



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

**HELD ON
TUESDAY 22 AUGUST 2017
AT
5.30 PM**



Shire of Peppermint Grove

TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	4
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES	5
2.3	LEAVES OF ABSENCE	5
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	5
3	DELEGATIONS AND PETITIONS	6
3.1	DELEGATIONS	6
3.2	PETITIONS	6
4	PUBLIC QUESTION TIME	6
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	6
4.3	DEPUTATIONS OF THE PUBLIC	6
5	DECLARATIONS OF INTEREST	7
5.1	FINANCIAL INTEREST	7
5.2	PROXIMITY INTEREST	7
5.3	IMPARTIALITY INTEREST	7
5.4	INTEREST THAT MAY CAUSE A CONFLICT	7
5.5	STATEMENT OF GIFTS AND HOSPITALITY	7
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	7
7	CONFIRMATION OF MINUTES	8
7.1	ORDINARY COUNCIL MEETING 25 July 2017	8
7.2	AGENDA BRIEFING FORUM 8 August 2017	8

ITEM	SUBJECT HEADING	PAGE
7.3	CONCEPT FORUM 8 August 2017	8
8	CHIEF EXECUTIVE OFFICER REPORTS	9
8.1	URBAN PLANNING	9
8.1.1	Building Permits	9
8.2	INFRASTRUCTURE	9
8.3	COMMUNITY DEVELOPMENT	9
8.4	MANAGEMENT / GOVERNANCE / POLICY	9
8.5	CORPORATE	10
8.5.1	FINANCIAL REPORT – JULY 2017	10
8.5.2	ACCOUNTS PAID – JULY 2017	13
9	NEW BUSINESS OF AN URGENT NATURE	16
10	MOTIONS ON NOTICE	16
11	CONFIDENTIAL ITEMS OF BUSINESS	17
11.1	Confidential Item	17
11.1.1	LEGAL LETTER OF A HERITAGE LISTED PROPERTY	17
12	CLOSURE	18

Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

22 AUGUST 2017

Minutes of the **Shire of Peppermint Grove** Ordinary Meeting of Council held at
1 Leake Street, Peppermint Grove Council Chambers on Tuesday 22 August 2017.

1 DECLARATION OF OFFICIAL OPENING

At 5.33pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

The Post indicated that they were not recording the meeting.

Cr. K Farley read the affirmation

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Peppermint Grove. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We will observe the Shire's Code of Conduct and meeting procedures to ensure the efficient, effective and orderly decision making within this forum.

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr R Thomas
Deputy Shire President	Cr C Hohnen
Elected Member	Cr K Farley
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Manager Corporate Services	Mr P Rawlings (Acting CEO)
Manager Infrastructure Services	Mr D Norgard
Manager Development Services	Mr M Whitbread
Executive Officer	Ms M Tabbakh (Minutes)

Visitors Nil

Gallery Nil Members of the Public
1 Members of the Press

2.2 APOLOGIES

Chief Executive Officer, Mr John Merrick
Manager Library and Community Services, Ms D Burn

2.3 LEAVES OF ABSENCE

Cr S Fleay – Approved at the Ordinary Council Meeting, 25 July 2017.

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Shire President, Rachel Thomas requested a Leave of Absence for the Agenda Briefing Forum, 12 September 2017.

COUNCIL DECISION – 1091

MOVED: CR R THOMAS, SECONDED: CR C HOHNEN

That Shire President, Rachel Thomas be granted Leave of Absence for the Agenda Briefing Forum, 12 September, 2017.

CARRIED: 6/0

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

Nil

3.2 PETITIONS

Nil

4 PUBLIC QUESTION TIME

At 5.34pm the Presiding Member opened the public question time by asking the gallery if there were any questions or deputation for Council. "Rules for Council meeting Public Question Time" were noted in the Agenda. Copies of:

- The Agenda
- Question to Council and
- Deputation Forms

Were placed at the end of the Council Meeting table in front of the public gallery, for the public, prior to commencing the meeting, as well as on the Shire Webpage.

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

4.3 DEPUTATIONS OF THE PUBLIC

Nil

At 5.34pm, there being no further questions the Presiding Member closed the public question time.

5 DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct. Councillors / staff are required to submit declarations of interest in writing on the prescribed form.

5.1 FINANCIAL INTEREST

Nil

5.2 PROXIMITY INTEREST

Nil

5.3 IMPARTIALITY INTEREST

Nil

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Nil

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 25 JULY 2017

COUNCIL DECISION – 1092**MOVED: CR D HORREX, SECONDED: CR K FARLEY****That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 25 July 2017 be confirmed.****CARRIED: 6/0**

7.2 AGENDA BRIEFING FORUM 8 AUGUST 2017

COUNCIL DECISION – 1093**MOVED: CR C HOHNEN, SECONDED: CR G PETERS****That the Minutes of the Agenda Briefing Forum, of the Shire of Peppermint Grove held in the Council Chambers on 8 August 2017 be confirmed.****CARRIED: 6/0**

7.3 CONCEPT FORUM 8 AUGUST 2017

COUNCIL DECISION – 1094**MOVED: CR D HORREX, SECONDED: CR P MACINTOSH****That the Minutes of the Concept Forum, of the Shire of Peppermint Grove held in the Council Chambers on 8 August 2017 be confirmed.****CARRIED: 6/0**

8 CHIEF EXECUTIVE OFFICER REPORTS**8.1 URBAN PLANNING****8.1.1 Building Permits**

For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015 for July 2017.

NOTED**8.2 INFRASTRUCTURE**

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

Nil

8.5 CORPORATE

8.5.1 FINANCIAL REPORT – JULY 2017

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Financial Report – July 2017

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with a report of financial activity for the period 1 July 2017 to 31 July 2017.

SUMMARY AND KEY ISSUES

- The financial report for the month ended 31 July 2017 indicates a closing surplus of \$3,366,516 some \$295,958 more than forecast;
- Operating revenue is some \$9,589 more than forecast;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$92,653 less than forecast;
- No capital expenditure has been incurred.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

The financial reports indicates Council remains firmly on target to achieve and likely exceed its budgeted 30th June 2017 surplus of \$261,470 brought forward into the 2017/18 budget (and currently showing as \$459,524 with only the library cash reserve “refunds”, debtors adjustments for deferred pensioner rates, finalisation of staff leave accruals and any final audit adjustments to be accounted for).

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The following comments relate to variances greater than \$10,000.

(1) Materials and Contracts

Materials and contracted expenses are some \$67,003 less than expected at this stage though much of this relates to invoices yet to be received.

(2) Insurances

Council's insurance premiums for 2017/18 are some \$19,072 less than estimated. This saving is largely due to a reduction in the workers compensation premium rate (reduced from 2.2% of gross salaries to 1.6% after compilation of the 2017/18 budget. Other premium savings are expected under the industrial special risks and public liability categories.

(3) Net Current Assets Brought Forward at 1st July 2017

See discussion under "financial implications" above.

(4) Net Current Assets Year-to-Date

Net current assets as at 31 July 2017 exceed the forecast figure by some \$295,958 at this stage. This is largely attributable to the additional brought forward surplus (\$198,054) and materials and contracts expenses timing issues (\$67,003) discussed above.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1

That the financial report for the period 1 July 2017 to 31 July 2017 be received.

COUNCIL DECISION – 1095

MOVED: CR K FARLEY, SECONDED: CR C HOHNEN

That the financial report for the period 1 July 2017 to 31 July 2017 be received.

CARRIED: 6/0

8.5.2 ACCOUNTS PAID – JULY 2017
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment 2	Accounts Paid – July 2017

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager Corporate Services

COUNCIL ROLE

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

PURPOSE OF REPORT

The purpose of this report is to obtain approval for cheques drawn, credit card and electronic funds payments and direct debits since the last report.

SUMMARY AND KEY ISSUES

Significant payments in July 2017 included the following:

- GST & PAYG remittance to ATO;
- Payment to LGIS for 2017/18 insurance premiums;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

LOCATION

N/A

BACKGROUND

Attachment 1 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, credit card payments, electronic fund transfers, direct debits and accounts included in the list presented for payment.

<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
Cheques 280 – 290	\$18,222.34
Electronic Funds Transfers 00112 – 00122	<u>\$274,415.84</u>
TOTAL	\$292,638.18

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2017/2018 annual budget (as amended).

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM NO. 8.5.2

That:

The payment of cheques, electronic funds payments and credit card payments for July 2017, totalling \$292,638.18 be approved.

COUNCIL DECISION – 1094

MOVED: CR C HOHNEN, SECONDED: CR D HORREX

That:

The payment of cheques, electronic funds payments and credit card payments for July 2017, totalling \$292,638.18 be approved.

CARRIED: 6/0

9 NEW BUSINESS OF AN URGENT NATURE

Nil

10 MOTIONS ON NOTICE

Nil

11 CONFIDENTIAL ITEMS OF BUSINESS**11.1 CONFIDENTIAL ITEM****COUNCIL DECISION – 1094****MOVED: CR K FARLEY, SECONDED: CR C HOHNEN****THAT:**

Under section 5.23 of the Act the meeting be closed to members of the public at this point to allow Council to discuss Agenda Item **11.1.1 – Legal Letter Of A Heritage Listed Property.**

CARRIED: 6/0

At 5.37pm, the members of the public left the Council Chambers.

11.1.1 LEGAL LETTER OF A HERITAGE LISTED PROPERTY**COUNCIL DECISION – 1095****MOVED: CR K FARLEY, SECONDED: CR D HORREX****That Council;**

- 1. Provide the lawyers who have written to the Shire with an interim reply that we are seeking further legal advice in this matter and will provide a considered answer to the matters raised in due course.**
- 2. Engage lawyers to prepare a reply to the letter of 10 August 2017.**

CARRIED: 6/0**COUNCIL DECISION – 1096****MOVED: CR K FARLEY, SECONDED: CR D HORREX****THAT:**

The meeting be re-opened to the public at 6.02 pm, the members of the public returned to the Council Chambers.

CARRIED: 6/0

On the return of the public to the Council Chambers the Presiding Member will read out the Council Decision.

12 CLOSURE

At 6.05pm, there being no further business the meeting closed.