

Ordinary Council Meeting

Minutes for Tuesday 15 October 2019

UNCONFIRMED



**city of
kalamunda**

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1. Official Opening

The Presiding Member opened the meeting at 6:30pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

John Giardina - (Mayor) (Presiding Member)

Michael Fernie

Geoff Stallard

South West Ward

Lesley Boyd

Allan Morton

Brooke O'Donnell

North West Ward

Dylan O'Connor

North Ward

Cameron Blair

Kathy Ritchie

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Brett Jackson - Director Asset Services

Jamie Paterson - Acting Director Corporate Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

Management Team

Darren Jones - Manager Community Development

Nadine Popelier – Coordinator Community Services

Nicole O'Neill – Manager Customer & Public Relations

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 9

Members of the Press 1.

Apologies

Gary Ticehurst - Director Corporate Services

Leave of Absence Previously Approved

Cr Sara Lohmeyer – Leave of Absence

Cr David Almond - Absent

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting 24 September 2019

3.1.1 Peter Forrest 36 Panoramic Terrace Kalamunda

Q. In relation to the Maddington Kenwick Strategic Employment Area can Council urgently find means of retaining all mature tree cover existing in the Kalamunda Wedge area?

A. The Director Development Services has provided the following in response:

The Maddington Kenwick Strategic Employment Area (MKSEA) sits mostly within the City of Gosnells (CoG), and partly within the City of Kalamunda (the City), located at the southern end of Wattle Grove, south of Welshpool Road East.

The following is noted in respect to tree retention within the City of Kalamunda portion of the MKSEA area:

1. The City's Local Planning Scheme No. 3 defers to State or Federal legislation in relation to tree protection. The City encourages the retention of vegetation where practicable at the Development Application and Subdivision stage of development (Clause 5.18 of Local Planning Scheme No. 3).
2. The MKSEA area is located within a Special Control Area. In respect to retention of vegetation the Scheme requires all subdivision and/or development applications within the MKSEA area to be designed in accordance with the Design Guidelines for the area and be supported by environmental reporting to support the proposed development(s).
3. To date, development and subdivision applications considered in the MKSEA area have been supported by environmental reporting, with the reports finding the quality of vegetation on the site was low, highly degraded and included introduced species.
4. Where retention of vegetation is concerned, the following provisions of the Design Guidelines should be noted:
 - a) Landscaping strips to be provided in accordance with Figure 7 (3-4 metre landscaping strips).
 - b) Clause 2.5.1:
 - i. All Development Applications to be supported by a Landscape Intent Plan.
 - ii. A minimum of 5% of the total lot area is to be allocated for landscaping purposes, which includes the minimum landscaping strip provided along all street frontages.
 - iii. The landscaping strip abutting street frontages is to be planted with large trees that have a minimum bag size of 100L at a spacing of 1 tree for every 10m of frontage, in addition to a variety of shrubs.
 - iv. Trees are to be planted within uncovered car parking areas at the rate of 1 per 4 car parking spaces.
 - v. There are no more than 6 adjoining car parking bays without the area being punctuated by a tree.
 - c) Clause 2.5.1

- i. One (1) verge tree for every 10m of street frontage.
5. The retention of vegetation is also dependent upon any fill required in response to the District Water Management Strategy (DWMS) and associated Local Water Management Strategy (LWMS). Due to a high water table, the DWMS and LWMS may require fill greater than 600mm, which may limit the retention of vegetation. This is the case with the lots developed, however the City intends that tree canopy will be revegetated over these sites through the landscaping provisions of the Design Guidelines.

3.1.2 Kathleen Edmonds Valcan Road, Orange Grove

- Q1. How regularly is the City of Kalamunda Intramaps system updated with source data from Landgate?
- A1. The IntraMaps Enterprise System is updated daily from Landgate Data, while the IntraMaps Public Mapping System is updated weekly. The data that is being referred to is predominantly the Subscription Data and is downloaded via data.wa.gov.au and contains Cadastre, Tenure, Property Street Address, Roads, Topography. The Aerial Imagery is updated Bi-Annually. A Summer Flight at 15cm resolution and a Winter Flight at 10cm resolution.
- Q2. In 2010 an MRS Amendment was applied for, and granted, on 41 Brentwood Road to change the zone from Rural to Rural Composite. What was the date of the change of zoning to rural composite approved?
- A2. The City does not have any record of a Metropolitan Region Scheme (MRS) amendment being approved over 41 Brentwood Road, Wattle Grove in 2010.
- 41 Brentwood Road is currently zoned Special Rural under the City's Local Planning Scheme No.3.
- Q3. Why does the City of Kalamunda Intramaps data not show the change?
- A3. The City does not have any record of a Metropolitan Region Scheme (MRS) amendment being approved over 41 Brentwood Road, Wattle Grove in 2010.
- Q4. Does the City of Kalamunda permit Sea containers to be fixed by commercial canopies between two containers? Other local governments consider this to be dangerous.
- A4. Sea containers in this configuration are capable of being approved but are typically subject to development approval and associated building permits where required. If through those approval processes, the canopy is certified as being structurally sound, it will be capable of receiving approval. The City would also consider the land use of the structure to ensure activities will be consistent with the Scheme and any relevant approvals on the site.
- Q5. The City of Kalamunda Local Planning Policy P-DEV-20 permits 300 square metres on rural composite and 200 square metres on special rural with specified set-backs. Is Council aware the proper at 41 Brentwood Road exceeds the permitted allowances?

- A5. This policy applies to outbuildings which are used for domestic purposes and it does not apply to structures used for commercial purposes. The City is aware that buildings exist on the subject land that exceed the maximum sizes of Local Planning Policy No.20. It is possible for landowners to apply to construct buildings larger than the maximum sizes and dimensions of LPP20, and those applications are considered on their individual merit.

3.2. Public Question Time

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.

3.2.1 Peter Forrest 36 Panoramic Terrace Kalamunda

- Q. To enable to community access to City Services would it be possible for a whole of organisation chart to be made available to the public?

A. The CEO advised this would not be possible. The Customer Service system is designed to filter enquiries and allow responses to be provided in a timely matter.

3.2 Kathleen Edmonds, Vulcan Road, Orange Grove

- Q1. My questions refer to responses to questions taken on notice at the Ordinary Council Meeting of 24 September 2019. In light of the definition within the Planning Scheme of non-conforming use is it reasonable to assume no planning approvals have been issued by the City of Kalamunda for the property which was subject to my questions of 24 September?

- Q2. Has the City approved any planning applications for special rural zoned property 41 Brentwood Road?

- Q3. Has the City approved any form of truck vehicle parking on the non-conforming use property since the inception of non-conforming use?

- Q4. What action has the City taken against the landowner for non-compliance of non-conforming use?

- Q5. Will the City clarify if the City's response to question 4, asked at the Ordinary Council Meeting 24 September 2019 merely a general response or a response specifically relating to the property to which my question related?

- Q6. Could the answer to Question 5, asked at the Ordinary Council Meeting 24 September 2019, be clarified to the extent it is possible to give any approvals for development on the property?

A. Question 1 to 6 taken on notice.

4. Petitions/Deputations

- 4.1 A deputation was received from Ms Sharron Yarran in relation to Item 10.1.2 Reconciliation Action Plan – Adoption. Ms Yarran spoke in favour of the recommendation.

5. Applications for Leave of Absence

- 5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

- 6.1 RESOLVED OCM 237/2019

That the Minutes of the Ordinary Council Meeting held on 24 September 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (10/0)**

7. Announcements by the Member Presiding Without Discussion

- 7.1 The Presiding Member thank outgoing Councillors Morton and Fernie for their contribution to the City of Kalamunda.

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.1.3 Chief Executive Officer's Performance Review Committee Recommendation 1 October 2019 – **CONFIDENTIAL ATTACHMENT 1 & 2**
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affecting an employee or employees."*

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."*

- 8.2 Item 10.1.4 Forrestfield North - Progression of Local Structure Plans -
CONFIDENTIAL REPORT
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

- a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

9.1.1 Rhonda Hardy declared a Direct Financial Interest on Item 10.1.3 Chief Executive Officer's Performance Review Committee Recommendations 1 October 2019 as this relates to her performance contract and employment with the City of Kalamunda.

9.2. Disclosure of Interest Affecting Impartiality

- a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

10. Reports to Council

10.1. Chief Executive Officer Reports

10.1.1. Endorsement of Community Engagement Schedule for the Development of Local Planning Policy - Significant Trees

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

| | |
|----------------|-----------------------------|
| Previous Items | OCM 160/2018 & OCM 172/2019 |
| Directorate | Development Services |
| Business Unit | Strategic Planning |
| File Reference | 3.003948 |
| Applicant | City of Kalamunda |
| Owner | N/A |

| | |
|-------------|---|
| Attachments | 1. Communications Engagement Plan Schedule - Significant Trees [10.1.1.1 - 2 pages] |
|-------------|---|

EXECUTIVE SUMMARY

1. The Environmental Land Use Planning Strategy (ELUPS), adopted by Council in July 2019, incorporated an action to prepare a Local Planning Policy (LPP) to address the retention of significant trees on development sites.
2. A Community Engagement Schedule (CES) has been prepared for the Council's consideration to outline the engagement process to determine community opinion on how a 'significant tree' should be defined, and whether there is support for retaining trees on private land through development and subdivision processes.
3. It is recommended Council note the CES schedule as presented in Attachment 1 and endorses the initiation of consultation regarding the future preparation of a significant tree LPP.

BACKGROUND

4. The ELUPS was adopted by the Council at the Ordinary Meeting of 23 July 2019 (OCM 172/2019). Action 8.2.4 of the ELUPS states:

"Prepare a local planning policy to address retention of significant trees on development sites."

5. Further to the adoption of ELUPS, a CES has been prepared to determine community opinion on the retention of significant trees on development sites, which related to the adopted Action 8.2.4. The CES has been prepared with the intention of seeking community input prior to preparation of the LPP.

DETAILS

6. The aim of the CES preliminary engagement is to:
 1. Seek input from the community on the development of the LPP.
 2. To understand what considerations the community would like the City to consider when developing the LPP.
 3. To determine how the community feels a significant tree should be defined.

7. The CES Schedule (Attachment 1) involves a media release, social media, website feedback form, print advertising, a letter mail out to residents and targeted stakeholders, pop-up displays, and outdoor advertising.

8. The public will be notified for comment as well as targeted stakeholders including, but not limited to, the following groups:
 1. Kalamunda Environmental Advisory Committee;
 2. Kalamunda Aged Care Advisory Committee;
 3. Kalamunda Design Advisory Committee;
 4. State Government agencies;
 5. Utility providers;
 6. Neighbouring local governments;
 7. Urban Development Institute of Australia;
 8. Housing Institute of Australia; and
 9. Friends Groups.

9. It is anticipated that the CES, after preparation of the necessary materials, will commence during Q4 of 2019.

10. There are three key stages involved for community consultation to inform the preparation of the LPP for significant trees on development sites:
 1. The CES (Attachment 1) is the first stage involving preliminary engagement with the community on their views regarding tree protection on private land.
 2. The second stage involves reviewing submissions and preparing a draft LPP for significant trees, which will then be presented to Council for adoption to formally advertise the LPP.
 3. Stage three involves again reviewing community submissions on the draft LPP, making necessary modifications and then presenting the final policy to Council for adoption.

STATUTORY AND LEGAL CONSIDERATIONS

11. The CES is pre-consultation which will help form a draft LPP for significant trees. The draft LPP will undergo another statutory advertising process in accordance with regulatory requirements. The community have an opportunity to comment before preparation of the policy and on the draft LPP once released for advertising.

12. Any LPP is to be advertised for a minimum of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, cl. 4.

POLICY CONSIDERATIONS

13. P-DEV 45 Public Notification of Planning Proposals outlines minimum advertising requirements for the preparation of a LPP. In this case the CES goes above and beyond the requirements of the LPP to engage the community through preliminary engagement.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. The City's Strategic Planning and Public Relations officers are responsible for preparing and implementing the CES.

External Referrals

15. The public will be notified for comment as well as targeted stakeholders as outlined in the Details section of this report.

FINANCIAL CONSIDERATIONS

16. The total cost of implementing the CES preliminary engagement is approximately \$5,699. This does not include statutory advertising of the draft LPP. The cost of preliminary engagement will be drawn from the Strategic Planning advertising budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilitates and provides quality lifestyles choices.

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.1 - Enhance our bushland, natural areas, waterways and reserves.

Strategy 2.1.2 - Support the conservation and enhancement of our biodiversity.

Strategy 2.1.3 - Community engagement and education in environmental management.

SUSTAINABILITY

Social Implications

18. The preliminary engagement is seeking comment from the community on how they would define a significant tree, how much they value significant trees, and how the City should manage development and subdivision applications which could result in the removal of significant trees. Environmental values are a key consideration for any development/subdivision application or major project, and a key priority in the Kalamunda Advancing Strategic Community Plan 'Clean and Green' which indicates the local community highly value the natural environment.

Economic Implications

19. Preliminary engagement will seek community feedback on whether they think a development application should be required for a property which proposes to remove a significant tree, whether an applicant should provide offsets on the property for removal of a significant tree, or financial contributions for the removal of a significant tree or verge tree which is then used to plant trees elsewhere in the neighbourhood. Some of these options may propose additional fees or offset costs, the details of which will form part of the draft LPP which will be prepared after preliminary engagement is completed. There are industry accepted methods for undertaking an economic valuation of a tree which would assist in development of any offset or contribution scheme.

Environmental Implications

20. This consultation with the community will help with understanding views on the environment and how it is managed in the future.

RISK MANAGEMENT CONSIDERATIONS

21.

| | | |
|---|--------------------|---------------|
| Risk: The community will not feel they have been adequately engaged with and had opportunity to comment leading to reputational impacts. | | |
| Likelihood | Consequence | Rating |
| Possible | Insignificant | Low |
| Action/Strategy | | |
| Council adopt the CES and initiate consultation. | | |
22.

| | | |
|--|--------------------|---------------|
| Risk: There are low levels of response or interest during consultation in accordance with the CES which could lead to policy development that is not reflective of community needs. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Insignificant | Low |
| Action/Strategy | | |
| Ensure that the CES includes appropriate consultation methods and engages with a diverse range of community members. | | |

OFFICER COMMENT

- 23. This CES is an important step to fulfil a key action from the ELUPS - to prepare a LPP addressing the retention of significant trees on development sites.
- 24. Preparation of an LPP will establish guidance for the assessment of subdivision and development applications and provide certainty for developers, landowners and the community regarding expectations for tree clearing and protection on development sites.

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| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 238/2019

That Council ENDORSE implementation of the Community Engagement Schedule relating to consultation prior to the preparation of a Significant Tree Local Planning Policy, as provided in Attachment 1 – Community Engagement Plan Schedule.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.2. Reconciliation Action Plan - Adoption

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

| | |
|----------------|--|
| Previous Items | OCM 34/2017, OCM 15/2017 and OCM 24/2019 |
| Directorate | Office of the CEO |
| Business Unit | Community Development |
| File Reference | |
| Applicant | City of Kalamunda |
| Owner | City of Kalamunda |
| Attachments | 1. City of Kalamunda Innovate RAP 2019 - 2021 [10.1.2.1 - 21 pages] |

EXECUTIVE SUMMARY

1. This report seeks the final endorsement of the City of Kalamunda's (the City) Reconciliation Action Plan (RAP) 2019.
2. At the Ordinary Council Meeting (OCM) of 26 February 2019, Council adopted the draft RAP for the purposes of advertising for public comment.
3. This report recommends the City of Kalamunda endorse the Innovate Reconciliation Action Plan.

BACKGROUND

4. A Reconciliation Action Plan is recognised as a significant commitment towards building better awareness, understanding and relationships between the wider Australian community and Aboriginal and Torres Strait Islander people for the benefit of all Australians.
5. Reconciliation Australia (RA) is the lead not-for-profit body for reconciliation in Australia. Reconciliation Australia's RAP Framework provides organisations with a structured approach to advance reconciliation.
6. There are four different types of RAP's that an organisation can develop:
 - a) Reflect,
 - b) Innovate,
 - c) Stretch, and
 - d) Elevate.Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey.
7. There are formal reporting requirements to a RAP as set by Reconciliation Australia including endorsement, an official launch and regular reporting.

8. All RAP's include four key outcome areas with actions, deliverables and timelines identified under each of these categories:
- a) Respect;
 - b) Relationship;
 - c) Opportunities; and
 - d) Governance and Reporting.

DETAILS

9. The draft RAP adopted by Council for public comment was developed on a 'Reflect' basis and advertised for a 30 day public comment period concluding on 30 April 2019.
10. At the end of the public comment period, community feedback received through engagement sessions resulted in minor changes to enhance the final document that were collated and incorporated into a final draft RAP.
11. The RAP was then submitted to RA for conditional endorsement. RA suggested that in consideration of the level of detail included in the plan plus the advanced steps already taken toward reconciliation the City consider amending the RAP from a Reflect RAP to an Innovate RAP.
12. In response to the advice from Reconciliation Australia, the City has amended the RAP to an Innovate style RAP.
13. To assist with the progression of deliverables within the RAP, a RAP Reference group has been established. Internally the City has developed a cross directorate Staff Project Working Group whereby representatives will assist with the implementation of the RAP.

STATUTORY AND LEGAL CONSIDERATIONS

14. There are currently no legal requirements or legislation for a Local Government Authority to have a Reconciliation Action Plan.

POLICY CONSIDERATIONS

15. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. The Consultants held a workshop with staff from various service areas within the City to obtain input that has been used to develop the RAP.
17. An internal strategic reconciliation training session was delivered by the consultants on 4 July 2018 to key administration personnel within the City to help raise awareness and educate them as to how they can contribute to the reconciliation process.

18. The same training was provided at a Councillor workshop held on 6 November 2018.

External Referrals

19. The following engagement sessions were undertaken to develop the RAP including:
- a) discussions with stakeholders including residents, local Aboriginal Elders, other significant members of the community and non-residents who have a connection to the area; and
 - b) a community stakeholder meeting held on 7 September 2018 which was attended by 40 persons including staff, residents and interested community members.
 - c) Development of the Staff Project Working Group
 - d) Development of the RAP Reference Group
20. An allocation of \$20,000 was approved by Council in the 2018/19 budget to engage a consultant to develop a RAP. This budget has been fully expended.
- A budget of \$15,000 has been approved for 2019/2020 to deliver key projects and objectives for the RAP's key deliverables.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.1: To be a community that advocates, facilitates and provides quality lifestyle choices.

Strategy 1.1.2: Empower, Support and engage with young people, families and our culturally diverse community.

Objective 1.3: To support the active participation of local communities.

Strategy 1.3.1: Support local communities to connect, grow and shape the future of Kalamunda.

Strategy 1.3.2: Encourage and promote the active participation in social and cultural events.

SUSTAINABILITY

Social Implications

22. By providing an opportunity to connect with local Aboriginal and Torres Strait Islander people, the City will connect the wider community and create opportunities for greater participation in City initiatives, operations and employment as well as encouraging harmonious relationships between Aboriginal and Torres Strait Islander people and the wider community.
23. The development of a RAP will recognise the importance of meaningful engagement, mutual respect, creating trust and utilising culturally appropriate practices and protocols to fully understand the needs of local communities and to develop positive outcomes.

Economic Implications

24. Establishing relationships with the local Aboriginal and Torres Strait Islander community guided by a formal RAP will assist with consultation requirements for any major development projects and with Section 18 Aboriginal heritage approvals.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

| | | | |
|-----|--|--------------------|---------------|
| 26. | Risk: A RAP is not progressed, and the City does not have a strategic direction in relation to our Aboriginal and Torres Strait Islander community. | | |
| | Likelihood | Consequence | Rating |
| | Almost Certain | Moderate | High |
| | Action/Strategy | | |
| | Review and revise actions in line with Council's preferred direction. | | |

OFFICER COMMENT

27. Anecdotal evidence indicates that RAPs are making a positive difference across Australian workplaces, universities, schools, governments and community organisations. The City of Kalamunda's first RAP is a significant milestone in the journey towards reconciliation.
28. To date, the City has taken steps towards reconciliation including:
- Introducing the acknowledgement of country at Council meetings;
 - Support towards events such as NAIDOC/Makaru;
 - A focus on culture, music and the arts through various events and the City's art gallery at the Zig Zag Cultural Centre.

29. Introducing a formal framework for reconciliation will ensure the City can continue to build relationships and turn good intentions into action.
30. It is recommended that Council adopts the Innovate RAP.

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| Voting Requirements: Simple Majority |
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RESOLVED OCM 239/2019

That Council ADOPTS the Innovate Reconciliation Action Plan as detailed in Attachment 1.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.3. Chief Executive Officer's Performance Review Committee Recommendations 1 October 2019

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Rhonda Hardy declared a Direct Financial Interest on Item 10.1.3 Chief Executive Officer's Performance Review Committee Recommendations 1 October 2019 as this relates to her performance contract and employment with the City of Kalamunda. Ms Hardy left the meeting at 7:08pm and returned at 7:10pm.

| | |
|-------------------------|---|
| Previous Items | |
| Directorate | Office of the CEO |
| Business Unit | Chief Executive Officer |
| File Reference | |
| Applicant | |
| Owner | |
| Attachments | Nil |
| Confidential Attachment | 1. Chief Executive Officer's Performance Review Committee Minutes 1 October 2019 2. CEO Performance Review 2019 - Minter Ellison |

EXECUTIVE SUMMARY

1. To approve and endorse the recommendations of the Chief Executive Officer's Performance Review (CEOPR) Committee held on 1 October 2019 and presented as Confidential Attachment 1.
2. To receive the final confidential report – CEO Performance Review 2019 from Minter Ellison presented as Confidential Attachment 2.

BACKGROUND

3. The City of Kalamunda CEOPR Committee formally determined to appoint MinterEllison to facilitate the review of the CEO's performance in FY2019.
4. The CEOPR Committee also undertook a review of the Chief Executive Officer's Salary for 2018/2019.

DETAILS

5. Minutes of the CEOPR Committee are presented as Attachment 1 of this report.

STATUTORY AND LEGAL CONSIDERATIONS

6. Section 5.38 of the *Local Government Act 1995 (WA)* and Regulation 18D of the *Local Government (Administration) Regulations 1996 (WA)*.

POLICY CONSIDERATIONS

7. The requirements of Council Policy entitled *Chief Executive Officer's Performance and Salary Review*.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

8. Not applicable.

External Referrals

9. Not applicable.

FINANCIAL CONSIDERATIONS

10. Confidential - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affecting an employee or employees."*

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

11. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

12. Not applicable.

Economic Implications

13. Not applicable.

Environmental Implications

14. Not applicable.

RISK MANAGEMENT CONSIDERATIONS

| 15. | Risk: The CEO Performance Review is not completed in accordance with Section 5.38 of the Local Government Act 1995 (WA) provides that all permanent employees including the CEO must have his or her performance reviewed annually. | | | | | | |
|-------------|---|-------------|------------|--------|--|--|--|
| | <table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> | Consequence | Likelihood | Rating | | | |
| Consequence | Likelihood | Rating | | | | | |
| | | | | | | | |
| | Action/Strategy | | | | | | |
| | Process complies with the relevant Policy and Procedure. | | | | | | |

OFFICER COMMENT

16. Nil.

Voting Requirements: Simple Majority

RESOLVED OCM 242/2019

That Council:

1. ACCEPTS and ENDORSES the recommendations of the Chief Executive Officer’s Performance Review Committee held on 1 October 2019 shown as Confidential Attachment 1.
2. RECEIVE the final confidential report – CEO Performance Review 2019 from Minter Ellison presented as Confidential Attachment 2.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.4. Forresterfield North - Progression of Local Structure Plans - CONFIDENTIAL REPORT

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

| | |
|----------------|--|
| Previous Items | OCM 14/2015, SCM 05/2015, OCM 15/2017, SCM 67/2018 |
| Directorate | Development Services |
| Business Unit | Strategic Planning |
| File Reference | PG-STU-035 |
| Applicant | City of Kalamunda |
| Owner | Various |
| Attachments | Nil |

RESOLVED OCM 243/2019

That Council ACCEPT the proposed variation submitted by Element for the lump sum value of \$102,200 (excl GST) for the Preparation of the Transit Oriented Development Precinct Local Structure Plan and finalising the associated technical studies as per Element's original eQuote proposal.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (10/0)**

11. Motions of Which Previous Notice has been Given

11.1. Kalamunda Civic Functions Policy (Cr O'Connor)

RESOLVED OCM 240/2019

| |
|---|
| Voting Requirements: Simple Majority |
|---|

That Council:

1. REQUEST the Chief Executive Officer to investigate and develop a draft City of Kalamunda Civic Functions Policy that includes the following functions but is not limited to this list.
 - a) Mayoral Reception
 - b) Volunteer recognition
 - c) Employee recognition and celebration
 - d) Australia Day
 - e) ANZAC Day and Remembrance Day
 - f) Citizenship functions
 - g) Official opening of council facilities
 - h) Christmas functions
 - i) Other Civic ceremonies and Appreciation functions.

2. REQUEST the Chief Executive Officer to present the draft policy to Council for the purposes of public advertising prior to final adoption.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Rationale

1. There has been considerable community commentary and response to the Mayoral Dinner held earlier this year. In response to questions that have been put to me directly, I propose that the Council develop a policy that guides all future City civic functions.
2. To fulfil its objectives, the Council and the City of Kalamunda will conduct various civic functions and receptions, hold official openings of Council facilities and other specific receptions or functions from time to time as the need arises.
3. Recognition of outstanding contributions by community members is a key objective for the City and requires the presentation of appropriate awards and invitations to an appreciation or civic function held in the year of such awards.
4. The development of a policy will provide transparency regarding the types of civic functions and ceremonies held by the Mayor, the elected members and City of Kalamunda.

5. The policy will provide guidance for the approval of such civic functions, ceremonies, and receptions and have regard to purpose and acceptable standards and costs.
6. Civic, ceremonial functions and awarding of formal honours, fosters relationships with the community and Council. It also recognises and celebrates individual and community achievements and promotes a proud and harmonious City.
7. The inclusion of key stakeholders can help to build positive relationships with those who may assist the City in realising its Vision.
8. The draft policy should be adopted by Council for the purposes of public advertising, seeking comments from the community.
9. Council should be mindful that any funds that are allocated towards the provision of civic functions comes from the rates paid by the residents. We need to continually strive to ensure that rate revenue is spent to achieve the goals set out in our strategic planning documents in a cost effective and transparent way.
10. I ask that you support this motion to develop a draft civic functions policy.

Officer Comments

Officers are supportive of the development of a Policy.

It is noted that events such as ANZAC Day and Remembrance Day are not run by the City of Kalamunda. The City provides a support role to the Local Returned Services League.

12. Questions by Members Without Notice

12.1 Meeting with Minister Saffioti (Cr Giardina)

- Q. Why was the meeting with the Minister cancelled for tomorrow?
- A. The CEO advised the City has received some legal advice which requires consideration before meeting with the Minister.

13. Questions by Members of Which Due Notice has been Given

13.1 Nil.

14. Urgent Business Approved by the Presiding Member or by Decision

14.1 Nil.

15. Meeting Closed to the Public

15.1 RESOLVED OCM 241/2019

That the Meeting be closed to the public to consider confidential items.

Moved: **Cr Cameron Blair**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The Meeting closed to the public at 7:09pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 242/2019

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The Meeting reopened to the public at 7:10pm. A member of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

16.1 Nil.

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:14pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2019.