

Special Council Meeting

Minutes for Tuesday 29 October 2019

UNCONFIRMED



**city of
kalamunda**

INDEX

1. Official Opening.....	3
2. Attendance, Apologies and Leave of Absence Previously Approved.....	3
3. Public Question Time	4
4. Petitions/Deputations.....	4
5. Announcements by the Member Presiding Without Discussion	4
6. Matters for Which the Meeting may be Closed	4
7. Disclosure of Interest.....	4
8. Reports to Council.....	6
8.1. Chief Executive Officer Reports	6
8.1.1AAppointment to Audit & Risk Committee.....	6
8.1.1BAppointment to Chief Executive Officer's Performance Review Committee	6
8.1.1. Appointment of Councillors to External, Management and Advisory Committees 2019/2021	7
8.1.2. Development Assessment Panels - Nomination of Members	11
8.1.3. Community Appointment on City of Kalamunda Advisory Committee Nominations 2019/2021	15
9. Meeting Closed to the Public.....	21
10. Closure	21

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 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
Janelle Sewell
Geoff Stallard

South West Ward

Lesley Boyd
Mary Cannon
Brooke O'Donnell

North West Ward

Sue Bilich
Lisa Cooper
Dylan O'Connor

North Ward

Cameron Blair
Kathy Ritchie
Margaret Thomas JP (Mayor) Presiding Member

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services
Brett Jackson - Director Asset Services
Peter Varelis - Director Development Services
Simon Di Rosso - General Counsel & Executive Advisor

Management Team

Nicole O'Neill - Manager Customer & Public Relations

Administration Support

Darrell Forrest - Governance Advisor
Donna McPherson - Executive Assistant to the CEO
Sarah Griffith - Council Support Officer

Members of the Public 0

Members of the Press 6

Apologies 0

Leave of Absence Previously Approved

3. 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 this meeting. For the purposes of Minuting, these questions and answers will be summarised.

3.1 Nil.

4. Petitions/Deputations

4.1 A deputation was presented by Mrs Bev Dornan in relation to Item 8.1.2 Development Assessment Panels - Nomination of Members.

5. Announcements by the Member Presiding Without Discussion

5.1 Nil.

6. Matters for Which the Meeting may be Closed

6.1 Item 8.1.3. Community Appointment on City of Kalamunda Advisory Committee Nominations 2019/2021 – **CONFIDENTIAL ATTACHMENT 1**

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

7. Disclosure of Interest

7.1. Disclosure of Financial and Proximity Interests

a. Members must disclose the nature of their interest in matter 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*.)

7.1.1 Nil.

7.2. 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.

7.2.1 Nil.

8. Reports to Council

8.1. Chief Executive Officer Reports

8.1.1A APPOINTMENT TO AUDIT & RISK COMMITTEE

The current practice of the City is to appoint all Councillors as members of the Audit & Risk Committee.

Voting Requirements: Absolute Majority

RESOLVED SCM 246/2019

1. That Council APPOINT all Councillors of the City of Kalamunda members of the Audit & Risk Committee for a term of two years, expiring on the next ordinary election day.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

8.1.1B APPOINTMENT TO CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE

The current practice of the City is to Councillors of the City of Kalamunda members of the Chief Executive Officer's Performance Review Committee.

Voting Requirements: Absolute Majority

RESOLVED SCM 247/2019

1. That Council APPOINT all Councillors of the City of Kalamunda members of the Chief Executive Officer's Performance Review Committee for a term of two years, expiring on the next ordinary election day.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

The Presiding Member adjourned the meeting for the purpose of convening a Special Meeting of the Audit and Risk Committee and a Special Meeting of the Chief Executive Officer's Performance Review Committee. The meeting adjourned at 6:38pm.

The meeting reconvened at 6:49pm.

8.1.1. Appointment of Councillors to External, Management and Advisory Committees 2019/2021

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	
Applicant	N/A
Owner	N/A

Attachments	1. Terms of Reference Advisory Committees 2019-2021 - October 2019 [8.1.1.1 - 61 pages]
	2. Management and Advisory Committees 2019 - Scheduling Information [8.1.1.2 - 2 pages]
	3. Councillor Delegates to Committees 2019-2021 [8.1.1.3 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to appoint delegates and representatives onto External, Management and Advisory Committees the period October 2019 to October 2021.
2. Council has been provided with an overview of the Terms of Reference and roles and responsibilities associated with each of the committees to which appointments will be made.
3. This report requires Council to approve the appointments by absolute majority.

BACKGROUND

4. The appointment of Council delegates is to ensure Council is always fully and formally represented.

DETAILS

5. Representation on the City of Kalamunda Management and Advisory Committees is outlined in the terms of reference, including the membership, as provided as Attachment 1.
6. Information as to frequency, day, time and location on each Committee meetings is provided in Attachment 2.
7. A brief description of the other committees to which delegates are sought is provided below for information. The number of delegates required for each group is advised in Attachment 3.
8. Western Australia Local Government Association East Zone (Zone)
The Zones is a group of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.
9. Perth Airports Municipalities Group
The Perth Airports Municipalities Group (PAMG) is a forum for local government and airport operators to discuss and resolve issues relating to airports which either directly or indirectly affect the local community.
10. Kalamunda History Village
The Kalamunda Historical Society Committee has responsibility for the day to day operations of the History Village and Stirk Cottage, on behalf of the City, under a Lease Agreement. A Councillor Delegate sits on the Committee.
11. Parks of the Darling Range Community Advisory Committee
The Parks of the Darling Range Community Advisory Committee is a regular forum to hear public opinion and exchange advice on management issues affecting the parks of the Darling Range.
12. Pickering Brook Taskforce Working Group
Terms of reference is provided within Attachment 1.
13. Metropolitan Regional Road Group
Purpose and membership provided within Attachment 1.

STATUTORY AND LEGAL CONSIDERATIONS

14. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*
Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.
Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.

POLICY CONSIDERATIONS

15. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. Nil.

External Referrals

17. Nil.

FINANCIAL CONSIDERATIONS

18. The administration cost to the City of providing support to the average Advisory Committee, on the basis of four meetings a year, is approximately \$4,000 to \$6,000 per Committee.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*
- Priority 1: Kalamunda Cares and Interacts**
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.
- Priority 4: Kalamunda Leads**
Objective 4.1 - To provide leadership through transparent governance.
Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

20. Advisory Committees provides the Council with community expertise to enhance decision making.

RISK MANAGEMENT CONSIDERATIONS

21.	Risk: Council does not appoint delegates to various Regional Committees and Groups and City Management and Advisory Committees		
	Likelihood	Consequence	Rating
	Unlikely	Significant	High
	Action/Strategy		
	Ensure Council recognizes the value-added benefit Advisory Committees bring to Council decision making.		

OFFICER COMMENT

22. Nil.

Voting Requirements: Absolute Majority

RESOLVED SCM 248/2019

That Council APPOINT those delegates set out in Attachment 3 to each of the Regional Committees, Groups and City of Kalamunda Management and Advisory Committees listed therein.

Moved: **Cr Cameron Blair**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

8.1.2. Development Assessment Panels - Nomination of Members

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

Previous Items
 Directorate
 Business Unit
 File Reference
 Applicant
 Owner

Development Services
 Approval Services

- Attachments 1. Development Assessment Panels - Local Government Nominations [**8.1.2.1** - 3 pages]

EXECUTIVE SUMMARY

1. To consider nominations to the Development Assessment Panel (DAP) for the Metro East Region following City of Kalamunda Councillor elections.

BACKGROUND

2. The *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations) commenced on 24 March 2011. DAPs commenced operation on 1 July 2011. The role of DAPs is to determine significant development applications in an attempt to simplify planning approvals.
3. A DAP comprises a mix of three technical experts and two local government representatives with the power to determine applications for development approval in place of the relevant decision maker. The local government representatives will only be required to sit on a DAP where the application is for a development in their local government area.

DETAILS

4. The City's current members on the Metro East Region DAP are:

Members	Alternate Members
Cr Dylan O'Connor	Cr Kathy Ritchie
Cr Sara Lohmeyer – Retired	Cr Brooke O'Donnell

5. Current DAP members will remain appointed for the balance of the current term expiring 26 January 2020. New DAP members will be appointed for the upcoming term expiring 26 January 2022.
6. All members will be required to attend a training workshop on planning law and Codes of Conduct. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.
7. It has become mandatory to refer a development proposal which has a total value of more than \$10 million to a DAP for determination. Exclusions to this mandatory requirement are for a single house, less than 10 grouped or

multiple dwellings and development by the local government or WA Planning Commission.

8. When an application is lodged with the City, which has a value between \$2 million and \$10 million, the applicant may nominate it be determined by a DAP rather than the responsible authority.

STATUTORY AND LEGAL CONSIDERATIONS

9. The Planning and Development (Development Assessment Panels) Regulations 2010 provide for the operation, constitution and administration of DAP's.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Nil.

External Referrals

12. Nil.

FINANCIAL CONSIDERATIONS

13. The DAP Regulations prevent a DAP member from attending a meeting without first completing mandatory training. Any DAP member who successfully completes training is entitled to be paid for their attendance at DAP training and DAP meetings.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *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

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: Nomination for a member on the Metro East Region DAP is not made.		
	Likelihood	Consequence	Rating
	Low	Unlikely	Moderate
	Action/Strategy		
	Ensure Council is aware of the implications for development approvals if there are not sufficient members appointed to the DAP.		

OFFICER COMMENT

19. Membership on a DAP will provide those with the training, the opportunity to consider development applications of a significant nature.

20. The City acknowledges Cr Dylan O’Connor, Cr Kathy Ritchie and Cr Brooke O’Donnell are nominated as a member until 26 January 2020.

21. New members and alterative members nominated will be appointed to 26 January 2022.

Voting Requirements: Absolute Majority

RESOLVED SCM 249/2019

That Council:

1. NOMINATES Cr Dylan O'Connor as the City of Kalamunda's member for the Metro East Joint Development Assessment Panel.
2. NOMINATES Cr Margaret Thomas as the City of Kalamunda's member for the Metro East Joint Development Assessment Panel.
3. NOMINATES Cr Brook O'Donnell as the City of Kalamunda's alternative member for the Metro East Joint Development Assessment Panel.
4. NOMINATES Cr Lesley Boyd as the City of Kalamunda's alternative member for the Metro East Joint Development Assessment Panel.

Moved: **Cr Cameron Blair**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

8.1.3. Community Appointment on City of Kalamunda Advisory Committee Nominations 2019/2021

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. CONFIDENTIAL ATTACHMENT - Community Appointments Only - October 2019 [8.1.3.1 - 10 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider community member nominations for all City of Kalamunda (City) Advisory Committees for the term of 2019/2021.
2. The City has developed a very clear and relevant vision 'Connected communities, valuing nature and creating our future together.' Advisory Committees are imperative to achieving this vision.
3. This report recommends Council endorse membership for its Advisory Committees for the period October 2019 to October 2021 as set out in Attachment 1.

BACKGROUND

4. Advisory Committees provide an effective collaborative forum between the City and the community.
5. The City of Kalamunda currently has the following Advisory and Management Committees:
 - a) Bush Fire Advisory Committee
 - b) Community Safety and Crime Prevention Advisory Committee
 - c) Disability and Carers Advisory Committee
 - d) Kalamunda Aged Care Advisory Committee
 - e) Kalamunda Arts Advisory Committee
 - f) Kalamunda Environmental Advisory Committee
 - g) Kalamunda Tourism Advisory Committee
 - h) Strategic Sport and Recreation Committee
 - i) Lesmurdie School Community Library Management Committee
 - j) Ray Owen Sports Centre Management Committee
6. The purpose of each of the City of Kalamunda Management and Advisory Committees is outlined in the terms of reference, including the membership, and is provided as Attachment 1 to report 8.1.1 Appointment of Councillors to External, Management and Advisory Committees 2019/2021.

DETAILS

7. The City published a full-page advertisement in The Echo newspaper 31 August 2019 calling for nominations, issued a media release, promoted the call for nominations via social media channels, listed details on the website and opened nominations via the Engage portal. The City distributed flyers detailing each of the advisory committees and nomination forms to all City locations to ensure maximum exposure to the community.
8. Nominations closed for six of the seven committees on 18 September and an extension to 1 October was advertised for the Community Safety and Crime Prevention Advisory Committee.
9. The Bushfire Advisory Committee, Ray Owen Management Committee and Lesmurdie School and Community Library Management Committee all have nominations from their respective membership groups.
10. The following table showcases the positions available and nominations received for each of the Committees seeking community representation.

Committee Name	Nominations Received	Nominations Required
Community Safety and Crime Prevention Advisory Committee	6	4
Disability and Carers Advisory Committee	6	7
Kalamunda Aged Care Advisory Committee	7	7
Kalamunda Arts Advisory Committee	12	10
Kalamunda Environmental Advisory Committee	8	6
Kalamunda Tourism Advisory Committee	11	8
Strategic Sport and Recreation Committee	11	9

STATUTORY AND LEGAL CONSIDERATIONS

11. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*

Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.

Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.

POLICY CONSIDERATIONS

12. Council Policy – Appointment of Community Members to Advisory Committees and Reference Groups

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. Significant internal referrals have been undertaken, with Business Units in the City of Kalamunda consulted.

External Referrals

14. Nil.

FINANCIAL CONSIDERATIONS

15. The cost to administer an advisory committee is in the order of \$5,000 to \$6,000 per year based on four meetings per year. This can vary depending on requirement of the committee.

Meeting agenda preparation	2 hours/meeting	\$ 400.00
Briefing Papers prepared and research	8 hours/meeting	\$ 1,600.00
Meeting attendance x 3 staff	2 hours/meeting	\$ 1,200.00
Minutes	2 hours/meeting	\$ 400.00
Senior Officers review and signoff	3 hours/meeting	\$ 900.00
Ongoing Liaison	2 hours/meeting	\$ 400.00
Reporting to council	4 hours/meeting	\$ 800.00
	Total estimate	\$ 5,700.00

Costings based on previous meeting statistics and information provided by the City's financial management team.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

Strategy 4.2.2 - Increase advocacy activities and develop partnerships to support growth and reputation.

SUSTAINABILITY

Social Implications

17. Nil

Economic Implications

18. Nil

Environmental Implications

19. Nil

RISK MANAGEMENT CONSIDERATIONS

20.	<p>Risk: Reputational risk where an Advisory committee’s goals do not align with the City’s objective and strategies.</p>		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Provide guidance to all the members at the first meetings to communicate the City’s strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference.		

OFFICER COMMENT

21. The standard of applications from the community for positions on the various committees was very high.

22. A cross-directorate panel was established to review all nominations.
23. The proposed appointments are contained in Attachment 1.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. ENDORSE successful Nominations as per Attachment 1.
2. NOTE the City will write to all nominees and advise of the outcome for all Advisory Committees.
3. NOTE the stakeholder representatives for the City of Kalamunda's management committees.

Moved:

Seconded:

Vote: **LAPSED**

Cr Thomas presented an amended recommendation as community interest expressed in the committees indicated the Terms of Reference should be expanded to enable greater level of community participation. The amended recommendation received a seconder as was put to a vote.

Voting Requirements: Absolute Majority

RESOLVED OCM 250/2019

1. AMEND the Terms of Reference for the following City of Kalamunda Advisory Committees:
 - a. Community Safety and Crime Prevention Committee by adding four addition community members.
 - b. Kalamunda Arts Advisory Committee by adding two additional community member positions
 - c. Kalamunda Environmental Advisory Committee by adding two additional members.
 - d. Kalamunda Tourism Advisory Committee by adding two additional community Members

2. APPOINT successful nominees as presented in amended Confidential Attachment 1.

3. APPOINT the stakeholder representatives for Ray Owen Management Committee, the Lesmurdie Library Committee and the Bush Fire Advisory Committee as nominated by the respective key stakeholders involved in the respective committees as presented in amended Confidential Attachment 1.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Kathie Ritchie**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

9. Meeting Closed to the Public

9.1 Nil.

10. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:35pm.

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.