that will be collected from any property shall not exceed 2 cubic metres.</li> <li>g) Tree branches are to be no longer than 1.5 metres in length, 150mm in diameter and the cut ends are to be placed facing the street.</li> <li>h) Loose material such as lawn clippings, small cuttings and leaves must be placed in sealed boxes or bags. These containers will not be returned.</li> <li>i) For child safety reasons all whitegoods such as fridges, freezers, washing machines, ovens etc MUST have the doors / lid removed.</li> </ul>

	<p>2. The Shire and its contactors <b>WILL NOT</b> collect the following:</p> <ul style="list-style-type: none"> <li>a) Gas bottles</li> <li>b) Vehicle parts, tyres or batteries</li> <li>c) Paint, liquids of any description, oils, flammable materials, acids or solvents</li> <li>d) Building materials, cement or cement products, bricks, sand, rubble, plate glass etc.</li> <li>e) Asbestos</li> <li>f) Food waste</li> <li>g) Poisons, pesticides, medicines or other hazardous material</li> <li>h) Mattresses or bed bases</li> </ul> <p>3) Council reserves the right to approach any householder for a financial contribution where the amount of bulk waste left on the verge is, in the opinion of the Chief Executive Officer, unreasonably large in comparison with other collections.</p> <p>4) A person other than the owner or occupier of the premises is not to remove any material which has been left on the verge for collection unless authorised to do so by the owner or occupier of the premises, or authorised in writing to do so by the Chief Executive Officer.</p> <p>5) The local government will advise residents of the timing of a bulk waste collection service in their area by advertising on the Shire website, PepTalk and flyer distribution prior to the collection.</p>
<p><b>Related Local Law/Legislation</b></p>	<p>Thoroughfares' Local Law, clause 2.2 –</p> <p>(1) <i>A person shall not, without a permit -</i></p> <p>(a) <i>subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government.</i></p>
<p><b>Adopted Amended</b></p>	<p>September 2000 November 2015</p>

#### 4.3 KERB NUMBERING

<b>Purpose</b>	To establish that kerb numbering is not a Shire service, and if undertaken, is not to prejudice the performance of any other function by the Shire.
<b>Status</b>	
<b>Policy</b>	<p>That Shire will permit street numbers to be painted on kerbs by contractors, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. It is understood that kerbside number painting is not a Shire requirement and all costs are the sole responsibility of the property owner.</li> <li>2. The Shire may request the removal of the number at any time and for any reason by the ratepayer, or carry out removal at the ratepayer's expense</li> <li>3. The Shire accepts no responsibility for the maintenance or future re-markings of kerbside numbers.</li> <li>4. That the work being undertaken is performed by suitably qualified person to the Chief Executive Officer's satisfaction and in accordance with this policy.</li> <li>5. That the correct house number is to be painted, not the lot number, and that it is not considered a replacement for the main number displayed on the property fence.</li> <li>6. That all numerals and letters shall be centrally located within the background and not more than 200mm in diameter at its widest point.</li> <li>7. That all markings be retro-reflective in accordance with AS1743. The standard colours shall be a reflective dark green numeral set against a light background.</li> </ol>
<b>Adopted</b>	September 2000
<b>Amended</b>	September 2001
<b>Amended</b>	November 2015
<b>Review History</b>	November 2015

<b>4.4 CROSSOVERS / VEHICLE ACCESS</b>	
<b>Purpose</b>	To ensure effective legal vehicle access / crossover design, construction, maintenance and specification for ease of access and safety.
<b>Status</b>	
<b>Policy</b>	<p>To enable the Shire to effectively administer its powers and responsibilities regarding Crossing Places, and to ensure a uniform approach to the construction of vehicle crossovers within the Shire of Peppermint Grove whilst ensuring that crossovers provide ease of access, safety and give priority to footpaths users.</p> <p>More detailed information can be found in the Shire of Peppermint Grove '<i>Vehicular Crossovers – General Requirements and Specifications 2012</i>' booklet which can be downloaded from the Shire website or supplied in hardcopy via the Administration upon request.</p> <p><b>SPECIAL NOTES</b></p> <ul style="list-style-type: none"> <li>• <b>Construction:</b> The Shire of Peppermint Grove does not construct crossovers, nor does it have a register of preferred contractors for the construction of crossovers. It is the owner's responsibility to engage a suitably qualified private contractor or have the crossover constructed under contract with their builder.</li> <li>• <b>Reinstatements:</b> It should be noted the Shire cannot be held responsible for reinstatement works, by any party, for any reason, regarding matching the existing crossover in materials, colour or texture. This includes lawn, reticulation and other verge treatments.</li> <li>• <b>Maintenance or Repair of Existing Crossovers:</b> All crossovers within the Shire are to be maintained to an acceptable standard as determined by the Chief Executive Officer. The Shire does not maintain private crossovers. This is the sole responsibility of the land owner. When requested by a ratepayer, the Shire will assess an existing residential crossover and provide general advice regarding the maintenance options available.</li> <li>• <b>Footpaths:</b> The footpath is to take priority over any crossover constructed within a verge. Wherever there is an existing, or proposed footpath in the verge, it shall continue through the crossover, matching the width of the surrounding pathways</li> </ul>

irrespective of what was there previously.

Where a new crossover is required to cross a pathway, and the existing infrastructure is in good condition, the pathway shall be retained and the crossover constructed to match up with it. Where the existing pathway is in poor condition, or is less than 100mm thick, the pathway is to be neatly saw cut along the nearest expansion joints to the proposed crossover alignment and removed. The pathway is then to be reinstated in 100mm thick grey in-situ concrete and including F62 reinforcement mesh and the balance of the crossover constructed either side of the pathway in accordance with the Shire's Specifications.

Where it is proposed to change the level or alignment of a footpath to facilitate redevelopment of a property, council will have regard to the design (grades, line of sight, levels and surfacing) prior to issuing consent. All costs associated with the investigating, designing and implementing the works shall be borne by the proponent. With the final design being to the satisfaction of the CEO.

- **Street Trees:** Where a street tree is within 1.5 metres of the proposed crossover, the Applicant shall submit a written request to the Shire's Manager Infrastructure Services requesting an assessment of the street tree with regard to the street tree's relocation or removal and replacement (size and species dependent). For public liability purposes, all works associated with the removal and replacement of any street tree shall be undertaken by the Shire at the Applicant's/Owner's cost.
- **Clearances:** Crossover shall have the following minimum clearances: Side Boundary (at front property line) 0.5m, Street Trees 1.5m, Drainage side entry pits 0.5m, Western Power poles 0.6m
- **Redundant Crossovers and Kerbing:** All redundant crossovers and damaged or modified kerbing are to be removed and / or reinstated according to specifications by the applicant at their expense without delay.

## SPECIFICATION

### 1.1 Standard Crossing – Concrete

A 'Standard Crossover' is defined by the Shire of Peppermint Grove as:

- a single crossover with a minimum width of 3.0 metres at the property boundary and a maximum width of 6 metres
- constructed in non-slip, reinforced grey concrete
- a crossover that is constructed to the Shire's specifications
- a crossover that is for a residential property
- a second crossover is subject to approval by Council

### 1.2 Alternative Crossing – Bitumen

When the Shire considers that the circumstances warrant, it may approve a crossing to the standard dimensions provided in the appended sketch plan to be constructed with a base course of 125mm minimum depth compacted road base surface with a 20mm minimum depth of bituminous concrete.

It should be noted the Shire cannot be held responsible for reinstatement works, by any party and for any reason, matching the existing crossover in materials, colour or texture.

### 1.3 Alternative Crossing – Brick or Block Paving

The Shire may permit brick or block paving or crossing places provided that:

- The bricks or paving blocks or slabs shall be solid clay or concrete of a minimum depth of 60mm laid on an evenly graded, compacted base with all edges laid in a header pattern and retained in a mortar.
- Cast in-situ concrete shall be used to connect to the street for a minimum distance of 900mm towards the building line as shown on the appended sketch plan of the standard concrete crossing place.
- Unless the Shire approves an alternative material, cast in-situ concrete shall be used for any footpath intersecting the crossing place.



	<p><b>2. Shire Contribution Towards Construction of The First Crossing</b>  The Shire shall bear one half of the cost of a standard crossing, as estimated by the Council, for those crossing places constructed as the <i>first crossing to the abutting land</i>. In respect of the alternatives specified in Clause 1 hereof the council's share of the cost will be one half of the cost as estimated by the Council of a standard crossing – concrete as detailed in paragraph 1.1 of that Clause. The Shire will not contribute towards the construction of a new crossover when the Lot is, or has ever previously been, serviced by a crossover. The Shire will not contribute towards the cost of second crossing places, the cost of any area resulting from an increase to the standard width of 3.0 metres as specified or for repairs, resurfacing and reconstruction.</p> <p><b>3. Non-standard crossings:</b>  Any non-standard crossings shall be assessed on merit by a Shire Officer and may require approval by Council if deemed necessary.</p> <p><b>4. Maintenance of Crossovers</b>  The property owner is required to fully maintain the crossover once constructed. All repairs, maintenance and associated costs relating to a private crossover are the sole responsibility of the ratepayer.</p> <p><b>5. Commercial and Industrial Properties</b>  There is no subsidy applicable to crossovers for commercial or industrial properties</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>Under the provisions of the Local Government Act 1995 (Schedule 9, clause 7) and the Local Government (Uniform Local Provisions) Regulations 1996 (Regulation 12), property owners must make application to the Shire of Peppermint Grove for approval to construct a crossover prior to the works on the verge commencing.</li> </ul>

	<ul style="list-style-type: none"> <li>• Local Government (Uniform Local Provisions) Regulations –  “Contribution to cost of crossing  15. (1) where –  (a) a local government <ul style="list-style-type: none"> <li>(i) under regulation 12 constructs or approves the construction of; or</li> <li>(ii) under regulation 13(1) requires the construction of,  a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;</li> </ul> </li> <li>(b) the crossing is the first crossing in respect of the land; and</li> <li>(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing,</li> </ul> <p><i>“the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.”</i>  <i>“first crossing” and “standard crossing” are defined in sub regulation (2) of this regulation.</i></p> <ul style="list-style-type: none"> <li>• Main Roads Department if a Government road is involved. See ULP Reg 14.</li> </ul>
<b>Adopted</b>	September 2000
<b>Amended</b>	November 2015
<b>Review History</b>	November 2019

#### 4.5 STREET TREE AND VERGE MANAGEMENT POLICY

<b>Purpose</b>	<p>To ensure that Peppermint Grove retains its treasured leafy ambience through the sound management of its street trees and verges.</p> <p>Council affirms that the Shire of Peppermint Grove's <i>agonis flexuosa</i> street trees are a valuable community asset for environmental, aesthetic and social reasons including shade, heat reduction, and habitat for native fauna, visual amenity and replenishment of the atmosphere.</p>
<b>Status</b>	
<b>Policy</b>	<p>The Shire is responsible for the establishment and maintenance of street trees on verges, parks and bushland areas within its jurisdiction.</p> <p>The Shire does not accept responsibility for the establishment and maintenance of lawn on street verges, but encourages residents to establish and maintain the approved grasses to a high standard and welcomes the assistance of residents in the watering of street trees.</p> <p>The Shire is not responsible for reticulation on street verges.</p> <p><b>Policy</b></p> <p>The Policy recognises that verges are required principally to contain:</p> <ol style="list-style-type: none"> <li>a) Utility services and associated equipment such as communication, electricity, water, gas; sewer, storm water drainage and street lighting.</li> <li>b) Footpaths, cycle paths and shared paths</li> <li>c) Street trees</li> <li>d) Planting to provide useful shade and urban cooling as well as biodiversity and habitat</li> <li>e) Road furniture such as street name signs, regulatory and advisory traffic signs, traffic signals, bus stops, bus shelters and bus bays, parking spaces, vehicle and pedestrian movement control devices, seating and litter bins.</li> </ol> <p>Reticulation of verges is encouraged within the following conditions:</p> <ol style="list-style-type: none"> <li>a) Owners and/or occupiers are responsible for the installation, maintenance, operation and related costs of reticulation in street verges and its operation must comply with watering roster</li> </ol>

requirements set by the Water Corporation.

- b) Such reticulation is to be installed centrally in the verge, not parallel or adjacent to paths, crossovers or kerbs and no wiring or solenoids are to be installed in road reserve and verge areas.
- c) The local government will take due care and may, at its cost, reinstate reticulation equipment it damages during works carried out by or authorised for the local government.

1. **Street Trees** The standard tree is the Peppermint Tree (*Agonis Flexuosa*). Other species presently standing are to be replaced with Peppermint Trees when they have deteriorated. Street trees may only be planted, pruned and removed by the Shire unless a specific approval is granted by the Chief Executive Officer.
2. **Retention of Existing Street Trees** Developers will be encouraged to retain existing street trees wherever possible.
3. **Planting of New Street Trees** Council will budget funds each year to plant sufficient new street trees to at least maintain total street tree numbers and preferably increase them. Spacing of street trees shall be the minimum required to maintain a near continuous tree canopy in the street even if this means multiple trees per lot frontage
4. **Maintenance of Street Trees** Council will budget sufficient funds each year to properly maintain and water young street trees to ensure a good survival rate.
5. **Pruning of Trees** trees shall generally only be pruned to improve their form, structural integrity or health, clear infrastructure such as street lights, street signs and to maintain pedestrian and vehicle access and/or sight lines. Only authorised Council contractors may prune trees under instruction from the Shire. The Shire does not prune or remove trees for reasons such as views, leaf litter, allergies, wind noise, aesthetics, sightlines for commercial signage unless approved by the Chief Executive Officer.
6. **Removal of Trees** trees will generally only be removed where they are dead, diseased or dangerous.

**7. Street Verges** Street verges at the front, side or rear of all lots, are to be grassed and the establishment and maintenance is the responsibility of the ratepayer. Couch, Buffalo, Dichondra or Lippia are the approved grasses. Vegetation other than Peppermint Trees and approved grasses, are not permitted. Verges already developed with other plants and grasses, shall be allowed to remain, but their continuance may be terminated by Council. If, due to health or financial reasons, a ratepayer is no longer able to maintain a street verge, they are welcome to discuss this matter with the Chief Executive Officer.

**8. Reinstatement of verges.** In the course of Shire works such as kerbing, drainage works and activities conducted by external utility providers, it is acknowledged that some site disturbance to verges is inevitable. The Shire will ensure that once works are complete the verge will be backfilled with quality soil and any affected reticulation will be reinstated. The Shire will not supply or re-lay turf, replacement turf, nor will it upgrade reticulation systems.

**9. Overhanging Vegetation** It is the responsibility of the land owner to ensure that branches of trees, shrubs and creepers on their property do not extend beyond the boundary of the property.

**10. Storage of materials and placement of skip bins**

Council discourages the storage of skip bins or building and landscaping materials on public land, street verges and right of ways, but will consider applications in cases where there are exceptional circumstances.

Approval will be at the discretion of the CEO which may include a bond

<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>• Activities on Thoroughfares and Trading In Thoroughfares and Public Places Local Law, particularly Part 2, Div 3 – Verge Treatments.</li> <li>• Local Government Act – Schedule 3.1, items 8 &amp; 9 Re trees on private property obstructing or endangering persons on a thoroughfare.</li> <li>• Local Government Act (ULP) Regs –“Disturbing local government land or anything on it” <ul style="list-style-type: none"> <li><i>A person who, without lawful authority –</i> <ul style="list-style-type: none"> <li>(a) <i>interferes with the soil of, or anything on, land that is local government property; or</i></li> <li>(b) <i>takes anything from land that is local government property, commits an offence the penalty for which is a fine of \$1,000.”</i></li> </ul> </li> </ul> </li> <li>• Thoroughfares’ Local law, clause 2.2 (1) (i), which requires a permit, and clause 6.3 (g) under which a bond may be imposed.</li> </ul>
<b>Adopted</b> <b>Amended</b> <b>Amended</b>	September 2000 September 2004 November 2015

<b>4.6 GRAFFITI AND VANDALISM POLICY</b>	
<b>Purpose</b>	This policy establishes the principles for the Shire of Peppermint Grove in relation to the removal of graffiti from commercial and residential properties viewable from the public domain.
<b>Status</b>	
<b>Policy</b>	<p>The Shire of Peppermint Grove views graffiti as distasteful, damaging and unwelcome vandalism. The Shire wishes to retain and demonstrate its commitment to maintaining an attractive environment and a strong sense of neighbourhood pride by preserving a graffiti-free environment within the municipality, and endorses the following principles:</p> <p>In order to maintain the ambience of Peppermint Grove, the Shire will endeavour to:</p> <ol style="list-style-type: none"> <li>1. Clean, remove or cover all graffiti on buildings, fences and structures that are under the care, control and management of the Shire within five working days of notification.</li> <li>2. If the damage is particularly offensive (e.g. racially motivated, of a sexual nature etc), every effort will be made by the Shire and the nominated contractor to have the graffiti removed within 24 hours.</li> <li>3. Where the structure is a wall, building or fence on a shared boundary between private property and the Shire controlled land, permission will be sought from the landowner for the Shire to clean, remove or cover the graffiti provided a written approval and damage indemnity is given for action to be taken.</li> <li>4. Where graffiti has been placed on private property or a structure belonging to another Government Authority the vandalism will be reported to the owner/authority and a request made for its removal.</li> <li>5. Report incidents of graffiti vandalism to the Police and liaise with neighbouring Local Governments to reduce graffiti vandalism in the Western Suburbs.</li> </ol>
<b>Adopted</b>	September 2004
<b>Amended</b>	November 2015
<b>Review History</b>	November 2019

#### 4.7 ~~DINGHY MANAGEMENT POLICY~~ WATERCRAFT VESSEL MANAGEMENT POLICY

##### Purpose

The aim of ~~this Dinghy Management Policy~~ the Watercraft Vessel Management Policy is to formally manage the storage of all watercraft vessels dinghies along the Shire of Peppermint Grove's river foreshore areas, in accordance with State Government policy, for the protection of the foreshore amenity and environment, whilst optimising convenient access to moored vessels.

##### Scope

The Shire of Peppermint Grove ~~Dinghy-Watercraft Vessel~~ Management Policy applies to all persons, organisations or others seeking to store or tether a dinghy, canoe, ski, board or tender type vessel ('dinghy') on the river foreshore areas that fall within the jurisdiction of the Shire of Peppermint Grove.

##### Objective

The objectives of the Shire of Peppermint Grove ~~Dinghy-Watercraft Vessel~~ Management Policy are:

1. To prohibit the uncontrolled storage of ~~dinghies-watercraft vessels~~ along the Shire's foreshore areas
2. To control and manage the storage of ~~dinghies-watercraft vessels~~ in a defined area
3. To ensure the needs of all foreshore users are considered when addressing the management of dinghy storage
4. To facilitate convenient access to moored vessels
5. To further protect and enhance the amenity and ecological value of the foreshore
6. Maintain and improve public safety and access to the river foreshore
7. ~~Support the~~ SRT Department of Biodiversity, Conservation and Attractions (DCBA) in the implementation of its dinghy management policy Statement 45 - Planning for Miscellaneous Structure and Facilities in the Swan Canning Development Control Area. This statement outlines the appropriate storage arrangements for watercraft. In addition, the Swan and Canning Rivers Management Regulations 2007, Section 22A outlines that a person must not leave a vessel unattended for more than eight hours unless they have a permit or the vessel isw in an approved caality. The penalty is a fineof \$5,000.

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	<p><u>8.7. To manage disposal of abandoned or unregistered dinghies, watercraft vessels.</u></p>
<b>Status</b>	
<b>Policy</b>	<p>The Shire of Peppermint Grove <del>Dinghy Watercraft Vessel Management Policy</del> provides for the management of <del>dinghies watercraft vessels</del> along the river foreshore areas of Peppermint Grove, while achieving compliance with the <del>Swan River Trust's September 2010 policy SRT/D26 – Dinghy Management along the Swan Canning Riverpark Shoreline-Department of Biodiversity, Conservation and Attractions (DCBA) in the implementation of it's Statement 45 – Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area. This statement outlines the appropriate storage arrangements for watercraft vessels. In addition, the Swan and Canning Rivers Management Regulations 2007, Section 22A outlines that a person must not leave a vessel unattended for more than eight hours unless they have a permit or the vessel is in an approved facility.</del></p>

### Policy Details

1. The ad hoc storage of ~~dinghies watercraft vessels~~ by the public is not permitted in any area of the foreshore. Storage of dinghies is only permitted in the formal ~~watercraft vessel dinghy~~ storage area and only with the appropriate Dinghy Storage Registration as issued by the Shire.

1. ~~Dinghy Watercraft vessel~~ storage will be limited by the available space (as determined by the Shire), not by demand.
2. Any ~~dinghy watercraft vessels~~ found outside a designated ~~dinghy watercraft vessel~~ storage area, or any unregistered dinghy within a designated dinghy storage area may be subject to confiscation, impoundment and disposal by the Shire or ~~Swan River Trust or DCBA.~~
3. With the Swan River being a State asset, ~~dinghy watercraft vessel~~ storage is available to the general public.
4. An annual registration fee will apply as set in the annual fees and charges schedule.
5. Registration is a flat fee for a calendar year and ~~will can not be varied charged~~ on a pro-rata basis, ~~irrespective of from~~ when the application is received or approved. The annual fees will be charged in accordance with the adopted Fees and Charges schedule.
6. The Shire accepts no responsibility for any damage, theft or vandalism to property in or around this storage facility.
7. The Shire reserves the right to terminate any dinghy registration at any time.
- ~~8. Storage bays are non-transferrable.~~
- 9.8. If a storage bay is not renewed within 28 days of renewal date falling due, the bay will be considered 'abandoned' by the Shire, the dinghy impounded and the bay re-let to another applicant on the wait list. If the vessel is impounded, a release fee as per the Shire's fees and charges schedule will be required to retrieve the vessel from the storage sump.
- 10.9. All unclaimed impounded dinghies will be disposed of in an appropriate manner as directed by the Chief Executive Officer.

~~44.10.~~ 44.10. The Sea Scouts and PLC may store dinghies at the Chief Executive Officers discretion as, where and when required.

<p><b>Related Local Law/Legislation</b></p>	<p><del>September 2010 SRT policy SRT/D26 – Dinghy Management along the Swan Canning Riverpark Shoreline Swan and canning Rivers</del></p>
<p><b>Adopted Amended</b></p>	<p><del>May 2023 February 2020</del></p>

<b>4.8 MANAGEMENT OF RIGHT OF WAYS</b>	
<b>Purpose</b>	To establish how the Shire's Right of Ways (laneways) are managed and maintained.
<b>Status</b>	
<b>Policy</b>	<p>The Shire of Peppermint Grove has a network of Right of Ways (ROW) running throughout the municipality. These are mostly unsealed and unnamed thoroughfares which are used by residents for accessing their properties and for the passage of rubbish trucks. These are also used by pedestrians as pathways.</p> <p>The ROW network is surfaced using recycled road profiling. This treatment is cost effective, allows for rainwater infiltration, is easy to maintain and does not unduly damage tree roots.</p> <p>The Shire does not permit the sealing or paving of Right of Ways (laneways)</p> <p>The Shire acknowledges that leaf litter is a part of living in a leafy suburb and as such will not sweep ROW to the same standard as the sealed roads.</p> <p>The Shire will maintain its network of Right of Ways by the following processes:</p> <ol style="list-style-type: none"> <li>1. Grading the surfaces as and when required</li> <li>2. Maintaining and upgrading the drainage network where required.</li> <li>3. Spraying weeds on a regular basis as required, taking seasonal conditions into consideration.</li> <li>4. Pruning overhanging vegetation and obstructions to permit the passage of vehicles and pedestrians.</li> <li>5. Regular inspections by the Shire's Rangers to deter illegal parking</li> </ol>
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2019

<b>4.9 CLOSED CIRCUIT TELEVISION</b>	
<b>Purpose</b>	The purpose of this policy is to provide guidelines on the provision of Closed Circuit Television (CCTV) by the Shire to assist in the safety and enjoyment of residents, visitors and staff within the Shire of Peppermint Grove.
<b>Status</b>	
<b>Policy</b>	<p>The Shire may provide CCTV in buildings, facilities and public areas when determined by the Chief Executive Officer as necessary.</p> <p>The aim is to deter offences against persons and property, protect assets, and provide video recordings/evidence to events or incidents which may have occurred in the area of use.</p> <p>Images or records will be captured, accessed and stored in accordance with the Shire of Peppermint Grove Record Management Policy and the Freedom of Information Act.</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>• Relevant Legislation: State Records Act 2000</li> <li>• Freedom of Information Act 1992</li> <li>• Evidence Act 1906</li> </ul>
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2019

<b>4.10 MEMORIALS POLICY</b>	
<b>Purpose</b>	The purpose of this policy is to provide guidelines for staff regarding requests for memorials within the Shire of Peppermint Grove.
<b>Status</b>	
<b>Policy</b>	The Shire does not permit the installation of memorials such as plaques, crosses, shrines or similar.
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2019

<b>4.11 ASSET DISPOSAL</b>	
<b>Purpose</b>	To establish a policy for the Shire to openly and transparently dispose of its assets surplus to council's needs, that have a maximum written down value of \$500.
<b>Status</b>	ASSETS – Materials and equipment that has been purchased by the Shire of Peppermint Grove
<b>Policy</b>	<p>Assets (that are valued at less than \$500) that are no longer needed by the Shire should be disposed of promptly.</p> <p>The disposal should achieve best value for mooney such that council obtains the best possible return for the goods it sells.</p> <p><u>Decision to Dispose</u></p> <p>Before any disposal action can be taken, it is necessary to seek approval that the goods are appropriate for disposal from the responsible Manager. Common criteria for determining that goods may be suitable for disposal include:</p> <ul style="list-style-type: none"> <li>• No longer required</li> <li>• Unserviceable or beyond economic repair</li> <li>• Technologically obsolete</li> <li>• Operationally inefficient</li> <li>• Surplus to current or immediately foreseeable needs</li> <li>• Part of an asset replacement plan</li> <li>• Unsustainable costs associated with the retaining of goods such as storage, insurance, security and management.</li> <li>•</li> </ul> <p><u>Method of disposal</u></p> <p>The disposal method chosen must be appropriate to the value, nature, quantity and location of the goods. The following methods are to be utilised:</p> <ol style="list-style-type: none"> <li>1. Destruction/land filling – where items are of no value</li> <li>2. Donation to charity groups or non-profit organisations, if in the opinion of the CEO the assets have a value of less than \$200 per item and the relevant group could either use the items as is or for</li> </ol>

	<p>fundraising purposes (eg. As part of a charity auction)</p> <p>3. Verbal quotes – goods valued up to \$500 incl. GST may be disposed of by verbal quotes. A minimum of 2 quotes must be obtained.</p> <p>4. Council to be advised of goods disposed of under this policy</p>
	Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Peppermint Grove's internal records management policy
<b>Related Local Law/Legislation</b>	Regulation 11 & 11A of the Local Government (Functions and General) Regulations 1996 Section 3.57 of the <i>Local Government Act 1995</i>
<b>Adopted/Amended</b>	February 2020



**SECTION FIVE**

**LOCAL PLANNING POLICIES**

## Local Planning Policy 1 – Design and Streetscape

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

### Local Planning Policy - 1

Policy Reference	Formal Description	Service Line
LPP 1	Streetscape	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Background

In 2014 Council commissioned a heritage study of the Shire to provide a basis for identifying and understanding the urban design and streetscape elements that contribute to the character and unique amenity of the Shire.

The streets of Peppermint Grove provide the Shire with its garden neighbourhood character, which is highly valued by the community; residents and visitors.

The relationship between the scale of buildings and their setbacks, complemented by soft landscaping, verge treatments, fences, and street trees, create a distinctive setting or streetscape. Community surveys conducted during the preparation of Local Planning Scheme 4 (LPS 4), together with the results of public submissions made during the process of adopting LPS 4 in 2017, reflected the value placed by residents on maintaining and reinforcing the character of Peppermint Grove.

**Planning Objective**

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes.*
- *To maintain, enhance and encourage a high level of amenity in terms of the unique character and identity of development, streetscapes, public open spaces and lifestyle qualities within the Shire. \**

(\*Local Planning Strategy 2017)

**Statutory Basis**

R-Codes 1.3.1 (a) & (c)

*Clause 67 of the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 outlines the matters which must be considered by Council in the assessment of an application for development.*

These include:

*67 (k) The built heritage conservation of any place that is of cultural significance*

*67(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the development.*

*67(n) the amenity of the locality including the following;*

*(ii) the character of the locality.*

*67 (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

*67 (s) adequacy of -*

*(ii) arrangements for loading, unloading, manoeuvring and parking of vehicles;*

*67 (w) the history of the site where the development is located;*

*67 (y) any submissions received on the application.*

**Planning Policy**

Replacement dwellings or significant additions to an existing building (including out building structures) are to be responsive to existing context and contribute positively to the prevailing streetscapes in the following ways;

### Primary Street Setbacks

1. The 9-metre prescribed setback under the Local Planning Scheme is the minimum in most instances within the Shire.
2. Council is able to require a greater or lesser setback based on the prevailing setbacks of adjoining houses under the provisions of Clause 67 l(m)(n) of the Deemed provisions of Planning and Development(LocalPlanningScheme)Regulations2015.
3. In determining views to the street from dwellings and views from the street to dwellings, the setbacks to immediately adjoining dwellings or approved outbuildings are the primary reference points.
4. Where setbacks are greater or lesser than 9-metres for immediately adjacent houses, the proposed development setback should be stepped to the extent necessary to ensure it does not obscure views to adjoining houses or prevent their contribution to the streetscape **(as outlined in figure LPP1 below)**
5. Particular attention shall be given to situations where neighbouring dwellings are on the Shire's Heritage List to ensure the heritage values of these adjoining dwellings are not diminished.
6. Consideration is to be given to circumstances where changes to existing streetscape patterns may be desirable to create long term cohesion where an unsympathetic pattern of development has emerged.

### Secondary Street Setbacks

The Scheme requires a 4.5-metre secondary street setback. Council is only able to consider varying this requirement where the following criteria are met:

1. The proposed variation and design assists in the preservation of a building on the Shire's Heritage List.
2. The resulting development would be compatible with adjacent corner lots in the immediate locality.
3. Views to the primary frontages of adjoining lots are not adversely affected.
4. The development would comply with all other relevant development standards.

### Front Setback Area and Landscaping

Soft landscaping (garden planting), particularly in the front setback area is an essential element that contributes to the character of the Shire. Plans which provide for adequate deep planted soft landscaping (at least 50% of the front setback area) are a pre-requisite to the issue of a building permit for a new dwelling.

### Colours Materials and Finishes

With few exceptions, the predominant building materials in Peppermint Grove are brick and/or rendered brick, stone, with tile or coloured zincalume\* roofs, and the colour palette is neutral.

Alternative external construction and cladding materials as well as colour schemes can be considered

subject to Council approval via the development assessment process.

#### Street Presence

New houses in the Shire should address the primary street in the traditional manner, with a clearly legible front entrance both to the site and the house itself.

The street elevation should not be dominated by garage doors and to this end Council will not support more than one double garage (door width of up to 4.5 metres) to the primary or secondary street elevations.

#### Verge Crossovers for Residential Access

Where vehicular access is from a street Council will allow the construction of a verge crossover provided it conforms to the following principles: -

1. One crossover per dwelling site; and
2. Single vehicle-width crossovers are encouraged to retain and protect green street verges and street trees; and
3. Any additional width of crossover must be justified by demonstrating a low impact on the provision of an adequate portion of green verge and street tree planting; and
4. Any additional width to a single-vehicle crossover shall comply with the Shire's crossover construction policy.

#### Location of Garages and Carport Structures

*Clause 67 of the Deemed Provisions (m) and (n)* provide the case circumstances whereby Council may exercise judgement to relax or vary the setback requirement of a local planning scheme to achieve an acceptable design outcome.

Garage and carports are to be located in accordance with LPS 4 street setbacks\* to achieve an acceptable street presence and outlook for residential streets.

\*(LPS 4 - 9m from primary street and where lot is on a corner with secondary street, a 4.5m setback from that boundary).

Garages and carports should be located offset to the side of the house so as not to interrupt views between the house and the street.

Council acknowledges that portions of streetscapes within the Shire may vary where houses or structures are already built closer to the street than the LPS 4 street setbacks\*. In these cases, carports may be permitted to encroach within the primary street setback provided these are open on at least three sides and have been sensitively designed and located with regard to the house and preserving its street outlook.

A reduction in the applicable setback for a carport *may* be considered favourably by Council, provided the proposed reduction, in the opinion of Council, poses no detrimental impact to that portion of streetscape.

Garages by virtue of their enclosed design could not achieve a streetscape design outcome equivalent or better than the deemed-to-comply standard of LPS 4 if built within the primary street

setback and will not therefore be supported.

Heritage listed properties should not be obscured from street view by intervening structures.

#### Car parking bays within the front setback area

The R Codes stipulates that where a residential lot is accessible from a street as well as a right-of-way, then vehicle access to residential lots should be from the right-of-way if available. LPS 4 references the R Codes for residential design outcomes.

The residential zone in Peppermint Grove has many larger sized lots which have right-of-way and street access. Council favours vehicular access from the right-of-way rather than the street so as to locate carport and garage structures to the rear or side, rather than in the setback between the house and the primary street.

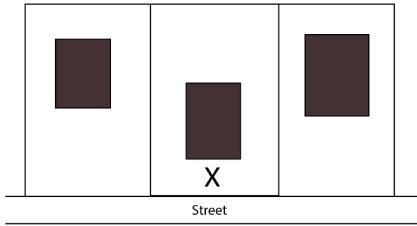
Provided this right of way access arrangement is the case, Council will support the provision of one uncovered hardstand car parking bay within the primary street setback area subject to there being one single width verge crossover to the site and 50% of the remaining street setback area is to remain available for deep planted 'soft' landscaping.

#### Minor structures

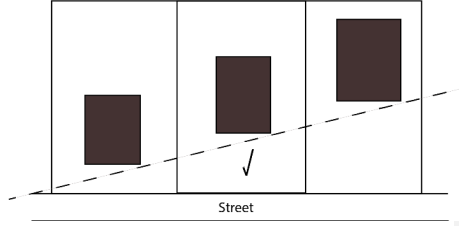
Considering the design objective to establish and preserve street outlook from residential properties, minor structures such as lichgates, porticos and gate houses may only be constructed in front of the building street setback line subject to all of the following design criteria: -

- Gate houses, lichgates or similar structures are not to exceed 4m<sup>2</sup> in area;
- No structure is to exceed 2.4m in total height;
- The minor structures do not detract from the visual amenity of the streetscape and views to the street;
- The structure complements the residence through the application of the same design, materials finishes and construction methods; and
- The minor structure does not affect sightlines adjacent to vehicle crossovers.

LPP1 – Figure 2(a)



LPP1 – Figure 2(b)



## Local Planning Policy 2 – Ecological Urban Design and Sustainability

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

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### Local Planning Policy - 2

Policy Reference	Formal Description	Service Line
LPP 2	Ecological Urban Design and Sustainability	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Context

Urban green spaces are important elements of our cities, suburbs and neighbourhood because they support ecological functions that lead to healthy living and environment. Clean air, water and soil results in natural processes for pollination and the renewal of plants and habitat.

Green space is about more than the aesthetic of design layout. It is about creating sufficient quality of non-built spaces, to provide for areas of stormwater infiltration, aeration of soil, tree canopy and shade to reduce urban heat radiation and provide habitat for birds and other animals.

The Shire is predominantly a neighbourhood of detached houses with large gardens and leafy arcaded streets. However, the character of the neighbourhood is at risk of being diminished by urban infill, the expansion of buildings, and the spread of hard paved surfaces.



The Local Planning Scheme 4 (LPS 4) addresses the intention to conserve areas of each site for urban green space and ecological purposes by limiting the extent of buildings through:-

- Boundary setbacks;
- Plot Ratio
- Requirements for containment of outbuildings and other structures from garden or potentially green portions of a site.

Where a development application seeks to vary the site requirements stipulated in LPS 4 or the Design Codes, Council will refer to this policy in the assessment of the request to address whether the variation will impact or reduce the quality of urban green space or its ecological potential.

The Policy will address matters which allow for the variation of building and site design as part of a design principles assessment in relation to urban ecology and sustainability.

#### **Planning Objective (LPS)**

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes.*
- *To maintain, enhance and encourage a high level of amenity in terms of the unique character and identity of development, streetscapes, public open spaces and lifestyle qualities within the Shire.*

#### **Statutory Basis**

Clause 67 of the Deemed Provisions outlines matters which must be considered by Council in the assessment of an application for development. This includes but is not limited to:

- 67 (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of height, bulk, scale, orientation, and appearance of the development.
- 67 (n) the amenity of the locality including the following:
- (i) Environmental impacts of the development
  - (ii) the character of the locality
  - (iii) social impacts of the development.
- 67 (o) the likely impact of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- 67 (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved.

## **Application of Policy**

### **Considerations**

Variation to Scheme provisions or policy standards of design quality may only be considered subject to the following parameters:-

### **Boundary Setbacks**

Boundary setback areas are important to break up the built form across properties. They are to be principally used for landscaping or urban green space associated with a garden or private open space.

Paving and sealing of the ground in setback areas is to be limited to areas used for thoroughfare or standing of vehicles. In the case of paving materials, the Council encourages the use of permeable paving (such as aggregate or crushed rock) and interspersed with groundcover planting or turf to reduce heat radiation and increase potential for stormwater infiltration. There also needs to be shade trees and shrubs which are also useful for screening and augmenting privacy.

It is important to ensure the objectives of plot ratio are achieved –to secure a proportion of the site for viable and functioning ecological green space (i.e. not covered by buildings or solid paving). As a guide, at least 20% of the total site should be available for deep planting for lots zoned as R10, R12.5, R15 and R20.

### **The Case for Variation**

Council will have regard to this policy prior to the exercise of its discretion to approve a variation to a the Scheme, R Codes and policy design requirements only where that variation can be demonstrated to deliver a superior design outcome for the site **AND** with no detrimental impact on the ecological quality of green space on the site.

This policy is due for review in 2024.

### **Further Information:**

#### **Landscaping standards**

The urban micro-climate is affected by the extent of radiation and runoff from hard surfaces and this is averted through shade from trees and shrubs and soil infiltration from garden beds and natural turf.

The garden character of the neighbourhood results from the combined result of each and every garden along the street and a variety of plants and garden styles is encouraged to add interest and biodiversity.

At least 50% of the street setback area is to be allocated for deep soil planting to accommodate trees and shrubs.

Where a garden development on a site proposes timber or other decks or synthetic turfing over concrete basements or trafficable driveway paving, this area will not be considered sufficient to deliver the necessary ecological outcome and will therefore not be included within the 50 % requirement.

Where gardens include water bodies such as ponds and pools, the design is encouraged to include shading of the surface by aquatic plants to reduce evaporation and provide habitat for native amphibians and invertebrates.

Notwithstanding a driveway connecting the crossover to the garage, there is to be no additional vehicle hard standing in the front setback permitted unless 50% of the front setback achieves an urban green space - landscaping quota of deep soil garden.

## Local Planning Policy 3 – Heritage Places

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

#### Local Planning Policy

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Local Planning Policy - 3

Policy Reference	Formal Description	Service Line
LPP 3*	Planning for Heritage Conservation	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Background

The Shire developed a Municipal Heritage Inventory (MHI), now referred to as the Local Heritage Inventory (LHI), and this was adopted in 1999. It has been adapted as a 'living document' and through occasional revision. The MHI identifies management priorities for the conservation of buildings (almost 25% of single dwellings in the Shire) to continue to make a tangible and undeniable contribution to the character and atmosphere of the Shire of Peppermint Grove. The MHI adopts two categories (category 1 and 2) or management whereby category 1 is rated most highly.

Residents have consistently expressed via a number of community surveys carried out by the Shire, that heritage places, including their generous garden settings, should be preserved. This view has been incorporated as one of the key elements in the Shire's Local Planning Strategy, adopted in 2016, to guide future development in Peppermint Grove.

The Planning and Development Act 2015 (Deemed Provisions) was introduced by the WA Government to guide all local planning schemes into a consistent approach. This establishes a heritage list as part of local planning schemes to be the primary vehicle for identification and protection of properties with heritage value in the local planning scheme.

The heritage list is concerned with identification and protection of properties and their heritage values, whereas the MHI is a more detailed and prescriptive document used in the description of the heritage values and for management decisions.

Under Local Planning Scheme 4 the Shire established a Heritage List which included the majority of properties identified as having heritage significance by the MHI. The Heritage List is a statutory document that sits under LPS 4, while the MHI is now referenced as a due regard document.

#### **Planning Objective (LPS)**

All new residential development is to reinforce existing streetscape development patterns and complement the character of the locality.

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes (Local Planning Strategy).*
- *To preserve the heritage fabric and contribution to the streetscape of existing heritage listed properties. (Local Planning Strategy)*

#### **Statutory Basis**

*Heritage Act 2018 Section 3(1)*

**cultural heritage significance** means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations;

*Heritage Act 2018 Section 5(1)*

**conservation**, in relation to a place of cultural heritage significance, means the conservation of the place as to retain its cultural heritage significance, including –

- a) *Maintenance, preservation, restoration, reconstruction, adaption and interpretation of the place; and*
- b) *Retention of the associations and meanings of the place; and*
- c) *Retention or reintroduction of a use of this place.*

Heritage protection provisions have been adopted in the Local Planning Scheme No.4 in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015. Buildings are only to be included on the Heritage List after undergoing a procedure of notification and receipt of submissions from owners and occupiers.

Once listed all development works must obtain Council Planning Approval prior to being granted a building or demolition permit by the Shire.

Under Clause 11 of the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, Council, despite any existing written assessment, may require an updated heritage assessment prior to considering any development proposal affecting a heritage place.

Clause 12 of Schedule 2 Deemed Provisions of the Local Planning Scheme No.4 also allows Council to vary any development standard under the Scheme and R-Codes where desirable to assist with the

preservation of a heritage place providing it does not have a detrimental effect on adjoining properties.

All works, including external cosmetic changes and internal structural works, require a development application prior to the issue of a building permit.

State Planning Policy 3.5 "Historic Heritage Conservation" (2007) states that there is a presumption against demolition of places on local heritage lists.

#### **Planning Policy**

The assessment of applications for alterations and additions to buildings on the heritage list should meet the recommended guidelines of the Burra Charter. The broad concept of conservation for heritage places in the Charter is to;

*"do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its heritage significance is retained."*

However, this concept of heritage conservation should not preclude a dwelling from being upgraded to meet modern living standards.

For heritage listed properties applicants should have a report prepared by a heritage consultant detailing the works to be completed, and their impacts on the heritage fabric of the building. Should the applicant not submit a heritage report as a part of their application, a heritage report will be prepared by an architect of the Shire's choosing at the applicant's expense. The report shall be provided for any scope of works proposed to any heritage listed property, where in the opinion of Council the works would directly affect the heritage values of a place on the Heritage List.

Council reserves the right to refer submitted reports to an independent qualified heritage architect for review. This would be at the expense of the Council.

Conservation of a heritage place, area or precinct includes managing change in such a way that the heritage significance is retained and/or enhanced in order that:

1. the form and fabric of buildings on the Heritage List is preserved
2. the contribution of a heritage building to the streetscape is protected
3. alterations and additions result in architecture that is both of its time and is respectful to places of local heritage significance.
4. the existing building remains the dominant structure on the site when viewed from the street.
5. new development within the immediate locality of a heritage area or precinct is respectful of the heritage area or precinct and does not detract from its heritage significance.

All development (including maintenance, conservation, adaptation, alterations, additions, demolition and new buildings) affecting heritage places, areas and precincts (including development within the immediate locality of a heritage area or precinct) should meet the following principles;

- Significant heritage fabric should be retained, protected and restored with 'like for like' authentic restoration to original detail wherever possible.
- Original front elevations and features to be retained and/or restored wherever possible.
- Intrusive finishes and elements where they conceal or negatively impact upon the heritage significance of a building may be removed.

- Work that can be reversed in the future is desirable. Work that cannot be reversed may be supported, provided the heritage significance of the building is not compromised.
- The location of 'new technologies' on a heritage building should be undertaken in an unobtrusive manner so they do not negatively impact upon the heritage significance of the building.
- Additions should not overwhelm the existing building in terms of bulk, form and scale.

#### **Demolition and Recording**

In accordance with State Planning Policy 3.5 Council holds the view that demolition of heritage places should be avoided wherever possible.

However, if following further historical research, it is assessed by a qualified heritage architect, that demolition can be considered, a replacement building should recognise and respect by its form and position the original building and adjoining residences so that the aesthetic values of the streetscape are maintained.

The owner is to provide an archival record for any building demolished under this category and the Shire to provide a plaque for inclusion in the adjoining footpath to recognise the cultural significance of the property.

## Local Planning Policy 4 – Residential Building Heights

### Statutory Authority

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

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### Local Planning Policy 4

Policy Reference	Formal Description	Service Line
LPP 4	Residential Building Heights	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### **Background**

There has long been a recognition that due to the many layers of development that have occurred in Peppermint Grove since its inception in 1896, a variety of building styles have emerged and subsequently a range of building heights exist.

As Peppermint Grove has matured, and its streetscape character has become established, the appropriateness of height limits was called into question during community surveys during the formation of Local Planning Scheme No.4.

As a result, category B of the R-Codes setting height limits has been adopted in Local Planning Scheme No.4 for dwellings with a single storey height restriction for ancillary dwellings. At the same time Council recognises, however, that in some streetscape contexts it may be appropriate to allow variations to category B height limits under the R-Codes.

### **Planning Objective (LPS):**

- *To provide guidance to landowners as to the circumstances under which Council would consider a variation to the height of a new dwellings and additions to existing buildings in areas Coded R10, R12.5, R15 and R20 in the residential zoned areas of the Shire.*
- *To ensure that any variations to building height are respectful of, and complementary to, the existing scale of adjoining dwellings.*
- *Building heights in excess of the R-Codes 'Deemed-to-comply' provisions for category B are assessed on a merit-based approach that takes into consideration the heritage and streetscape context in determining an appropriate building height for an individual development.*

### **Statutory Basis:**

This Local Planning Policy is made under the provision of the Planning and Development (Local Planning Schemes) 2015 Regulations.

The Local Planning Scheme allows floor levels to be based on Mean Natural Ground Level. This method sets aside the R-Code method of measuring Residential dwelling heights based on Natural Ground Level at the base of the wall. For the purposes of this policy building height is to be measured from the Mean Natural Ground Level to a maximum of 500mm. A variation greater than 500 mm above mean natural ground level requires planning consent from Council.

For the purposes of this policy building height shall be measured from the Mean Natural Ground Level at the base of the wall unless determined otherwise by Council. The R-Codes (Deemed-To-Comply) restricts the heights of dwellings in residential areas. Under the Scheme Category 'B' heights are adopted



**Policy**

Council will consider variations to the height limits established under Category 'B' of the R-Codes for the development in the Shire based on the following criteria being satisfied;

1. That views from and/or to buildings are not unduly interrupted by the increase in overall height;
2. Compatibility of the resulting scale of a proposed building to neighbouring dwellings;
3. The proposed increase in building height would enable a development to fit in with its neighbours.
4. The proposed development meeting LPP 1 'Urban Design and Streetscape';
5. The proposed development would not have an adverse visual impact to a neighbouring dwelling;
6. Any proposed additions to a heritage listed dwelling do not overwhelm or dominate that heritage place as a result of any height variation;
7. The streetscape in which the development is proposed not be adversely affected by an increase in height;
8. The proposed development does not generate any privacy or overlooking concerns;
9. The development meeting with other provisions of the Scheme and the Deemed-to-Comply provisions of the R-Codes.

## Local Planning Policy 5 - Plot Ratio and Coverage of Site – Residential R10, R12.5, R15, R20

### Statutory Authority

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

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### Local Planning Policy 5

Policy Reference	Formal Description	Service Line
LPP 5	Plot Ratio and Coverage of Site – Residential R10, R12.5, R15, R20.	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

**Planning Objective (LPS):**

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes; (Local Planning Scheme)*
- *To maintain, enhance and encourage a high level of amenity in terms of the unique character and identity, streetscapes, public open spaces and lifestyle qualities within the Shire. (Local Planning Strategy)*

**Statutory Basis**

Clause 32 of Local Planning Scheme 4:

*Additional Site and Development Requirements*

*For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5 unless otherwise determined by the local government*

**Definition of Plot Ratio under LPS 4:**

*Plot ratio means the ratio of floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.*

**Background**

Plot ratio controls the amount of a site which is covered by buildings. A plot ratio of 0.5 has been a feature of the Shire's town planning schemes for over 60 years.

Apart from the land abutting Stirling Highway corridor, the predominant character of residential development in the Shire is for single dwellings in generous garden settings.

This has contributed to the amenity of the area and defined the character of the streetscapes by controlling the bulk and scale of development on individual lots.

This policy establishes the basis for calculating the plot ratio under LPS 4 for residential development, referencing the R Codes as well as noting the local characteristics of land development in Peppermint Grove.

The following clarifies for the benefit of designers and decision-makers what and how to determine the plot ratio for any residential development.

**Calculation**

- *Gross floor area is to be calculated to include external walls and internal walls which make the footprint of the building/s on the site at each level above mean natural ground level at any point.*
- *The lot area used for the calculation is the entire lot area prescribed by the boundaries*
- *Habitable rooms and non-habitable rooms are included as are outbuildings and ancillary dwellings.*
- *Stairwells are only to be counted at the ground level.*

Some floor areas are considered to be utility in their nature and are therefore excluded from the plot ratio calculation.

Excluded from Floor Area	Threshold as applicable
HVAC Plant Rooms	Total up to 10 m <sup>2</sup> in size
Garages	Total up to 50m <sup>2</sup> or 5% of the total site area: whichever is the lesser
Verandahs, balconies, courtyard alfresco areas*	Total up to 50m <sup>2</sup> or 5% of the total site area: whichever is the lesser
Basement – (floor areas below the ground floor).	Shall be totally underground and under the floor of the building, (in the case of sloping properties the floor of the basement shall be below the mean natural ground level as defined in the LPS 4)
Total of possible exclusions in addition to what is calculated for the 0.5 PR Maximum	<110m <sup>2</sup> or 10% of the total site area: whichever is the lesser amount

\*Refer to R Codes for definition parameters

The policy is to be interpreted for assessment of single residential and associated residential buildings. In the case of ancillary dwelling this is to be assessed and included within the floor area

## Local Planning Policy 6 – Neighbour Consultation on Development

### Statutory Authority

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

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### Local Planning Policy 6

Policy Reference	Formal Description	Service Line
LPP 6	Neighbour Consultation on Development	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Policy Number: LPP 6

Policy Title: Neighbour Consultation on Development

Responsible Officer: Manager of Development Services

Adoption Date:

**Objective (LPS):**

- *To advise affected land owners adjoining sites subject to redevelopment, alterations and additions, change of use, or demolition works in residential areas of work before they proceed.*
- *Ensure neighbours are consulted on applications for which there are variations to the Residential Design Codes or Local Planning Scheme 4, allow neighbours the opportunity to make written submissions on non-compliant aspects of the development prior to Council making a determination under its Local Planning Scheme.*

**Statutory Basis**

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

**Policy**

Advise adjoining owner(s) in writing of the type of development being proposed, including building and demolition permit applications made to the Shire and;

- a) in the case of development applications seeking variations to the Scheme or the Deemed-to-comply provisions of the R-Code advising of the opportunity to make written submissions on the aspects of the development that are not deemed-to-comply;
- b) the letter shall include information as to the type of development being proposed and whether the deeming provisions of the Scheme and R-Codes apply;
- c) where neighbours are able to make written submissions, these are to be in writing to Council within 14 days of the date notification is received;
- d) Landowners are to be advised that Council will deliberate on any comments received, however, these are not binding, and the final decision will be made by the Council.
- e) Any neighbour(s) that have a shared boundary with the proposed development site are to be notified as a part of the consultation process;
- f) Any neighbour(s) that are separated from the development site by a road or laneway, but are immediately adjacent to the proposed development site, are to be notified as a part of the consultation process.
- g) For developments which may affect a broader area Council may expand the area of consultation.

**\*LPP7 IS CURRENTLY BEING ADVERTISED FOR PUBLIC COMMENT\***

## Local Planning Policy 8 – Construction Management Plans

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

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Local Planning Policy - 8

Policy Reference	Formal Description	Service Line
LPP 8	Construction Management Plans	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Planning Objective (LPS):

- *To ensure the effective management of excavation, demolition work and building work within the Shire of Peppermint Grove.*
- *To ensure that residential and commercial development is undertaken in a responsible manner; one that is respectful of the amenity of neighbouring landowners and minimises any impact on street verges, trees, traffic and pedestrian movement.*
- *To respect and maintain the prevailing high quality of local amenity in the vicinity of all works.*



**Statutory Basis**

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

The definitions of terms development, construction/building works and demolition used in this policy, have the same meaning as defined in the Building Act 2011 and the Planning and Development Act 2007.

(This policy should be read in conjunction with LPP 9 `Development Bonds').

**Policy**

The Shire requires owners and their contractors to undertake the effective management of approved development including the demolition of any dwellings, outbuildings or commercial property. Builders and/ or developers are required as a condition of planning approval to submit a Construction Management Plan to the Shire for assessment and approval prior to the issuing of a demolition or building permit for development.

**Criteria**

The requirement for a Construction Management Plan shall be specifically stated as a condition of the planning approval for a site, and that Plan is to be submitted for assessment by the Shire Manager of Development Services prior to the issues of a Building Permit, and upon receiving approval that the Construction Management Plan be adhered to at all times.

**Contents**

The Construction Management Plan must address the following issues associated with executing all development and works:

- Protection of public safety and amenity;
- Maintain effective and compliant pool safety barriers to the site and to adjoining properties;
- Security to the site and all equipment and materials;
- Nomination of a Site Superintendent and the contact details of essential site personnel, construction period and operating hours;
- Clear community complaints management process;
- Reduction and management of noise, vibration, and dust emission;
- Safety management of traffic, access and parking and around the site;
- Management of site toilet and material storage sheds/containers in locations as indicated on the Plan;
- Safe and secure laydown and storage of building materials and waste management;
- Protection of street trees, paved surfaces, kerbs and verges from damage;
- Maintaining pedestrian thoroughfare in a safe and convenient manner.

**A template is attached to assist, however this should be adjusted and expanded where necessary to provide an appropriate Construction Management Plan for each circumstance.**

**Enforcement and penalties**

In the event that the approved construction Management Plan is not complied with, the Shire is able to issue a written direction to stop development under Section 214(2) of the P&D Act. Section 214(7) of the P&D Act. A person who fails to comply with such a direction commits an offence under this section, and is liable to prosecution in the Magistrates Court.

The maximum penalty for such an offence is a fine of \$200,000 (for an individual, more for a corporation), and in the case of a continuing offence, a further maximum fine of \$25,000 (for an individual) for each day during which the offence continues, under Section 223 of the P&D Act. For a corporation, the maximum penalties are multiplied by five.

# CONSTRUCTION MANAGEMENT PLAN

**TEMPLATE**

**<INSERT PROPERTY ADDRESS>**  
**<INSERT BUILDER DETAILS>**

Implementation / Review Date	Addendum issue date and description	Key Project Personnel	Role	Signature	Date

**PROJECT DETAILS**

**Site Location:**

**Client Details:**

**Builder Representatives:**

**Director (Day-to-Day Site Contact):**

**Client Liaison:**

**Registered Supervisor:**

**(Reg No.....)**

**Project Overview:**

**Construction Timeline:**

**1. SIGNIFICANT WORKS/ACTIVITIES**

**1.1 Site Parking**

**1.2 Site Amenities**

**1.3 Dust Management**

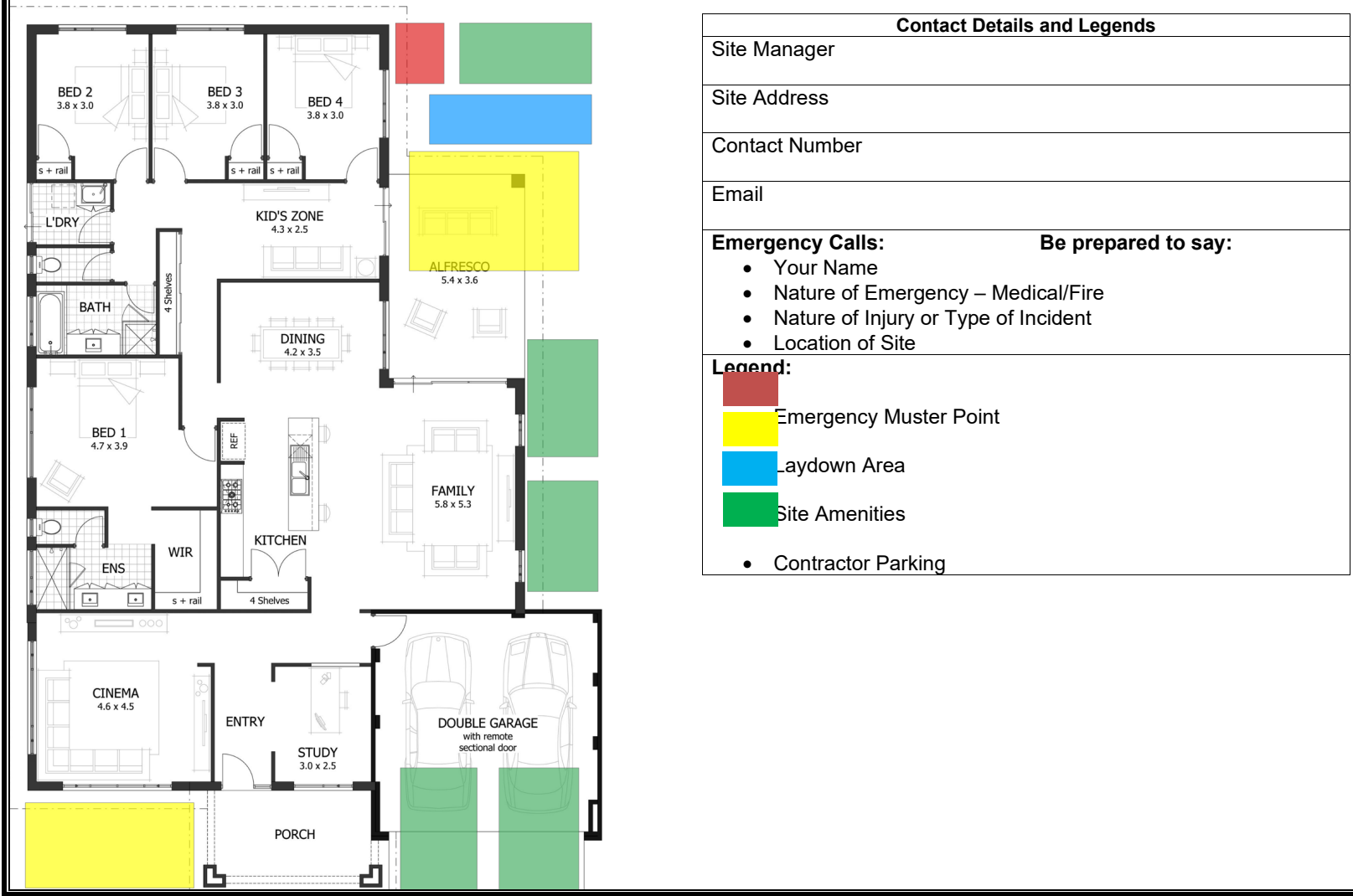
**1.4 Working Hours & Noise Management**

**1.5 Local Residents**





**1.6 Major Site Activities**

**1.7 Traffic Management**

### Construction Management Plan



#### Contact Details and Legends

Site Manager	
Site Address	
Contact Number	
Email	
<b>Emergency Calls:</b>	<b>Be prepared to say:</b>
<ul style="list-style-type: none"> <li>• Your Name</li> <li>• Nature of Emergency – Medical/Fire</li> <li>• Nature of Injury or Type of Incident</li> <li>• Location of Site</li> </ul>	
<b>Legend:</b>	
	Emergency Muster Point
	Laydown Area
	Site Amenities
	<ul style="list-style-type: none"> <li>• Contractor Parking</li> </ul>

### Appendix 2 – Noise Management

Work shall be conducted in accordance with the [Environmental Protection \(Noise\) Regulations 1997](#), and section 6 of AS 2436:2010 - Guide to Noise and Vibration Control on Construction, Demolition, and Maintenance Sites. Activities likely to generate significant noise will, wherever practical, be scheduled between the hours of 0700 and 1800 and not on Sundays or Public Holidays. In the event that work is required outside these hours, work planning will involve an assessment of potential excessive noise generation and procedures implemented in accordance with those stated in AS 2436.

Noise levels and exposure times.















Noise Level dB(a)	Exposure Time
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 mins
100	15 mins
103	7 ½ mins

The 85 dB(A) exposure standard for noise in Western Australia is legally the maximum acceptable exposure level for noise at the workplace. Workplace noise exposure levels therefore must not exceed 85 dB(A), and should be kept below that level where practicable.

The two factors that together cause permanent hearing damage are the loudness of the noise and the length of time a person is exposed to it. The length of time an unprotected worker is able to work (maximum time of exposure) is reduced by half for every 3 decibels (dba) increase in noise level.

If a person/worker is exposed to the following noise levels, <Insert Builder> shall ensure that appropriate control measures are taken:

1. In excess of an 8-hour noise level equivalent of 85 dba, or
2. A peak of more than 140 dba

Activity	Activity Description and Noise Level	Activity	Activity Description and Noise Level
	Normal Conversation <b>60 decibels</b> Max. Time of Exposure More than a day		Operating a Grinder <b>97 decibels</b> Max. Time of Exposure <b>30 Minutes</b>
	Driving a Vehicle <b>70 decibels</b> Max. Time of Exposure More than a day		At a Rock Concert <b>100 decibels</b> Max. Time of Exposure <b>15 Minutes</b>
	Standing on a Busy Road <b>80 decibels</b> Max. Time of Exposure <b>24 Hours</b>		Near a Crane <b>102 decibels</b> Max. Time of Exposure <b>10 Minutes</b>
	Inside a Noisy Restaurant <b>84 decibels</b> Max. Time of Exposure <b>10 Hours</b>		Operating a Jackhammer <b>105 decibels</b> Max. Time of Exposure <b>5 Minutes</b>
	Operating a Welder <b>85 decibels</b> Max. Time of Exposure <b>8 Hours</b>		Operating a Bulldozer <b>107 decibels</b> Max. Time of Exposure <b>3 Minutes</b>
	Operating a Lawnmower <b>91 decibels</b> Max. Time of Exposure <b>2 Hours</b>		Using Explosive Power Tool <b>120 decibels</b> Max. Time of Exposure <b>10 Seconds</b>
	Operating a Power Tool <b>94 decibels</b> Max. Time of Exposure <b>1 Hour</b>		Near Diamond Rock Saw <b>121 decibels</b> Max. Time of Exposure <b>5 Seconds</b>

Control measures- control shall be, as far as is practicable, through the progressive implementation of one or more of the following measures:

- Substitution- swapping to a hazard or source with a lower risk level. ☐
- Isolation- removing the hazard from the person or the person from the hazard. ☐
- Minimising by engineering means- physically altering the work environment. ☐
- Minimising by administrative means- designing jobs to reduce workers' exposures. ☐
- Use of personal protective equipment (PPE)- using devices to protect the hearing of workers.

*Note: Activities indicated below are examples only. For any particular activity, noise levels and the applicable exposure times can vary significantly, depending on a range of conditions that may exist. For accuracy, a sound level meter should be used.*

## Local Planning Policy 9 – Development Bonds

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

### Local Planning Policy - 9

Policy Reference	Formal Description	Service Line
LPP 9	Development Bonds	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Planning Objective (LPS):

- *To ensure that funds are available in the event of damage to street trees and infrastructure resulting from the development of land and buildings within Peppermint Grove.*
- *To allow the Shire to undertake clean up and reinstatement works immediately, and to ensure that the cost of doing so is not a financial burden on the ratepayers of the Shire.*
- *Bonds are also to be held to ensure that conditions of planning approval are met.*



**Statutory Basis**

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

(This policy should be read in conjunction with *LPP 8 'Construction Management Plans'*.)

**Policy**

To ensure that any damage to public property caused by building works is fixed properly, the Shire may require the lodgment of a bond, based on the value of works undertaken. This bond shall be paid prior to the issue of a building or demolition permit. The bond also includes the footpath and kerb deposit.

Development Bonds can be used to reinstate street verges damaged by the storage of building materials, to clean roads due to over spill from sand deliveries, and includes but is not limited to the repair of damage to laneways, footpaths and kerbs.

**Development Bond amount shall be determined at the discretion of the Chief Executive Officer with regard to prevailing fees and charges.**


**Process for the use of Development Bonds**

In the event that a development results in damage to Shire infrastructure, or that a construction management plan is not being complied with, the builder and landowner shall be contacted in writing giving them an appropriate time frame in which to attend to the issues. If the matter is not attended to in a reasonable time frame, or the situation is dangerous in the opinion of the Chief Executive Officer of the Shire, funds from the bond are to be used to make the site safe or to a standard required under the construction management plan.

The landowner/builder will be provided with an itemised acquittal for any bond funds expended by the Shire in accordance with this policy.

**Refund of Bonds**

The landowner or builder must notify the Shire in writing, at the completion of development, in order to obtain a refund. The appropriate Shire officer shall inspect the site and refund the full amount if all the conditions of planning have been complied with, and the kerb and footpath are in the same condition as prior to the development commencing.

**Council as final Arbiter**

In the case of a dispute concerning the use of bond funds to reinstated infrastructure, or being withheld pending satisfying the conditions of planning consent, the matter is to be referred to Council for determination.

## Local Planning Policy 10 – Design Review Panels

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

### Local Planning Policy - 10

Policy Reference	Formal Description	Service Line
LPP 10	Design Review Panels	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Planning Objective (LPS):

- *To provide Council with high level, independent expert advice and expertise on urban design, architecture, landscape design, sustainability and heritage in relation to significant development applications.*

### Statutory Basis

This Local Planning Policy is made under the provision of the Planning and Development (Local Planning Schemes) 2015 Regulations.

**Policy**

The panel shall act in an advisory capacity on specified proposals with respect to development meeting the Shire's objectives with particular reference to those of the Local Planning Scheme, Local Planning Strategy and residential development codes.

The advice provided to Council should encompass the following:

- The merits of the architectural design including its relationship to adjoining development;
- Impact of the design on the broader public realm and streetscape and general amenity of the locality.
- How the proposal would affect the character of the locality, including impacts upon heritage structures and places of cultural heritage significance, including natural features.
- The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and makes a contribution to environmental sustainability;
- The demonstration of best practice urban design including Crime Prevention Through Environmental Design (CEPTED) principles, protection of important view corridors and the creation of safe and active civic and commercial places.

The Panel shall examine the plans of all development proposals referred to them and provide professional and technical advice to the applicant and the Shire's Development Services in relation to matters relating to urban design, architecture, landscape design, sustainability or heritage.

**Membership**

The Shire's Design Review Panel (DRP) shall comprise of four external members and one deputy member approved by Council and consist of members who are able to demonstrate:

- A demonstrated high level of expertise and knowledge in their particular field of architecture, urban design, landscape architecture, sustainability or heritage;
- The relevant skills and experience to provide independent expert advice in regard to significant urban design, place making; and
- Current registration or eligibility for registration with their relevant professional body is essential.

The Chief Executive Officer and/or the Manager of Development Services shall be ex- officio members and provide administrative support.

**Selection**

Members of the DRP can be either nominated by the CEO and/or selected from a pool following public advertising in a local newspaper and the Shire's website.

**Role and Scope of the Policy**

The Review panel provides advice only. It has no powers or authority, whether by delegation or otherwise, to make decisions or approve applications which have been referred to them.

In respect of any item under consideration at a meeting, the Panels' comments are restricted to Council Members. Panel Members are not entitled to comment on behalf of the Shire to the media.

The DRP is not to provide advice directly to an applicant in respect of any item under consideration at a DRP.

**Applications to be referred to the DRP**

The following applications for planning approval for proposed development (Development Applications) in the following categories are to be referred to the DRP for their consideration and comment:

1. Commercial development directly abutting land zoned residential; and Development, which, in the opinion of the Chief Executive Officer or Council, is contentious or likely to be of significant community interest;
2. Redevelopment of a site within the District Centre Zone.
3. Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the Shire;
4. Residential development on land zoned either Mixed-use, or Activity Centre greater than three storeys or comprising ten or more dwellings and
5. Minor development proposals which, in the opinion of the delegated officer, should be referred to the DRP due to unusual or unconventional design elements.

**Design Review Panel Process**

The recommendations are to be included in the report to Council for determination along with any contrary views or concerns raised by the applicant.

Officers are to circulate agendas including plans and preliminary Officer's comments to DRP at least 10 days prior to the meeting. DRP members are to review plans and undertake site inspections as required.

## Local Planning Policy 11 – Building on Side and Rear Boundaries

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

### Local Planning Policy - 11

Policy Reference	Formal Description	Service Line
LPP 11	Building on Side and Rear Boundaries	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Planning Objective (LPS):

- *To ensure planning decisions uphold the following adopted objective on streetscapes adopted under the Shire's Local Planning Strategy.*
- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes.\**
- *To ensure that the regular spacing or street rhythm, which is an important streetscape element created by the side boundary setbacks under the Deemed-to-Comply provisions of the R-Codes, is maintained.*
- *To provide a set of criteria where Council may consider boundary walls in Residential zoned areas of the Shire with a density code of R10 or R12.5.*

### Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

Clause 7.3.1 of the R-Codes allows Council to vary the R-Code provisions relating to boundary walls through a Local Planning Policy.

### Policy

In the low-density residential areas of the Shire there are no applicable Deemed-to-comply provisions in the R-Codes for boundary walls.

Therefore, any application for a boundary wall can only be considered under the Design principles of the R-Codes. Clause 'P3.2 of the R-Codes 'Buildings built up to boundaries (other than the street boundary)' provides the following Design Principles for the assessment of boundary walls.

- *Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *Does not compromise the design principle contained in clause 5.1.3 P3.2 'Lot Boundary Setback';*
- *Does not have any adverse impact on the amenity of the adjoining property;*
- *Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *Positively contributes to the prevailing development context and streetscape.'*

Council should be satisfied when considering an application for a boundary wall that in order to meet the principles within the Shire it should:

1. For side boundaries the incursion into the setback should be located at least 3-metres behind the 9-metre building line to satisfy the *'...the prevailing development context and streetscape'* outlined in the R-Codes.
2. For side boundaries the incursion into the setback should not be located forward of an adjoining dwelling so as to block views to and from that place.
3. For all side and rear boundaries the incursion into the setback should not visually impose on an adjoining property that is on the Shire's Heritage List.
4. For boundaries abutting a Right of Way (R.O.W) buildings should be set back sufficiently to allow for future road widening where this has been identified.

## Local Planning Policy 12 – Front Fences

### Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

### State Policy

### Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

### Local Planning Policy - 12

Policy Reference	Formal Description	Service Line
LPP 12	Front Fences	Development Services
<b>Implementation:</b>		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

### Planning Objectives (LPS):

- *To provide design guidelines for screen fencing along the front boundary of a residential property that would exceed the 1.2-metres maximum permitted under the Deemed-to-comply provisions of the R-Codes.*
- *To encourage a high-quality standard of front fencing within the Shire of Peppermint Grove that allows houses to visually contribute to the streetscape.*
- *To ensure front fencing to heritage places is of a complementary design, scale and materiality.*
- *To ensure that adequate physical security is available, while maintaining an open visual aspect between the houses and the street for the purpose of passive surveillance.*



**Context**

Peppermint Grove is principally a neighbourhood of houses with large front gardens and predominantly open views between houses and with the street. A number of streets have several (adjoining) houses which have been placed on the heritage list, and their co-relationship and collective value is enhanced due to their:-

- Open views between the street and houses;
- Front garden landscaping of lawns, bedding and trees;
- Ability to view and read the architectural form from the footpath.

This quality makes up the residential character of our suburb.

Recent trends with residential development elsewhere in Perth have promoted high and impermeable front fencing for security and privacy. This type of front fencing, whilst considered necessary by the home occupant, may also lead to a confinement of view along a street, an interruption to the green corridor of front gardens and diminish the 'eyes-on-the street' element of crime prevention (CPTED).

In the case of Peppermint Grove and given the value for heritage and green landscaped front gardens, boundary fencing in front of the building line is therefore something to be carefully considered on merit and to be justified with regard to the cumulative impact on streetscape.

The Shire policy will identify the circumstances and parameters whereby front fencing is able to be approved without causing detriment to the streetscape of the character of the neighbourhood or the loss of visibility of valued properties from the street such as heritage listed properties.

**Statutory Basis**

This Local Planning Policy is made under the provision of the Planning and Development (Local Planning Schemes) 2015 Regulations.

Clause 7.3.1 of the R-Codes allows Council to vary the R-Code provisions relating to street walls and fences through a Local Planning Policy.

**Policy****Primary Street Frontage**

1. A front boundary fence is to be of an appropriate height and open aspect design and construction in order that there is strong visual relationship between the street, the front setback area and the front of the house;
2. For all walls along the front boundary, where the lower portion of the wall is solid, the height shall not exceed 900mm;
3. Columns, piers or posts forming the structural support shall;
  - a. Not exceed 2.1 metres in height above the mean natural ground level on the street side of the fence; and
  - b. Not exceed 600mm in either depth or width; and
  - c. Not be less than 1.8 metres clear of any other column.
4. Infill panels (where necessary above the lower wall and between any columns, piers or posts) shall be designed for permeability of at least 50% open view with a minimum gap of 50mm between pickets.
5. Blade fencing, where the depth of the infill picket is, proportionally more than the profile section facing the street, there shall be sufficient width so that views to the house are not obscured. This can be achieved where the gap between blades is a minimum of twice the depth. For instance, 25mm deep blades shall be spaced 50mm apart.

Note: - As a design principle the ratio of depth to width shall be no more than 3: 1 with spacing of no less than double the width dimension of the upright blades.

With the exception of places on the Shire's Heritage List, fences that meet the above criteria are exempt from requiring planning approval.

**Heritage Places**

Compatible front fencing is an important design element that frames a site of cultural heritage significance.

When new or replacement fences are proposed, a planning application will be required by the Shire for either a new or replacement front fence. Where there is no evidence of any original fencing with the Local History Collection, a design typical of the era in which the house was built and being complementary in terms of materials, should be submitted to Council for development approval.

**Variations to this Policy**

A lesser distance than 1.8-metres between columns and/or piers, may be considered on merit by Council given the particulars of a site.

Council may also consider permitting a section solid to 1.8-metres for part of a front wall for the provision of utility meters.



## **Ordinary Council Meeting**

### **8.4.1 – Policy Manual Review**

#### **Public Interest Disclosure (PID) Guidelines**

#### **Disclosure of Information Under the Public Interest Disclosure Act 2003 Form**



Shire of  
Peppermint Grove

## Public Interest Disclosure (PID) Guidelines

State of Western Australia

Published by the Public Sector Commission, July 2016. A copy of this publication is available on the Public Sector Commission website at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au). Disclaimer This publication has been developed to assist public authorities. However, it is a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice. Accessibility Copies of this publication are available in alternative formats upon request.

Note, that all references to sections (that is, 's' and 'ss.') in these procedures relate to the PID Act, unless stated otherwise.

## Public Interest Disclosure Procedures for the Shire of Peppermint Grove

### **A. Organisational commitment for reporting public interest information**

The Shire of Peppermint Grove does not tolerate corrupt or other improper motives.

The Shire of Peppermint Grove is committed to the aims and objectives of the *Public Interest Disclosure Act 2003 (PID Act)*. The *PID Act* recognises the value and importance of reporting as a means to identify and address wrongdoing.

We strongly support disclosures being made by employees about corrupt or other improper motives. We also strongly support contractors and members of the community making disclosures about corrupt or improper motives.

The Shire of Peppermint Grove does not tolerate any of its employees, contractors or subcontractors taking reprisal action against anyone who makes or proposes to make a public interest disclosure.

The Shire of Peppermint Grove will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of a public interest disclosure.

The commitment to effectively manage public interest disclosures extends to a proper authority of the Shire of Peppermint Grove. The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the *PID Act* will abide by the PID Code of conduct and integrity in performing their duties.

The Shire of Peppermint Grove is also committed to responding to the disclosure thoroughly and impartially. We will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.

The Shire of Peppermint Grove will provide as much information as possible to people considering making a public interest disclosure. These internal procedures are accessible to all employees and contractors. Copies are available from the designated person appointed as the proper authority (Public Interest Disclosure (PID) Officer).

General information about public interest disclosures and how the Shire of Peppermint Grove will manage a disclosure is available for external clients and members of the community on our website at [www.peppermintgrove.wa.gov.au](http://www.peppermintgrove.wa.gov.au).

While these procedures focus on public interest disclosures, we are committed to dealing with all reports of suspected wrongdoing. We encourage people to report, if they witness any such behaviour. The Shire of Peppermint Grove will consider each matter under the

appropriate reporting pathway and make every attempt to protect staff members making reports from any reprisals.

## **B. Purpose of the internal procedures**

Our Shire, must prepare and publish these internal procedures under s. 23(1)(e) of the *PID Act*.

These procedures outline how we will meet our obligations under the *PID Act*. They cover the roles and responsibilities of the Principal Executive Officer (PEO), the person designated as the proper authority in accordance with s. 23(1)(a) and the Public Interest Disclosure Officer (PID Officer) s. 5(3)(h).

The procedures are to be read in conjunction with the *PID Act*, *Public Interest Disclosure Regulations 2003* and the PSC publication 'Don't be afraid to speak up'.

## **C. Scope and application of internal procedures**

These procedures apply to all people involved in the public interest disclosure process, including Mr Don Burnett, the CEO of the Shire of Peppermint Grove, who is also the Principal Executive Officer, Mr Michael Costeralla, the Manager of Corporate & Community Services, is the PID Officer, employees of the Shire of Peppermint Grove and/or any person making a public interest disclosure and any subject(s) of a disclosure.

These procedures should be read in conjunction with:

- Public Interest Disclosure Act 2003
- Public Interest Disclosure Regulations 2003
- Other compliance requirements outlined in the Shire of Peppermint Grove Local Laws, Shire of Peppermint Grove Code of Conduct, the Shire of Peppermint Grove Policy Manual.

The behaviour of all employees involved in the public interest disclosure process must accord with our Code of conduct at all times. A breach of the Code of conduct may result in disciplinary action.

**D. Overview of roles and responsibilities of parties involved in the disclosure process at the Shire of Peppermint Grove**

Person/role	Responsibilities
<p>Principal executive officer (PEO) (s23)</p> <p>The CEO of the Shire of Peppermint Grove is the public authority's PEO.</p>	<ul style="list-style-type: none"> <li>• Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to the Shire of Peppermint Grove (s. 23(1)(a)).</li> <li>• Provides protection from detrimental action or the threat of detrimental action for any employee of the Shire of Peppermint Grove who makes a public interest disclosure (s. 23(1)(b)).</li> <li>• Ensures the Shire of Peppermint Grove complies with the <i>PID Act</i> and the code of conduct and integrity established by the Public Sector Commissioner (ss 23(1) and (d)).</li> <li>• Prepares and publishes internal procedures, consistent with those prepared by the Public Sector Commission, detailing how the Shire of Peppermint Grove will meet its obligations under the <i>PID Act</i> (s. 23(1)(e)).</li> <li>• Provides information (s. 23(1)(f)) to the Public Sector Commissioner on the: <ul style="list-style-type: none"> <li>– number of disclosures received by the Shire of Peppermint Grove;</li> <li>– results of any investigations conducted as a result of the disclosures;</li> <li>– action, if any taken, as a result of each disclosure</li> <li>– any matters as prescribed.</li> </ul> </li> </ul> <p>May have a role in enabling an investigation to be undertaken or taking disciplinary action against individuals under functions and powers separately from the <i>PID Act</i>.</p>
<p>The Proper Authority (s. 5.(3) s. 7 and s18) or PID Officer (s 23(1)(a))</p>	<p>As is designated by ss. 5(3)(a-g) or by the CEO of the Shire of Peppermint Grove, under s. 23(1)(a) the PID Officer is to receive disclosures related to the Shire of Peppermint Grove. The PID Officer:</p> <ul style="list-style-type: none"> <li>• Provides information to potential disclosers about their rights and responsibilities consistent with the Code of conduct and integrity established under s. 20(1).</li> <li>• Receives and manages public interest disclosures in accordance with the <i>PID Act</i> (s. 5(3)).</li> </ul>

	<ul style="list-style-type: none"> <li>• Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1))</li> <li>• Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s. 8(1)).</li> <li>• Where appropriate, provides information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s. 9(2), s. 14, s. 15, s. 16 and s. 24).</li> <li>• Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s. 9.</li> <li>• Maintains confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (s. 11 and s. 16).</li> <li>• Provides progress reports where requested and a final report to the discloser in accordance with s. 10.</li> <li>• Creates and maintains proper and secure records in relation to the disclosures in accordance with the Code of conduct and integrity established under s. 20(1) and the State Records Act 2000.</li> <li>• Completes a PID Register for each disclosure lodged (s. 23(1)(f)).</li> <li>• Acts in accordance with the rules of natural justice (s. 9(2) and s.16(1)(b)).</li> <li>• Acts in accordance with the code of conduct and integrity established by the Public Sector Commissioner (s. 20(1)) and any authority-specific code of conduct established separately from the <i>PID Act</i>.</li> </ul>
The discloser	<ul style="list-style-type: none"> <li>• Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the Shire of Peppermint Grove (s. 5(1)).</li> <li>• Believes on reasonable grounds the information in their disclosure is, or may be, true (s. 5(2)).</li> </ul>



	<ul style="list-style-type: none"> <li>• Does not disclose information subject to legal professional privilege (s. 5(6)).</li> <li>• Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)).</li> <li>• Maintains confidentiality of the information disclosed and the identity of the person(s) to whom the information relates, in accordance with the requirements of the PID Act (s. 16 and s.17(1)(b)).</li> <li>• Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s. 17(1)(a)).</li> </ul>
An investigating officer:	<ul style="list-style-type: none"> <li>• May investigate matters of public interest information on behalf of a proper authority of the Shire of Peppermint Grove, in accordance with the terms of reference given to them.</li> <li>• Maintains confidentiality of the identity of the disclosure and any persons subject to the disclosure, in accordance with s. 16.</li> <li>• Makes, and keeps secure, comprehensive records of any investigation undertaken.</li> </ul>

## E. Managing public interest disclosures

The following procedures describe how the Shire of Peppermint Grove will manage the public interest disclosure process.

### Overarching requirements of the Public Interest Disclosure Act 2003

The *PID Act* has some overarching requirements for handling disclosures. These requirements separate the public interest disclosure process from other reporting or complaint handling processes. The *PID Act* does not, however, displace the notification or reporting requirements of the *Corruption, Crime and Misconduct Act 2003*, which are paramount. The following section outlines how we will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

### What is 'public interest information'?

The *PID Act* only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

- relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act); and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in:
  - improper motives; or
  - an act or omission that constitutes an offence under a written (State) law; or
  - substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
  - an act done or omission that involves a substantial and specific risk of:
    - injury to public health; or
    - prejudice to public safety; or
    - harm to the environment; or
- a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

### **Confidentiality**

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (s. 16) not only protects the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although, we are committed to maintaining confidentiality around:

- any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made; and
- information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the *PID Act* provides for the disclosers identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances. Disclosing information which might identify, or tend to identify the disclosers s.16(1) or any person, that is, the subject(s) (s. 16(3)) of your disclosure, except in accordance with the *PID Act*, is an offence punishable with a penalty of a \$24 000 fine or imprisonment for two years.

### **Confidentiality regarding the discloser**

Maintaining confidentiality is an important part of protecting the discloser, from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist us in dealing with the disclosure, our PID Officer will record this using the "Consent to Disclosure of Identifying Information Form".

Sometimes we may need to identify the discloser, without the discloser's consent s. 16(1)(b)-(f) but only where:

- it is necessary to do so having regard to the rules of natural justice; or
- it is necessary to do so to enable the matter to be investigated effectively; or
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- we are required by s.152 or s153 of the *Corruption, Crime and Misconduct Act 2003*.

Before we identify the discloser for any of the reasons above, our PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. Our PID Officer will use the "Notification of disclosure of identifying information form" to do this.

If we need to provide information about the identity of the discloser to another person for the reasons above, our PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

Our PID Officer will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, our PID Officer will notify as described above.

### **Confidentiality regarding the person, that is, the subject of the disclosure**

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). Our PID Officer will use the Consent to disclosure of identifying information form to record this.

Additionally, we may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss. 16(3)(b)-(g) where:

- it is necessary to do so to enable the matter to be investigated effectively;
- it is necessary to do so in the course of taking action under s. 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- we are required by ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

### **Protections**

The *PID Act* provides a range of protections for disclosers (Part 3). It also requires that our CEO provides protection for any employees who make disclosures (s. 23(1(b))).

'Don't be afraid to speak up' contains general information about the protections provided by the *PID Act*. Our PID Officer will be able to expand on this information specific to the Shire of Peppermint Grove.

## Notification requirements

The Manager of Corporate & Community Service, who is the PID Officer, will ensure that we complete all reporting in accordance with the legislative and administrative requirements of the *PID Act*.

Provided it is not an anonymous disclosure, our PID Officer will provide the following reports:

- within three months of making a disclosure, the action taken, or propose to take, in relation to the disclosure (s. 10(1)); and
- when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).

Our PID Officer may also provide a progress report during any investigation, either on their initiative or upon your request (ss. 10(2) and (3)).

Our PID Officer has some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

- any person's safety s(1)(a); or
- the investigation of an offence or possible offences s(1)(b); or
- confidentiality as to the existence or identity of any other person who made a public interest disclosure s(1)(c).

Our PID Officer is also prevented from giving an information they must not disclose under s 151, s 152, or s 153 of the *Corruption, Crime and Misconduct Act 2003*.

## Record keeping

During the investigation our PID Officer may make comprehensive and contemporaneous records of any discussions and interviews. These records along with any other documentation or files relating to the disclosure, whether paper or electronic, will be stored securely and only accessed by authorised persons.

The Shire of Peppermint Grove has a Public Interest Disclosure Register for each financial year. This register assists the Shire to effectively manage PID disclosures and comply with the reporting requirements of s 19 and s 23(1)(f) of the *PID Act*.

## F. How to make a public interest disclosure

### 1. Before you make a disclosure

We strongly encourage anyone thinking about making a public interest disclosure to seek advice from our PID Officer ('proper authority') before they do. A disclosure must be made to a proper authority for it to be covered by the *PID Act*.

A number of other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in 'Don't be

afraid to speak up', available from the Public Sector Commission website at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au) and [www.peppermintgrove.wa.gov.au](http://www.peppermintgrove.wa.gov.au), that potential disclosers can access the publication.

At the Shire of Peppermint Gove, the occupant(s) of the following designated position(s) are specified with the authority as the person(s) responsible for receiving disclosures of public interest information in accordance with s. 23(1)(a). For the purposes of this procedure a PID Officer(s) is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the sphere of responsibility for the Shire of Peppermint Grove.

Their names and contact details are:

Position	Name of PID Officer	Contact details
Manager Corporate & Community Services	Mr Michael Costarella	9286 8607

Initial discussions between the discloser and the PID Officer should be general in nature and should not discuss the specific details of the disclosure until the discloser understands their rights and responsibilities under the *PID Act*. Our PID Officer will also let the discloser know that they need to make the disclosure voluntarily and consciously – we will never force a person to make a disclosure.

This is because they cannot withdraw the disclosure once it is made. Once we receive your disclosure, our PID Officer is obliged to take action and we may continue to look into the matters within your disclosure irrespective of your continued approval.

These initial discussions with our PID Officer may help in deciding whether to make a public interest disclosure and also enable the PID Officer to ascertain if the information would be covered by *the PID Act*. If the information appears not to be the type covered by the *PID Act*, our PID Officer will discuss other mechanisms through which issues may be made, for example, our general complaints or grievance resolution process.

Our PID Officer will be able to provide more detailed information about the Shire of Peppermint Grove's disclosure process and what people can expect from it.

You can also contact the Public Sector Commission Advisory Line on (08) 6552 8888 (or 1800 676 607 for country callers) for general information about the disclosure process.

#### **What is 'sphere of responsibility'?**

Under s. 5(3)(h) the PID Officer for an authority can receive information relating to a matter which falls within the 'sphere of responsibility' for their public authority. 'Sphere of responsibility' is not defined in the *PID Act* but may include:

- matters that relate to the Shire of Peppermint Grove; or
- a public officer or public sector contractor of the Shire of Peppermint Grove; or

- a matter or person that the Shire of Peppermint Grove has a function or power to investigate.

### **Sphere of responsibility**

The proper authority to which you need to make the disclosure depends on the type of disclosure information. Where the information is outside of our PID Officer's sphere of responsibility, it may need to be made to another proper authority for it to be considered as a public interest disclosure and for the discloser to receive the protections of the *PID Act*. A list of proper authorities and the information they can receive is covered in 'Don't be afraid to speak up'.

### **2. Making the disclosure**

A discloser needs to clearly identify that they are making a public interest disclosure. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the *PID Act* are encouraged to do so in writing. As we expect that most disclosures will be made in writing the Shire of Peppermint Grove has developed a form which can be used for the purpose of making such a disclosure. There is no requirement to use the form. The form will help to define the details of the disclosure. A discloser may fill out the form themselves or our PID Officer may complete the form if they are speaking with the discloser and then have them sign the form to acknowledge they are making a disclosure voluntarily and consciously.

We must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure they should understand that it may be more difficult for our PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. We are also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if our PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

### **3. Determining whether your matter is an appropriate disclosure**

Once our PID Officer has received the disclosure they will assess whether it meets the requirements under the *PID Act*. It may be that our PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the *PID Act* applies, our PID Officer will let the discloser know the reasons for their decision (unless you made an anonymous disclosure) and make proper and adequate records about it. Some matters raised within the disclosure may not be matters to which the *PID Act* applies and the PID Officer may discuss with the discloser other pathways to report these matters.

If the disclosure is one to which the *PID Act* applies, our PID Officer will ensure proper and adequate records are made and will communicate with the discloser further, unless it is an anonymous disclosure.

Our PID Officer will notify the discloser within three months about what we plan to do in dealing with the disclosure, unless it is an anonymous disclosure.

### **5. Referring public interest matters**

Where our PID Officer assesses the disclosure as one to which the *PID Act* applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the *PID Act*. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example, our PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

### **6. Investigating the disclosure**

Our PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. Our PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within the Shire of Peppermint Grove or an externally contracted investigator.

If causing the disclosure to be investigated, our PID Officer will ensure that the person undertaking the investigation understands the requirements of the *PID Act*, in particular the confidentiality requirements and protections for disclosers. Our PID Officer will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s.16 of the *PID Act*.

When investigating the disclosure, our PID Officer or investigator is limited by the functions and powers derived from our operating legislation. The *PID Act* does not provide for any additional investigative powers.

If you are an employee, you are expected to cooperate with any investigation into the disclosure to maintain the protections under the *PID Act*. A discloser is also expected to act in accordance with our Code of conduct at all times. Employees who are the subject of the disclosure can clarify the process and what to expect with our PID Officer.

Our PID Officer may also decide to discontinue an investigation, in accordance with s. 8(2). If this happens, they will give the discloser reasons for their decision in accordance with s. 8(3), unless they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

### **Internal investigative procedures**

The investigative procedures undertaken by the Shire of Peppermint Grove's PID Officer, acknowledge the requirements of the *PID Act*, including:

- protections, outlined in Part 3, including s.16 (confidentiality);

- notifications to disclosers, s.10 and s.11;
- the ability for a discloser to make a protected disclosure to a journalist as a last resort;
- specific reasons why the Shire can refuse to investigate or discontinue an investigation of a matter in a public interest disclosure. Investigative procedures will allow for some flexibility, so that the disclosure can be effectively and appropriately investigated. This will ensure that the Shire is not limited or restricted by an overly prescriptive process.

In conducting an investigation, typical steps may include:

- developing the terms of reference for the investigation, clarifying the key issues in the disclosure;
- ensuring the objectives of the investigation include – collecting and collating information related to the disclosure – considering the information collected – drawing conclusions objectively and impartially;
- specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome, bearing in mind that the discloser may be able to disclose to a journalist if – the PID Officer does not notify the discloser within three months of them making their disclosure about how they plan to deal with the disclosure – the PID Officer discontinues an investigation – the PID Officer does not complete the investigation within six months – the PID Officer does not provide a final report to the discloser about the outcome and any action taken, including the reasons for that action;
- informing the subject of the disclosure about their rights and obligations under the *PID Act*, the PID Officer's code of conduct and integrity, any agency code of conduct and the law;
- maintaining procedural fairness for the person who is the subject of the disclosure;
- the investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape (ensuring people are made aware they are being recorded);
- ensuring strict security to maintain the confidentiality requirements of the PID Act.

### **What are your responsibilities if you are the subject of a disclosure?**

A subject of a disclosure is a person of interest about whom an allegation of a public interest disclosure has been made.



We will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. We will generally keep the parties involved informed during any investigation, although we cannot release any information to the person that may prejudice our investigation. As an employee it is expected that they will act in accordance with our Code of conduct at all times.

The *PID Act* provides the person with some rights and obligations as a person subject to a disclosure. Firstly, the subject has a right to have their identity kept confidential under s. 16(3), unless one of the following conditions apply:

- you consent to your identity being disclosed;
- it is necessary to enable the matter to be investigated effectively;
- it is necessary to do so in taking action within s. 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- is made in accordance with a court order or other body having authority to hear evidence; and
- it is made in accordance with ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

We will also provide appropriate natural justice. This means that, before we take any disciplinary or other action against the person under s. 9, we will give you the opportunity to:

- be informed of the substance of the allegations; and
- make a submission either verbally or in writing in relation to the matter.

If you are the subject of a disclosure, you must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the *PID Act*. It is an offence under s. 16 to identify or tend to identify any person who has made a disclosure under the *PID Act*.

Also, you must not engage in reprisal action, threaten anyone with reprisal action or have someone else conduct this action on your behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person you believe has made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under s. 14(1) of the *PID Act*.

## **7. Taking action**

Our PID Officer will take action where they form the opinion that a person may be, may have been or may in the future be involved in conduct which may be the subject of a public interest disclosure. Usually, our PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the *PID Act* enables them to do this. Action our PID Officer may take under s. 9 includes, but is not limited to:

- preventing the matter disclosed from continuing or occurring
- referring the matter to the Western Australia Police or other appropriate body or

- taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. Our PID Officer may take more than one action depending on the circumstances. For example, our PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

In taking action our PID Officer and/or the Shire of Peppermint Grove is limited by the powers and functions derived from our operating legislation. The *PID Act* does not provide for any additional powers to take action. We are also guided by what is necessary and reasonable in the circumstances.

Before taking any action we will give the person against whom the action is to be taken (the subject of the disclosure) an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

### **Confidentiality and record keeping when taking action**

We will maintain confidentiality in accordance with the PID Act when taking action. Our PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action in the public interest disclosure register.

### **8. After the public interest disclosure process has been finalised**

The *PID Act* places no further obligations on the Shire of Peppermint Grove or our PID Officer after the disclosure process is complete. The confidentiality requirements of the *PID Act*, however, continue to apply to you and all other people involved with the disclosure.

The *PID Act* does not provide for you to appeal the outcome of the disclosure process. You may be able to make another disclosure to another proper authority, if the information relates to their functions or sphere of responsibility (s. 5). See Don't be afraid to speak up for the correct proper authority for your disclosure.

However, this 'new' proper authority may be able to decline to investigate the disclosure under s. 8, if they consider the matter(s) has already been properly or adequately investigated (as a public interest disclosure).

### **9. Making a disclosure to a journalist**

The *PID Act* provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist s. 7A(d). These circumstances apply where the discloser has first made a disclosure to the PID Officer or another proper authority named in the *PID Act* (outlined in s. 5 or Don't be afraid to speak up).

Importantly, the *PID Act* states that to attract the privileges and protections of the *PID Act* when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and the PID Officer that received the original disclosure:

- did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken; or
- refused to investigate, or discontinued the investigation of, a matter raised in the disclosure; or
- did not complete an investigation within six months of the discloser making the disclosure; or
- completed an investigation but did not recommend that action be taken; or
- did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

We are committed to ensuring that we provide the notifications required under the *PID Act* and that the discloser understands the reasons for our decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, we would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the *PID Act*.

If a discloser makes an anonymous disclosure they may not be able to demonstrate they meet the above requirements and we are not obliged to provide the discloser with any notifications about what happens to the disclosure

#### **10. Contact details and further information**

Further information can be provided by Mr Michael Costarella , Manager Corporate and Community Service on 08 9286 8607, or from the Shire of Peppermint Grove's website at [www.peppermintgrove.wa.gov.au](http://www.peppermintgrove.wa.gov.au) or the Public Sector Commission's website [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)



Shire of  
Peppermint Grove

## DISCLOSURE OF INFORMATION

### UNDER THE PUBLIC INTEREST DISCLOSURE ACT 2003 (PID Act)

*This is the official lodgement form for a disclosure made under the Public Interest Disclosure Act 2003. An informant should ensure that they fully understand the rights and responsibilities required under this legislation before the form is completed and signed. Appropriate advice should be gained before any disclosure is made.*

#### 1. PERSONAL DETAILS

*You may remain anonymous, however, the Shire of Peppermint Grove:*

- *has the discretion not to investigate, if you cannot be contacted for further information; and*
- *may not be able to notify you about the handling of your disclosure.*

<b>Full Name</b>	
<b>Contact Address</b>	
<b>Email</b>	
<b>Mobile phone number</b>	

I wish to remain anonymous

If you wish to remain anonymous, please disclose as much information as possible without disclosing your identity.

*If you would like to be contacted for further information regarding your disclosure, please provide contact details above.*

I consent for my personal details to be provided to other parties for the purposes of the PID Act.

In providing this information to a PID Officer, of the Shire of Peppermint Grove, I hereby advise that:

- Information provided relating to the public interest disclosure, is not of a trivial nature; and
- I am aware that I am not exempt from liability if I am a participant in the wrongdoing being disclosed.
- 

Signed ..... Date.....

*For applicants seeking to remain anonymous, a signature is not required.*

## 2. DISCLOSURE DETAILS

Name of the Public Authority/Authorities the Disclosure relates to:

Do you work for a public authority:

Yes

No

If yes, which public authority and what is your position title?

Do you believe that the information is a public interest disclosure under the PID Act?

Yes

No

Does the disclosure relate to one or more individuals?

Yes

No

If yes, please provide names and positions held by person(s) in the public authority

The information being disclosed constitutes the following type of disclosable conduct under the PID Act. For example , it could be:

- improper conduct;
- Irregular or unauthorized use of public resources;
- an offence under State Law, including corruption;
- substantial unauthorized or irregular use of public resources; or
- conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.

Please list the wrongdoing:

Summary of disclosure:

Date the disclosable conduct occurred:

Location where the disclosable conduct occurred:

Have you reported this information to any other person or agency?

Yes

No

If yes, please provide details

If the Shire of Peppermint Grove PID Officer assesses this disclosure as compliant with the PID Act, would you like this matter to be investigated as a public interest disclosure?

Yes

No

Are you concerned about possible reprisal action being taken against you as a result of making a disclosure?

Yes

No

If you answered 'yes' to possible reprisal action, could you specify the types of reprisal action you believe could be taken against you and by whom.

**3. ACKNOWLEDGEMENT**

I acknowledge that I believe on reasonable grounds that the information contained in this disclosure is or may be true.

I have been informed and am aware that:

1. I will commit an offence if I know that the information contained in this disclosure is false or misleading.

**Penalty \$12,000 or imprisonment for one (1) year**

2. I will forfeit protection provided by the *Public Interest Disclosure Act 2003* if I fail, without reasonable excuse, to assist a person investigating the matter by supplying requested information.
3. I will forfeit the protection provided by the Public Interest Disclosure Act 2003 if I subsequently disclose this information to any person other than a proper authority under the Act.
4. I will commit an offence if I subsequently make a disclosure of information that might identify or tend to identify anyone as a person in respect of who this disclosure has been made under the Public Interest Disclosure Act 2003, except in accordance with section 16(3) of that Act.

**Penalty: \$24,000 or imprisonment for two (2) years.**

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

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



## **Ordinary Council Meeting**

### 8.4.2 – Delegations Register Review





Shire of  
Peppermint Grove

# DELEGATIONS REGISTER

Last Review: June ~~2022~~2023

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## INTRODUCTION

The purpose of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to customer service. The Register of Delegation of Authority details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council.

Section 5.42 of the Local Government Act 1995 provides for delegation:

- (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) this Act other than those referred to in section 5.43; or*
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

All delegations made by the Council must be by absolute majority decision.

The Act specifies in Section 5.43 when a local government cannot delegate:

- A local government cannot delegate to a CEO any of the following powers or duties —*
- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
  - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
  - (c) appointing an auditor;*
  - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
  - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
  - (f) borrowing money on behalf of the local government;*
  - (g) hearing or determining an objection of a kind referred to in section 9.5;*
  - (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
  - (h) any power or duty that requires the approval of the Minister or the Governor;*
  - (i) such other powers or duties as may be prescribed.*

The Act allows for the CEO to delegate any of his/her powers to another employee, which must be done in writing. The Act also allows for the CEO to place conditions on any delegations if he/she desires.


The Register of Delegation of Authority, being this manual, relevant to the CEO is required to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of this delegated authority manual is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

**PART ONE – FUNCTION OF LOCAL GOVERNMENT**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.1	Local Government Act 1995 s. 5.36 (1)	Chief Executive Officer <b>Sub-Delegate</b> Nil	Appointment of Acting Chief Executive Officer

**1.1 Appointment of Acting Chief Executive Officer****Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the local government under Section 5.36 (1) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint an Acting Chief Executive Officer during periods of the Chief Executive Officer's absence.

**Conditions**

1. The Chief Executive Officer will be delegated power to appoint an Acting Chief Executive Officer for periods of up to four (4) weeks;
2. The Chief Executive Officer will notify the Shire President and Councillors of all appointments under this delegation.

**Statutory Framework**


Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.2	Local Government (Financial Management) Regulations, Regulation 12	Chief Executive Officer <hr/> <b>Sub-Delegate</b> <hr/> Managers Corporate Services,  Manager of Infrastructure Services	Payments from the Municipal Fund, and Trust Fund.

## 1.2 Payments from the Municipal Fund, and Trust Fund.

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996* in relation to Section 6.10 of the *Local Government Act 1995*. This enables the Chief Executive Officer to make payments from the Shire's Municipal Fund, and Trust Fund.

### Conditions


1. A list of all payments made from the Municipal Fund, and Trust Fund will be provided to Council on a monthly basis.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.3	Local Government Act 1995, s. 9.10	Chief Executive Officer <b>Sub-Delegate</b> Nil	Appointment of Authorised Persons – Miscellaneous Provisions About Enforcement.

### 1.3 Appointment of Authorised Persons – Miscellaneous Provisions About Enforcement.

#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 9.10 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to perform particular functions related to Miscellaneous Provisions About Enforcement (s. 9.11 – 9.23)

#### Conditions

1. The Chief Executive Officer will issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has or is about to be affected by any exercise of authority by the authorised person.
2. The Chief Executive Officer will maintain a register of all authorised persons.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Nil

**Related Documents**

Dogs Local Law


Dog Act 1976

Parking and Facilities Local Law

***Subdivision 1 — Miscellaneous provisions about enforcement*****9.10. Appointment of authorised persons**

- (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
- (2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.



 SHIRE OF PEPPERMINT GROVE	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.4	Local Government Act 1995, s. 3.47	Chief Executive Officer	Disposal of Confiscated or Uncollected Goods
		<b>Sub-Delegate</b>		
		Nil		

## 1.4 Disposal of Confiscated or Uncollected Goods

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.47 of the *Local Government Act 1995* to enable the Chief Executive Officer to dispose of confiscated or uncollected goods.

### Conditions

1. Disposal will be subject to goods, including vehicles, not being reported stolen.
2. A Register of all disposed goods to be maintained, including value of disposed goods.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.


### Sub-Delegation

Dinghies

**Related Documents****3.47. *Disposing of confiscated or uncollected goods***

- (1) The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.
- (2) The local government may sell or otherwise dispose of any vehicle that has not been collected within —
  - (a) 2 months of a notice having been given under section 3.40(3); or
  - (b) 7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.
- (2a) The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —
  - (a) a notice having been given under section 3.42(1)(b) or 3.44; or
  - (b) being impounded if the local government has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender.
- (2b) The period after which goods may be sold or otherwise disposed of under subsection (2a) is —
  - (a) for perishable goods — 3 days;
  - (b) for animals — 7 days;
  - (ca) for prescribed non-perishable goods — one month;
  - (c) for other non-perishable goods — 2 months.
- (3) Section 3.58 applies to the sale of goods under this section as if they were property referred to in that section.
- (4) Money received by a local government from the sale of goods under subsection (2a) is to be credited to its trust fund except to the extent required to meet the costs and expenses incurred by the local government in removing, impounding and selling the goods.
- (5) Money received by a local government from the sale of a vehicle under subsection (2) is to be credited to its trust fund except to the extent required to meet the costs referred to in section 3.46 and the expenses incurred by the local government in selling the vehicle.
- (6) Unless this section requires it to be credited to its trust fund, money received by a local government from the sale under this section of any goods is to be credited to its municipal fund.

*[Section 3.47 amended by No. 64 of 1998 s. 11; No. 49 of 2004 s. 25(4); No. 17 of 2009 s. 9.]*

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.5	Local Government Act 1995, s. 3.24	Chief Executive Officer	Appointment of Authorised Persons – Certain Provisions Relating to Land
			<b>Sub-Delegate</b>	
			Nil	

## 1.5 Appointment of Authorised Persons – Certain Provisions Relating to Land

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.24 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to undertake activities relating to Certain Provisions Relating to Land, s. 3.25 – 3.27.

### Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**


Nil

**Related Documents**

File on Authorised officers

***Subdivision 2 — Certain provisions about land*****3.24. Authorising persons under this Subdivision**

The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.6	Local Government Act 1995, s. 3.39	Chief Executive Officer <b>Sub-Delegate</b> Nil	Appointment of Authorised Persons - Power to Remove or Impound Goods

## 1.6 Appointment of Authorised Persons - Power to Remove or Impound Goods

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.39 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to remove or impound goods as defined in s. 3.38.

### Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation


Nil

**Related Documents**

Dinghies  
Authorised Officers  
Disposal uncollected goods etc

**3.39. *Power to remove and impound***

- (1) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.
- (2) A person may use reasonable force to exercise the power given by subsection (1).

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.7	Local Government Act 1995, s. 3.31 (2)	Chief Executive Officer <b>Sub-Delegate</b> Nil	Authorised Persons - Power to Enter Property

## 1.7 Authorised Persons - Power to Enter Property

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.31 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to enter property as detailed in subdivision 3 – Powers of Entry.

### Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation

Nil

## Related Documents

### Authorised Officers

#### **26. Powers of local government**

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:


Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

*[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]*

#### **3.31. General procedure for entering property**

- (1) Except in an emergency or if the entry is authorised by the warrant of a justice, entry by or on behalf of a local government on to any land, premises or thing is not lawful unless —
  - (a) the consent of the owner or occupier has been obtained; or
  - (b) notice has been given under section 3.32.
- (2) If notice has been given under section 3.32, a person authorised by the local government to do so may lawfully enter the land, premises or thing without the consent of the owner or occupier unless the owner or occupier or a person authorised by the owner or occupier objects to the entry.
- (3) The powers conferred on a local government under this section may be exercised instead of the powers conferred under the *Public Works Act 1902* and are not subject to any qualification or restriction by any provision of that Act.



	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.8	Health Act 1911, s. 26	Chief Executive Officer <b>Sub-Delegate</b> Manager Development Services	Appointment of Authorised Persons – Health Act 2016

## 1.8 Appointment of Authorised Persons – Health Act 2016

### Delegator

Council

### Power/Duty

To exercise authority to the CEO to appoint or designate authorised officers under the provisions of Section 2 of the Public Health Act 2016

### Conditions

Nil

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the Local Government Act 1995.

### Review Requirements

In accordance with the requirements of Section 5.46 of the Local Government Act 1995, at least once every financial year.

### Sub-Delegation

Nil

### Related Documents


Public Health Act 2016

***26. Powers of local government***

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

*[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]*

 SHIRE OF PEPPERMINT GROVE	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.9	Local Government Act 1995, s. 3.18	Chief Executive Officer	Enforcement of Local Laws
			Sub-Delegate	
		Nil		

## 1.9 Enforcement of Local Laws

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.18 of the *Local Government Act 1995* to enforce the provisions of local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

### Conditions

Nil

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Related Documents**

Fencing Local Law 2020.

Cat Local Law 2020.

Parking and Parking Facilities Local Law 2020.

Local Government Property Local Law 2020.

Activities on Thoroughfares and Public Places Local Law 2020.


Dog Local Law 2020.

Penalty Units Local Law 2020.

Waste Local Law 2020.

**3.18. *Performing executive functions***

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides —
  - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
  - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
  - (c) are managed efficiently and effectively.

 SHIRE OF PEPPERMINT GROVE	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.10	Local Government Act 1995, s. 2.5 (2)	Chief Executive Officer	Authorising the Affixing of the Common Seal to Documents
Sub-Delegate	Nil			

## 1.10 Authorising the Affixing of the Common Seal to Documents

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 2.5 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to affix the Common Seal to certain documents.

### Conditions

The Chief Executive Officer will authorise the affixing of the Common Seal to a document that needs the Shire's Common Seal to be legally effective and that is in one or more of the following categories:

1. Documents required satisfying conditions of sub-division and/or development approval.
2. Documents required to affect the transfer of land as part of a settlement transaction (sale and purchase).
3. Documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire.
4. Documents required to affect the grant of leasehold interests in land either by the Shire to a third party, or by a third party to the Shire.
5. Documents required to affect the grant of a licence either by the Shire to a third party, or by a third party to the Shire.
6. Documents required to affect the subdivision of land, including the strata titling of land.
7. Documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office).
8. Documents that are necessary or appropriate to enable the Chief Executive Officer to carry out her functions under any written law.

9. The affixing of the Common Seal must be consistent with a Council policy or decision.
10. While the Chief Executive Officer can authorise the affixing of the Common Seal to a document as classified, it is also necessary for the document to be signed by both the Shire President and the Chief Executive Officer.

**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Review Requirements**


In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Nil

**Related Documents**

Seal Register

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.11	Food Act 2008	Chief Executive Officer <b>Sub-Delegate</b> Manager, Development Services	<b>Appointment Authorised Officer</b>

## 1.11 Appointment Authorised Officer

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the Food Act 2008.

### Conditions

In accordance with the Food Act Section 118 (3) without limiting the Interpretation Act 1984 s.59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to:

- (a) Any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function;
- (b) Any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 of the *Local Government Act 1995*, at least once every financial year.

**Related Documents**

Food Regulations 2009

Authorised Officer File

***Section 118 Food Act 2008***

- (3) Without limiting the Interpretation Act 1984 section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —
- (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
  - (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.


## Division 2 — Functions of enforcement agencies

## 118. Functions of enforcement agencies and delegation

- (1) An enforcement agency has the functions in relation to the administration of this Act that are conferred or imposed on the agency by or under this Act or are delegated to the agency under this Act.
- (2) A function conferred or imposed on an enforcement agency may be delegated —
  - (a) if the enforcement agency is the CEO — in accordance with section 117; or
  - (b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations — subject to subsections (3) and (4), in accordance with the regulations.
- (3) Without limiting the *Interpretation Act 1984* section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —
  - (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
  - (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.
- (4) If —
  - (a) regulations referred to in subsection (2)(b) expressly authorise a delegated function of an enforcement agency to be further delegated; and
  - (b) the delegated function is further delegated to a person or body in accordance with those regulations,  
subsection (3) applies to the performance by the person or body of that function as if the function were performed and delegated as described in that subsection.



**PART TWO – FINANCIAL MANAGEMENT**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.1	Local Government Act 1995, s. 6.14	Chief Executive Officer <b>Sub-Delegate</b> Manager, Corporate & Community Services	INVESTMENT OF SURPLUS FUNDS

**2.1 Investment of Surplus Funds****Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the local government under Section 6.14 of the *Local Government Act 1996* to enable to Chief Executive Officer to invest surplus funds.

**Conditions**


1. Funds to be invested in accordance with Policy F2 – Investment of Surplus Funds.

**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.2	Section 6.49 of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> Manager Corporate and Community Services	AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

## 2.2 Agreement as to Payment of Rates and Service Charges

### Delegator

Council

### Power/Duty

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person for payment of rates and service charges.

### Conditions

Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by the next following 30 June.

### Statutory Framework


The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, subject to section 6.49 *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation

Manager of Corporate & Community Services

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.3	Section 6.12 (1)(c) of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> Nil	AUTHORITY TO WRITE OFF MONIES (NOT RATES OR SERVICE CHARGES)

## 2.3 Authority to Write Off Monies (Not Rates or Service Charges)

### Delegator

Council

### Power/Duty

Authority to write off money including fines and penalties that is owed to the local government

### Conditions

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$500.
2. This delegation includes the write off of fines and penalties that have been imposed by the court that are considered unrecoverable.
3. The Chief Executive Officer shall report to the Audit, Risk and Governance Committee at least six monthly on the exercise of this delegation

### Statutory Framework


The Chief Executive Officer is delegated the power to write off any amount of money owed to the Shire, other than an amount of money owing in respect of rates and service charges.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.4	Section 6.12 (1)(c) and (2) of <i>Local Government Act/</i> Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> Nil	AUTHORITY TO WRITE OFF RATES OR SERVICE CHARGES

## 2.4 Authority to Write Off Rates and Service Charges

### Delegator

Council

### Power/Duty

Authority to write off rates or service charges owed to the local government.

### Conditions

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$200.
2. The Chief Executive Officer shall report to the Audit & Risk Management Committee Council at least six monthly on the exercise of this delegation

### Statutory Framework


The Chief Executive Officer is delegated the power to write off rates or service charges owed to the Shire.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.5	Section 6.56 of <i>Local Government Act 1995</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> Manager of Corporate & Community Services	RATES OR SERVICE CHARGES RECOVERABLE IN COURT

## 2.5 Rates or Service Charges Recoverable in Court

### Delegator

Council

### Power/Duty

If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Rates or service charges due by the same person to the local government may be included in one writ, summons or other process.

### Conditions

Nil

### Statutory Framework

Power to recover a rate or service charge, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Power to include in one writ the rates or service charges due by the same person to the local government.


### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation

Manager of Corporate & Community Services

**PART THREE – PLANNING AND BUILDING**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.1	Building Act 2011 – Section 20 & 22 Division 2 of Part 2 Divisions 1 & 2 of Part 4 Division 5 of Part 8	Chief Executive Officer <b>Sub-Delegate</b> Manager Development Services	BUILDING ACT 2011 – BUILDING PERMITS, DEMOLITION PERMITS, OCCUPANCY PERMITS, BUILDING APPROVAL CERTIFICATES AND BUILDING ORDERS

**3.1 Building Permits, Demolition Permits, Occupancy Permits, Building Approval Certificates and Building Orders****Delegator**

Council.

**Power/Duty**

Approve or refuse building permit applications, demolition permit applications, occupancy permit (including extension of permit), building approval certificate (including extension of certificate), building approval certificates (strata), and to make, serve and revoke building orders.

**Conditions**

CEO to advise elected members when a building application is refused or a building order issued.

**Statutory Framework**


To exercise the powers and duties of the local government under Section 127 of the *Building Act 2011* and to administer sections 20, 21, 22, 58, 65, 110, 114 and 117 of the Building Act 2011 to enable the Chief Executive Officer the power to impose conditions and sign/issue or refuse building permit applications and demolition permit applications, occupancy permit (including extension of permit), building approval certificate (including extension of certificate), make, issue and revoke building orders.

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Manager Development Services

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.2	Building Act 2011 – Section 127	Chief Executive Officer <b>Sub-Delegate</b> Manager Development Services	BUILDING LICENCE APPROVALS VARIATION

### 3.2 Building Licence Approvals Variation

#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 127 of the *Building Act 2011* and to administer sections 20, 21, 22, 58, 65, 110 and 117 of the Building Act 2011 to enable the Manager Development Services to approve Building Licences.

#### Conditions

1. The Chief Executive Officer be authorised to approve building plans that have minor variations to the plans approved by Council during the Development Application process. Minor variations are those which do not increase the impact on streetscape overlooking or overshadowing of neighbouring properties.
2. The Chief Executive Officer to provide elected members with a monthly list of all approved Building Licences, including any minor variations via the monthly Matters for Information report in the OCM Agenda.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the Local Government Act 1995

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.



**Sub-Delegation**

Nil


**Related Documents**

Shire of Peppermint Grove Town Planning Scheme No.4  
Residential Design Codes  
Building Act 2011  
Building Regulations 2012  
Building Code of Australia  
Refer to Register Building Licenses Register

***Building Act 2011******Plans of Buildings to be approved by local government***

## 127. Delegation: special permit authorities and local government

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision on this Act.
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority or to an employee of one of the legal entities that comprise the special permit authority.
- (3) A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.
- (4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.
- (5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (7) Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.3	Sec. 70 of <i>Building Regulations 2012</i> Sec 133 of <i>Building Act 2011</i>	Chief Executive Officer <b>Sub-Delegate</b> Manager Development Services	ENFORCEMENT AND LEGAL PROCEEDINGS (SWIMMING POOLS)

### 3.3 Enforcement and Legal Proceedings (Swimming Pools)

#### Delegator

Council

#### Power/Duty

Implement enforcement and legal proceeding matters under the *Building Act 2011*, Part 8; and *Building Regulations 2012* Part 10 to enforce the requirements of the *Building Regulations 2012* to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and its immediate surrounds.

#### Statutory Framework


Delegated authority to enforce the requirements of the *Building Regulations 2012* (Reg 50) to require property owner the to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and the immediate surrounds.

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

#### Sub-Delegation

Manager Development Services

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.4	<i>Planning and Development Act 2005 – Part 13</i>  <i>Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2, Part 10, Clause 82</i>	Chief Executive Officer <b>Sub-Delegate</b> Manager Development Services	PLANNING AND DEVELOPMENT APPLICATION

### 3.4 Development and Subdivision Applications

#### Delegator

Council

#### Power/Duty

Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 4 and Local Planning Policies.

#### Conditions

1. Any development application is to be referred to Council for determination if one or more elected member request such referral by written request to the Chief Executive Officer;
2. Any development application shall be referred to Council for determination if requested by the applicant in writing;
3. The Chief Executive Officer is to report to the Council on a monthly basis where the exercise of powers and functions related to this delegation has been undertaken.
4. The Chief Executive Officer is to only sub-delegate to the Manager Development Services.

#### Statutory Framework

Delegated authority to approve, approve with conditions, including applications for change of use, retrospective planning applications, and amendments to approved plans subject to the guidelines stipulated under this delegation.

**Guidelines**

- 1) Approve development applications for a single house, ancillary dwelling, grouped dwelling, multiple dwelling. or any associated, ancillary or incidental development (outbuildings, garages/ carports, pergolas/ gazebos and other structures requiring a planning application, roofing materials, front boundary fences, retaining walls and earthworks) that:
  - a) Satisfy the provisions of Local Planning Scheme 4, and where the assessment is deemed to comply with the Shire's Local Planning Policies and the Residential Design Codes; or
  - b) Are assessed to comply with a) above and upon assessment all proposed variations demonstrates compliance with the corresponding design principles contained in the R Codes; and
  - c) After the proposal has been referred for invited comment and where no valid objection have been received from the affected landowner(s); and
  - d) Where the existing place is not in the Shire Heritage List adopted under clause 8 of the Deemed Provisions and has not been subject to a Notice to list and that process is current.
- 2) Approve applications for non-residential development where the development is a 'P', 'I' or 'D' use, meets all LPS 4 requirements and, should the proposal be referred for invited comment, no objections of a substantive nature have been received.

- 3) Approve applications that seek to approve an extension to an expired or expiring development approval provided the Local Scheme/Policy has not changed in that time or the matters in guideline 1) or 2) have been satisfied.
- 4) Approve applications that seek to amend an existing development approval provided the limitations in guideline 1) or 2) have been satisfied.
- 5) Check and clear all conditions on planning approvals (development and subdivision), except those requiring specific referral back to Council for clearance approval.
- 6) Approve applications for a home business or home occupation where no valid objections have been received from affected adjoining landowners and where the proposal is consistent with LPS 4.
- 7) Approve retrospective applications in accordance with clause 65 of the Deemed Provisions (Planning and Development – Local Planning Schemes - Regulations 2015 Schedule 2) and provided the limitations in guideline 1) or 2) have been satisfied.
- 8) Provide written advice or recommendations to determining authorities (e.g. DAP, SMDAP, WAPC, Development WA, SAT or the Minister) on a development or subdivision application provided the advice is consistent with local planning policy, the LPS 4 and R Codes.
- 9) Provide written advice to state government agencies and representative organisations (e.g. Department of Transport, MRWA, DPLH, Department of Commerce and Energy, SWALSC) in response to requests for feedback on policy formation or related administrative matters.
- 10) Provide a partial refund of planning fees where an application is withdrawn in writing prior to determination and the fee received is not reflective of the work undertaken.

#### Notification

Where the Chief Executive has received matters which may be dealt with under this delegation, a list of matter/s pending action shall be circulated to Elected Members on a weekly or less frequency, so as to provide a period of **72 hours** within which that matter may be 'called-in' for consideration by Council; such that a call-in request shall be requested by one member without a declarable interest in that matter.

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

#### Sub-Delegation

Manager Development Services



## **Ordinary Council Meeting**

### **8.4.3 – Matters for Information and Noting**

**Building and Planning Statistics**

**Infringements Issued**

**Library Statistics**

**Recycling Statistics**

**Heritage Grant Guidelines and Applications**

## Matters for Information and Noting

### Building Permits Issued April 2023

Application Number	Location	Description	Decision
BA 2023 / 00009	18A Keane Street	Single House Alterations and Additions	Approved
BA 2023 / 00010	45 Irvine Street	Retrospective Tennis Court and Ancillary Works	Approved
BA 2023 / 00011	56 The Esplanade	Roof Repairs	Approved
BA 2023 / 00012	19 Venn Street	Single House – Request to Extend Building Permit	Approved
BA 2023 / 00013	7B Keane Street	Single House Alterations and Additions	Approved
BA 2023 / 00014	10 Bungalow Court	Boundary Wall	Approved

### Planning Approvals and Notices Issued April 2023

Application Number	Location	Description	Delegation	Decision
DA 2022 / 00032	28 The Esplanade	Single House and Ancillary Works	Council	Approved
DA 2022 / 00034	62 Leake Street	Alterations and Additions – Heritage	Delegated	Approved
DA 2023 / 00001	50 Irvine Street	Alterations and Additions – Heritage	Delegated	Approved

### Infringements April 2023

Reason	Amount
3.1(3)(b) Parking Contrary to Signs or Limitations	\$50.00
4.1(2) Parking Contrary to a 'No Parking' Sign	\$80.00
3.9(c) Parking a Trailer/Caravan on a Thoroughfare	\$100.00
3.5(2)(f) Parking on Footpath/Pedestrian Crossing	\$100.00

### Library April 2023

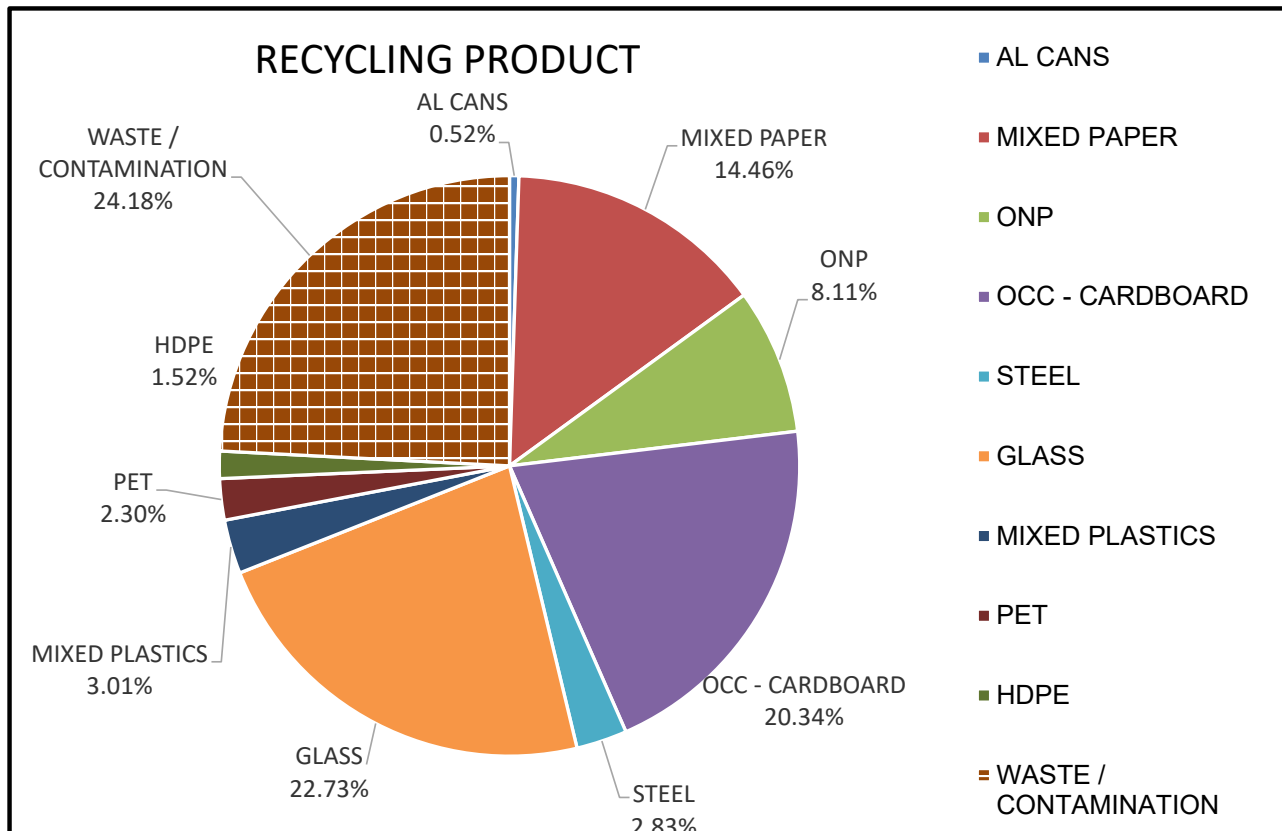
Library Statistics	April 2023	April 2022	April 2021
Loans	18485	18361	14665
New Borrowers	203	195	267

# Recycling Recovery



March 2023

PRODUCT	Product - Percentage	Product - Tonnes
AL CANS	0.52	0.11
MIXED PAPER	14.46	2.96
ONP	8.11	1.66
OCC - CARDBOARD	20.34	4.16
STEEL	2.83	0.58
GLASS	22.73	4.65
MIXED PLASTICS	3.01	0.62
PET	2.30	0.47
HDPE	1.52	0.31
<b>TOTAL RECOVERED</b>	<b>75.82</b>	<b>15.51</b>
WASTE / CONTAMINATION	24.18	4.95
<b>MONTHLY TOTAL</b>	<b>100.00</b>	<b>20.46</b>







Shire of  
Peppermint Grove

## LOCAL HERITAGE CONSERVATION GRANTS SCHEME GUIDELINES

### 1.0 INTRODUCTION

A conservation grant is available to support applicants to undertake repairs and maintenance work which will conserve the heritage value of their heritage listed properties. Applicants will need to demonstrate their projects will preserve the heritage fabric of the building and contribute to the streetscape of the Shire to be **eligible for the Local Heritage Conservation Grants Scheme** (Grants Scheme). Eligible properties must be privately owned and on the Municipal Heritage List.

### 2.0 OBJECTIVE

The objective is for the Shire to provide practical support for owners of heritage listed properties to carry out repairs and related maintenance works to heritage listed properties in an appropriate, and timely manner.

Grants would provide financial assistance to owners to partially recoup the cost of heritage works to conserve listed properties. This may involve either construction work or the preparation of heritage conservation plan reports.

### 3.0 PRINCIPLES

Heritage properties should, as viewed from the street, enhance the streetscape and character of Peppermint Grove. Applicants may seek a grant, if the conservation works undertaken are for the part of the building in the public view and will support and conserve the heritage value of the property and (where the nature of the work makes this a requirement) have received Shire Planning and Building Approval.

Application for grant funding must be submitted and approved by the Shire in advance of any works and should be accurately estimated on the basis of written quotes from builders or heritage related tradespersons.

Once works subject to the grant application have been completed and a full set of documented costs provided to the Shire for acquittal the approved grant may be disbursed. (Note: the substantiation of cost quotes must be clearly documented as part of justification of a grant application).

The following also applies:

1. The eligible properties must be on the Municipal Heritage List;

2. A grant is available for amounts up to \$6,500 on a dollar- for- dollar matching basis, per grant application per property, and is subject to Shire funding constraints. Funding will be based upon a 'first in' basis until the budgeted allocation for grant funding is exhausted. Unallocated grant funding may be transferred to the budget allocation for the following year;

2-3. For significant 'staged' projects consideration may be given to more than one grant application on a case-by-case basis. Development applications are encouraged to include a staging plan and disclosure of any intention to lodge more than one grant application.

3-4. Repairs and other works should address protection and conservation of the fabric of a listed property, including conservation or replacement of authentic materials;

4-5. Work is to be certified/conducted by a recognised professional (heritage architect or builder) in accordance with Approvals and Approved Plans;

5-6. Updates to the Local Heritage Survey should be made upon completion of works.

6-7. The CEO of the Shire of Peppermint Grove, will administer the Grants Scheme and report to the Council as required.

#### 4.0 ELIGIBILITY CRITERIA

The following selection criteria is to be met by applicants, the:

1. Property must be on the Municipal Heritage List and not eligible for other State Government grants schemes;
2. Owner must be the applicant.
3. Plans for the work must be already approved by the Shire such that all works are to repair and enhance the exterior of the property and/or in a place which is visible from the Streetscape; (interior work is generally not eligible)
4. Works must be assessed to be satisfactory in terms of heritage value, craftsmanship and integrity;
5. Grant applications are subject to the Shire's budget constraints and the Shire may vary allocation from year to year according to availability of funds;
6. Copies of all documentation outlined in section 5.0 (below) is to be provided to the Shire; and
7. Works are to be consistent with the heritage objectives outlined in the *Burra Charter 2013* (as amended).
8. Should an approved project stall, or be abandoned, the applicant is to formally advise the Shire so the Heritage Grant monies may be conserved or re-allocated.

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## 5.0 APPLICATIONS

Owners/applicants wishing to make application shall apply using the prescribed form and provide the following details where appropriate:

1. Details of all Planning and Building Approvals and any Heritage Architect Reports;
2. Schedule of works, timetable for completion (to be within ~~12-24~~ months unless otherwise varied by the CEO),
3. Plans endorsed by a Heritage Architect or Builder for the proposed heritage conservation works;
4. Details of all builders or tradespersons and their credentials for undertaking work of a heritage conservation nature; and
5. Scope of the heritage consultant report brief where the grant is intended to be used for research and conservation planning.

The CEO will prioritise the applications by reviewing them in relation to the Grants Scheme eligibility criteria, merit of the work proposed and relative merit with respect to competing applications. The CEO also reserves the right to place greater emphasis on particular eligibility criteria of the Grant Scheme. There is no guarantee that applications that meet the eligibility criteria will receive a grant, as it is subject to the relative merit of each application, and budget availability.

The Grant Scheme funding will be available as reimbursement for spending following completion of works to the satisfaction of the Shire.

## 6.0 WORKS NOT ELIGIBLE FOR THE HERITAGE GRANTS

- Retrospective funding is not available for any works that were completed prior to a Grant Scheme application being submitted to the Shire;
- Applicants who have outstanding rates to the Shire for the prior year either at the time of lodging the grant application or at the time of seeking payment;
- No internal renovations, extensions or new additions, or landscaping projects are eligible for the grant.

## 7.0 DISBURSEMENT AND ACQUITTAL OF GRANTS

The Heritage Grant recipient shall provide documentation of works and acquittal of quotation amounts against actual invoiced amounts to the Shire as the basis of initiating disbursement of the grant payment. Where the work required a Building Permit this is to be done at the time of BA7 lodgment, otherwise documentation is due upon completion of all works.

Where the grant disbursement is approved for written research and conservation management reporting there shall be a copy of the completed report provided to the Shire as well as copies of invoiced fees from the Heritage Consultant to substantiate the quotation amount which was the basis for obtaining Heritage Grant approval.

A written receipt is to be provided for all grant disbursements to the Shire. The following will be required to be submitted when seeking payment of Heritage Grant:-

1. Schedule of completed works (with itemised costings) and receipts;
2. Report from Heritage Architect or Builder on completed work;
3. Reference to any Shire issued Approvals/Permits for the works; and
4. Updated drawings or records to be added to the Local Heritage Survey data base.

#### 8.0 APPLICATION DATES

Grants will be awarded on merit (subject to available budget).

#### 9.0 TIMELINE

The Grant Scheme is managed by the Manager of Development Services.

The administration of finances associated with the disbursement of grants is managed by the Manager of Corporate and Financial Services. The following process is oversighted by the CEO:

Step 1	Submit Application Form to the Shire of Peppermint Grove at PO Box 221, Cottesloe WA 6911 or Email to: <a href="mailto:admin@peppermintgrove.wa.gov.au">admin@peppermintgrove.wa.gov.au</a>
Step 2	The Shire reviews all applications for Grants Scheme funding against the eligibility criteria and makes determinations on the funding allocations according to a competitive merit-based selection process.
Step 3	<p>A letter of offer is sent to Applicants to advise of grant funding decision.</p> <p>To accept the Grants Scheme offer, the successful applicant is required to complete and return the 'acceptance of grant offer', which reaffirms the stated purposes of the Heritage conservation project and outlines a work schedule outlining the project timeframe to be completed within <del>twelve (12)</del>24 months of the Grants Scheme allocation <u>(unless otherwise varied by the CEO)</u>.</p> <p>Note: Application for funding the Grants Scheme carries no obligation on behalf of the Shire to fund or otherwise advance payment to meet project costs until the CEO has approved the grant allocation and only if criteria outlined in the "Conservation Heritage Grants Scheme Memorandum of Understanding" is signed by the applicant.</p> <p>Funding allocation is to be determined by budget, on-merit selection and capability to deliver the stated heritage conservation work on time and budget to match the <u>Application prospectus</u>.</p>

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Application prospectus.

Step 3 <del>Prior to 30 June</del>	The completed 'acceptance of grant offer' is returned to the Shire for endorsement. Applicants will be notified about the allocation of a Grant by the CEO in writing.
Step 4	Project works are to be completed according to the above documentation.
Step 5	Applicants to notify the Shire once work is completed to arrange an inspection of the works and provide proof of payment for completed heritage works.
Step 6	Evaluation of completed work to be undertaken by the Shire to ensure compliance with the conditions of the Grant Scheme.
Step 7	If works are compliant, then the Shire will issue the agreed amount by direct debit to the property owner.

## 10.0 IMPLEMENTATION

The Grants Scheme will be promoted in the local newspapers, the PepTalk Newsletter and mailed to properties that are on the ~~Municipal~~ Heritage List.



Shire of  
Peppermint Grove

**LOCAL HERITAGE CONSERVATION GRANTS SCHEME  
APPLICATION FORM**

The local heritage conservation grants scheme provides financial reimbursement to applicants who intend to undertake conservation projects on the exterior of properties they own which are listed in the Municipal Heritage List (available on the Shire website at [www.peppermintgrove.wa.gov.au](http://www.peppermintgrove.wa.gov.au))

**APPLICANT**

Property Owners Name:

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Phone Number:

Email:

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Postal Address:

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**PROPERTY DETAILS**

Address: 

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Heritage status of the property (tick appropriate description):

- Included on the Shire of Peppermint Grove's [local heritage inventory](#) [Heritage List](#); and/or
- State Register of Heritage Places

Have you previously received heritage assistance funding for this property:

- Yes
- No

Provide a brief description of intended heritage conservation works:

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Are the proposed works to the property visible from the primary or secondary street and how do they contribute to conserving the heritage features of the property?

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What are the total of costs for the proposed works? (Attach an itemised summary and written quotes)

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Estimated time frame of proposed work (up to ~~12~~24 months):

Start Date: \_\_\_\_\_ Finish Date: \_\_\_\_\_

**Checklist**

Please attach the following documentation with your application:

- At least two written quotes for the proposed works;
- A summary of the project, including detailed descriptions, plans, drawing (if appropriate) and anticipated timeframe; and
- Send to the Shire of Peppermint Grove, at 1 Leake Street Peppermint Grove, WA 6011.

\_\_\_\_\_  
**Applicants Signature**

\_\_\_\_\_  
**Property Owners Signature**

**Date**

**Date**

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