



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 26 OCTOBER 2021
AT
5.30 PM



Shire of Peppermint Grove

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ORDINARY COUNCIL MEETING MINUTES

1 DECLARATION OF OFFICIAL OPENING

At 5.30pm, 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 media indicated they were not recording the meeting.

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

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

Cr R Thomas
Cr C Hohnen
Cr P Macintosh
Cr P Dawkins
Cr D Horrex
Cr D Jackson

Chief Executive Officer
Manager Development Services
Manager Corporate and Community Services
Manager Infrastructure Services

Mr D Burnett
Mr R Montgomery
Mr M Costarella
Mr D Norgard

Gallery 0 Members of the Public
1 Members of the Press

2.2 APOLOGIES

Elected Member

Cr K Farley

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

NIL

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

4 PUBLIC QUESTION TIME

The Presiding Member opened 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

Were 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

NIL

4.3 DEPUTATIONS OF THE PUBLIC

NIL

4.4 PRESENTATIONS FROM THE PUBLIC

NIL

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)

The Shire President addressed council regarding the following:

1. Offered congratulations to returning Councillors Hohnen, Farley, Dawkins and welcomed newly appointed Councillor Jackson.
2. Offered her congratulations for the PLC Open Day.
3. Attended the Royal Freshwater Bay Yacht Club 125 year anniversary Open Day on 16 October 2021.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 28 SEPTEMBER 2021

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM 7.1

Moved: Cr Hohnen

Seconded: Cr Dawkins

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.

CARRIED 6/0

7.2 SPECIAL COUNCIL MEETING 19 OCTOBER 2021

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM 7.2

Moved: Cr Horrex

Seconded: Cr Macintosh

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.

CARRIED 6/0

8 OFFICER REPORTS

8.1 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”.***

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 Financial Statements for Period Ended 30 September 2021

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 30/09/2021

Voting Requirement	:	Absolute Majority
Subject Index	:	Financial Statements- 2021/22
Disclosure of Interest	:	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 receipt 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.

(2) 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

(3) 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.

(4) 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.

(5) 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/COUNCIL DECISION – ITEM NO. 8.3.1

Moved: Cr Dawkins

Seconded: Cr Horrex

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

CARRIED 6/0

8.3.2 Accounts Paid September 2021

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
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/COUNCIL DECISION – ITEM NO.8.3.2

Moved: Cr Horrex

Seconded: Cr Macintosh

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**

CARRIED 6/0

8.4 CEO/MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Matters for Information and Noting

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
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/COUNCIL DECISION – ITEM NO. 8.4.1

Moved: Cr Hohnen

Seconded: Cr Horrex

That Council receives the information in this report.

CARRIED 6/0

8.5 COMMITTEE REPORTS

NIL

9 NEW BUSINESS OF AN URGENT NATURE

LATE ITEM 9.1 - Superannuation for elected members

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
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/COUNCIL DECISION – ITEM NO 9.1

Moved: Cr Macintosh

Seconded: Cr Jackson

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.

CARRIED 6/0

10 MOTIONS ON NOTICE

NIL

11 CONFIDENTIAL ITEMS OF BUSINESS

NIL

12 CLOSURE

At 5.47pm, there being no further business the meeting closed.