

# AGENDA

## Special Council Meeting

Monday 31 March 2025

### Notice of Meeting

Mayor & Councillors

A Special Council Meeting of the City of Nedlands is to be held on Monday, 31 March 2024 in the Council chambers at 71 Stirling Highway Nedlands commencing at 3:30pm.

This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](#)



**Keri Shannon | Chief Executive Officer**  
31 March 2025



## Information

Special Council Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing Council or attending meetings please contact the Executive Officer on 9273 3500 or [council@nedlands.wa.gov.au](mailto:council@nedlands.wa.gov.au)

## Public Question Time

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member or Employee.

Questions should be submitted as early as possible via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

## Addresses by Members of the Public

Members of the public wishing to address Council in relation to an item on the agenda must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

## Disclaimer

Members of the public who attend Council Meetings Agenda Forum should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.



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**1. DECLARATION OF OPENING**

The Presiding Member will declare the meeting open at 3:30pm and will draw attention to the disclaimer on page 2 and will advise that the meeting is being livestreamed and recorded.

**2. PRESENT AND APOLOGIES AND LEAVE OF ABSENCE**

**Councillor**

Mayor F E M Argyle	(Presiding Member)
Councillor B Brackenridge	Melvista Ward
Councillor R A Coghlan	Melvista Ward
Councillor H Amiry	Coastal Districts Ward
Councillor K A Smyth	Coastal Districts Ward
Councillor H Hodsdon	Hollywood Ward
Councillor F Bennett	Dalkeith Ward
Councillor N Youngman	Dalkeith Ward

**Staff**

Ms K Shannon	Chief Executive Officer
Ms A Alderson	Director Corporate Services
Mr B Thompson	Director Planning and Development
Mr S Amasi	Director Technical Services
Ms T Douglas	Executive Assistance to CEO
Ms A Martin	Coordinator Governance Legal Risk

**Leave of Absence**

**Apologies**

**Members of the Public**

**Press**

**3. PUBLIC QUESTION TIME**

Public questions submitted to be read at this point.

**4. ADDRESS BY MEMBERS OF THE PUBLIC**

Addresses by members of the public who have completed Public Address Registration Forms to be made at this point.



## **5. DISCLOSURES OF FINANCIAL INTEREST**

The Presiding Member to remind Council Members and Staff of the requirements of Section 5.65 of the Local Government Act to disclose any interest during the meeting when the matter is discussed.

A declaration under this section 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.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

## **6. DISCLOSURES OF INTEREST AFFECTING IMPARTIALITY**

The Presiding Member to remind Council Members and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the Local Government Act. Council Members and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure. "With regard to the matter in item x ..... I disclose that I have an association with the applicant (or person seeking a decision). This association is ..... (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly." The member or employee is encouraged to disclose the nature of the association.

## **7. DECLARATION BY MEMBERS THAT THEY HAVE NOT GIVEN DUE CONSIDERATION TO PAPERS**

Members who have not read the business papers to make declarations at this point.



**8. REPORTS**

**8.1 Audit Risk and Improvement Committee**

ARC61.03.25	Annual Compliance Audit Return 2024
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<b>Meeting &amp; Date</b>	Special Council Meeting – 31 March 2025
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Alyce Martin - Coordinator Governance Legal and Risk
<b>CEO</b>	Keri Shannon –Chief Executive Officer
<b>Attachments</b>	1. Confidential Attachment - Compliance Audit Return 2024

**Purpose**

The purpose of this report is for Council to consider the adoption of the Annual Compliance Audit Return 2024.

The return is required to be submitted to the to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.

**Committee Recommendation**

To follow

**Administration Recommendation**

That in addition to the Committees Recommendation a copy of the Compliance Audit Return as submitted to the Department of Local Government, Sport and Cultural Industries be included in the Public Minutes as published on the City’s website.



## Voting Requirement

Simple Majority.

## Background

All Local Governments are required to submit an annual Compliance Audit Return (**CAR**) to the Department of Local Government, Sport and Cultural Industries by 31 March each year for the previous calendar year. The CAR is used to measure the level of compliance with the *Local Government Act 1995* and associated Regulations.

## Discussion

The City's 2024 CAR was completed in March by Management following a review and assessment of:

- Council meeting agendas and minutes;
- Performance plans, media advertisements, procedures and policies, registers, delegation records, local laws; and
- Interviews with responsible officers.

Each Local Government Authority is required to complete a CAR for the period 1 January 2024 to 31 December 2024. The CAR must be submitted to the the Department by 31 March 2025. The CAR is one of the tools that allows Council to monitor how the organisation is functioning. It places emphasis on the need to bring to Council's attention issues of noncompliance, or issues where full compliance was not achieved. In addition to explaining or qualifying cases of noncompliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance.

The document contains 97 questions in order to assess a local government's compliance with the legislative framework. Under regulation 14 of the *Local Government (Audit) Regulations 1996*, sub regulation (3A) the audit committee is to review the CAR and report to Council the results of that review. The CAR is then to be presented to the Council and adopted by Council and the resolution recorded in the minutes. The compliance areas include:



TOPIC	NUMBER OF QUESTIONS
Commercial Enterprises by Local Governments	5
Delegation of Power / Duty	13
Disclosure of Interest	21
Disposal of Property	2
Elections	3
Finance	7
Integrated Planning & Reporting	3
Local Government Employees	5
Official Conduct	4
Tenders for Providing Goods and Services	22
Integrated Planning	3
Optional Questions	9

In the reporting period the City identified 3 areas of non-compliance.

These refer to the following –

**1. Finance - Question 3**

- 3. Was the auditor’s report for the financial year ended 30 June 2024 received by the local government by 31 December 2024?**

The auditor’s report was not received prior to 31 December 2024 as the City was granted an extension by the Minister. This has impacted the City’s ability to answer Finance Question 4, 5, 6 and 7 of the CAR. Those questions could not be answered as they required the auditor’s report.

**2. Disclosure of Interest – Question 5**

- 5. Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2024?**

A number of staff members who left the organisation prior to 1 July 2024 may not have complete annual returns. Searches are still ongoing to locate physical copies of hard copy returns.





### 3. Disclosure of Interest – Question 6

- 6. On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return?

There have been delays in acknowledgment of primary and annual returns from 2024 which have now been rectified in the City’s reporting system.

### Consultation

Relevant staff were requested to complete those questions of the CAR that related to their service areas. All responses were then collated and incorporated into the CAR by the designated officer.

### Strategic Implications

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes as follows:

<b>Vision</b>	<b>Sustainable and responsible for a bright future</b>
<b>Pillar</b>	<b>Performance</b>
<b>Outcome</b>	11. Effective leadership and governance.

### Budget/Financial Implications

The 2024 Compliance Audit Return has been conducted using internal resources and there are no other financial impacts.



## Legislative and Policy Implications

### Local Government (Audit) Regulations 1996

#### Regulation 14

- (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.
15. 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.



In accordance with [Regulation 14 and 15 of the Local Government \(Audit\) Regulations 1996](#) the 2024 Annual Compliance Audit Return must be:

1. Presented to the Audit and Risk Committee for review and then presented to Council;
2. Adopted by Council;
3. Recorded in the minutes of the meeting at which it was adopted; and

A certified copy of the return, along with a copy of the minutes recording its adoption, to be submitted to the Department by 31 March 2025.

## Decision Implications

Should Council choose to adopt the 2024 Compliance Audit Return for submission to the Department of Local Government Sport and Cultural Industries the City would fulfil its prescribed statutory requirements in [regulation 13 of the Local Government \(Audit\) Regulations 1996](#).

Should Council choose not to adopt the 2024 Compliance Audit Return for submission to the Department of Local Government Sport and Cultural Industries Council would be in breach the prescribed statutory requirements in [regulation 13 of the Local Government \(Audit\) Regulations 1996](#).

## Conclusion

Council is now required to consider the Compliance Audit Return for adoption.

## Further Information

Nil



9. **CONFIDENTIAL ITEMS**

Nil

10. **DECLARATION OF CLOSURE**

There being no further business, the Presiding Member will declare the meeting closed.