



Shire of  
Peppermint Grove

# ORDINARY COUNCIL MEETING

# MINUTES

HELD ON  
TUESDAY 28<sup>TH</sup> MAY 2024  
AT  
5.30 PM



# Shire of Peppermint Grove

## TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1.	DECLARATION OF OFFICIAL OPENING .....	4
2.	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE .....	4
2.2	APOLOGIES .....	5
2.3	LEAVES OF ABSENCE .....	5
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE .....	5
3.	DELEGATIONS AND PETITIONS .....	5
4.0	PUBLIC QUESTION TIME .....	5
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING .....	6
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC .....	6
5.0	DECLARATIONS OF INTEREST .....	6
5.1	FINANCIAL INTEREST .....	6
5.2	PROXIMITY INTEREST .....	6
5.3	IMPARTIALITY INTEREST .....	6
5.4	INTEREST THAT MAY CAUSE A CONFLICT .....	6
5.5	STATEMENT OF GIFTS AND HOSPITALITY .....	6

<b>6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) .....</b>	<b>6</b>
<b>7.0 CONFIRMATION OF MINUTES .....</b>	<b>6</b>
<b>8.0 OFFICERS REPORTS.....</b>	<b>7</b>
<b>8.1 MANAGER DEVELOPMENT SERVICES.....</b>	<b>7</b>
<b>8.2 MANAGER INFRASTRUCTURE SERVICES .....</b>	<b>7</b>
<b>8.3 MANAGER CORPORATE AND COMMUNITY SERVICES .....</b>	<b>8</b>
<b>8.3.1 LIST OF ACCOUNTS PAID – APRIL 2024.....</b>	<b>8</b>
<b>8.3.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30TH APRIL 2024.....</b>	<b>10</b>
<b>8.4 CEO MANAGEMENT/GOVERNANCE/POLICY .....</b>	<b>12</b>
<b>8.4.1 DELEGATIONS REGISTER REVIEW.....</b>	<b>12</b>
<b>8.4.2 MATTERS FOR INFORMATION AND NOTING.....</b>	<b>16</b>
<b>9. COMMITTEE REPORTS.....</b>	<b>18</b>
<b>10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL .....</b>	<b>18</b>
<b>11. MOTIONS ON NOTICE.....</b>	<b>18</b>
<b>12. CONFIDENTIAL ITEMS OF BUSINESS.....</b>	<b>18</b>
<b>13. CLOSURE OF MEETING .....</b>	<b>18</b>



Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING MINUTES

### 1. DECLARATION OF OFFICIAL OPENING

At 5.30 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 ready aloud by Councillor Jackson.

#### **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	Cr Karen Farley SC
Deputy Shire President	Cr P Dawkins
Elected Member	Cr P Macintosh
Elected Member	Cr J Mahony (Via telephone)
Elected Member	Cr D Jackson
Elected Member	Cr E Bond
CEO	Mr D Burnett
Manager Development Services	Mr J Gajic
Manager Corporate & Community Services	Mr J Clapham
Manager Infrastructure Services	Mr D Norgard

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

## 2.2 APOLOGIES

Elected Member

Cr C Hohnen

## 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)**

On the 7<sup>th</sup> May, an Honorary Freeman award was presented to the past Shire President Rachel Thomas.

On the 13<sup>th</sup> May, Dean Alston opened the Alston Peppie Trove exhibition in the library highlighting Alston's cartons featuring or mentioning Peppermint Grove.

**7.0 CONFIRMATION OF MINUTES**

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

**Moved: Cr Dawkins**

**Seconded: Cr MacIntosh**

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

**CARRIED 6/0**

**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 – 30<sup>th</sup> April 2024**

**ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Description</u>
Attachments	8.3.1 (a) Accounts Paid – April 2024 8.3.1 (b) Credit Card expenses – March 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 April included the following:
- Town of Cottesloe – Health Services, Ranger Services and SOPG portion of Cottesloe Village Precinct Project - \$39,071.72
  - Australian Taxation Office (ATO) – Business Activity Statement (BAS) for March 2024 - \$26,043.56

**BACKGROUND**

The Attachment lists detail all payments made in April 2024 (and March 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	EFT00576-580 and 587	\$305,947.90
Direct Debits	DD00503-510	\$16,475.61
BPAY	BPAY308	\$41.95
Credit Cards – March 2024		\$6,194.70
<b>TOTAL</b>		<b>\$328,660.16</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 Jackson**

**Seconded: Cr Dawkins**

**That Council receive the list of payment of accounts by electronic funds transfers, direct debit, BPAY and credit cards for the month of April 2024, totalling \$328,660.16.**

**CARRIED 6/0**

**8.3.2 Financial Statements for the period ending 30<sup>th</sup> April 2024**

**ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Details</u>
Attachments	<b>8.3.2 Financial Statements for the period ended 30 April 2024</b>

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 30 April 2024.

**SUMMARY AND KEY ISSUES**

The year to date surplus at 30 April 2024 is \$1,385,651, which is \$408,432 more than the year to date budgeted surplus. The main reason for this is: Materials & Contracts expenditure less than budgeted - \$287k and an underspend of capital acquisitions - \$144k. 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 30 April 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 30 April 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	\$1,353,243.40	Ongoing	Ongoing	N/A	4.15%	\$62,000

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

**Moved: Cr Macintosh**

**Seconded: Cr Dawkins**

**That Council receives the monthly financial report for the period ended 30 April 2024.**

**CARRIED 6/0**

## 8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

### MANAGEMENT/GOVERNANCE/POLICY

#### 8.4.1 Delegations Register Review

#### ATTACHMENT DETAILS

Attachment	Description
	<b>Delegations Register</b>

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.

## **FURTHER INFORMATION**

Council has received advice (Copy attached) from the Director General of the Department of Lands that changes to the Planning and Development Act 2005, advising that Councils can no longer deal with Development Applications for single houses. This change has previously been flagged by the Minister for Planning and will come into force on 1 July. Delegation 3.4 – Development and Subdivision Applications has been changed to reflect the new requirement. The amended delegation replaces the delegation presented to the May Agenda Forum.

### **OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM 8.4.1**

**Moved: Cr Jackson**

**Seconded:**

**Cr MacIntosh**

**That Council approves the changes to Delegations Register.**

**CARRIED 6/0**

1.1.1 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>
<b>Attachment 5</b>	<b>MOU for WALGA Sustainable Energy Project</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:

- 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/COUNCIL DECISION – ITEM 8.4.1**

**Moved: Cr MacIntosh**

**Seconded: Cr Bond**

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