



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

DRAFT

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 the Friday before the scheduled meeting.

TO BE HELD ON
TUESDAY 23 MARCH 2021
AT
5.30 PM



Shire of Peppermint Grove

DRAFT MEETING AGENDA ATTACHED

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Shire of Peppermint Grove

TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	5
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES	6
2.3	LEAVES OF ABSENCE	6
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	6
3	DELEGATIONS AND PETITIONS	6
3.1	DELEGATIONS	6
3.2	PETITIONS	6
4	PUBLIC QUESTION TIME	7
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING	7
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
4.3	DEPUTATIONS OF THE PUBLIC	7
4.4	PRESENTATIONS FROM THE PUBLIC	7
5	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9

7	CONFIRMATION OF MINUTES	9
7.1	ORDINARY COUNCIL MEETING 23 FEBRUARY 2021	9
7.2	SPECIAL COUNCIL MEETING 2 MARCH 2021	9
8	OFFICER REPORTS	10
8.1	MANAGER DEVELOPMENT SERVICES	10
8.2	MANAGER INFRASTRUCTURE SERVICES	10
8.3	MANAGER CORPORATE AND COMMUNITY SERVICES	11
8.3.1	Financial Statements February 2021	11
8.3.2	Accounts Paid February 2021	14
8.4	CEO/ MANAGEMENT / GOVERNANCE / POLICY	16
8.4.1	Heritage Assistance Fund	16
8.4.2	Matters for Information and Noting	19
8.5	COMMITTEE REPORTS	21
8.5.1	Compliance Audit Return 2020	21
9	NEW BUSINESS OF AN URGENT NATURE	24
10	MOTIONS ON NOTICE	24
11	CONFIDENTIAL ITEMS OF BUSINESS	24
12	CLOSURE	24



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 the 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 R Thomas
Cr C Hohnen
Cr D Horrex
Cr K Farley
Cr G Peters
Cr P Macintosh
Cr P Dawkins

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

Mr D Burnett
Mr R Montgomery
Mr M Costarella
Mr D Norgard

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

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.

- The Agenda
- Question to Council and
- 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

- (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

4.3 DEPUTATIONS OF THE PUBLIC

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

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.

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.

5.3 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 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 23 FEBRUARY 2021

OFFICER RECOMMENDATION – ITEM 7.1

Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23 February 2020 be confirmed as a true and accurate record.

7.2 SPECIAL COUNCIL MEETING 2 MARCH 2021

OFFICER RECOMMENDATION – ITEM 7.2

Moved:

Seconded:

That the Minutes of the Special Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 2 March 2021 be confirmed as a true and accurate record.

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

NIL

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

DRAFT

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 Financial Statements for Period Ended 28 February 2021

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 28/02/2021

Voting Requirement : Simple Majority
Subject Index : Financial Statements - 2020/21
Disclosure of Interest : Nil
Responsible Officer : Michael Costarella

PURPOSE OF REPORT

To receive the financial statements for the period ended 28 February 2021

SUMMARY AND KEY ISSUES

There are some variances between the year to date budget and the actual expenditure and income to the 28 February 2021. Information on the variances and these include:-

- Grants and Subsidies
- Contributions
- Employee Costs
- Materials and Contracts
- Capital Expenditure.

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.

CONSULTATION

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

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan.

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

The following is a summary of the overall variances between the revised year to date budget and the Actual expenditure and Income to the 28th February 2021.

Total Operating Revenue – The operating income is 13% over the expected YTD income to be received to the 28th February 2021. This is not additional income and mainly due to contribution invoices sent for the Library joint venture.

Total Operating expenditure- This is 9% less than the year to date budget and mainly relates to Insurance, materials and contractors.

Capital expenditure- The capital expenditure for the 8 months to February 2021, shows the works on the Johnston Street reseal, replacement of the Bore, Reticulation upgrade and Purchase of Vehicles.

Further Specific Information

The following comments relate to year-to-date (YTD) **Revised budget** versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

(1) Grants & Subsidies- (\$109,000)

The Grants and Subsidies year to date budget income. Includes funding for the Local Roads & Community Infrastructure projects totalling \$127,981 (phase 1= \$49,831; Phase 2 =\$78,350. The year to date budget includes both grants being received in February 2021, however this is yet to occur.

(2) Contributions & Reimbursements- \$244,000

The actual income is \$244,000 more than the year to date budget and is mainly due to the invoices for Library Joint Venture 3rd Quarter contributions being sent.

(3) Employee Costs- \$ 32,000

The amount of \$32,000 is less than the year to date budget as the revised budget has been corrected.

(4) Materials & Contract-(\$266,000)

This year's actual expenditure is some \$266,000 less than the year to date budget and relates to the projects not yet commenced.

(5) Capital Expenditure- total Expenditure \$409,000

The total amount of capital works equate to \$1,086,544. As at the 28th February 2021, Council has expended \$409,000 which consist of the following:-

- Land & Buildings - \$ 45,212
- Plant & Equipment- \$ 38,177
- Roads \$170,373
- Other Infrastructure \$ 155,871

Full details of the individual project costs are shown on page 11 of the Financial Statements.

OFFICER RECOMMENDATION/S – ITEM NO. 8.3.1

That Council receive the financial report for the period 1 July 2020 to 28 February 2021.

8.3.2 Accounts Paid February 2021

CORPORATE

ATTACHMENT DETAILS

Attachment No	Details
Attachment	Accounts Paid – February 2021

Voting Requirement : Simple Majority
 Subject Index : Accounts Paid February 2021
 Disclosure of any 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 and direct debits since the last report.

SUMMARY AND KEY ISSUES

Significant payments in February 2021 included the following:

- GST & PAYG remittance to ATO;
- Waste Management Services
- IT Services
- WA Superannuation
- New Reticulation for Manners Hill Reserve
- Final Instalment for Insurance Premiums

BACKGROUND

The Attachment lists details of all payments made in February 2021 since the last report. The following summarises the cheques, credit card payments, electronic fund transfers and direct debits included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT 398-401	\$188,562.28
Direct Debits	DD00201-213	\$ 14,333.63
BPAY	BPAY175-183	\$ 1,331.99
Cheque- Petty Cash	CHQ440	\$191.20
Credit Cards	December	\$5,236.34
Credit Cards	January 2021	\$6,693.95
		\$216,349.39

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 2020/21 annual budget.

OFFICER COMMENT

The List of Accounts paid are provided to Council for information purposes and in accordance with the delegation to the CEO.

OFFICER RECOMMENDATION/S – ITEM NO 8.3.2

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

- 1. Cheques, electronic funds transfers, direct debit payments for the month of February 2021, totalling \$ 204,419.10**
- 2. Credit card payments for December 2020 & January 2021 totalling \$11,930.29**

8.4 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Community Development - Heritage Assistance Fund

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

Attachment No	Details
Attachment	Nil

Voting Requirement : Simple Majority
Subject Index : Heritage Assistance Fund
Disclosure of Interest : Nil
Author : CEO, Don Burnett
Responsible Officer : CEO, Don Burnett

PURPOSE OF REPORT

Council can consider in the 2021/22 draft budget funding to implement a heritage assistance fund to assist property owners with properties on the Shire's heritage list to undertake conservation projects.

SUMMARY AND KEY ISSUES

- The Shire has just over 150 properties on the heritage list.
- Heritage preservation has been identified by the Strategic Community Plan as a key issue, with heritage character highly valued by the community.
- The cost of repairing and properly restoring properties carries a premium cost.
- Council has the opportunity to establish a heritage assistance fund to provide financial assistance to owners of properties on the heritage list to undertake conservation works.

LOCATION

The Shire of Peppermint Grove.

BACKGROUND

The Shire has 152 properties on the heritage list, the majority of these private residences. Conservation works are important in preserving the integrity of these properties. A number of local governments with significant numbers of properties on their heritage list recognise the importance of conservation of these heritage properties and therefore offer grants to assist owners undertake conservation works in keeping with the heritage values of the property.

CONSULTATION

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

STRATEGIC IMPLICATIONS

The current Strategic Community Plan is under review and has been subject to community consultation. Preservation of heritage has been identified as a key issue during the review.

POLICY IMPLICATIONS

A Heritage Assistance Fund policy and conditions of funding will be developed.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

Should the recommendation be endorsed, \$50,000 will be included in the draft 2021/22 budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The heritage grant scheme would be established to provide financial assistance to property owners with properties on the heritage list. The grant is intended to encourage owners to retain the heritage fabric of their properties. The grant would be on a dollar for dollar basis and could be up to \$5,000. Details of the actual grant conditions would be developed once a budget has been established.

Funded works would generally relate to conservation works that preserve the fabric of the property and the visual amenity in the public realm. Some structural works may also be funded if deemed necessary to preserve the structural integrity of the property. Works that may be eligible for funding could include:

- Re-pointing and re-lining
- Fencing/wall repairs that are integral to the heritage fabric
- Paint removal
- Re-roofing and guttering
- Chimney repairs
- Removal of render
- Reinstatement of facades
- Veranda re-tiling

The above list is not exhaustive and applications for a grant would be considered as part of an approval process and subject to the eligibility guidelines. Works would need to be sympathetic to the character and significance of the property. Council may require works over a certain value to be supported by a heritage architects' conservation/works plan commissioned by the owner.

Applicants would still be required to comply with the Shire's planning and building requirements for heritage listed properties. Funding would be retrospective and paid at the completion of the works. The Shire would not be inspecting works and would require the owner or their architect to certify the works at the completion of the project.

OFFICER RECOMMENDATION/S – ITEM NO 8.4.1

That Council include in the draft 2021/22 budget an amount of \$50,000 for the implementation of a Heritage Assistance Fund.

8.4.2 Matters for Information and Noting**MANAGEMENT/GOVERNANCE/POLICY****ATTACHMENT DETAILS**

<u>Attachment</u>	<u>Details</u>
	Building Permits Issued Planning Approvals Issued Infringements Issued Library Statistics Recycling Statistics Library Management Group Meeting Notes

Voting Requirement : Absolute majority
Subject Index : Matters for Information February 2021
Disclosure of any 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 for 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 also 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/dogs etc
- Waste and recycling data
- Library statistics
- Library Management Group Meeting Notes

SUMMARY AND KEY ISSUES

The following reports are presented to Council:

1. Building Permits Issued
2. Planning Approvals Issued
3. Infringements Issued
4. Library Statistics
5. Recycling Statistics
6. Library Management Group Meeting Notes 18 February 2021

CONSULTATION

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

OFFICER COMMENT

The Library Management Group Notes – attached are the notes from the 18 February meeting. Please note that this group is supporting further support for the West Coast Community Centre by waiving their MOU fee of \$4,500 for the 6 months, to 30 June 2021, with possible further assistance, subject to COVID impact.

OFFICER RECOMMENDATION – ITEM NO. 8.4.2

That Council:

1. **Receives the information in this report; and**
2. **Waives the West Coast Community Centre's MOU contribution of \$4,500 for the period 1 January - 30 June 2021 due to the ongoing impact of COVID 19 on their operations.**

8.5 COMMITTEE REPORTS

The Audit Governance and Risk Committee Meeting is to be held prior to the Ordinary Council Meeting 23 March at 5pm. The Committee Recommendation will be tabled at the Ordinary Council Meeting on 23 March 2021.

8.5.1 Compliance Audit Return 2020

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Compliance Audit Return 2020

Voting Requirement : Simple Majority
Subject Index : Governance/ Reporting
Disclosure of any Interest : Nil
Author : Michael Costarella
Responsible Officer : Don Burnett

PURPOSE OF REPORT

The purpose of this report is to present to Council the 2020 Compliance Audit Return (CAR) for adoption and endorsement

SUMMARY AND KEY ISSUES

The compliance audit return is an annual self-assessment of the legislative requirement of the Local Government Act and its Regulations.

LOCATION

N/A

BACKGROUND

Completion of the Compliance Audit Return is a Statutory requirement and requires endorsement by the Audit Committee and adoption by Council.

Following the CAR being presented to Council, a certified copy of the return along with the relevant section of the minutes and any additional information be submitted to the Director General of the Department of Local Government no later than the 31 March 2021. (certified means Signed by the President and the CEO).

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

Local Government (Audit) Regulations 1996- Clause 14

14. Compliance audits by local governments

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
 - (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit,**is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- (2) *In this regulation —*
certified *in relation to a compliance audit return means signed by —*
 - (a) *the mayor or president; and*
 - (b) *the CEO.*

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The 2020 CAR consisted of 102 Questions within the following compliance areas:-

- | | |
|---|--------------|
| • Commercial Enterprises by Local Governments – | 5 Questions |
| • Delegation of Power / Duty- | 13 Questions |
| • Disclosure of Interest- | 21 Questions |
| • Disposal of Property- | 2 Questions |
| • Elections- | 3 Questions |
| • Finance- | 11Questions |
| • Integrated Planning and Reporting- | 3 Questions |
| • Local Government Employees- | 6 Questions |
| • Official Conduct- | 4 Questions |
| • Optional Questions- | 10 Questions |
| • Tenders for Providing Goods and Services- | 24 Questions |

There are two items of non-compliance in the 2020 return. This relates to the review of the Corporate Business Plan and the Community Strategic Plan. Both these plans will be reviewed prior to the 30 June 2021.

OFFICER RECOMMENDATION/S – ITEM NO 8.5.1

That Council adopts the 2020 Compliance Audit Return as attached to the Audit, Risk and Governance Management Committee Agenda of 23 March 2021.

9 NEW BUSINESS OF AN URGENT NATURE

NIL

10 MOTIONS ON NOTICE

(Automatically sent back to Administration for consideration at the next Council Meeting)

11 CONFIDENTIAL ITEMS OF BUSINESS

NIL

12 CLOSURE

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

DECLARATION OF

FINANCIAL / PROXIMITY / IMPARTIAL INTEREST

THAT MAY CAUSE A CONFLICT

TO: Chief Executive Officer
SHIRE OF PEPPERMINT GROVE

NAME: _____

POSITION: _____

MEETING DATE: _____

ITEM NO & SUBJECT: _____

**NATURE OF
INTEREST:**

Financial / Proximity / Impartiality
Interest that may cause a Conflict*

* Please Circle
applicable

**EXTENT OF
INTEREST:**

SIGNATURE: _____

DATE: _____

Section 5.65(1) of the *Local Government Act 1995* states that:

FINANCIAL & PROXIMITY INTERESTS

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.

DISCLOSURE OF 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.

“A member who has an interest in any matter to be discussed at a Council or Agenda Briefing Forum meeting that will be attended by that member must disclose the nature of the interest”:

- (a) *In a written notice given to the CEO before the meeting; or*
- (b) *At the meeting immediately before the matter is discussed.*