



Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING

# MINUTES

HELD ON  
**TUESDAY 22 NOVEMBER 2022**  
AT  
**5.30 PM**



# Shire of Peppermint Grove

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Shire of  
Peppermint Grove

## **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.

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 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 efficient, effective and orderly decision making within this forum.***

### **2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE**

#### **2.1 ATTENDANCE**

Shire President (Presiding Member)  
Deputy Shire President (Presiding Member)  
Elected Member  
Elected Member  
Elected Member  
Elected Member  
Elected Member

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

Chief Executive Officer  
Manager Development Services  
Manager Corporate & Community Services

Mr Don Burnett  
Mr J Gajic  
Mr M Costarella

<b>Gallery</b>	0	Members of the Public
	1	Members of the Press

## **2.2 APOLOGIES**

Manager Infrastructure Services

Mr D Norgard

## **2.3 LEAVES OF ABSENCE**

**Moved: Cr Jackson**

**Seconded: Cr Farley**

Cr Jackson requested leave of absence for the Ordinary Council Meeting to be held on 20th December 2022.

**CARRIED 7/0**

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

**Moved: Cr Dawkins**

**Seconded: Cr Hohnen**

Cr Dawkins requested leave of absence for the Ordinary Council Meeting to be held on 20<sup>th</sup> December 2022.

**CARRIED 7/0**

## **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.

1. The Agenda;
2. Question to Council; and
3. 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.*

#### **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**

### **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**

Councillor Dawne Horrex– Item 8.4.2 Peppermint Grove Tennis Club New Lease

The nature of the interest being that she is a member of the Peppermint Grove Tennis Club.

**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**

**ORDINARY COUNCIL MEETING**

**25 October 2022**

**OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM 7.1**

**Moved: Cr Horrex**

**Seconded: Cr Farley**

**That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 25 October 2022 be confirmed as a true and accurate record.**

**CARRIED 7/0**

**8 OFFICERS REPORTS**

**8.1 MANAGER DEVELOPMENT SERVICES**

**URBAN PLANNING**

NIL



## **8.2 MANAGER INFRASTRUCTURE SERVICES**

### **INFRASTRUCTURE**

NIL

### 8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

## CORPORATE

#### 8.3.1 Accounts Paid October 2022

#### ATTACHMENT DETAILS

Attachment No	Description
Attachment	Accounts Paid – October 2022

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, BPay and direct debits since the last report.

#### SUMMARY AND KEY ISSUES

Significant payments in October included the following:

- LGIS Property Scheme Protection Premium
- ATO Pay as you go Tax
- Superannuation
- WMRC

#### BACKGROUND

The Attachment lists detail all payments made in October 2022. The following summaries credit card payments, electronic fund transfers and direct debits included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT 490-493	\$388,877.72
Direct Debits	DD358-368	\$8,022.3
BPay	BP279-285	\$474.54
Credit Cards – September 2022	September 2022 DD363	\$7,969.73
<b>TOTAL</b>		<b>\$405,344.29</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 2022/23 Adopted Budget.

## **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. 8.3.1**

**Moved: Cr Horrex**

**Seconded: Cr Dawkins**

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

- 1. Electronic funds transfers, cheque and direct debit payments for the month of October 2022, totalling \$397,374.56**
- 2. Credit card payments for September 2022 totalling \$7,969.73**

**CARRIED 7/0**



### 8.3.2 Financial Management Statements for the period ended the 31 October 2022

## CORPORATE

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 31/10/2022

Voting Requirement : Simple 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 31 October 2022.

### SUMMARY AND KEY ISSUES

During the period of ended the 31<sup>st</sup> October 2022, with the levying of the rates and refuse charge, there is a large surplus shown in the Consolidated Income Statements.

### 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 6.0% (less) variance between the operating year to date budget and year to date actuals. This is mainly attributed to total rates income included as well as less than expected employee costs and materials and contractors.

### STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan.

### POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies and Investment Policy.

### STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996.

## **FINANCIAL IMPLICATIONS**

There are no detrimental financial implications evident at this time.

## **OFFICER COMMENT**

The Monthly Financial statements shows a large surplus that is attributed to the levying of the Rates and Refuse Charges in October 2022. This surplus is drawn down through the financial year.

The major differences between the year-to-date budget and actual expenditure are shown below and which are less than the anticipated year to date budget. This is attributed to projected monthly cash flow not reflecting actual expenditure. There is no impact on the budget anticipated.

- Operating grants and Contributions- \$35,000

The amount is less than the expected year to date budget and it relates to the contributions to some CAPEX Library projects yet to be completed.

- Interest Earnings- \$16,000

The amount relates to interest earned on investments and instalment plans for rates levied.

- Profit on Disposal of Assets - \$16,000

The amount is less than the expected year to date budget as the Manager's vehicle was sold in November 2022.

- Employee Costs- \$17,000

The amount is less than the expected year to date budget as the employee costs budget was distributed evenly over 12 months. This will correct itself at the end of the financial year.

- Contract & Materials- \$86,000

This relates to the following accounts: -

○ Bush Weed Management	\$12,000
○ Parks & Reserve Maintenance	\$26,000
○ Consultancies	\$27,000
○ Building Maintenance	\$18,000
○ Other	\$ 3,000

- Other Expenditure- \$20,000

The amount is less than the expected year to date budget and relates to the Heritage Grants Scheme.

Investment of Municipal and Reserve Funds- as at 31 October 2022.

The Shire has funds the following funds invested as 'on call' and fixed term deposits with the National Australia Bank:-

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves	1,671,206	30/6/2022	29/12/2023	365	3.00%	\$24,999.41
Reserves Interest Receivable						\$24,999.41
Municipal PFA Acc	\$1,508,005	ON CALL			1.58%	\$3,335.00
Municipal Interest Received						\$3,335.00

**OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.3.2**

Moved: Cr Horrex

Seconded: Cr Hohnen

That Council receives the financial report for the period 1 July 2022 to 31 October 2022.

**CARRIED 7/0**



## 8.4 MANAGEMENT/GOVERNANCE/POLICY

### 8.4.1 WA Local Government Association – Best Practice Governance review

#### ATTACHMENT DETAILS

Attachment No	Description
Attachment 1	WALGA background paper

Voting Requirement : Simple Majority  
Subject Index : WALGA  
Disclosure of Interest : Nil  
Responsible Officer : Don Burnett CEO

#### PURPOSE OF REPORT

The WA Local Government Association (WALGA) has undertaken a Best Practice Governance Review (BPGR) and is seeking local government feedback.

#### SUMMARY AND KEY ISSUES

- WALGA represents all WA local government through annual membership for advocacy and policy development.
- The Shire is a member of WALGA.
- WALGA has undertaken a governance review and is seeking feedback from members.

#### BACKGROUND

WALGAs' 2020-25 Corporate Strategy identified the need for the Association to undertake a best practice governance review. A review Steering Committee was established in March 2022.

#### CONSULTATION

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

#### STRATEGIC IMPLICATIONS

There has been no specific strategic implications in respect to this matter.

#### 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 statutory implications evident at this time.

## **COMMENT**

The review considered three key areas for consideration.

**Jurisdictional Analysis** – This section compares WALGA to equivalent jurisdictional associations (e.g. LGASA). This provides key insights into the size and election processes of WALGA compared to equivalent associations.

**Comparator Organisations** – This section compares WALGA's governance arrangements to five comparator organisations that were agreed at the BPGR Steering Committee meeting. This provides key insights into the size, election processes and recent governance changes of these five comparator organisations.

**Governance Model Principles** – The governance model principles were developed through BPGR Steering Committee meetings 2 to 5. This provides a structure for understanding how the current governance model of WALGA and any future governance model aligns to these principles.

Attached is slide presentation prepared by WALGA outlining the process and outcomes. Page 16 provides an overview of the principal component for the options and the governance implications.

The areas of review that may affect Council are,

- **Size** – a reduction in the size of State Council may mean a reduction in the shire delegates from two to one, or there is the possibility of no direct Shire representative, should a change to the Zone structure reduce numbers further. This may mean that Zone would have to determine their State Council representation rather than the current situation of two members as a matter of right.
- **Engaged Decision making** – this should see an improvement in the current process for consultation with members. At times this can be ad hoc, and it is not always clear if WALGA is seeking a formal Council endorsement of a proposal.

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

**That Council endorses WALGA's endorsed Governance Principles as presented in Best Practice Governance Review background paper.**

**COUNCIL DECISION - ITEM NO. 8.4.1**

**Moved: Cr Jackson**

**Seconded: Cr Macintosh**

**That Council notes WALGA endorsed Governance Principles as presented in best Practice Governance Review background paper.**

**CARRIED 7/0**



Councillor Dawne Horrex– Item 8.4.2 Peppermint Grove Tennis Club New Lease

The nature of the interest being that she is a member of the Peppermint Grove Tennis Club.

**8.4.2 Peppermint Grove Tennis Club – new lease**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1</b>	Location map

Voting Requirement : Simple  
Subject Index : Peppermint Grove Tennis Club  
Disclosure of Interest Nil  
Author : CEO  
Responsible Officer : CEO

**PURPOSE OF REPORT**

The Peppermint Grove Tennis Club (Club) has a lease with the Shire for their courts and clubhouse. This report deals with a new lease for the Club.

**SUMMARY AND KEY ISSUES**

- The Club currently has a lease with the Shire for lot 160 at the corner of Bay View Terrace and Keane Street sat Manners Hill Park.
- The lease expires on 10 August 2025.
- The Club is investigating a project to create two new courts which would require a change to the existing lease.
- Due to the current lease expiring in 3 years it is recommended that a new updated 21-year lease is entered into.

**LOCATION**

Lot 160 is part of a Management Order A7802 under the control of the Shire.

**BACKGROUND**

The Club has a current 21-year lease with the Shire that is due to expire on 10 August 2025. The leased area is part of Management Order under the control of the Shire. The Club is investigating a project that may see the area at the corner of Bay View Terrace and Keane Street converted from parking to two grass courts. Currently this area is not under the Clubs current lease.

**CONSULTATION**

The Club is in direct consultation with the Shire over the new lease.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no specific policy implications in respect to this matter.

## **STATUTORY IMPLICATIONS**

A new lease would require consent of the Governor and the WA Planning Commission.

## **FINANCIAL IMPLICATIONS**

Legal costs associated with the drawing up of a new lease will be met equally by the parties. The current annual lease fee is \$1, plus the Club makes an annual contribution to bore maintenance costs. The new lease will continue these arrangements.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The Club is considering its current court structure that may see the need for two new grass courts. These courts would be constructed on the current area used for parking at the corner of Bay View Terrace and Keane Street. This area is covered by the Club's current lease. The Club has yet to make a final decision on the new courts, however due to limited time left on the current lease and the timeframe for formal approvals for a new lease, it was deemed appropriate that a new lease is entered into.

The Shire has made provision in the current budget for self-supporting loan for the Club and they will provide more information when the project may be confirmed.

The new lease would be presented back to Council when ready for endorsement and would be subject to agreement by the Shire and the Club.

## **OFFICER RECOMMENDATION/COUNCIL DECISIONS – ITEM NO 8.4.2**

**Moved:** Cr Farley

**Seconded:** Cr Dawkins

**That Council endorse the development of a new 21-year lease for the Peppermint Grove Tennis Club, with the lease to be presented back to Council for approval.**

**CARRIED 7/0**



#### 8.4.3 Matters for Information and Noting

##### **ATTACHMENT DETAILS**

<b><u>Attachment</u></b>	<b><u>Description</u></b>
<b>Attachment refers to</b>	<b>Building Permits Issued Planning Approvals Issued Infringements Issued Library Statistics Recycling Statistics Minutes of the Library Management Group Meeting</b>

Voting Requirement	: Simple Majority
Subject Index	: Matters for Information September 2022
Disclosure of 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 of 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 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
  - Minutes of the Library Management Group Meeting
- 16 August 2022.

##### **SUMMARY AND KEY ISSUES**

The following reports are presented to Council:

- Building Permits;
- Planning Approvals;
- Infringements;



- Library Statistics;
- Recycling and Product Tonnages;
- Minutes for the Library Management Group Meeting held on 16 August 2022.

## **CONSULTATION**

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

### **OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.4.3**

**Moved: Cr Hohnen**

**Seconded: Cr Farley**

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

**CARRIED 7/0**

## **8.5 COMMITTEE REPORTS**

NIL

**9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

**10 MOTIONS ON NOTICE**

(Automatically sent back to administration for consideration at the next Council meeting)

**11 CONFIDENTIAL ITEMS OF BUSINESS**

NIL

**12 CLOSURE OF MEETING**

At 5.43pm, there being no further business the meeting closed.

Confirmed  this day of 20 December 2022

PRESIDING MEMBER