



Shire of  
Peppermint Grove

## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON**  
**TUESDAY 24 MARCH 2020**  
**AT**  
**5.30 PM**



# Shire of Peppermint Grove

## **NOTICE OF MEETING**

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday 24 March 2020, commencing at 5.30 pm.

Yours faithfully



Don Burnett  
**CHIEF EXECUTIVE OFFICER**

**20 MARCH 2020**

## **MEETING AGENDA ATTACHED**

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*Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.*



# Shire of Peppermint Grove

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Shire of  
**Peppermint Grove****ORDINARY COUNCIL MEETING AGENDA****1 DECLARATION OF OFFICIAL OPENING**

At \_\_\_\_\_ pm, 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.

Council recognises that it is permissible to record the Shire's Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by Councillor \_\_\_\_\_.

**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  
Deputy Shire President  
Elected Member  
Elected Member  
Elected Member  
Elected Member  
Elected Member

Cr R Thomas  
Cr C Hohnen  
Cr K Farley  
Cr D Horrex  
Cr G Peters  
Cr P Macintosh  
Cr P Dawkins

Chief Executive Officer  
Manager Corporate and Community Services  
Manager Development Services

Mr D Burnett  
Mr M Costarella  
Mr R Montgomery

**Gallery**     \_\_\_\_\_ Members of the Public  
                  \_\_\_\_\_ Members of the Press

## **2.2 APOLOGIES**

Manager Library Services  
Manager Infrastructure Services

Ms D Burn  
Mr D Norgard

## **2.3 LEAVES OF ABSENCE**

## **2.4 NEW REQUEST FOR A LEAVE OF ABSENCE**

## **3 DELEGATIONS AND PETITIONS**

### **3.1 DELEGATIONS**

NIL

### **3.2 PETITIONS**

NIL

#### **4 PUBLIC QUESTION TIME**

The Presiding Member will open the public question time by asking the gallery if there were any questions or deputation for Council.

- The Agenda
- Question to Council and
- Deputation Forms

Have been placed at the end of the Council Meeting table in front of the public gallery, for the public, as well as on the Shire Webpage.

#### **Rules for Council Meeting 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, 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 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, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

#### **4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING**

NIL

#### **4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

#### **4.3 DEPUTATIONS OF THE PUBLIC**

## **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**

*A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

### **5.2 PROXIMITY INTEREST**

*A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

### **5.3 IMPARTIALITY INTEREST**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*

### **5.4 INTEREST THAT MAY CAUSE A CONFLICT**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*



## **5.5 STATEMENT OF GIFTS AND HOSPITALITY**

*Councillors and staff are required (Code of Conduct), to disclose gifts and acts of hospitality which a reasonable person might claim to be a conflict of interest. Gifts and acts of hospitality which exceed that amount of prescribed by regulation are to be recorded in the Councils Gift Register.*

## **6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

## **7 CONFIRMATION OF MINUTES**

### **7.1 ORDINARY COUNCIL MEETING 25 FEBRUARY 2020**

#### **OFFICER RECOMMENDATION – ITEM 7.1**

**Moved:**

**Seconded:**

**That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 25 February 2020 be confirmed as a true and accurate record.**

## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 14 The Esplanade – Amendment to DA2019/00007

#### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1 – Item refers</b>	Location Map
<b>Attachment 2</b>	Development Application Plans

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	No. 14 (Lot 2) The Esplanade
Application Index	:	DA2020/00002
LPS No 4 Zoning	:	Residential
Land Use	:	Residential – R-10
Lot Area	:	718.3m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2019/00007
Applicant	:	Grounds Kent Architects P/L
Owner	:	J & C Stewart
Assessing Officer	:	Josh Dallimore
Authorising Officer	:	Ross Montgomery

#### 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.*
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## **PURPOSE OF REPORT**

Council is requested to consider the proposed amendment to approval DA2019/00007 at 14 The Esplanade, Peppermint Grove. The setback of the proposed building to Forrest Street is to be reduced by 500 mm to 4.5m This conforms to LPS 4 setback requirements.

## **SUMMARY AND KEY ISSUES**

- After initial building/demolition works were completed it was determined that a substantial retaining structure would be required within the northern boundary.
- To accommodate this necessary structure the applicant proposes to move the house by 500mm to the south, reducing the setback to Forrest Street to the 4.5m LPS 4 requirement.
- The proposed amendment is compliant with the Scheme and the modification is justified and therefore recommended for approval.

## **LOCATION**

14 The Esplanade, Peppermint Grove

## **BACKGROUND**

The original application (DA2019/00007) proposed a new two storey single house to replace a heritage listed property that was due to be demolished under an approved development application for demolition of a heritage property, and a demolition permit.

The original heritage listed house has now been demolished, and site preparation works which involve excavation and retaining structures along the western and eastern boundaries. Building permits have been obtained for the works and a planning approval is required to shift the house to the south.

## **CONSULTATION**

The original application was advertised to neighbouring properties and as a result of the consultation some design modifications were made.

As the proposed amendment is compliant with the Scheme and does not adversely affect any neighbouring properties further consultation has not occurred for this application.

## **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**

### **Local Planning Scheme No.4**

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies as outlined in the table below.

<b><u>RESIDENTIAL DESIGN CODES</u></b>	
<b>Acceptable Development/Performance Criteria</b>	
<b>Assessment/Comment</b>	
1.	Secondary Street Setback – 4.5m  The original application proposes a lot boundary setback of 5m to the secondary boundary (Forrest Street). The proposed amendment is reducing the setback to 4.5m which is the minimum setback to a secondary street under LPS 4.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The current development approval by Council followed careful consideration of all setbacks to the site. The requested Approval to a proposed amendment to the Forrest Street setback whilst compliant with the LPS 4 has been referred to Council for a decision because of the previous deliberation of design variation which did examine streetscape and setback issues.

In order to facilitate extra retaining wall works the architects have proposed to shift the house 500mm closer towards the southern, Forrest Street, setback. This has resulted in the setback reducing from 5m to 4.5m, which remains compliant with the R-code and LPS 4 requirements.

Other than the proposed amendment to the housing position via reduced setback, there have been no further changes to the proposed plan.

The requested amendment to shift location of the house on site has been explained as a necessary measure to facilitate retaining structures abutting the northern boundary. The application is assessed to be compliant with the LPS 4 and consistent with the previous approval. The variation is recommended for approval.

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.1**

That Council notes the proposed amendment submitted 27 February 2020 to DA2019/00007 at 14 The Esplanade, Peppermint Grove, and adopts the submitted plans (A10-A12, A20, A21) as the approved plans, subject to the conditions contained within the original approval (DA2019/00007).

**8.2 MANAGER INFRASTRUCTURE SERVICES**

NIL

**8.3 MANAGER LIBRARY SERVICES**

NIL

## 8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

### 8.4.1 Financial Report – 31 January 2020

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – 31 January 2020

Voting Requirement : Simple Majority  
 Subject Index : FM026A  
 Responsible Officer : Michael Costarella, Manager Corporate and Community Services

#### COUNCIL ROLE

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#### PURPOSE OF REPORT

To report on financial activity for the period 1 July 2019 to 31 January 2020.

## **SUMMARY AND KEY ISSUES**

- Operating revenue is \$173,000 less than the year to date budget as the budget contained a grant that related to the previous year. This was corrected in the Revised Budget.
- Operating expenditure is some \$189,000 less than the year to date budget and mainly due to materials and contract under expended for the period.
- Capital expenditure- This is some \$500,000 less that the year to date budget and mainly due to the works for Johnston street and plant not yet purchased.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

Objectives within the Governance section of the Strategic Community Plan

## **POLICY IMPLICATIONS**

Shire of Peppermint Grove Financial Management Policies

## **STATUTORY IMPLICATIONS**

Local Government Act 1995

Local Government ( Financial Management) Regulations 1996

## **FINANCIAL IMPLICATIONS**

The financial report for January 2020 shows the current net assets of \$1.1million which includes the rates debtors of \$400,000.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

## **OFFICER COMMENT**

The following comments relate to year-to-date (YTD) budget versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

### **(1) Grants and Subsidies**

- Grants and subsidies revenue is \$173,000 less than the year to date budget as the budget contained a grant that related to the previous year. This was corrected in the Revised Budget.

### **(3) Employee Costs**

The YTD Actuals were \$44,000 more than the expected and this was mainly due to accruals to be reversed following the completion of the audit for 2018/19

### **(5) Materials and Contracts**

Materials and contract expenses are some \$217,000 less than expected, due largely to timing variances with respect to invoices.

### **Further information following the Agenda Briefing Forum 10 March 2020**

***A correction to the reserve funds statements within the financial statements should read YTD 19/20 instead of YTD 18/19 in list of attachments.***

## **OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1**

**That Council receive the monthly financial report for the period 1 July 2019 to 31 January 2020.**



**8.4.2 Financial Report – 29 February 2020**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment</b>	<b>Financial Report – 29 February 2020</b>

Voting Requirement : Simple Majority  
 Subject Index : FM026A  
 Responsible Officer : Michael Costarella, Manager Corporate and Community 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.*
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- 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 report on financial activity for the period 1 July 2019 to 29 February 2020.

## **SUMMARY AND KEY ISSUES**

- Operating revenue is \$80,000 more than the year to date budget allowed for the Library Contribution to be received in March 2020.
- Operating expenditure is some \$135,000 less than the year to date budget and mainly due to other expenses under spent for the period and depreciation to be raised for the period.
- Capital expenditure- This is some \$500,000 less than the year to date budget and mainly due to the works for Johnston street and plant not yet purchased.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

Objectives within the Governance section of the Strategic Community Plan

## **POLICY IMPLICATIONS**

Shire of Peppermint Grove Financial Management Policies

## **STATUTORY IMPLICATIONS**

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

## **FINANCIAL IMPLICATIONS**

The financial report for January 2020 shows the current net assets of \$1.025million which includes the debtors of \$553,000. The debtors total includes the library contributions.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

## **OFFICER COMMENT**

The following comments relate to year-to-date (YTD) budget versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

(1) Grants and Subsidies

Grants and subsidies revenue is \$231,000 less than the year to date budget as the budget contained a grant that related to the previous year of \$103,000. This was corrected in the Revised Budget.

(2) Other Expenses

The year to date budget is some \$56,000 more than the actual amount and relates to the payment of the loan interest of \$30,0000 and other costs.

## **OFFICER RECOMMENDATION/S – ITEM NO. 8.4.2**

**That Council receive the monthly financial report for the period 1 July 2019 to 29 February 2020.**

**8.4.3 Accounts Paid – February 2020**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment</b>	<b>Accounts Paid February</b>

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Disclosure of any Interest	:	N/A
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

**COUNCIL ROLE**

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**PURPOSE OF REPORT**

The purpose of this report is to advise the details of all cheques drawn, credit card and electronic funds payments and direct debits since the last report.

## **SUMMARY AND KEY ISSUES**

Significant payments in February 2020 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.
- Solar Panels and systems
- Foreshore Bushfire Load Reduction Works
- (ROW) Maintenance in various areas
- Monthly cleaning services for January and February 2020

## **LOCATION**

N/A

## **BACKGROUND**

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

PAYMENT TYPE	FUND	NUMBER SERIES	AMOUNT
EFT	MUNI	329 – 333	267,928.95
TRUST EFT	TRUST	20	800.00
DIRECT DEBIT	MUNI	128 – 133	7,386.68
BPAY	MUNI	115 – 116	1,644.98
CHEQUE	MUNI	428 – 431	183.15
CREDIT CARDS	MUNI	3	4,124.14
		<b>TOTAL</b>	<b>282,066.90</b>

## **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**

Accounts are paid during the month in accordance with Delegation 2 “Payments from the Municipal Fund and the Trust Fund”. Power to delegate to the CEO is contained in Section 5.42 of the Local Government Act 1995.

**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2019/20 annual budget.

**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. 8.4.2**

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for February 2020, totalling \$282,066.90.

**8.4.4 2019/20 BUDGET REVIEW**
**CORPORATE**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
	<b>2019/20 Budget Review</b>

Voting Requirement : Absolute Majority  
 Subject Index : FM026A  
 Responsible Officer : Michael Costarella, Manager, Corporate & Community Services

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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**PURPOSE OF REPORT**

To consider and adopt a revised budget for the 2019/20 Financial year.

## **SUMMARY AND KEY ISSUES**

- The 2019/20 annual budget review builds upon the adopted budget in the current financial year;
- The review has been undertaken and following a number of amendments the closing surplus has increased from \$34,135 to \$46,122.

## **LOCATION**

N/A

## **BACKGROUND**

Staff have revised the income and expenditure of the 2019/20 adopted budget to provide for amendments that will reflect the amounts required by the 30 June 2020.

A comprehensive list of the major changes is included ( page 13 & 14) in the 2019/20 Budget Review document.

## **CONSULTATION**

Consultation with senior officers has been 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**

*Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:*

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.*



## **FINANCIAL IMPLICATIONS**

The proposed variations to the 2019/20 budget are included as an attachment.

The original 2019/20 budget forecast a surplus at 30 June 2020 of \$34,135. The proposed net variations totalling \$11,987 has increase the Closing Surplus to \$46,122.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Staff have undertaken a major review of each account to ensure that funds are required until the 30 June 2020.

Whilst there maybe changing circumstance, staff believe that the changes that have been made are achievable and appropriate.

The following is a list of the major amendments to the budget ( in excess of \$5,000):-

- Savings in Salaries with the Staff Structure changes of \$31,000
- Savings in Electricity costs with the installation of the new Solar Panels of \$13,200
- Increase in income for Development Licence Application fees of \$18,000
- Increase in income for Building Licences of \$6,000
- Reduction in Heritage Grant Scheme unlikely to be used by the 30 June 2020 \$40,000
- A transfer from the Infrastructure Reserve of \$103,000 to negate the grant amount shown in the income account.
- A transfer from Reserve funds for the Costs Awarded of \$140,000
- Increase amount for the 3 bin system from \$68,618 to \$75,000.
- Increase in recycling costs of \$10,000
- Additional Planning Consultant costs of \$10,000
- Additional Swimming Pool Inspection costs \$12,500
- Update for the Municipal Heritage Inventory of \$12,000.
- Reduced Investment interest of \$ 26,000
- Purchase of Art Sculpture project of \$25,000 ( with Transfer from Reserve of \$20,000)
- Additional IT and Records management costs of \$64,000
- Savings in President Allowance and Councillors meeting fees of \$24,208
- Additional Expenses for Tree Audit of \$10,000



**OFFICER RECOMMENDATION/S – ITEM No 8.4.4**

**That Council adopts the revised 2019/20 budget as attached to the Agenda for the OCM of the 24 February 2020.**

DRAFT

## 8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

### 8.5.1 Matter for Information and Noting

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
	1. <b>Building Permits Issued</b> 2. <b>Planning Approvals Issued</b> 3. <b>Infringements Issued</b> 4. <b>4.Library Statistics</b>

Voting Requirement : Simple majority  
 Subject Index :  
 Disclosure of any Interest : Nil  
 Responsible Officer : CEO

#### 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 Shire of Peppermint Grove regularly receives and produces information for receipt by the Elected Members. The purpose of this item is to keep Elected Members informed on items for information received by the Shire.

The Matters for information report will be presented at each Council meeting and will provide an update on a number of areas of the Shire's operations and also provide information and correspondence of interest to elected members.

It is intended that the following information is provided on a regular basis, either monthly or quarterly, noting some of this data is still to be collected in a presentable format.

- Building permits issues
- Demolition permits issued
- Advisory notes from WALGA, DLG&C or other stakeholders
- WESROC Mayor/President forum notes
- WALGA Zone minutes
- WALGA State Council minutes
- Seal register advising of when the Shire seal has been applied
- Shine statistics
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics

## **SUMMARY AND KEY ISSUES**

The following reports are presented to Council at the Ordinary Council Meeting of February 2020:

1. Building Permits Issued
2. Planning Approvals Issued
3. Infringements Issued
4. Seal Register – Goods and Services Contract for cleaning tender between the Shire and Iconic Property Services.

## **CONSULTATION**

No community consultation was considered necessary in relation to the recommendation of this report.

## **OFFICER RECOMMENDATION – ITEM NO. 8.5.1**

**That Council receives the information in this report.**

## 8.6 COMMITTEE REPORTS – AUDIT, RISK AND GOVERNANCE COMMITTEE MEETING HELD 10 MARCH 2020

### 8.6.1 2019 COMPLIANCE AUDIT RETURN

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment– Item refers	2019 Compliance Audit Return

Voting Requirement	:	Simple Majority
Subject Index	:	2019 Compliance Audit Return
Disclosure of any Interest	:	Nil
Responsible Officer	:	Michael Costarella, Manager Corporate & Community 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 present to Council the 2019 Compliance Audit Return (CAR) for adoption and endorsement.

## **SUMMARY AND KEY ISSUES**

There are two items of non-compliance in the 2019 return. This relates to the review of the Corporate Business Plan and the Community Strategic Plan. Both these plans will be reviewed prior to the 30 June 2020.

## **BACKGROUND**

Completion of the Compliance Audit Return is a Statutory requirement and requires endorsement by the Audit Committee and adoption by Council. Following the CAR being presented to Council, a certified copy of the return along with the relevant section of the minutes and any additional information be submitted to the Director General of the Department of Local Government no later than the 31 March 2020. (certified means Signed by the President and the CEO).

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **STATUTORY IMPLICATIONS.**

Local Government Act 1995

## **FINANCIAL IMPLICATIONS**

Nil

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

The 2019 CAR consisted of 104 Questions within the following compliance areas:-

- Commercial Enterprises by Local Governments 5 Questions
- Delegation of Power / Duty- 13 Questions
- Disclosure of Interest- 19 Questions
- Disposal of Property- 2 Questions
- Elections- 2 Questions
- Finance- 14 Questions
- Integrated Planning and Reporting- 7 Questions
- Local Government Employees- 5 Questions
- Official Conduct- 6 Questions
- Optional Questions- 4 Questions
- Tenders for Providing Goods and Services- 27 Questions

**OFFICER/ COMMITTEE RECOMMENDATION – ITEM 8.6.1**

**That Council adopts the 2019 Compliance Audit Return as attached to the Audit Governance and Risk management Committee Agenda of 10 March 2020.**

**8.6.2 RISK MANAGEMENT FRAMEWORK - Review on Appropriateness and Effectiveness in accordance with Local Government Audit Regulations**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment refers</b>	Risk Management Profiles Summary Report

Voting Requirement : Simple Majority  
 Subject Index : Risk Management  
 Responsible Officer : Michael Costarella, Manager Corporate and Community 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 Committee is requested to consider the CEO's review of the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal controls and legislative compliance. This is in accordance with the requirements of the Audit regulation 17 which requires the report to be submitted to the Audit & Risk Management Committee prior to the 30 June 2020.



## **SUMMARY AND KEY ISSUES**

The review of the Risk Management profiles provides an overview of the risks pertaining to the operations of the Council.

There were 15 risk profiles reviewed of which the one was considered of a high Risk-Suppliers and Contracts

## **LOCATION**

N/A

## **BACKGROUND**

A Senior Risk Consultant with the Local Government Insurance Services WA met with the CEO and Managers to assist in the completion of the attached report.

The report provides an overview of the:

- current risks assessed within Council's activities, and the
- appropriateness and effectiveness of the systems and process in place for risk management, internal controls and legislative compliance.

Following this meeting the Manager of Corporate & Community Services undertook an assessment of the following Risk Profiles:-

- Asset Sustainability Practices
- Business & Community Disruption
- Statutory Compliance
- Document Management
- Employment Practices
- Engagement Practices
- Errors Omissions & Delays
- External theft & Fraud ( Inc Cyber Crime)
- Management of Facilities, Venues & Events
- IT, Communication System & Infrastructure
- Misconduct
- Project/ Change Management
- Safety & Security
- Suppliers & Contractors

## **CONSULTATION**

The CEO and Managers discussed the Risk Profiles at a meeting with the Representative of LGIS.

## **STRATEGIC IMPLICATIONS**

Objectives within the Governance section of the Strategic Community Plan

## **POLICY IMPLICATIONS**

Shire of Peppermint Grove Risk Management Policy 3.5

## **STATUTORY IMPLICATIONS**

*Local Government (Audit) Regulations 1996 CEO to review certain systems and procedures*

*(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*

*(a) risk management; and*

*(b) internal control; and*

*(c) legislative compliance.*

*(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 3 years.*

*(3) The CEO is to report to the audit committee the results of that review.*

## **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this report.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

## **OFFICER COMMENT**

In response to reg. 17, the Town decided to engage LGIS Risk Management Services to review and suggest improvements to the existing framework with the main outcomes.

Risk Profiles, incorporating existing risk profile data and extending to ensure appropriate coverage of risk across all areas of operations. These profiles cover operating risks; legislative compliance obligations; key controls and any relevant treatment plans to improve the risk position.

A Risk Dashboard Report is attached for the information of Councillors.

**OFFICER/ COMMITTEE RECOMMENDATION/S – ITEM NO 8.6.2**

**That Council receive the Risk Management report that systems and procedures referred to in the regulations are appropriate and effective for the Shire.**

DRAFT

## 9 NEW BUSINESS OF AN URGENT NATURE

### 9.1 Electronic Attendance at Meetings

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Absolute majority
Subject Index	:	Electronic Attendance at Meetings
Location / Property Index	:	N/A
Disclosure of any Interest	:	Nil
Responsible Officer	:	CEO

#### 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.*
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#### PURPOSE OF REPORT

The COVID-19 virus has meant that Council needs to undertake its normal business in a different manner than traditionally done. The Local Government Act 1995 requires elected members to attend a Council meeting in person. The Local Government (Administration)

Regulation 1996 does allow for an elected member to attend a council meeting by telephone, but they must be at least 150km from the chambers.

The Minister for Local Government has indicated the regulations will be changed to allow for the normal business of a Council meeting to be totally conducted by teleconferencing.

### **SUMMARY AND KEY ISSUES**

- Regulations to be amended to allow Council to conduct meetings via teleconferencing.

### **LOCATION**

N/A

### **BACKGROUND**

COVID-19 has changed the way the Shire can do business. Social distancing and self-isolation will be the norm for some time yet. Currently the Local Government Act 1995 requires elected members to meet in person for Council meetings. Under the Local Government (Administration) Regulations 1996, an elected member can participate via telephone, however there are conditions, and one is that they have to be at least 150km from the chambers.

Local Governments need more flexibility for meeting arrangements for teleconferencing and the Minister for Local government has advised that the regulations will be amended to allow council meetings to be held online or via telephone. The amendments will also modify the provisions relating to the notice of the meeting and public questions time to allow the meetings to be held electronically.

### **CONSULTATION**

No consultation was held in the drafting of this report.

### **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 significant statutory implications evident at this time.

### **FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

At the time of writing this report, the actual amendments had not been released. This report is pre-emptive so that council can conduct the next meeting, if it so chooses, in an electronic format. The officer recommendation is drafted on the assumption that this is what will need to be done without council having to meet in person again to resolve this matter.

### **OFFICER RECOMMENDATION/S – ITEM NO 9.1**

#### **That Council**

- 1. Undertake future council meetings, special council meetings, committee meetings, concept forums and agenda forums electronically and in accordance with the requirements of the Local Government (Administration) Regulations as amended by the Minister for Local Government in March 2020.**
- 2. Authorise the CEO to take the necessary actions to ensure elected members have suitable electronic equipment and software to attend the meeting via teleconferencing, ensuring compliance with the regulations for public question time, notice of meetings and any other requirements to lawfully conduct the meeting.**

## 10 MOTIONS ON NOTICE

*(Automatically sent back to Administration for consideration at the next Council Meeting)*

## 11 CONFIDENTIAL ITEMS OF BUSINESS

### OFFICER RECOMMENDATION

*That this matter be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995 as the Officer report discussed information of a matter affecting an employee or employees.*

All staff and members of the gallery exited the Chambers at .....

### 11.1 Review of the Shire's Workforce Plan

## 12 CLOSURE

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

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## **DECLARATION OF FINANCIAL / PROXIMITY / IMPARTIAL INTEREST THAT MAY CAUSE A CONFLICT**

**TO:** Chief Executive Officer  
SHIRE OF PEPPERMINT GROVE

**NAME:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**MEETING DATE:** \_\_\_\_\_

**ITEM NO & SUBJECT:** \_\_\_\_\_

**NATURE OF INTEREST:** Financial / Proximity / Impartiality Interest that may cause a Conflict\*      \* Please *Circle applicable*

**EXTENT OF INTEREST:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



**Section 5.65(1) of the Local Government Act 1995 states that:**

## **FINANCIAL & PROXIMITY INTERESTS**

*A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

## **DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*

*“A member who has an interest in any matter to be discussed at a Council or Agenda Briefing Forum meeting that will be attended by that member must disclose the nature of the interest”:*

- (a) In a written notice given to the CEO before the meeting; or*
- (b) At the meeting immediately before the matter is discussed.*