



Shire of
Peppermint Grove

NOTICE OF MEETING

Dear Councillor

It is advised that the **Agenda Briefing Forum** will be held in the Council Chamber on the Shire of Peppermint Grove, 1 Leake Street, Peppermint Grove, on 14th May 2024 commencing at 5.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read 'Don Burnett', is written over a white background.

Mr Don Burnett
CHIEF EXECUTIVE OFFICER

9th May 2024



Shire of Peppermint Grove

AGENDA BRIEFING FORUM

AGENDA

The draft agenda submitted to this Forum is subject to change and should not be read as the final Agenda to the next Ordinary Council Meeting. The final Agenda will be placed on the Shire's website on Friday before the Scheduled meeting. Council does not make determinations at the Agenda Briefing forum.

TO BE HELD ON
TUESDAY 14TH MAY 2024
AT
5.30 PM

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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

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 28TH MAY 2024
AT
5.30 PM



Shire of Peppermint Grove

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Shire of
Peppermint Grove

DRAFT 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 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 Karen Farley SC

Cr P Dawkins

Cr P Macintosh

Cr J Mahony

Cr D Jackson

Cr E Bond

Cr C Hohnen

CEO

Manager Development Services

Manager Corporate & Community Services

Manager Infrastructure Services

Mr D Burnett

Mr J Gajic

Mr J Clapham

Mr D Norgard

Gallery Members of the Public
..... Members of the Press

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3. DELEGATIONS AND PETITIONS

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

5.0 DECLARATIONS OF INTEREST

5.1 FINANCIAL INTEREST

5.2 PROXIMITY INTEREST

5.3 IMPARTIALITY INTEREST

5.4 INTEREST THAT MAY CAUSE A CONFLICT

5.5 STATEMENT OF GIFTS AND HOSPITALITY

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.0 CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION– ITEM NO 7.1

Moved:

Seconded:

That the minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23rd April 2024 be confirmed as a true and accurate record.

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

Nil

8.2 MANAGER INFRASTRUCTURE SERVICES

Nil

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 List of Accounts Paid – 30th April 2024

Due to the early closing of the Agenda, the list of accounts for the period ended the 30TH April 2024 will be presented to the OCM to be held on Tuesday 28th May 2024.

8.3.2 Financial Statements for the period ending 30th April 2024

Due to the early closing of the Agenda, the Financial Management report for the period ended the 30 April 2024 will be presented to the OCM to be held on Tuesday 28th May 2024.

8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Delegations Register Review

ATTACHMENT DETAILS

| Attachment | Description |
|-------------------|-----------------------------|
| | Delegations Register |

| | | |
|------------------------|---|--|
| Voting Requirement | : | Absolute Majority |
| Subject Index | : | Delegations Register |
| Disclosure of Interest | : | Nil |
| Author | : | Jennifer Court, Projects, and Policy Officer |
| Responsible Officer | : | Mr 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 Delegations Register contains all delegations made to the Chief Executive Officer. The Shire’s delegations to the Chief Executive Officer are required to be reviewed at least once in a financial year and the delegations were last reviewed in May 2023.

BACKGROUND

The delegations to the Chief Executive Officer are made to ensure that the effective and efficient management of the Shire is maintained and contains limits on the types of decisions that can be made under the Delegation.

CONSULTATION

No consultation has occurred.

STRATEGIC IMPLICATIONS

The Delegations Register is a critical governance tool for the Shire and has strategic implications for accountability, efficiency, risk management and alignment with strategic objectives. Regular review and updates to the register are essential to ensure it remains effective in supporting the Shire’s objectives.

POLICY IMPLICATIONS

There are no policy implications evident at this time.

STATUTORY IMPLICATIONS

References to legislation have been updated in the Delegations Register in the following sections:

- 1.8 refers to the *Public Health Act 2016*.
- 1.9 now identifies the Shire of Peppermint Grove's Local Laws.
- 2.1 discloses the conditions to be complied with by the CEO to invest surplus funds.
- 1.7 further detail mentioning the execution of a warrant when authorised persons enter a premise.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER COMMENT

It is recommended that Council adopt the reviewed Delegations Register to ensure compliance with Section 5.46 (2) of the *Local Government Act 1995* ensuring the Shire is up to date with all relevant legislation. A revised version of the Delegations Register disclosing track changes is attached. Key updates to the Delegations Register include:

1. The introduction now outlines the 'powers' which the legislation confers on local governments to allow Council to delegate power to a committee of the local government or the CEO. Sub delegation to managers has been removed and the delegate is the Chief Executive Officer. This change has occurred throughout Part One, 'The Function of Local Government', Part Two, 'Financial Management' and Part Three 'Building and Town Planning.'
2. 1.7 Authorised Persons – Power to Enter Property, now outlines that an authorised person can seek and execute an entry warrant to enter the premises to perform any function of the local government under the Act.
3. 1.8 Appointment of Authorised Persons – *Public Health Act 2016*. This has been updated to reference the *Health Act 2016* and remove reference to the *Health Act of 1911*. Further information has been included outlining that an appointee may be a person employed by the Shire under the *Local Government Act 1995* s5.36 or a person engaged by the Shire under a contract for services. The appointment of Environmental Health Officers has also been mentioned.
4. 1.9 Enforcement of Local Laws – This section has been amended to reference each of the Shire's local laws which were not previously disclosed.

5. 2.1 investment of Surplus Funds – detail is provided on the investment of surplus funds. This section has been expanded upon to refer to the Chief Executive Officer's obligations for investing funds as outlined below:

- Section 6.14(1) of the *Local Government Act 1995* Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose.
- Authority to establish and document internal control procedures to be followed in the investment and management of investments (FM r 19).
- A report detailing the investment portfolio's performance, exposures and changes since last report, is to be provided as part of the Monthly Financial Reports.
- Procedures are to be systematically documented and retained in accordance with the record keeping plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.
- Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years (Audit r.17).

6. 3.4 Development and Subdivision Applications – The principal updates are in the 'Guidelines' are in response to changes to the implementation of section 257(c) of the *Planning and Development Act* pertaining to the mandated delegation to the CEO for single house and related development. The current 1a to c guidelines have been replaced with the following:

- 1) Approve development applications and amendments to development applications not otherwise exempt under clause 61 of the Deemed Provisions for a single house, residential building, ancillary or incidental development that:
 - a) Upon the conclusion of consultation, no valid objection(s) have been received; and
 - b) Where the place is in the Shire Heritage List adopted under Clause 8 of the Deemed Provisions or is subject to a Notice to List, the development must not:
 1. alter the original fabric of the place, or
 - 1.1 must be accompanied by a Heritage Impact Statement confirming that the original fabric of the place will not be significantly altered or adversely impacted.

CONSULTATION

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

OFFICER RECOMMENDATION/S – ITEM 8.4.1

That Council approves the changes to Delegations Register.

1.1.1 Matters for Information and Noting

ATTACHMENT DETAILS ,

| Attachment | Description |
|---------------------|---|
| Attachment 1 | Building/Planning Statistics |
| Attachment 2 | Infringements Issued |
| Attachment 3 | Library Statistics |
| Attachment 4 | Recycling Statistics |
| Attachment 5 | MOU for WALGA Sustainable Energy Project |

Voting Requirement : Simple Majority
 Subject Index : Matters for Information April 2024
 Disclosure of Interest : Nil
 Author : Jennifer Court, Projects and Policy 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:

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

OFFICER COMMENT

That Council notes the updates outlined in the attachment reports across a number of areas of the Shire’s operations.

CONSULTATION

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

OFFICER RECOMMENDATION/S – ITEM 8.4.1

That Council receives the information in this report.

9. COMMITTEE REPORTS

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 ___pm, there being no further business the meeting closed.