



Shire of  
Peppermint Grove

# AGENDA BRIEFING FORUM

## 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. Council does not make determinations at the Agenda Briefing forum.*

TO BE HELD ON  
**TUESDAY 14 JULY 2020**  
AT  
**5.30 PM**



Shire of  
Peppermint Grove

## NOTICE OF MEETING

Dear Councillor

It is advised that the **AGENDA BRIEFING FORUM** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on **14 JULY 2020**, commencing at 5.30 pm.

## MEETING AGENDA ATTACHED

Yours faithfully

**Mr Don Burnett**  
**CHIEF EXECUTIVE OFFICER**

**10 JULY 2020**

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### **DISCLAIMER**

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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

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Shire of  
Peppermint Grove

## AGENDA BRIEFING FORUM AGENDA

### 1 DECLARATION OF OFFICIAL OPENING

At \_\_\_ pm, the Shire President declared the meeting open 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.

### 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 Members

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

Chief Executive Officer  
Manager Development Services  
A/Manager Corporate Services & Community Services

Mr D Burnett  
Mr R Montgomery  
Mr Peter Barker

**Gallery**     \_\_\_\_\_ Members of the Public  
                  \_\_\_\_\_ Members of the Press

#### 2.2 APOLOGIES

Manager Library Services  
Manager Infrastructure Services  
Manager Corporate Services & Community Services

Ms D Burn  
Mr D Norgard  
Mr M Costarella



## **2.3 LEAVE OF ABSENCE**

NIL

## **2.4 NEW REQUEST FOR LEAVE OF ABSENCE**

NIL

## **3 DELEGATIONS AND PETITIONS**

### **3.1 DELEGATIONS**

NIL

### **3.2 PETITIONS**

NIL

DRAFT

## **4 PUBLIC QUESTION TIME**

The Presiding Member will open council for public question time by asking the gallery if there were any questions or deputation for council.

- The Agenda
- Question to Council Forms 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.

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**

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

## **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)**

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

## **7 CONFIRMATION OF MINUTES**

Nil adoption of Minutes at this Forum.

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## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 33A Leake Street – Repairs - Replace-roof tiles and Tuck Pointing

|  |   |
|--|---|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | 33A Leake Street – Repairs - Replace-roof tiles and Tuck Pointing |
| <b>OFFICER</b>                             | Ross Montgomery ~ Manager Development Services                    |
| <b>DELEGATION</b>                          | Nil   |
| <b>DISCLOSURE OF INTEREST</b>              |   |
| <b>OUTCOME OF DISCUSSION</b>               |   |

#### 8.1.2 33A Leake Street – Partial Demolition (Garage outbuilding)

|  |  |
|--|--|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | 8.1.2 33A Leake Street – Partial Demolition (Garage outbuilding) |
| <b>OFFICER</b>                             | Ross Montgomery ~ Manager Development Services                   |
| <b>DELEGATION</b>                          | Nil  |
| <b>DISCLOSURE OF INTEREST</b>              |  |
| <b>OUTCOME OF DISCUSSION</b>               |  |

#### 8.1.3 43 Johnston Street – Addition to the rear of existing heritage listed dwelling

|  |  |
|--|--|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | 43 Johnston Street – Addition to the rear of existing heritage listed dwelling |
| <b>OFFICER</b>                             | Ross Montgomery ~ Manager Development Services                                 |
| <b>DELEGATION</b>                          | Nil  |
| <b>DISCLOSURE OF INTEREST</b>              |  |
| <b>OUTCOME OF DISCUSSION</b>               |  |

**8.1.4 14 The Esplanade – Amendment to DA2019/00007 - Single Residence**

|  |   |
|--|---|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | 14 The Esplanade – Amendment to DA2019/00007 - Single Residence |
| <b>OFFICER</b>                             | Ross Montgomery ~ Manager Development Services                  |
| <b>DELEGATION</b>                          | Nil   |
| <b>DISCLOSURE OF INTEREST</b>              |   |
| <b>OUTCOME OF DISCUSSION</b>               |   |

**8.2 MANAGER INFRASTRUCTURE SERVICES**

Nil

**8.3 MANAGER LIBRARY SERVICES**

Nil

## 8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

### 8.4.1 Financial Statements

**Due to End of Financial Year (EOFY) the draft financial statements will be provided at a later date.**

### 8.4.2 Accounts Paid – June 2020

|  |   |
|--|---|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | Accounts Paid – June 2020                                   |
| <b>OFFICER</b>                             | Michael Costarella ~ Manager Corporate & Community Services |
| <b>DELEGATION</b>                          | Nil   |
| <b>DISCLOSURE OF INTEREST</b>              |   |
| <b>OUTCOME OF DISCUSSION</b>               |   |

## 8.5 CEO / MANAGEMENT / GOVERNANCE / POLICY

### 8.5.1 Local Law Review

|  |                                      |
|--|--------------------------------------|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | Local law Review                     |
| <b>OFFICER</b>                             | Don Burnett, Chief Executive Officer |
| <b>DELEGATION</b>                          | Nil                                  |
| <b>DISCLOSURE OF INTEREST</b>              |                                      |
| <b>OUTCOME OF DISCUSSION</b>               |                                      |

### 8.5.2 Matters for Information and Noting

|  |                                      |
|--|--------------------------------------|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | Matters for Information and Noting   |
| <b>OFFICER</b>                             | Don Burnett, Chief Executive Officer |
| <b>DELEGATION</b>                          | Nil                                  |
| <b>DISCLOSURE OF INTEREST</b>              |                                      |
| <b>OUTCOME OF DISCUSSION</b>               |                                      |

## 8.6 COMMITTEE REPORTS

NIL

## 9 NEW BUSINESS OF AN URGENT NATURE

## 10 MOTIONS ON NOTICE

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

## 11 CONFIDENTIAL ITEMS OF BUSINESS

### 11.1 CEO Performance Review

|  |                                      |
|--|--------------------------------------|
| <b>ORDINARY COUNCIL MEETING ITEM TITLE</b> | CEO Performance Review               |
| <b>OFFICER</b>                             | Don Burnett, Chief Executive Officer |
| <b>DELEGATION</b>                          | Nil                                  |
| <b>DISCLOSURE OF INTEREST</b>              | CEO Don Burnett – Financial Interest |
| <b>OUTCOME OF DISCUSSION</b>               |                                      |

## 12 CLOSURE

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

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## AGENDA BRIEFING FORUMS

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### **Principles**

These are forums for Elected Members to become more informed on matters prior to formal consideration at the Ordinary Meeting of Council. The forums encourage open dialogue between Elected Members, Officers and members of the public, and allow Elected Members to gain maximum knowledge and understanding of issues prior to presentation at the Ordinary Meetings of Council.

Agenda forums involve Elected Members, staff, residents and/or their representatives, and external advisors (where appropriate) and will be open to the public.

Agenda forums provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Meeting of Council for formal consideration and decision.

Agenda Briefing Forums are not decision-making forums and items on the agenda are not to be debated at the Forum.

### **Process**

Agenda Briefing Forums occur two weeks prior to a Council meeting and consider the agenda prepared for the next Ordinary Meeting of Council.

The Agenda should be read in conjunction with the agenda for the next Ordinary Meeting of Council which will be issued at the same time. Both agendas will be publicly available in the Library and on the Shire's website.

The Agenda Briefing Forum will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995 and as detailed in the meeting procedure for the Ordinary Meeting of Council.

The Chief Executive Officer will ensure timely written notice and an agenda for each forum will be provided to all Elected Members. The agenda will be available to the public at the Library and on the Shire's website.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

The Meeting Procedures for the Ordinary Meetings of Council will generally apply including procedures around deputations and questions from the public which will be adhered to.

There is to be no debate or decision-making amongst Elected Members on any matters raised, however elected members may seek further information or request additional information be supplied prior to the Ordinary Meeting of Council.

Relevant employees of the Shire will make a presentation on agenda items and be available to respond to questions on matters listed on the agenda.

All Elected Members will be given a fair and equal opportunity to participate.

The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.

Elected Members, employees and relevant consultants shall disclose their interests on any matter listed in accordance with the meeting procedure for Ordinary Meetings of Council.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record requests for further information and any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and shall be posted on the Shire's website.

Additional requested information will be provided to elected members prior to the Ordinary Meeting of Council as soon as available.

Members of the public may make a deputation by making a written request to the Chief Executive Officer on the working day immediately prior. Deputations must relate to matters listed on the agenda.

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## **DECLARATION OF FINANCIAL / PROXIMITY / IMPARTIAL INTEREST THAT MAY CAUSE A CONFLICT**

**TO:** Chief Executive Officer  
SHIRE OF PEPPERMINT GROVE

**NAME:**

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**POSITION:**

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**MEETING DATE:**

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**ITEM NO & SUBJECT:**

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**NATURE OF  
INTEREST:**

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

\* Please Circle  
*applicable*

**EXTENT OF  
INTEREST:**

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**SIGNATURE:**

---

**DATE:**

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**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.*