

**Ordinary Council Meeting**

**Agenda**

**to be held on**

**Tuesday 26 OCTOBER 2021**

**at**

**5.30 pm**



**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,** 1Leake Street, Peppermint Grove, on Tuesday 26 October 2021, commencing at 5.30 pm.

Yours faithfully

A picture containing antenna

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Don Burnett

**CHIEF EXECUTIVE OFFICER**

**22 OCTOBER 2021**

**MEETING AGENDA ATTACHED**

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**ORDINARY COUNCIL MEETING AGENDA**

# 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.***

# RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

## ATTENDANCE

Shire President Cr R Thomas

Deputy Shire President Cr C Hohnen

Elected Member Cr P Macintosh

Elected Member Cr P Dawkins

Elected Member Cr D Horrex

Elected Member Cr K Farley

Elected Member Cr D Jackson

Chief Executive Officer Mr D Burnett

Manager Development Services Mr R Montgomery

Manager Corporate and Community Services Mr M Costarella

Manager Infrastructure Services Mr D Norgard

**Gallery**  Members of the Public

Members of the Press

## APOLOGIES

## LEAVES OF ABSENCE

## NEW REQUEST FOR A LEAVE OF ABSENCE

# DELEGATIONS AND PETITIONS

## DELEGATIONS

NIL

## PETITIONS

NIL

# 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***

1. *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.*
2. *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting’s proceedings or enter into conversation.*
3. *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
4. *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.*
5. *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.*

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

NIL

## QUESTIONS FROM MEMBERS OF THE PUBLIC

## DEPUTATIONS OF THE PUBLIC

## PRESENTATIONS FROM THE PUBLIC

# 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.*

## 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.*

# ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

# CONFIRMATION OF MINUTES

## ORDINARY COUNCIL MEETING 28 SEPTEMBER 2021

**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 28 September 2021 be confirmed as a true and accurate record.**

## SPECIAL COUNCIL MEETING 19 OCTOBER 2021

**OFFICER RECOMMENDATION – ITEM 7.2**

**Moved: Seconded:**

**That the Minutes of the Special Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 19 October 2021 be confirmed as a true and accurate record.**

# OFFICER REPORTS

## MANAGER DEVELOPMENT SERVICES

8.1.1 Development – New two-storey single residence with basement garage, front fence, pool and gate – 12 Keane Street, Peppermint Grove.

**URBAN PLANNING**

**\*\*“*This report has been removed at the request of the applicant as an amendment to the plans submitted now make the development application deemed to comply and therefore doesn’t require council planning approval”.***

## MANAGER INFRASTRUCTURE SERVICES

NIL

## MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 Financial Statements for Period Ended 30 September 2021

**CORPORATE**

**ATTACHMENT DETAILS**

|  |  |
| --- | --- |
| **Attachment No** | **Details** |
| **Attachment** | **Financial Statements for the period ended 30/09/2021** |

|  |  |  |
| --- | --- | --- |
| Voting Requirement | : | Absolute Majority |
| Subject Index  Disclosure of Interest : | : | Financial Statements- 2021/22  Nil |
| Responsible Officer | : | Michael Costarella |

**PURPOSE OF REPORT**

To receive the financial statements for the period ended 30 September 2021

**SUMMARY AND KEY ISSUES**

During the month of September there are limited number of transactions and some of the differences relate to timing of the receival of invoices and the raising of rates and charges. Some variances between the year-to-date budget and the actual expenditure and income to the 30 September 2021. These include: -

* Fees & Charges
* Contributions, Reimbursements
* Employee Costs
* Materials and Contracts
* Insurances

**BACKGROUND**

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act & Financial Management regulations and are presented to Council for information.

Overall, there is a 6% variance between the operating year to date budget and year to date actuals.

**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 ( Financial Management) Regulations 1996

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**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. Fees & Charges

This shows an amount of $13,000 more than the YTD budget and it relates to the levying of refuse charges for a 12 month period and the total income is shown in July.

1. Contributions, Reimbursements-$55,000

The YTD budget includes an amount of $55,000 Library contributions towards the capital expenditure that is yet to be expended and not yet claimable from the two other Councils. The projects not yet completed include:-

* Replace Eastern, North & west external decking
* Archive Room Damp Repairs
* Painting Works- LIBRARY
* Mechanical Services-Aircon

1. Employee Costs- $ 27,000

The amount of $27,000 is more than the year-to-date budget and relates to year to date budget allowing for two pays instead of three pays in July 2021.

1. Materials & Contract-$34,000

The actual expenditure is some $34,000 less than the year to date budget and mainly relates to underspend in Engineering and Town Planning Consultants.

1. Insurance- $15,000

The year to date is some $15,000 more than the year to date budget and this relates to the second half yearly invoice received for Property Insurance.

**OFFICER RECOMMENDATION/S – ITEM NO. 8.3.1**

**That Council receive the financial report for the period 1 July 2021 to 30 September 2021.**

### 8.3.2 Accounts Paid September 2021

**CORPORATE**

**ATTACHMENT DETAILS**

|  |  |
| --- | --- |
| **Attachment No** | **Details** |
| **Attachment** | **Accounts Paid – September 2021** |

|  |  |  |
| --- | --- | --- |
| Voting Requirement | : | Simple Majority |
| Subject Index | : | Financial Management |
| Disclosure of Interest | : | Nil |
| Responsible Officer | : | Michael Costarella, Manager Corporate and Community Services |

**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 September 2021 included the following:

- GST & PAYG remittance to ATO;

- Waste Management Services

- WA Superannuation

**BACKGROUND**

The Attachment lists details of all payments made in August & September 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** | **NUMBER SERIES** | **AMOUNT** |
| EFT | EFT00431-436 | $444,832.11 |
| Direct Debits | DD00260-267 | $7,784.26 |
| BPAY | BPAY224-231 | $4,605.64 |
| Credit Cards- August | CCP00021 | $7,958.53 |
| CHQ | CHQ447 | $185.15 |
| **TOTAL** |  | **$465,365.69** |

**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 2021/22 annual budget.

**OFFICER COMMENT**

The List of Accounts paid are provided to Council for information purposes and in accordance with the delegation to the CEO.

**OFFICER RECOMMENDATION/S – ITEM NO.8.3.2**

**That Council receive the list of payment of accounts by:-**

1. **cheques, electronic funds transfers, BPay and direct debit payments for the month of September 2021, totalling $457,407.16**
2. **credit card payments for August 2021 totalling $7,958.53**

## CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Matters for Information and Noting

**MANAGEMENT/GOVERNANCE/POLICY**

**ATTACHMENT DETAILS**

|  |  |
| --- | --- |
| **Attachment** | **Details** |
| **Attachment refers to** | **Building/Planning Statistics**  **Library Statistics**  **Recycling Statistics** |

|  |  |
| --- | --- |
| Voting Requirement | Simple majority |
| Subject Index | Matters for Information |
| Disclosure of any Interest | Nil |
| Responsible Officer | CEO |

**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
* Seal register advising of when the Shire seal has been applied
* Infringements for parking/dogs etc
* Waste and recycling data
* Library statistics
* Library Management Group Meeting Notes

**SUMMARY AND KEY ISSUES**

The following reports are presented to Council 28 September 2021:

1. Building/Planning Statistics

2. Library Statistics

3. Recycling Statistics

**CONSULTATION**

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

**OFFICER RECOMMENDATION – ITEM NO. 8.4.1**

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

## COMMITTEE REPORTS

NIL

# NEW BUSINESS OF AN URGENT NATURE

LATE ITEM 9.1 - Superannuation for elected members

**MANAGEMENT/GOVERNANCE/POLICY**

**ATTACHMENT DETAILS**

|  |  |
| --- | --- |
| **Attachment No** | **Details** |
| **Attachment** | WALGA draft Policy Proposal |

|  |  |  |
| --- | --- | --- |
| Voting Requirement | : | Simple |
| Subject Index | : | Elected Member Superannuation 2021 |
| Disclosure of Interest |  | Nil |
| Author |  | CEO, Don Burnett |
| Responsible Officer | : | CEO, Don Burnett |

**PURPOSE OF REPORT**

The WA Local Government Association (WALGA) is seeking feedback from local governments on a proposal to introduce into the Local Government Act the payment the superannuation guarantee on the elected members sitting fees and allowances.

**SUMMARY AND KEY ISSUES**

* Elected members don’t currently get paid superannuation on their sitting fees or allowances.
* WALGA is proposing that the superannuation guarantee is paid on the sitting fees and allowance paid to elected members.

**LOCATION**

N/A

**BACKGROUND**

Elected members at paid annual sitting fees and allowances in accordance with the Local Government Act 1995. These payments do not attract the superannuation guarantee that is paid into staff superannuation accounts in accordance with the Superannuation Guarantee (Administration) Act 1992.

**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**

The Local Government Act 1995, section 5.63 (1) provides exemption to elected members on having to declare a financial interest when setting their sitting fees and allowance and the consideration of superannuation payment is covered by the section of the Act, therefore elected members do not need to declare a financial interest.

**FINANCIAL IMPLICATIONS**

Elected members currently receive sitting fees that are below the maximum with the Band 4 range as set by the Salaries and Allowances Tribunal. Based on the current payments, the annual cost to the Shire to meet the 10% superannuation commitment would be $9200. The superannuation guarantee rate is set to increase to 12% in the coming years, the annual budget provision would increase to around $11,000 per annual.

The superannuation would be paid into the elected members nominated superannuation into account.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

The attached WALGA paper provides more information and detail on the proposal. The superannuation guarantee has always been aligned as an additional benefit to employees and elected members have not in the past been classified as employees.

There is an issue on the budget impact to be considered as well as the philosophical position on the employment status of elected members.

WALGA is seeking local government feedback on this proposal and although in their paper WALGA have considered that local government should have the discretion to adopt a policy to pay the super for elected members, their recommendation was to require local governments to pay the superannuation for elected members.

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

**The Council advise WALGA that the Local Government Act 1995 be amended to give the discretion to Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.**

# MOTIONS ON NOTICE

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

# CONFIDENTIAL ITEMS OF BUSINESS

NIL

# CLOSURE

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