



Shire of  
Peppermint Grove

# ORDINARY COUNCIL MEETING

## MINUTES

HELD ON  
TUESDAY **23<sup>RD</sup> APRIL 2024**  
AT  
5.30 PM



# Shire of Peppermint Grove

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Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING MINUTES

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### 1.0 DECLARATION OF OFFICIAL OPENING

At 5:30 pm, the Presiding Member 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 Bond.

**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.*

### 2.0 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

#### 1.1 ATTENDANCE

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

Cr P Dawkins  
Cr P Macintosh  
Cr J Mahony  
Cr D Jackson  
Cr E Bond  
Cr C Hohnen

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

Mr D Burnett (via Teams)  
Mr J Gajic  
Mr J Clapham  
Mr D Norgard

**Gallery**      Nil Members of the Public  
                 Nil Members of the Press

## 1.2 APOLOGIES

Shire President

Cr Karen Farley SC

## 1.3 LEAVES OF ABSENCE

## 1.4 NEW REQUEST FOR A LEAVE OF ABSENCE

## 3.0 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
- 6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)
- 7.0 CONFIRMATION OF MINUTES

**OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 7.1**

**Moved: Cr Hohnen**

**Seconded: Cr Macintosh**

**That the minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26<sup>th</sup> March 2024 be confirmed as a true and accurate record.**

**Carried 6/0**

**Carried:**

**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 – March 2024

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachments	(a) Accounts Paid – March 2024 (b) Credit Card expenses – February 2024

Voting Requirement : Simple Majority  
 Subject Index : Financial Management  
 Disclosure of Interest : Nil  
 Responsible Officer : J. Clapham, Manager Corporate and Community Services  
 Authorising Officer : D Burnett, Chief Executive Officer

#### PURPOSE OF REPORT

The purpose of this report is to advise the details of all cheques drawn, credit card expenses, electronic funds payments, direct debits and BPAY since the last report.

#### SUMMARY AND KEY ISSUES

- Significant payments including GST (over \$20,000) in February included the following:
- Dept of Fire and Emergency Services (DFES) – 3<sup>RD</sup> quarter Emergency Services Levy (ESL) - \$127,865.28
  - Veolia Recycling and Recovery – Monthly waste services - \$20,516.93
  - Australian Taxation Office (ATO) – Business Activity Statement (BAS) for February 2024 - \$20,865.14
  - Superchoice – superannuation for February 2024 - \$33,871.43

#### BACKGROUND

The Attachment lists detail all payments made in March 2024 (and February 2024 for credit cards). The following summarises credit card payments, electronic fund transfers, direct debits and BPAY included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00567-575	\$494,079.17
Direct Debits	DD00491-502	\$19,921.44
BPAY		\$0
Credit Cards – February 2024		\$8,276.34
<b>TOTAL</b>		<b>\$522,276.95</b>



**CONSULTATION**

Information prepared by Finance and Payroll Officer.

**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." 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 2023/24 Revised 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 Macintosh**

**Seconded: Cr Hohnen**

**That Council receive the list of payment of accounts by electronic funds transfers, direct debit, BPAY and credit cards for the month of March 2024, totalling \$522,276.95.**

**Carried: 6/0**

8.3.2 Financial Statements for the period ending 31<sup>st</sup> March 2024

**ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Details</u>
Attachments	Financial Statements for the period ended 31 <sup>st</sup> March 2024

Voting Requirement : Simple Majority  
 Subject Index : Financial Statements 2023/24  
 Disclosure of Interest : Nil  
 Responsible Officer : J. Clapham, Manager of Corporate and Community Services  
 Authorised by : D. Burnett, Chief Executive Officer

**PURPOSE OF REPORT**

To receive the financial statements for the period ended 31 March 2024.

**SUMMARY AND KEY ISSUES**

The year to date surplus at 31 March 2024 is \$1,835,284, which is \$321,423 more than the year to date budgeted surplus. The main reason for this is: Materials & Contracts expenditure less than budgeted - \$299k. See Explanation of Material Variances on page 6 of the Monthly Financial Report for details of other variances.

**BACKGROUND**

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. Monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 March 2024.

**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 show a large surplus that can be attributed to the levying of the Rates and Refuse charges in July 2023.

Details of material variances are shown in Note 3 of the attached Monthly Financial Report.

The audit for 2022/23 has been completed and the closing surplus for June 2023 has been finalised.

Investment of Municipal and Reserve Funds - as at 31 March 2024

The Shire has the following funds invested as with the National Australia Bank:-

Fund	Purpose	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Term Deposit	Reserve Funds	\$1,988,560.40	15 August 2023	28 June 2024	313	5.20%	\$100,000
Corporate cheque account	Municipal Funds	\$1,836,904.31	Ongoing	Ongoing	N/A	4.15%	\$62,000

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

**Moved: Cr Macintosh**

**Seconded: Cr Hohnen**

**That Council receives the monthly financial report for the period ended 31 March 2024.**

**Carried: 6/0**

## 8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

### 8.4.1 Peppermint Grove Tennis Club lease

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Current lease
Attachment 2	Proposed lease

Voting Requirement	: Simple Majority
Subject Index	: Tennis Club lease
Disclosure of Interest	: Nil
Author	: Don Burnett, Chief Executive Officer
Responsible Officer	: Don Burnett Chief Executive Officer

#### PURPOSE OF REPORT

The purpose of this report is for Council to consider a new lease for the Peppermint Grove Tennis Club (the Club).

#### SUMMARY AND KEY ISSUES

- The Club's current 21 year lease expires on 10 August 2025.
- The Club is seeking a new 21 year lease.
- The new lease will incorporate the portion of land at the corner of Bayview Terrace and Keane Street, which is not in the current lease.

#### BACKGROUND

The Club currently leases as portion of reserve 7802, lot 160 on deposited plan 143539. The lease area covers the current courts and the clubhouse. The lease is for 21 years and expires in August 2025. As the area is part of a Management Order, Ministerial approval will be required for a new lease. The maximum term for a Management Oder is 21 years.

#### CONSULTATION

Extensive consultation has taken place with the Club.

#### STRATEGIC IMPLICATIONS

The granting of the Club's new lease facilitates an objective of the Shire's Strategic Community Plan 2021 – 2031, Social - 1.4 Promote community connection and activation

#### POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There is a Management Order in favour of the Shire for this lot as part of the Manners Hill reserve. The lease of Crown Land (Management Order) is subject to the Minister for Lands approval and can only be for a maximum of 21 years.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **COMMENT**

The Club have requested that the portion of land at the corner of Bayview terrace and Keane Street be incorporated into the lease. This site is used by the Club for member parking but was also used by the Shire for stormwater drainage off Bay View terrace. Stormwater has now been diverted to Kenae Street drainage pits, so the site does not have any infrastructure requirement by the Shire.

The Club is still investigating a redevelopment option that may site the additional lease land being converted into courts, however regardless of this project, the site is to be incorporated into the lease.

The current lease and the proposed lease are attached for Council's information. The proposed lease modernises the condition for a standard local government lease for a community group/sporting club.

The lease clearly states that Clubhouse is owned by the Club, and as such the Club is responsible for ongoing building maintenance and repairs. Insurance requirements in the lease also reflect the ownership status. An item in the proposed lease refers to the use of bore water the Shire's water allocation. This puts the onus on the Club to manage its water allocation and use. The Club, as is the case in the current lease makes an annual contribution towards maintenance costs of the bore, which is Shire asset. The contribution formulae is still being determined.

## **OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.1**

**Moved: Cr Macintosh**

**Seconded: Cr Jackson**

**That Council, subject to the approval of the Minister for Lands,**

- 1. authorises the Shire President and Chief Executive Officer to sign the new Peppermint Grove Tennis Club lease and apply the Shire seal, noting the draft lease presented in this report may have some minor adjustments made before final signing.**
- 2. notes the commencement date for the new lease will be determined in consultation with the Peppermint Grove Tennis Club.**

**Carried: 6/0**

8.4.2 Matters for Information and Noting

**ATTACHMENT DETAILS**

<b>Attachment</b>	<b>Description</b>
<b>Attachment 1</b>	<b>Building/Planning Statistics</b>
<b>Attachment 2</b>	<b>Infringements Issued</b>
<b>Attachment 3</b>	<b>Library Statistics</b>
<b>Attachment 4</b>	<b>Recycling Statistics</b>

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:

- Development 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/COUINCIL DECISION – ITEM 8.4.1**

**Moved: Cr Jackson**

**Seconded: Cr Mahony**

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

**Carried: 6/0**

**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 6pm, there being no further business the meeting closed.

Confirmed by  this day of 28<sup>th</sup> May 2024

**PRESIDING MEMBER**