



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY **23RD** MAY 2023
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 5.38pm, 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 Hohnen.

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
Elected Member
Elected Member
Elected Member
Elected Member
Elected Member

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

Chief Executive Officer
Manager Development Services
Manager Infrastructure Services
Senior Finance & Rates Officer

Mr Don Burnett
Mr J Gajic
Mr D Norgard
Mr K Viskovich

Gallery	1	Members of the Public
	1	Members of the Press

2.2 APOLOGIES

Manager Corporate & Community Services

Mr M Costarella

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Moved: Cr Thomas

Seconded: Cr Farley

Cr Thomas is granted leave of absence for the Ordinary Council Meeting to be held on 25th July 2023.

CARRIED 7/0

3. DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

4.0 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. In the event there are no public members present, the Presiding Member will dispense with Public Question Time.

Rules for Council Meeting Public Question Time

- a) *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.*

- b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- d) *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.*
- e) *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

5.0 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.

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.

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

7.0 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF MINUTES 18 APRIL 2023

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 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 18 April 2023 be confirmed as a true and accurate record.

CARRIED 7/0

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 25 Irvine Street – WITHDRAWN BY APPLICANT

8.2 MANAGER INFRASTRUCTURE

NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

CORPORATE

8.3.1 List of Accounts Paid – April 2023

ATTACHMENT DETAILS

Attachment No	Description
Attachment	Accounts Paid – April 2023 Credit Cards- March 2023

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Management
Disclosure of Interest	:	Nil
Responsible Officer	:	Kurt Viskovich, Acting 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 April 2023 included the following:

- ATO Pay as you go Tax
- Superannuation
- Office of Auditor General
- Refund of Overpaid Rates

BACKGROUND

The Attachment lists detail all payments made in April 2023. The following summarise credit card payments, electronic fund transfers and direct debits included in the list presented for information.

FEBRUARY PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00515-518	\$137,118.82
Direct Debits		\$18,118.64
Credit Cards – March 2023		\$17,143.59
TOTAL		\$172,381.05

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 Hohnen

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

- 1. Electronic funds transfers, cheque and direct debit payments for the month of April 2023, totalling \$155,237.46**
- 2. Credit Card payments for March 2023 totalling \$17,143.59**

CARRIED 7/0

8.3.2 Financial Statements for the period ending 30th April 2023

CORPORATE

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 30/04/2023

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Statements- 2022/23
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella

PURPOSE OF REPORT

To receive the financial statements for the period ended 30 April 2023.

SUMMARY AND KEY ISSUES

The Financial Statements include the 2022/23 revised budget which provides for an end of year surplus of \$20,940. The surplus for the period of ended April 2023, includes amounts that will be transferred to Reserve funds and unspent CAPEX projects to date.

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 6.7% (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. 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.

- Contributions & Donations-\$157,000

The amount is less than the expected year to date budget as there are CAPEX projects for the Grove Library that were anticipated to be completed.

- Contract & Materials- \$307,000

The amounts are less than the expected year to date budget for the following accounts: -

- Materials & Contracts \$ 116,000
- Consultancies \$ 150,000
- Building Maintenance \$ 41,000

Investment of Municipal and Reserve Funds- as at 30th April 2023.

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 Funds	\$1,700,204	30/1/2023	30/5/2023	120	4.10%	\$ 22,925.00
Reserves Interest Receivable						\$ 22,925.00
Municipal PFA Acc	\$1,030,219	ON CALL			3.45%	\$2,876.55
Municipal Interest Received						\$2,876.55

OFFICER RECOMMENDATION/COUNCIL DECISION– ITEM NO. 8.3.2

Moved: Cr Hohnen

Seconded: Cr Jackson

That Council receives the financial report for the period 1 July 2022 to 30th April 2023.

CARRIED 7/0

8.4.1 CEO MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Policy Manual Review

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment refers to	Policy Amendments to: Section 4.7 Dinghy Management Policy Section 1.2 Meeting Policy and Procedure Section 2.1 Record Keeping Policy Section 2.2 Public Interest Disclosure

Voting Requirement	:	Simple Majority
Subject Index	:	Policies
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Senior Administration Officer
Responsible Officer	:	Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

This report considers the review of the Shire's Policy manual. Amendments have been submitted to Council for adoption.

SUMMARY AND KEY ISSUES

The Shire's Policy manual provides guidance to elected members, staff and the community on how the Shire deals with certain aspects of its operations. Amendments have been made to:

- Section 4.7 Dinghy Management Policy;
- Section 1.2 Meeting Policy and Procedures;
- Section 2.1 Record Keeping Policy; and
- Section 2.2 Public Interest Disclosure.

BACKGROUND

The Shire's Policy Manual was last reviewed in May 2022 and in accordance with the adopted practice, is to be reviewed at least every two years.

CONSULTATION

There has been no specific consultation undertaken in respect to these matters.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time, for any of the proposed policy changes.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect of these matters.

POLICY IMPLICATIONS

The review of the Policy Manual ensures that the Shire's policies and practices remain current and relevant.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time, for any of the proposed policy changes.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time, for any of the proposed policy changes.

SOCIAL IMPLICATIONS

There are no social implications evident at this time, for any of the proposed policy changes.

OFFICER COMMENT

Proposed amendments to the Shire of Peppermint Grove Policy Manual relate to:

- Section 1.2 Meeting Policy and Procedure;
- Section 4.7 Dinghy Management Policy;
- Section 2.1 Record Keeping Policy; and
- Section 2.2 Public Interest Disclosure.

Section 1.2 Meeting Policy and Procedure

Electronic Council Meetings

The proposed changes to the Shire's meeting policy, recognize that under Regulation 12 of the Local Government (Administration) Amendment Regulations 2022, that the Shire can conduct up to half of its annual Council and Committee Meetings electronically.

Remote Access Procedure for Elected Members attending Council Meetings

Council Meetings require a quorum of Elected Members (EM) to attend in order for the meeting to proceed. To facilitate a 'dial in' attendance at a Council Meeting, an EM must receive approval from the Shire President that they will be attending electronically.

The EM will need to provide information on the location from which they wish to dial into the meeting. The Shire President will also consider whether or not the equipment used, will enable effective engagement with Council deliberations.

Section 4.7 Watercraft Vessel Management Policy

The proposed amendments will:

- broaden the definition of Dinghy Management Policy to the Watercraft Vessel Management Policy.
- outline that the Chief Executive Officer can donate the property to a registered charity if unclaimed after four months.
- Removes references to the Swan River Trust.
- Recognizes the involvement of the DCBA and updates references to the DCBA 'Statement 45 – Planning for Miscellaneous Structure and Facilities in the Swan Canning Development Control Area', which outlines the appropriate storage arrangements for watercraft.
- References the 'Swan and Canning Rivers Management Regulations 2007', Section 22A, which outlines that a person must not leave a vessel unattended for more than eight hours unless they have a permit or the vessel is in an approved facility.

Section 2.1 Record Keeping Policy

The State Records Office requested that the wording 'Significant Records' be removed from the policy manual as this term is used under Section 2.1 of the General Disposal Authority for Local Government Records (GDALG) for documents that are to be archived.

To comply with the GDALG request, references in the policy manual that referred to 'Significant Records' have been changed to 'significant documents.'

Section 2.2 Public Interest Disclosure

The Public Interest Disclosure section of the policy manual has been updated. It now includes references to the Shire's 'Public Interest Disclosure (PID) Guidelines' and the official lodgement form to be used for a disclosure made under the *Public Interest Disclosure Act 2003* (PID Act). These documents will be available on the Shire's website.

Section 4.10 Memorial Policy

The Shire's current memorial policy does not permit the installation of memorials such as plaques, crosses, shrines or similar.

Several residents have requested Council acknowledge deceased residents with memorials.

A new Memorial Policy will be presented to Council, once the wall design and the construction cost of the memorial have been determined.

OFFICER RECOMMENDATION/COUNCIL DECISION – Item 8.4.1

Moved: Cr Farley

Seconded: Cr Jackson

That Council

- 1. Adopt the revised policy manual with changes to:
 - 1.1 Section 1.2 Meeting Policy and Procedure to include the procedure for conducting electronic meetings;**
 - 1.2 Section 4.7 Dinghy Management Policy is to be known as the Watercraft Vessel Management Policy, and outlines updates to the management of abandoned watercraft vessels.**
 - 1.3 Section 2.1 Record Keeping Policy to replace terminology for documents referred to as ‘Significant Records’ to ‘Significant documents’ as requested by the State Records Office.**
 - 1.4 Section 2.2 Public Interest Disclosure Policy includes references to the ‘Public Interest Disclosure (PID) Guidelines’ and the lodgement form to be used for a disclosure made under the Public Interest Disclosure Act 2003.****
- 2. Notes that a revised Memorial Policy (Section 4.10 of the Policy Manual) will be presented to Council, once costs associated with the memorial construction are available.**

CARRIED 7/0

8.4.2 Delegations Register Review

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment refers to	Delegations Register – including updates to 3.4

Voting Requirement	:	Simple Majority
Subject Index	:	Delegations Register
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Senior Administration Officer
Responsible Officer	:	Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

The purpose of this report is to review the Shire's Delegation Register.

SUMMARY AND KEY ISSUES

- The Shire's delegations to the Chief Executive Officer are required to be reviewed at least once in a financial year.
- The delegations were last reviewed in June 2022.
- There are no changes recommended in this review.

LOCATION

N/A

BACKGROUND

The delegations to the Chief Executive Officer are made to ensure the effective and efficient management of the Shire is maintained.

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no strategic implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications evident at this time.

STATUTORY IMPLICATIONS

The Local Government Act 1995, Section 5.42 provides for the delegation of certain functions by Council to the Chief Executive Officer. Section 5.43 specifies what functions can't be delegated. Section 5.46(2) requires Council to review the delegations at least once in a financial year.

FINANCIAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

The Delegations' Register was reviewed, and no changes to existing delegations or any new delegations proposed.

FURTHER INFORMATION

Delegation 3.4, Development and Subdivision Applications, has been further reviewed and is attached separately.

OFFICER RECOMMENDATION – Item 8.4.2

That Council endorses the Delegations Register as attached along with amended policy 3.4.

COUNCIL DECISION ITEM 8.4.2

Moved: Cr Farley

Seconded: Cr Dawkins

That Council endorses the Delegations Register as attached along with amended delegation 3.4

CARRIED 7/0

MANAGEMENT/GOVERNANCE/POLICY

8.4.3 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment 1	Building/Planning Statistics
Attachment 2	Infringements Issued
Attachment 3	Library Statistics
Attachment 4	Recycling Statistics
Attachment 5	Heritage Grant Guidelines and Applications

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information May 2023
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Senior Administration Officer
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

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 issued
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking and dogs etc
- Recycling Statistics
- Library Statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council on 23 May 2023:

- Planning Approvals
- Building Approvals
- Infringements
- Library Statistics
- Recycling

CONSULTATION

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

STAFF COMMENT

Heritage grant Scheme Guidelines (attached)

Council has previously adopted a Heritage grant Scheme, which included Guidelines for applicants. The guidelines, as attached have had some modifications as per the track changes disclosed in the attachment.

The guidelines now recognise that for significant 'staged' projects consideration may be given to more than one grant application. This will be considered on a 'case by case' basis. Development applications are encouraged to include a staging plan and disclose if they intend to lodge more than one grant application.

The timetable for completion has also been amended from 12 to 24 months.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.4.3

Moved: Cr Farley

Seconded: Cr Horrex

That Council:

- 1. receives information in this report; and**
- 2. endorses the changes to the Heritage Grant Guidelines.**

CARRIED 7/0

9. COMMITTEE REPORTS

Nil

10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL

11. MOTIONS ON NOTICE

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

12. CONFIDENTIAL ITEMS OF BUSINESS

13. CLOSURE OF MEETING

At 5.50pm, there being no further business the meeting closed.

Confirmed  this day of 27th June 2023

PRESIDING MEMEBER