

# Ordinary Council Meeting

Minutes for Monday 30 October 2017

**UNCONFIRMED**



**city of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Presiding Member opened the meeting at 6.35pm and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

|                  |                            |                 |
|------------------|----------------------------|-----------------|
| John Giardina    | (Mayor) (Presiding Member) | South East Ward |
| Michael Fernie   |                            | South East Ward |
| Geoff Stallard   |                            | South East Ward |
| Lesley Boyd      |                            | South West Ward |
| Allan Morton     |                            | South West Ward |
| Brooke O'Donnell |                            | South West Ward |
| David Almond     |                            | North West Ward |
| Sara Lohmeyer    |                            | North West Ward |
| Dylan O'Connor   |                            | North West Ward |
| Cameron Blair    |                            | North Ward      |
| Tracy Destree    |                            | North Ward      |
| Margaret Thomas  |                            | North Ward      |

##### Members of Staff

|                      |                                      |   |
|----------------------|--------------------------------------|---|
| Rhonda Hardy         |                                      | Chief Executive Officer                 |
| Natalie Martin Goode |                                      | Director Development Services           |
| Dennis Blair         |                                      | Director Asset Services                 |
| Gary Ticehurst       |                                      | Director Corporate & Community Services |
| Simon Di Rosso       | General Counsel & Executive Advisor, | Governance & Legal                      |
| Rajesh Malde         |                                      | Manager Finance & Risk Services         |
| Peter Varelis        |                                      | Manager Strategic Planning              |
| Nicole O'Neill       |                                      | Manager Customer & Public Relations     |
| Donna McPherson      | Executive Research Officer to        | Chief Executive Officer                 |
| Kristy Lisle         | Executive Research Officer           | Governance & Legal                      |

**Members of the Public** 32

**Members of the Press** Nil.

**2.2 Apologies** Nil

**2.3 Leave of Absence Previously Approved** Nil

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### **3.0 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 are summarised.

#### **3.1 Keith Moses, 209 Lewis Road, Forrestfield**

Q. In relation to shed development at 215 Lewis Road, Forrestfield, why is this proposed shed being placed in the front of the property? Why has the City dismissed assessments on wetlands and gradients on the block?

A. The Director Development Services responded by stating there are constraints on building the shed at the rear of the property. In terms of the wetlands and gradient, there is no classified wetland that exists on site and there is approximately an 8m drop.

#### **3.2 Peter Forrest, 36 Panoramic Terrace, Kalamunda**

Q. There is notice on the City's website of a very substantial change to the meeting schedule. Can you please explain the intention behind the new schedule and how this will affect the progress of development applications?

A. The Mayor stated the Council wished for more community engagement and involvement. The Chief Executive Officer commented many other local governments use this format. On the second Tuesday of every month, there will be an agenda briefing session that will contain all of the reports for the month and the community can make deputations and ask questions. It will not impact with planning timeframes and the City feels this will be a better way for the community to be involved with the decision making.

#### **3.3 Daniel Ryan, 8 Plume Court, Lesmurdie**

Q. How does an assessor establish which residents should be notified of a home business proposal and are these guidelines or fixed rules?

A. The Director Development Services advised that as per the adopted Council Policy of Public Notification of Planning Policies, so home occupations are advertised to adjoining neighbours as that is what the Policy requires. The only assessment tool used for home businesses is the Town Planning Scheme, there is no Local Planning Policy that relates to Home Businesses.

#### **3.4 Peter Bolden, 55a Snowball Road, Kalamunda**

Q. My question relates to the election of members to the various committees that occurred at the Special Council Meeting held on 23 October, when it came to the election of members to the committees it appeared to be extremely disorganised and the lack of knowledge of the local government requirements by the City's senior staff in conducting this election. What are the Key Performance Indicators (KPI) for the

Chief Executive Officer? Is there a KPI relating to the efficient and effective running of these special council meetings? If not, can a KPI be included for the next review process?

- A. The Mayor asked Mr Bolden to put his questions in writing and the City will provide a response.

3.5 David Downing, 234 Sultana Road East, Forrestfield

Q1. With the construction of the Airport Railway and the associated development of Forrestfield North, it is fair to assume that land prices across High Wycombe and Maida Vale will rise. Currently there is an enquiry in the City of Kalamunda Councillors by the Department of Local Government, is it therefore possibly that the landowners of Forrestfield North will not have any of their locally elected members to represent them during discussions, debate and voting on any of the planning decisions?

A1. Taken on Notice.

Q2. We must bear in mind these planning decisions will have a profound effect on the lives of all the landowners of Forrestfield North, however based on the recent history of the Industrial Stage 1, how can the landowners be assured that all of the other Ward Councillors will take sufficient interest in the fine detail of the planning process and Development Contribution matters to make the correct decisions in the interest of the landowners?

A2. Taken on Notice.

3.6 Dick Lovegrove, Brentwood Road, Wattle Grove

Q. For some time I have been pushing for more consultation between Council and ratepayers and you have answered that earlier in an earlier question. When is this going to commence? I would like to see a new format put in place where meetings are not as formal or time restricted as they currently are.

A. The Mayor stated that his intention is to have the community involved more in decisions of Council. The Chief Executive Officer stated that the agenda of the briefing sessions will include all reports that will be presented to the Ordinary Council Meeting, it will involve an informal style however it will still work under Standing Orders to ensure appropriate decorum to manage the process. There will be no decisions of Council on at the briefing session, it is an opportunity for the community to ask questions and make deputations.

3.7 Leonie Gorman, 20 Lewis Road, Wattle Grove

Q1. Regarding the telecommunications tower at 12 Lewis Road, Wattle Grove, there was a compulsory meeting called by the State Administrative Tribunal to be held on 22 September 2017. I would like to know the outcome of the meeting?

A1. General Counsel advised the matter is referred back to Council for a decision and will be represented in either November or December. Subject to the outcome of that decision, it will go back to Directions at the State Administrative Tribunal shortly thereafter.

Q2. Further to that, when will the outcome be made to the public?

A2. It will depend on the outcome of the Council decision in the meeting of either November or December.

Q3. So we won't know before that Council meeting?

A3. That's correct.

Q4. So the fact that Councillor Townsend is no longer a Councillor, what report will be going to Council?

A4. The report will be a recommendation based on the outcome of the mediation, which was attended by General Counsel, this will be discussed internally amongst staff and the report will be presented to Council on information provided back from Planning Solutions.

Q5. I would like to ask the administration that they work with the Councillors on this matter because up until now, the administrative officer has always approved this tower, and as this matter has been going on for 12 months and I'm hoping that the issue can be resolved.

A4. The Mayor thanked Mrs Gorman for her comments.

3.8 Frank Lindsey, 95 Aldersyde Road, Piesse Brook

Q. While I was previously on Council, the staff were preparing new depreciation schedules for the City's assets based on replacement costs. It was estimated at that time, being 2015, that by early 2016 this work would be completed. Can you advise whether this work has been completed and if not, why not. If so, what is the dollar value of the City's asset gap and how do you propose to reduce the asset gap?

A. Taken on Notice

3.9 Sue Bilich, 457 Canning Road, Carmel

Q1. Can you confirm the amount of money that this Council funded to the Save Kalamunda Action Group? I believe it was \$20,000, is that correct?

A1. The Chief Executive Officer the amount will be confirmed, however, from memory it was roughly \$20,000.

Q2. Can you also confirm, whether the agreement between the Council and the SKAG group required them to give a full account as to the expenditure of those funds and that if any funds were remaining after

their campaign, was this to be returned to the Council and if not why not? Has Council made any efforts to recover those funds that I believe are outstanding?

- A2. The Chief Executive officer confirmed they were required to do an acquittal. In relation to if there were any surplus of funds I will have to take that on notice.

#### **4.0 PETITIONS/DEPUTATIONS**

##### **4.1 Julie Harris**

A Deputation was received from Ms Julie Harris regarding 10.3.7 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie.

##### **4.2 Christoffel Sneijders**

A Deputation was received from Mr Christoffel Sneijders regarding 10.3.7 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie.

*Cr Margaret Thomas left the room at 7.31pm and returned at 7.33pm.*

##### **4.3 Daniel Ryan**

A Deputation was received from Mr Daniel Ryan regarding 10.3.7 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie.

##### **4.4 Terry Creswell**

A Deputation was received from Mr Terry Creswell regarding 10.1.6 D&A 78 Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield.

*Cr Michael Fernie left the room at 7.55pm and returned at 7.57pm.*

##### **4.5 Ian Tarling**

A Deputation was received from Mr Ian Tarling in relation to the the Kalamunda Community Learning Centre.

#### **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

##### **5.1 RESOLVED OCM 181/2017**

That Council:

Grants leave of absence for Cr Lesley Boyd for the period 27 November 2017 to 1 December 2017 inclusive.



Moved: **Cr Allan Morton**

Seconded: **Cr Brooke O'Donnell**

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

## **6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **6.1 RESOLVED OCM 182/2017**

That the Minutes of the Ordinary Council Meeting held on 26 September 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Brooke O'Donnell**

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

### **6.2 RESOLVED OCM 183/2017**

That the Minutes of the Special Council Meeting held on 23 October 2017 are confirmed as a true and accurate record of the proceedings, with the following amendments:

1. Following the paragraph after Resolution 178/2017 add:  
Cr Destree asked why a secret ballot was not being held for all positions where the number of nominees exceeded the number of position, in accordance with the Council Resolution"
2. Resolution 180/2017: Replace "Carried Unanimously/Absolute Majority (10/2)" with "Carried Absolute Majority (11/1)."

Moved: **Cr Tracy Destree**

Seconded: **Cr Brooke O'Donnell**

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

## **7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

7.1 The City was successful in winning the WA Innovation for the Sustainability Award at the Australian Water Association awards for our work with the Hartfield Park Aquifer Recharge Project. Special mention to Daniel Nelson who was announced as a finalist for Water Professional of the Year.

7.2 The Chief Executive Officer, Rhonda Hardy, was a finalist for the Telstra Women in Business Award.

7.3 The Mayor called for volunteers for Senior Week events this year.

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**8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

**8.1 10.3.7 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie (Attachment 5)**

Provided under separate cover.

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

**8.2 10.3.8 CONFIDENTIAL ITEM - Herden v City of Kalamunda, Planning and Development Act 2005 – DR 201/2017 - Request for Councillor nominees to mediation**

*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 and which relates to a matter to be discussed at the meeting."*

**9.0 DISCLOSURE OF INTERESTS**

**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 5.65 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 Cr Tracy Destree declared a Direct Financial Interest on Item 14 for funding for legal representation relating to Council business.

**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.

9.2.1 Cr Brooke O'Donnell disclosed an Interest Affecting Impartiality on item (10.1.5) 10.3.7 as she has worked in a similar role as a counsellor.

9.2.2 Cr Geoff Stallard disclosed an Interest Affecting Impartiality on Item 10.1.3, D&A 78 as he has family living on this road.

9.2.3 Cr Michael Fernie disclosed an Interest Affecting Impartiality on Item 10.3.8 as he is a friend of the applicant.

9.2.4 Cr Lesley Boyd disclosed an Interest Affecting Impartiality on Item 10.3.7 as she has a previous working association with the neighbour objecting to the proposal.

**10.0        REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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

**10.1 Development & Asset Services Committee Report**

**10.1.1 Adoption of Development & Asset Services Committee Report**

**Voting Requirements: Simple Majority**

RESOLVED OCM 184/2017

That recommendations D&A 74 to D&A 78, contained in the Development & Asset Services Committee Report of 2 October 2017, except withdrawn items D&A 74, D&A 75 and D&A 78 be adopted by Council en bloc.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Geoff Stallard**

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

***Withdrawn For Separate Consideration***

*D&A 74 was withdrawn for separate consideration as a replacement recommendation was provided by officers following questions from an earlier meeting. The Substantive Recommendation did not receive a mover and LAPSED. Cr O'Connor provided rationale behind the amendment with one slight adjustment.*

**10.1.2 D&A 74 Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan: Report (2017-2018 Annual Review) – Adopt for the Purposes of Public Advertising.**

**Voting Requirements: Simple Majority**

That Council:

1. Adopt the Forrestfield/High Wycombe Industrial Area Stage 1 – Development Contribution Plan – Report: 2017 – 18 (Attachment 1) for the purposes of public advertising for a period of not less than 28 days by post to the affected landowners.

Moved: **LAPSED**

Seconded:

Vote:

## Alternative Recommendation

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

RESOLVED OCM 185/2017

That Council:

1. The matter be deferred to the next appropriate Ordinary Council Meeting in order for additional information to be provided regarding the following matters:
  - a. Compliance related drainage issues from private properties on Ashby and Nardine Close;
  - b. Review the civil design and cost estimates for Ashby / Nardine Close and the proposed intersections at Nardine Close / Milner Road, Ashby Close / Berkshire Road and Berkshire / Milner Road in the context of geotechnical investigations; and
  - c. Consultation with the landowner group. ~~to advise of outcomes from the above matters.~~

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

*Item D&A 75 was withdrawn for separate consideration as Cr Fernie requested the item be deferred to a later meeting following a meeting with staff and residents.*

*Cr Geoff Stallard disclosed an Interest Affecting Impartiality in this item as he has family living on the road. Cr Stallard left the room at 8.22pm and returned at 8.24pm and was not present for the vote.*

### **10.1.3 D&A 75 Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road**

RESOLVED OCM 186/2017

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

That Council:

1. Defer consideration of the Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road Report to the ~~November~~ December Ordinary Meeting of Council.

Moved: **Cr Michael Fernie**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

**10.1.4 D&A 76 Proposed Chapel and Library – Lot 112 (280) Holmes Road, Forrestfield**

RESOLVED EN BLOC OCM 184/2017

**Voting Requirements: Simple Majority**

That Council:

1. Approve the application for a proposed Chapel and Library at Lot 112 (280) Holmes Road, Forrestfield, subject to the following conditions:
  - a) The development is to be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) Prior to occupation of the chapel and library, vehicle parking, maneuvering and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City of Kalamunda.
  - c) Stormwater drainage from roofed and paved areas is to be disposed of on-site to the specification and satisfaction of the City of Kalamunda.
  - d) The new chapel and library extension are to be constructed of similar and/or sympathetic materials as the existing structure(s) on site, to the satisfaction of the City of Kalamunda.
  - e) Prior to lodgement of a building permit application, revised documents are to be submitted to the City of Kalamunda outlining compliance with the modifications requested by the Department of Fire and Emergency Services to the Bushfire Management Plan supplied.
  - f) Prior to occupation of the chapel and library, information is to be provided to the City of Kalamunda to demonstrate that the measures contained in the bushfire management plan that address the bushfire protection criteria contained in the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas, have been implemented during development works.
  - g) A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram plan or plan of survey (deposited plan). The notification is to state as follows:

*"This land is subject to a Bushfire Management Plan"*

*D&A 77 was represented at Item 10.3.7 of this agenda as the motion was lost at the Development & Assets Services Committee.*

**10.1.5 D&A 77 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie**

**Voting Requirements: Simple Majority**

RESOLVED EN BLOC OCM 184/2017

That Council:

1. Approves the application for a Home Business (Hypnotherapy and Counselling Services) at Lot 39 (12) Plume Court, Lesmurdie subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) The Home Business is to comply with the Council's definition of a Home Business as set out under Local Planning Scheme No. 3.
  - c) The Home Business is to only operate from Monday to Saturday (Closed Public Holidays) between 9am and 6pm.
  - d) Patrons are to attend the site by appointment only. A register of patrons is to be kept and made available to the City of Kalamunda upon request.
  - e) A maximum of twelve (12) patrons to attend the site per week, with no more than two (2) patrons attending the site per day.
  - f) All parking associated with the development is to be contained on site.
  - g) The Home Business is only permitted to operate within the area as identified on the attached approved plans.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Noreen Townsend**

|       |  |   |
|-------|--|---|
| Vote: | <b>For</b>                             | <b>Against</b>  |
|       | Cr Sara Lohmeyer<br>Cr Noreen Townsend | Cr Michael Fernie<br>Cr John Giardina<br>Cr Geoff Stallard<br>Cr Allan Morton<br>Cr Brooke O'Donnell<br>Cr Sue Bilich |
|       | <b>LOST (2/6)</b>                      |   |

*D&A 78 was withdrawn for separate consideration as Cr O'Donnell attended the subject site and viewed the property and has provided an Alternative Recommendation. The Substantive Recommendation did not receive a mover and LAPSED.*

**10.1.6 D&A 78 Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 78/2017)**

That Council:

- Approves the application for an outbuilding at Lot 11 (215) Lewis Road, Forrestfield, subject to the following planning conditions:  
 The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.

Information being provided to the City of Kalamunda prior to the lodgement of a building permit application to demonstrate that the location of the outbuilding is clear of any drainage easements.

The outbuilding shall not be used for habitable, commercial or industrial purposes.

The stormwater being disposed of on-site and/or directed to an appropriate drainage channel and disposed of to the satisfaction of the City of Kalamunda.

Prior to the lodgement of a building permit application, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved by the City of Kalamunda. For the purposes of this condition, additional landscaping areas are required to screen the outbuilding from Lewis Road and adjoining properties and appropriate pot/plant sizes are to be used to effect mature screening.

Landscaping shall be completed in accordance with the approved detailed landscape plan prior to completion of the outbuilding and thereafter maintained to the satisfaction of the City of Kalamunda.



Crossover(s) shall be designed and constructed to the specification and satisfaction of the City of Kalamunda.

Existing verge trees being protected from development works in accordance with AS 4970 (2009) "Protection of trees on Development sites".

Moved: **LAPSED**

Seconded:

Vote:

**Alternative Recommendation**

**Voting Requirements: Simple Majority**

RESOLVED OCM 187/2017

That Council:

1. Refuse the application for the proposed Outbuilding at Lot 11 (215) Lewis Road, Forrestfield for the following reasons:
  - a) The Bulk, scale and location of the Outbuilding is considered to have a detrimental impact on the visual amenity of the area when viewed from the Lewis Road and the neighboring properties.
  - b) The proposal does not comply with the provisions of Local Planning Policy P-DEV 20 Outbuildings and Sea Containers in respect to external wall height, roof pitch height, maximum allowable floor area and location being forward of the existing dwelling.
  - c) The proposal is not consistent with the principles of orderly and proper planning as outlined in Clause 4.2.2 of Local Planning Scheme No 3 pertaining to the objectives of the Special Rural zone.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lesley Boyd**

Vote:

| <b>For</b>           | <b>Against</b>     |
|----------------------|--------------------|
| Cr Michael Fernie    | Cr Margaret Thomas |
| Cr Geoff Stallard    | Cr Tracy Destree   |
| Cr Lesley Boyd       | Cr Sara Lohmeyer   |
| Cr Allan Morton      |                    |
| Cr Brooke O'Donnell  |                    |
| Cr David Almond      |                    |
| Cr Dylan O'Connor    |                    |
| Cr Cameron Blair     |                    |
| Cr John Giardina     |                    |
| <b>CARRIED (9/3)</b> |                    |

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

**10.2 Corporate & Community Services Committee Report**

**10.2.1 Adoption of Corporate & Community Services Committee Report**

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

RESOLVED OCM 188/2017

That the recommendations C&C 75 to C&C 79 inclusive, contained in the Corporate & Community Services Committee Report of 16 October 2017, except withdrawn item C&C 78, be adopted by Council en bloc.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

**10.2.2 C&C 75 Rates Debtors Report for the Period Ended 30 September 2017**

EN BLOC RESOLUTION OCM 188/2017

That Council:

1. Receives the rates debtors report for the period ended 30 September 2017 (Attachment 1).

**10.2.3 C&C 76 Debtors and Creditors Report for the Period Ended 30 September 2017**

EN BLOC RESOLUTION OCM 188/2017

That Council:

1. Receives the list of payments made from the Municipal Accounts in September 2017 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. Receives the list of payments made from the Trust Accounts in September 2017 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. Receives the outstanding debtors and creditors reports (Attachments 2 & 3) for the month of September 2017.

---

**10.2.4 C&C 77 Draft Monthly Financial Statements to 30 September 2017**

EN BLOC RESOLUTION OCM 188/2017

That Council:

1. Receives the Draft Monthly Statutory Financial Statements for the period to 30 September 2017, which comprises:
  - a) Statement of Financial Activity (Nature or Type).
  - b) Statement of Financial Activity (Statutory Reporting Program).
  - c) Net Current Funding Position, note to financial statement.

**10.2.5 C&C 79 Draft Economic Development Strategy – Public Comment**

EN BLOC RESOLUTION OCM 188/2017

That Council:

1. Defer until the Ordinary Council Meeting in November 2017.

***Withdrawn for separate consideration***

*C&C 78 has been withdrawn for separate consideration following an alternative to the Committee Recommendation to Council of the C&C meeting held on 16 October. The alternative is shown in Point 5 to include the appointment of council representation on the committee and a minor amendment to Point 4 (**bolded**).*

**10.2.6 C&C 78 Nominations for Kalamunda Community Centre – Community Reference Group**

RESOLVED OCM 189/2017

That Council:

1. Appoints the following nominees as Community Representatives to the Kalamunda Community Centre – Community Reference Group:
  - Ian Tarling (Representative - Kalamunda Community Learning Centre)
  - Glynn Tomazin (Representative - Friends of Jorgensen Park)
  - Russell Thom (Representative – Adjoining neighbours to Jorgensen Park)
  - Ray Thompson (General Community)
  - June Butcher (General Community)
  - Carol Buckley (General Community)
  - Kris Nunn (General Community)
  - Rosemary Offer (General Community)
  - Cameron Watts (General Community)

- 
2. Endorses the Chief Executive Officer writing to all nominees thanking them for their nominations and advising of the appointed Community Representatives.
  3. Notes that the initial meeting of the Kalamunda Community Centre – Community Reference Group will be arranged at a time in November to appoint the Presiding Person and determine suitable meeting times/days.
  4. Expands the community representatives by one additional person and amends the Terms of Reference accordingly.
  5. Appoints the following elected members as Councillor Delegates to the Kalamunda Community Centre – Community Reference Group as per the Terms of Reference:
    1. Cr Michael Fernie
    2. Cr Margaret Thomas

Moved: **Cr Tracy Destree**

Seconded: **Cr Margaret Thomas**

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

---

## 10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

### 10.3.1 Budget Review for Three Months to September 2017

|                     |  |
|---------------------|--|
| Previous Items      | N/A  |
| Responsible Officer | Director Corporate & Community Services                                    |
| Service Area        | Finance  |
| File Reference      |  |
| Applicant           | N/A  |
| Owner               | N/A  |
| Attachment 1        | Amended Financial Activity Statement by Nature and Type to 30 June 2018    |
| Attachment 2        | Amended Financial Activity Statement by Program to 30 June 2018            |
| Attachment 3        | Net Current Asset Position to 30 June 2018                                 |
| Attachment 4        | Summary of Changes   |
| Attachment 5        | Statement of Amended Reserve Account Movement and Balances to 30 June 2018 |

#### PURPOSE

1. For Council to consider amendments to the 2017/18 Adopted Budget as identified in the three months to 30 September 2017 budget review.

#### BACKGROUND

2. Regulation 33a (1) of the *Local Government (Financial Management) Regulations 1996* requires that a local government is to conduct a formal review of its adopted budget between 1 September and 31 March.
3. In pursuit of improved fiscal management and accountability, the City of Kalamunda undertakes an additional budget review for the first three months of the financial year 2017/18.
4. The primary objective of regular budget reviews is to ensure that the City is closely monitoring its revenue and expenditure to mitigate the risk of the City posting a deficit at the end of this financial year. It also incorporates any changes to carry forward estimates against incomplete capital works projects as at 30 June 2017.
5. It also provides the City with the opportunity to monitor and implement strategies to ensure that the City's Current Ratio and Untied Cash to Unpaid Trade Creditors Ratio will be further improved upon for the year ending 30 June 2018.

## DETAILS

### Closing Surplus position (Attachment 1)

6.

| <b>Summary of Movements from the Amended Financial Activity Statement</b> |                           |                                   |                    |
|---|---------------------------|-----------------------------------|--------------------|
| <b>Description</b>  | <b>Original Budget \$</b> | <b>Proposed Revised Budget \$</b> | <b>Variance \$</b> |
| Opening Surplus Position  | 3,323,060                 | 5,749,088                         | 2,426,028          |
| Operating Revenue Excluding Rates   | 21,557,798                | 20,074,372                        | (1,483,426)        |
| Operating Expenditure   | (56,195,703)              | (56,237,577)                      | (41,874)           |
| Non Cash Movements  | 4,108,201                 | 5,608,201                         | 1,500,000          |
| Investing Activities  | (16,158,365)              | (17,315,265)                      | (1,156,900)        |
| Financing Activities  | 10,695,196                | 9,770,196                         | (925,000)          |
| Rates Revenue   | 35,812,062                | 35,812,062                        | -                  |
| Closing Surplus Position  | 3,142,249                 | 3,461,077                         | 318,828            |

7.

A brief synopsis of the budget variances above are as follows:

#### Opening Surplus Position:

- The opening surplus position has been adjusted to reflect the audited position for the financial year 2016/17 which has been finalised. The increase in closing funds over estimate of \$2.4 million includes:
  - Savings and carry forward adjustment of capital expenditure of \$2 million on Infrastructure.
  - Underspend of \$860K on property, plant and equipment due to carry forward adjustments on some projects.
  - Net inflows from Cell 9 and Forrestfield Industrial Area Stage 1 of \$604K.
  - A net reduction in reserve funding of \$341K with the main components being from the Asset Enhancement Reserve \$203K and Forrestfield Industrial Scheme Stage 1 Reserve \$64K.
  - Rates of \$613K were above budget as a result of recognition of proposed rates received as revenue per the accounting standards. This is mainly due to a higher uptake of the Smarter Way to Pay initiative.
  - Lower than projected fees by \$293K in rates collection and administration.

#### Operating Revenue:

- Operating Revenue excluding rates has decreased by \$1.48 million of which \$1.5 million relates to the EMRC valuation adjustment. Grants and fees were adjusted upwards by minor amounts totalling \$15K.

Operating Expenditure:

- Operating Expenditures are lower than budget by \$41K. Areas of significant changes are as follows:
  - Net increase in staff costs by \$46K. There were also savings in respect of vacant positions and slightly lower pay levels of some new appointees.
  - Increase in materials and contracts of \$32K comprising mainly:
    - Saving of \$40K in an Information Management project being handled internally.
    - Reallocation of \$96K through transfer between operating and capital expense relating to rolling out of disability access improvements based on the building condition assessment results.
    - Additional expenditure of \$100K on second probity report on procurement.
    - \$90K on additional software due to Cloud migration and Enterprise Management Software.

Minor changes are made to utilities, insurance and other expenditure totalling \$27K.

Non-cash movements:

- Non-Cash Movements of \$1.5 million relate to the Change in the valuation of EMRC assets, following a more conservative approach to the City's share of the expected valuation increase in the current year.

The above non-cash movements are required to be added back to determine the final closing surplus position.

Investing activities:

- Investing activities decreased by \$1.2 million. The main areas affected were:
  - Non-operating grants income reduced by \$191K through the reduction by State Government of Road Funding to offset the reversal of the intended imposition of stamp duty on local government vehicles.
  - Capital Expenditure increase of \$965K is explained below:
    - Property Plant and Equipment expenditure is increasing by \$546K to allow for:
      - \$96K has been provided for Building Condition Assessments previously budgeted as an operating expense.
      - Savings on the Scott Reserve reticulation of 30K will be utilised on Wattle Grove Street Tree Planting.
      - Additionally \$126K has been provided for the WA Police CCTV project and \$185K for a new Waste Footpath sweeper funded out of grants and the Waste Reserve respectively.
      - New software costing \$153K in line with the delivery of the ICT strategy, and, \$30K for function room chairs are included.

- Infrastructure expenditures are increasing by a net \$419K, the major variations relate to :
    - A saving of \$250K off the capital budget for Canning Road Traffic and Pedestrian treatments which will be undertaken in conjunction with the future Road Rehabilitation project in the same location.
    - The Mast Arm installation project on the Kalamunda / Roe Highway intersection will be carried out as part of the grade separation construction to be executed by Main Roads WA resulting in a saving to Council of \$80K.
    - Additional amounts totalling \$200K are required for completion of two bridges on Mundaring Weir Road to be delivered by the MRWA.
    - Drainage budget is impacted by an additional \$50K to cover possible variations in the Town Centre drainage upgrade.
    - Additional expenditure of \$275K mainly on roads at Forrestfield Industrial No 1 is anticipated.
    - An additional \$144K has been reinstated as a result of an adjustment to carry – forwards in respect of the Bibbulmun Track terminus.
  - Financing activities shows a reduction of \$925K due to appropriations to Reserves, which have been increased by \$1.2 million allocated to Land and Property Enhancement and Maintenance Reserve and to the Asset Enhancement Reserve. An increased drawdown of \$185 from the Waste Reserve to fund the purchase of the footpath sweeper and \$90K from the IT Equipment Reserve for additional software has partially offset this.
  - Rates revenue is maintained in accordance with budget and will be reviewed when the City conducts the statutory review as information on interim rates is not available at the present time.
8. The projected year end revised closing surplus position as at 30 September 2017 is \$3,461,078. The new position will ensure that the City continues to maintain a strong year end cash position.
9. The City will still need to keep tight control over income and expenditure to ensure a surplus is in place at 30 June 2018 to strengthen the City's financial capacity and reserves.
10. In light of this Budget Review all future Financial Reports presented to Council for adoption will include adjustments to the current Budget and amendments based on operations and new information.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Section 6.8 (1)(b) of the *Local Government Act 1995* requires an absolute majority decision by Council for any budget amendments.



---

## **POLICY CONSIDERATIONS**

12. Nil.

## **CONSULTATION/COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

13. Senior staff and Managers commenced work on the Budget Review in early September and with the final input of directors completed the Review for Council consideration in mid-October. During this period meetings were held to ensure the integrity of budget projection.

### **External Referrals**

14. A briefing to Council was held on 16 October 2017.

## **FINANCIAL CONSIDERATION**

15. The Amended Financial Activity Statement shows the City is projected to be in a surplus position at the end of the financial year.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

16. *Kalamunda Advancing: Strategic Community Plan to 2027*  
OBJECTIVE 6.8 – To ensure financial sustainability through the implementation of effective financial management, systems and plans.  
Strategy 6.8.4 Provide effective financial services to support the City's operations and to meet sustainability planning, reporting and accountability requirements.

## **SUSTAINABILITY**

### **Social Implications**

17. Nil.

### **Economic Implications**

18. Nil.

### **Environmental Implications**

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

|     |   |                    |               |
|-----|---|--------------------|---------------|
| 20. | <b>Risk:</b> Expenditure exceeds budgeted allocation resulting in negative impact on closing funds position.  |                    |               |
|     | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|     | Possible  | Moderate           | Medium        |
|     | <b>Action/ Strategy</b>   |                    |               |
|     | <ul style="list-style-type: none"> <li>• Monthly management reports are tracked by business unit managers to ensure that they are operating within budget parameters.</li> <li>• Introduction of budget KPIs for all managers, which are strictly monitored</li> <li>• Introduction of scalable reports which are scrutinised by Executive on a monthly basis.</li> <li>• Increased reporting detail from July 2017 in line with changes in materiality threshold.</li> <li>• Budget reviews and forecasting of expenditures against potential revenues are monitored closely.</li> </ul> |                    |               |
|     | <b>Risk:</b> Funds spent without a budget allocation.   |                    |               |
|     | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|     | Unlikely  | Significant        | Medium        |
|     | <b>Action/ Strategy</b>   |                    |               |
|     | <ul style="list-style-type: none"> <li>• Electronic purchasing system in place which tracks and allows authorisation of purchase orders only if a budget is available.</li> <li>• Increased segregation of duties between purchasing business unit with responsibility for issue of purchasing orders now with Finance basically centralizing compliance aspect of purchasing.</li> </ul>   |                    |               |

## OFFICER COMMENT

21. The amended Financial Activity Statement following the September budget review in Column 4 (2017/18 Proposed Budget Review Attachment 4) reveals a balanced budget estimate for 30 June 2018 with a surplus of \$3,461,078.
22. It needs to be noted that the Reserves overall are still maintained at a high level with an amount of \$8,323,380 as shown in (Attachment 5). The main reason for the reduction from reserves at 30 June 2017 is due to the continuation of the infrastructure works in the Forresterfield Industrial Area Stage 1 and the forecast virtual elimination of the Unexpended Capital Works and Specific Purpose Grants Reserve, as carried forward works are completed during the year.
23. The key to addressing the City's ongoing liquidity will be to diversify its revenue streams and continuing to monitor closely revenues and expenditure against allocated budgets. The City will also continue to monitor service delivery to align resources with strategic priorities.
24. It is critical that Council is committed to this strategy in order to meet service level and management requirements in a financially sustainable manner.

25. The City is focussed on ensuring that it returns a positive surplus and is constantly looking at improving its financial sustainability in line with the new ratios introduced.

**Voting Requirements: Absolute Majority**

RESOLVED OCM 190/2017

That Council:

1. Notes the 2017/18 September Budget Review Explanation and Summary (Attachment 4) be noted.
2. Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*, authorises the Chief Executive Officer to amend the 2017/2018 current budget to reflect the changes summarised in the Amended Rates Setting Statement (Attachment 1).

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Michael Fernie**

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

**Attachment 1**

**Budget Review for Three Months to September 2017**

Amended Financial Activity Statement by Nature and Type to 30 June 2018

[Click HERE to go directly to the document](#)

**Attachment 2**

**Budget Review for Three Months to September 2017**

Amended Financial Activity Statement by Program to 30 June 2018

[Click HERE to go directly to the document](#)

**Attachment 3**

**Budget Review for Three Months to September 2017**

Net Current Asset Position to 30 June 2018

[Click HERE to go directly to the document](#)

**Attachment 4**

**Budget Review for Three Months to September 2017**

Summary of Changes

[Click HERE to go directly to the document](#)

**Attachment 5**

**Budget Review for Three Months to September 2017**

Statement of Amended Reserve Account Movement and Balances to 30 June 2018

[Click HERE to go directly to the document](#)

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

**10.3.2 Eastern Subgroup of Metropolitan Regional Road Group - Councillor Nominations**

|                     |                         |
|---------------------|-------------------------|
| Previous Items      | D&I 36/2012             |
| Responsible Officer | Director Asset Services |
| Service Area        | Asset Services          |
| File Reference      | EG-RDM-015              |
| Applicant           | N/A                     |
| Owner               | N/A                     |

**EXECUTIVE SUMMARY**

1. The purpose of this report is to appoint a Councillor to represent the City of Kalamunda on the Eastern Subgroup of Metropolitan Regional Road Group.
2. Each Council is represented on one of the six Subgroups by one elected member and one officer. The role of the elected members is to contribute towards the road funding decisions and make recommendations that are of direct benefit to local communities and the Western Australian Road Users.
3. The Eastern Subgroup comprises the Cities of Swan, Kalamunda and Bayswater, Shire of Mundaring and Town of Bassendean.

**BACKGROUND**

4. The Western Australian Local Government Association (WALGA) on behalf of local government has entered into an agreement with State Government to administer State Road funds to local government. Under the agreement local government receives a share of revenue collected from vehicle licensing fees.
5. The agreement is accompanied by a Procedures Manual, which primarily outlines the terms of reference of the Advisory Committee, Regional Road Groups and Sub Groups as well as detailing the requirements for administering, distributing and accounting of the funds provided under the agreement.
6. In the Metropolitan area the funds are distributed to local government through Metropolitan Regional Road Group (MRRG), which is comprised of one elected member and one officer from each of the six sub-groups and Main Roads Officers. Under the terms of reference the MRRG is chaired by a local government elected member.
7. The Subgroups makes recommendation to the MMRG regarding the funding priorities of local governments within that sub-group. The Regional Road Group, subsequently on the advice of the Subgroups makes further recommendation to the Advisory Committee for seeking concurrence from the Honourable Minister for Transport to implement and monitor the Local Road Program.

8. The Eastern subgroup consists of City of Kalamunda, Shire of Mundaring, City of Swan, City of Bayswater and Town of Bassendean.
9. The Subgroup meets approximately twice a year, generally during the day to discuss the issues regarding the funding allocations and to ensure grants are expended in the year of allocation including monitoring local government expenditure on approved local government projects. The first meeting is proposed to be held on 9 November 2017 at 3.30pm at the City of Swan, however, this still needs to be confirmed.
10. The Officer responsible on the Eastern Subgroup is the Director Asset Services.

### **STATUTORY AND LEGAL CONSIDERATIONS**

11. Nil.

### **POLICY CONSIDERATIONS**

12. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

13. Nil.

### **FINANCIAL CONSIDERATIONS**

14. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

15. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.2 – To connect community to quality amenities.

Strategy 3.3.2                      Provide and advocate for improved transport solutions.

### **SUSTAINABILITY**

#### **Social Implications**

16. Nil.

#### **Economic Implications**

17. Nil.

#### **Environmental Implications**

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

19.

|   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> No Nominations received for the Eastern Subgroup of MRRG.                              |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/ Strategy</b>   |                    |               |
| Explain importance of an Elected Member representative to support future road funding for the City. |                    |               |

## OFFICER COMMENT

20. The projects submitted by various local governments are prioritised based on a complex point scoring system which takes into account road condition, traffic loading and cost of proposed treatment. Although the funding allocations are based on well-established criteria and there is not a great degree of opportunity for local governments to alter the priority of projects, it will be beneficial for elected members to understand and be involved in funding recommendation process.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

### RESOLVED OCM 191/2017

That Council:

1. Appoints Cr Dylan O'Connor to the Eastern Subgroup of the Metropolitan Regional Road Group to represent the City of Kalamunda.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

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

---

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

**10.3.3 City Policy - Appointment of Community Members to Advisory Committees and Reference Groups**

|                     |  |
|---------------------|--|
| Previous Items      | Nil  |
| Responsible Officer | Chief Executive Officer  |
| Service Area        | Chief Executive Officer  |
| File Reference      |  |
| Applicant           | N/A  |
| Owner               | N/A  |
| Attachment 1        | City Policy - Appointment of Community Members to Advisory Committees and Reference Groups |

**EXECUTIVE SUMMARY**

1. To note a City Policy - Appointment of Community Members to Advisory Committees and Reference Groups to assist in the selection of appointments to council created committees and reference groups.
2. The City does not have a Policy position to guide how it selects members to its advisory committees or reference groups which has resulted in various approaches, with different selection criteria being applied.
3. Council upon approving the Terms of Reference, have referred the selection process to the Chief Executive Officer (CEO) to implement the selection process as this is an operational function of the CEO.
4. This report recommends Council notes the City Policy shown as Attachment 1 to this report.

**BACKGROUND**

5. Council at its September meeting considered a report OCM 167/2017 – Review of Advisory Committees and recommended:
  1. *"Approves the Kalamunda Arts Advisory Committee Terms of Reference as outlined in Attachment 1.*
  2. *Endorses the reviewed Advisory Committees Manual for Management and Terms of Reference for all Advisory Committees as shown Attachment 1 as amended.*
    - *Increase the Community Membership of the Kalamunda Environmental Advisory Committee from 4 to 6.*
    - *The Aged Care Advisory Committee "City of Kalamunda" deputy representative be changed to "Council Delegate"*
    - *Aged Care Advisory Committee ex officio members be "invited" not "appointed".*
  3. *Abolish the Community Safety and Crime Prevention Advisory Committee."*



## DETAILS

6. The next step in creating advisory committees and reference groups is to appoint community members. Council suggested having a selection criteria that is standard for all selection processes would increase accountability, transparency and equity in the process.
7. The City has undertaken a review of all past community committees and four common themes have prevailed in terms of the selection criteria being applied:

|   |  |     |
|---|--|-----|
| 1 | Knowledge and experience of the topics the Committee/Group will be required to provide advice on.  | 25% |
| 2 | Previous experience in participating on other committees, working groups or boards.  | 25% |
| 3 | The ability to allocate the necessary time to attend meetings and read documentation prior to the meeting.   | 25% |
| 4 | Whether the application addresses a knowledge/skills gap on the Committee/Group, with consideration given to the balance of the Committee/Group (ensuring broad community representation). | 25% |

| Score    | Assessment   |
|----------|--------------|
| 21 – 25% | Excellent    |
| 16 – 20% | Great        |
| 11 – 15% | Satisfactory |
| 6 – 10%  | Poor         |
| 1 – 5%   | Unsuitable   |

8. The rationale for the abovementioned criteria is outlined at points 9-12.
9. Demonstrating knowledge and experience of the topics of the committee is important given many of our committees are calling for community expertise or local knowledge.
10. Previous experience on other committees and boards brings a wealth of new ideas and the ability to quickly assimilate information and follow protocols are useful attributes for Council committees. Most people have experience on committees through other not for profit organisations, business ventures or local community groups and this experience acts as a defining feature in being able to narrow the applications in order for the City to appoint the best possible members using a merit based process.
11. Many people often underestimate the time commitment they are making. To ensure we have continuity of members over the life of the committee it is important to get people who respond consider the time commitment.
12. When establishing many committees it is important to ensure the City has a balanced committee. Without balance a committee can become bias towards a certain outcome.

---

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. 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.
14. There are no statutory provisions stipulating how to select members to committees.

## **POLICY CONSIDERATIONS**

15. Section 2.7 (2)(b) of the Act states that the Council is to “determine the local government’s policies”.
- The City’s Governance and Policy Framework provide the Council and staff direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the City undertakes, or requires others to undertake, certain works or activities.
- The Council has established the following two levels of Policies:
1. Council Policies  
  
These are strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the Shire.
  2. City Policies  
  
These policies are developed for administrative and operational requirements. They have an internal focus and are developed and adopted by the CEO and noted by the Council.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. The draft Policy was referred to all service areas that manage advisory committees and reference groups to obtain feedback.

### **External Referrals**

17. This is not a Policy that requires to be externally referred.

## **FINANCIAL CONSIDERATIONS**

18. Nil.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

19. *Kalamunda Advancing: Strategic Community Plan to 2027*

4.1 To provide leadership through transparent governance.

**SUSTAINABILITY**

**Social Implications**

20. Applying fair, transparent and consistent approach to the selection of community members to committees and groups is important for building trust within the community.

**Economic Implications**

21. Nil.

**Environmental Implications**

22. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

|     |   |                    |               |
|-----|---|--------------------|---------------|
| 23. | <b>Risk:</b> Without a consistent approach to selection of community members the City risks being criticized for being unfair or bias.                                    |                    |               |
|     | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|     | Possible  | Insignificant      | Low           |
|     | <b>Action/ Strategy</b>   |                    |               |
|     | Introducing a Policy that is transparent and provides consistency in selection will demonstrate the City is being fair and transparent.                                   |                    |               |
|     | <b>Risk:</b> The Policy may be restrictive in some instances whereby it may be necessary to change or expand the criteria depending on the situation.                     |                    |               |
|     | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|     | Possible  | Moderate           | Medium        |
|     | <b>Action/ Strategy</b>   |                    |               |
|     | The CEO or Council have the jurisdiction to override Policy positions if necessary. If this should occur this will be reported to Council when a Policy is being adopted. |                    |               |

**OFFICER COMMENT**

24. The Policy being proposed is a new initiative and will positively support the implementation of selecting community representatives on committees and groups.

---

*The Chief Executive Officer informed Councillors an amendment to Attachment 1 had been made to read "City" Policy and not "Council" Policy. Cr Destree asked for clarification that this was the only change. The Chief Executive Officer advised it was.*

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

RESOLVED OCM 192/2017

That Council:

1. Notes the City Policy - Appointment of Community Members to Advisory Committees and Reference Groups.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

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

*Cr Destree left the chambers at 8.26pm and returned at 8.27pm.*

*Cr O'Donnell left the Chambers at 8.27pm and returned at 8.29pm.*

*Manager Finance & Risk Services left the meeting at 8.37pm and did not return.*

## Attachment 1

### Council Policy - Appointment of Community Members to Advisory Committees and Reference Groups



|   |                            |
|---|----------------------------|
| <b>City Policy</b>  |                            |
| <b>Appointment of Community Members to Advisory Committees and Reference Groups</b> |                            |
| <b>Management Procedure</b>   | <b>Relevant Delegation</b> |
| Nil.  | Nil.                       |

#### Purpose

The purpose of the Appointment of Community Members to Advisory Committees and Reference Groups Policy (**Policy**) is to provide a clear and understandable expectation from Elected Members as to the requirements of community members to achieve appointment to Advisory Committees and Reference Groups established by the Council. This Policy outlines the criteria, role and responsibilities required of a member of the public to be appointed to an Advisory Committee or Reference Group.

Any process listed in this Policy, or established under any subsequent process or procedure, will outline standardised steps to be taken to ensure transparency in the manner that community member are selected for committees and groups.

#### Policy Statement

The City of Kalamunda has a long record of strong community engagement. We recognise the importance and value of engaging with our community and seek to act in a participatory manner in all we do. We have maintained strong ties with our environmental community groups, cultural community groups and demographic specific groups and believe that being in close contact with the pulse of the community leads to good governance and effective decision making.

The City is committed to engaging with its community in a collaborative manner to solve issues and achieve goals. In order to pursue this goal, Council will establish a wide range of community-led Advisory Committees and Reference Groups to assist in dealing with specific service areas or issues.

The establishment of these committees and groups requires City-wide advertising period to receive nominations and a selection process to identify the most suitable candidates for each role. Council requires clarity in how it selects members of the community. Nominations must be transparent and consistent at all times.

Collaborating involves the City engaging with community members to select the best-fit solution on an issue that will become the basis for the development of a plan, project, facility or service.

#### Collaboration:

- generally occurs in the form of working groups or advisory committees;
- is either for the duration of the project (working groups) or on-going if issue related (advisory committees);



- can be used in conjunction with inform, consult and involve strategies; and
- involves communication, not just between the community and the local government, but also amongst stakeholders and community members.

This level of engagement provides participants with the greatest degree of influence over outcomes in their district. It should be noted that the final decision ultimately remains with the Council. Only a limited number of individuals are able to be involved. These participants may be interested members of the community or may represent specific stakeholder groups.

Participants have a responsibility to:

- commit sufficient time to the process;
- represent the interests of other people, including those who might be less vocal or harder to reach;
- choose the best-fit solution that meets the needs of all people with an interest or those likely to be affected, including those from minority groups; and
- keep people informed on the progress of the process.

It is essential to the balanced operation of any collaborative group that membership is reflective of all views, and is regularly refreshed, and does not become dominated by the strongly held thoughts of a small group of residents.

The Advisory Committees and Reference Groups are established by Council to provide on-going input into particular issues.

Membership is by invitation of the Council and expressions of interest are advertised in the media and on the web.

Advisory Committees and Reference Groups shall all have terms of reference which are to include:

- the role of the Committee/Group;
- the membership of the Committee/Group;
- meeting times – usually up to three times per annum, at a time of day that suits members;
- review periods – usually annually in September;
- meeting procedures - including nomination and role of the Committee/Group Chair and Deputy Chair, process for decision making and recording of that decision, Disclosure of any Non-Pecuniary or Pecuniary Interests, adherence to any Code of Conduct etc; and
- the recording of minutes and any associated proposals or suggestions to be submitted to Council.

Once publicly advertised, all interested members of the public are required to submit an application before the deadline date. All late applications will not be considered. The Chief Executive Officer will appoint a panel of 5 staff members to undertake the assessment of all applications received by the City. These application will be assessed against a multi-criteria selection matrix (see below).

Those community members with the highest aggregated scores will be recommended to Council for appointment to their respective Advisory Committee or Reference Group to which they have nominated.



Councillors will then review the staff recommendations as a confidential item at an Ordinary Council meeting and make a final decision on all appointments.

A community member's application to be on an Advisory Committee or Reference Group will be assessed and their final score weighted against the following for requirements:

| No. | Criteria   | Weighting |
|-----|--|-----------|
| 1   | Knowledge and experience of the topics the Committee/Group will be required to provide advice on.  | 25%       |
| 2   | Previous experience in participating on other committees, working groups or boards.  | 25%       |
| 3   | The ability to allocate the necessary time to attend meetings and read documentation prior to the meeting.   | 25%       |
| 4   | Whether the application addresses a knowledge/skills gap on the Committee/Group, with consideration given to the balance of the Committee/Group (ensuring broad community representation). | 25%       |

| Score    | Assessment   |
|----------|--------------|
| 21 – 25% | Excellent    |
| 16 – 20% | Great        |
| 11 – 15% | Satisfactory |
| 6 – 10%  | Poor         |
| 1 – 5%   | Unsuitable   |

|                                |                                       |                         |  |
|--------------------------------|---------------------------------------|-------------------------|--|
| <b>Related Local Law</b>       | Nil.                                  |                         |  |
| <b>Related Policies</b>        | Nil.                                  |                         |  |
| <b>Related Budget Schedule</b> | Nil.                                  |                         |  |
| <b>Legislation</b>             | <i>Local Government Act 1995 (WA)</i> |                         |  |
| <b>Conditions</b>              | Nil.                                  |                         |  |
| <b>Authority</b>               | CEO                                   |                         |  |
| <b>Adopted</b>                 |                                       | <b>Next Review Date</b> |  |

---

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

**10.3.4 Chief Executive Officer's Performance Review Committee**

|                     |                         |
|---------------------|-------------------------|
| Previous Items      | April 2017<br>May 2016  |
| Responsible Officer | Chief Executive Officer |
| Service Area        |                         |
| File Reference      |                         |
| Applicant           | N/A                     |
| Owner               | N/A                     |

**EXECUTIVE SUMMARY**

1. To seek Council endorsement to re-establish the Chief Executive Performance Review Committee (CEOPRC) for the period October 2017 to October 2019.
2. The Council has responsibility for undertaking an annual review of the performance of the CEO against key performances indicators set from the previous review year.
3. This report recommends that Council creates a Committee of Council comprising of the Mayor, acting as the Chairperson, and one Councillor from each ward within the City.

**BACKGROUND**

4. Section 5.38 of the *Local Government Act 1995* provides that all permanent employees including the CEO must have his or her performance reviewed annually.
5. Regulation 18D of the *Local Government (Administration) Regulations 1996*, requires that the Council consider the outcomes of each performance review of the CEO carried out under Section 5.38 and that Council's function is to accept the review, with or without modification, or to reject the review.
6. Clause 4 of the CEO's Contract (dated 17 May 2016) provides detail with respect to the Performance Review, including the Performance Criteria, Selection of Reviewer and Procedure.
7. The CEO was appointed to the position with effect from the 9 July 2013. The CEO's contract was renewed on 17 May 2016 and extended for 5 years, being from 9 July 2016 to 8 July 2021. The contract states that a performance review is required to be completed within a period of 12 months from that date and annually thereafter.
8. The CEO's last performance review was concluded in November 2016. This review was over its due period and the 2017 review is now overdue.



9. In May 2017 Council resolved to reconstitute the CEOPRC with a new structure and resolved as follows:

*RESOLVED SCM 69/2017*

*"That Council –*

*Reconstitutes the Chief Executive Officer's performance review subcommittee with the following members – Cr Andrew Waddell; Cr John Giardina; Cr Dylan O'Connor; Cr Michael Fernie and Cr Tracy Destree.*

*Directs the Committee to develop new KPI's to measure the Chief Executive Officer's performance, and tables these KPI's at the earliest possible Ordinary Council Meeting once developed.*

*Initiates the annual Chief Executive Officer's Performance Review process.*

*Provides a report to Council on the Chief Executive Officer's performance at least quarterly.*

*Authorises the subcommittee to engage appropriate professional services to assist its functions if required."*

10. The Committee to date has not met to progress the above resolution and as an election has occurred it is timely for the new Council to reconsider how it wishes to progress the task of facilitating the CEOPRC.

**DETAILS**

11. The annual review of performance is the point in the year where the CEO's performance against priorities for the previous 12 months are measured and assessed and priorities for following 12 months are reviewed and adjusted as necessary.
12. The CEO's priorities are, by definition, the Council's expectations of the City and its administration. The CEO's priorities are driven by the priorities in the City's Corporate Business Plan adopted by Council in June 2017. The Corporate Business Plan priorities are then reflected in the construction of the annual budget.
- Additionally, Part 5, Division 4 of the *Local Government Act 1995* sets out the functions, delegations and authorities of the CEO through which the Corporate Business Plan and annual budget are then managed.
13. Clause 4 of the CEO's contract provides the process to be utilised and the Reviewer are to be by agreement between the CEO and Council.

The following process for the performance review is proposed:

- a) A Performance Review Sub Committee consisting of the Mayor and one nominated Councillor from each Ward be endorsed to coordinate the documentation, collate information required to assess the CEO's performance against the priorities and key performance indicators set in

---

November 2016, and gather information from all other Councillors in relation to formulating the priorities and key performance indicators for the next 12 months in consultation with the CEO to reach agreement.

- b) A set of criteria reflecting the CEO's roles, responsibilities and Key Performance Indicators for the 2016/2017 year be used as a tool to assist in the process of review.
- c) The CEO to use the criteria to carry out a self-evaluation for the 2016/2017 year.

In fairly and consistently assessing performance for the 2016/2017 year, the CEOPRC will review all information provided, and will consider contextual factors impacting the ability or otherwise of the CEO to deliver outcomes within the stipulated priorities.

- d) In fairly and consistently assessing performance for the 2016/2017 year, the CEOPRC will ensure the CEO has the right to review and respond to feedback provided by Councillors and Council in the course of this review.
- e) Where the CEOPRC has feedback for improvement for the CEO, constructive examples and guidance as to preferred approach or outcomes will be provided.
- f) On collation of the information by the Performance Review Sub Committee, all collated information will be provided to all Councillors for consideration and endorsement.
- g) All Councillors to then meet together, without the CEO, to discuss any issues or comments arising from the collated information.
- h) The Mayor will then ask the CEO to join the meeting with Councillors to raise any comments/issues arising from the discussion and collated information.
- i) A final report be collated, following meeting between Councillors and CEO, and presented to Council for consideration in accordance with Regulation 18 D of the *Local Government (Administration) Regulations 1996*. The report to include the amalgamation of scores and pertinent comments.

14. As a part of the Performance Review Process, Council is required to review the CEO's salary package. Clause seven (7) of the Employment Contract deals with review of the remuneration package.

15. The Performance Review Process is to be confidential.

## STATUTORY AND LEGAL CONSIDERATIONS

16. Section 5.38 of the *Local Government Act 1995* and Regulation 18D of the *Local Government (Administration) Regulations 1996*.
17. Clause 4 of the CEO's Contract.

## POLICY CONSIDERATIONS

18. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

19. External community engagement not required for this purpose.

## FINANCIAL CONSIDERATIONS

20. Employee costs are linked in the Long Term Financial Plan.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

21. *Kalamunda Advancing: Strategic Community Plan to 2027*  
4.1 To provide leadership through transparent governance

## SUSTAINABILITY

### Social Implications

22. N/A.

### Economic Implications

23. N/A.

### Environmental Implications

24. N/A.

## RISK MANAGEMENT CONSIDERATIONS

- 25.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The CEO does not accept the process or any unrealistic key performance indicators.                                      |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Significant        | Medium        |
| <b>Action / Strategy</b>   |                    |               |
| It is important to make sure the process is fair and the CEO is consulted.   |                    |               |
| <b>Risk:</b> An annual review of the CEO's performance is not undertaken in accordance with legislative and contractual requirement. |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |

|  |             |      |
|--|-------------|------|
| Likely   | Significant | High |
| <b>Action / Strategy</b>   |             |      |
| The performance review needs to be robust and in accordance with legislative and contractual requirements. |             |      |

### OFFICER COMMENT

26. This report recommends the Mayor and one councillor from each Ward should form the Committee. This will enable each Ward to be fairly represented in reviewing both the past performance and more importantly setting the KPIs for the next 12 months.
27. Given the KPIs drive the administration it is important information from each Ward of the City is provided to ensure equal balance of opinion across the Council is included into the KPIs.
28. Council needs to ensure the CEO is treated fairly and assessed on an agreed merit based process against a criteria that is objective, measurable and achievable.
29. It is essential the Council endorse and confirm the process for the CEO's performance review and this is adhered to.
30. It is essential the Council, not the committee, makes the final decision on the CEO's performance and remuneration review.
31. The CEO Performance Review Report should aim to be presented to Council in December 2017 as it is currently overdue.

*Cr Destree moved a Motion and provided her rationale. The Mover and Seconder to the Substantive Motion did not accept the amendments. Cr Fernie recommended that the addition of appointed Councillors be added to the Substantive Motion. Councillors debated the amendment and the motion was put and lost.*

### Alternative Motion

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

#### RESOLVED OCM 193/2017

That Council:

1. Endorses the Chief Executive Officer's Performance Review Committee (CEOPRC) consisting of the Mayor and one Councillor to be nominated from each Ward who was a member of Council over the past 12 months to facilitate the process outlined in Attachment 1, consistent with WALGA recommendations.

2. Request the Chief Executive Officer to provide a qualified person to assist with the performance review, in consultation with the Mayor.
3. Requests a final performance review report be collated and presented to Council for consideration in accordance with Regulation 18D of the Local Government (Administration) Regulations 1996, in December 2017.

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

Vote:

| <b>For</b>  | <b>Against</b>  |
|---|---|
| Cr Brooke O'Donnell<br>Cr Allan Morton<br>Cr Sara Lohmeyer<br>Cr Tracy Destree<br>Cr David Almond | Cr John Giardina<br>Cr Michael Fernie<br>Cr Geoff Stallard<br>Cr Lesley Boyd<br>Cr Dylan O'Connor<br>Cr Cameron Blair<br>Cr Margaret Thomas |
| <b>LOST 5/7</b>   |   |

*Standing Orders were suspended in order to call for nominations to elect Councillors for the Review Committee.*

### **Suspension of Standing Orders**

RESOLVED OCM 194/2017

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

### **MOTION**

1. That in accordance with Clause 17.1 of the Standing Orders all clauses in the Standing Orders be suspended.

Moved: **Cr Michael Fernie**

Seconded: **Cr Allan Morton**

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

Standing Orders were suspended at 8.59pm

*Nominations from each ward were requested and as two nominations were received for the North Ward a secret ballot was conducted resulting in a tied vote. The names of both nominees were placed in a container and the Chief Executive Officer drew a name. The successful nominee was Councillor Destree.*

**Voting Requirements: Simple Majority**

RESOLVED OCM 195/2017

That Council:

1. Endorses the Chief Executive Officer's Performance Review Committee (CEOPRC) consisting of the Mayor and one Councillor to be nominated from each Ward to facilitate the process outlined in Attachment 1.

|                     |                 |
|---------------------|-----------------|
| Cr John Giardina    | Mayor           |
| Cr Geoff Stallard   | South East Ward |
| Cr Brooke O'Donnell | South West Ward |
| Cr Dylan O'Connor   | North West Ward |
| Cr Tracy Destree    | North Ward      |

2. Request the Chief Executive Officer to provide a qualified person to assist with the performance review, in consultation with the Mayor.
3. Requests a final performance review report be collated and presented to Council for consideration in accordance with Regulation 18D of the Local Government (Administration) Regulations 1996, in December 2017.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

**Resumption of Standing Orders**

**Voting Requirements: Simple Majority**

**MOTION**

RESOLVED OCM 196/2017

1. That in accordance with Clause 17.1 of the Standing Orders all clauses in the Standing Orders be resumed.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Allan Morton**

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

Standing Orders resumed at 9.07pm

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**Attachment 1**  
**Chief Executive Officer's Performance Review Committee**  
Chief Executive Officer Performance Review Process

**CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS**

The following process for the performance review is proposed:

- a) A Performance Review Sub Committee consisting of the Mayor and one nominated Councillor from each Ward be endorsed to coordinate the documentation, collate information required to assess the CEO's performance against the priorities and key performance indicators set in November 2016, and gather information from all other Councillors in relation to formulating the priorities and key performance indicators for the next 12 months in consultation with the CEO to reach agreement.
- b) A set of criteria reflecting the CEO's roles, responsibilities and Key Performance Indicators for the 2016/2017 year be used as a tool to assist in the process of review.
- c) The CEO to use the criteria to carry out a self-evaluation for the 2016/2017 year.
- d) In fairly and consistently assessing performance for the 2016/2017 year, the CEOPRC will review all information provided, and will consider contextual factors impacting the ability or otherwise of the CEO to deliver outcomes within the stipulated priorities.
- e) In fairly and consistently assessing performance for the 2016/2017 year, the CEOPRC will ensure the CEO has the right to review and respond to feedback provided by Councillors and Council in the course of this review.
- f) Where the CEOPRC has feedback for improvement for the CEO, constructive examples and guidance as to preferred approach or outcomes will be provided.
- g) On collation of the information by the Performance Review Sub Committee, all collated information will be provided to all Councillors for consideration and endorsement.
- h) All Councillors to then meet together, without the CEO, to discuss any issues or comments arising from the collated information.
- i) The Mayor will then ask the CEO to join the meeting with Councillors to raise any comments/issues arising from the discussion and collated information.
- j) A final report be collated, following meeting between Councillors and CEO, and presented to Council for consideration in accordance with Regulation 18 D of the Local Government (Administration) Regulations 1996. The report to include the amalgamation of scores and pertinent comments.

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

**10.3.5 Review of Planning Delegations**

|                     |                               |
|---------------------|-------------------------------|
| Previous Items      | OCM 48/2017                   |
| Responsible Officer | Chief Executive Officer       |
| Service Area        | Development Services          |
| File Reference      | LE-ACT 006                    |
| Applicant           | N/A                           |
| Owner               | N/A                           |
| Attachment 1        | Current PLN1 Delegations      |
| Attachment 2        | Track-changed PLN1 Delegation |
| Attachment 3        | Proposed PLN1 Delegation      |

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a review of the delegations from Council to the Chief Executive Officer (CEO) specifically relating to town planning matters.
2. The current delegations refer to obsolete planning documents and are not broad enough to ensure an efficient service is provided by the planning department particularly in relation to planning matters that are minor in nature and are delaying the efficient and timely processing of planning applications by Approval Services.
3. It is recommended that the revised delegation 'PLN1 Planning Matters' as at Attachment 3 is adopted and included in the Delegations Register.

**BACKGROUND**

4. In June 2017, Council adopted the current register of delegations including PLN1 Planning Matters (Attachment 1).
5. In August 2017, the Director Development Services requested additional delegation from the CEO in approving minor structure plan amendments and local development plans and associated amendments.
6. It was noted that the CEO did not have delegation from Council to assess these items and, as such, could not delegate those responsibilities to the Director.

**DETAILS**

7. The Proposed PLN1 Planning Matters Delegation (Attachment 3) includes the following changes:

**a) Renumbering of clauses**

Clause numbers have been updated and some references to the Local Planning Scheme have been replaced with the 'Deemed Provisions' where required under *Planning and Development (Local Planning Schemes) Regulations 2015*.



**b) Collating advertising clauses**

The current delegation has references to multiple advertising clauses in Local Planning Scheme 3 (LPS 3), which cover every item that requires advertising. Wording has now been modified to delegate all proposals that require advertising under LPS 3 without listing the clauses (this excludes Scheme amendments).

**c) Additional delegation to consider minor Local Development Plans and associated modifications**

It is proposed the CEO be delegated the power to approve or refuse Minor Local Development Plans (LDP) and associated modifications.

On each occasion, the Director Development Services would determine whether a proposal is significant enough to warrant a decision by the Council.

**d) Additional delegation to consider minor amendments to Structure and Activity Centre Plans**

It is proposed the CEO be delegated the power to recommend approval or refusal of amendments to minor amendments to Structure Plans (SP) and Activity Centre Plans (ACP) to the Western Australian Planning Commission. On each occasion, the Director Development Services would determine whether a proposal is significant enough to warrant a decision by the Council.

**e) Removal of redundant delegations for Cash-in-Lieu payments in respect to parking.**

These provisions are covered under delegations for Part 5 of LPS 3 and don't require a separate section.

8. In respect to Point c) and d) above, a minor proposal is defined as follows:
1. A proposal that would only materially affect properties internal to the subdivision and/or development;
  2. A proposal that will not significantly change the development intent of SP, ACP and LDP; and
  3. A proposal that will not impact existing adjoining properties external to the SP, ACP and LDP.
  4. Changes that are administrative in nature, for example, changes to legislative provisions.

**STATUTORY AND LEGAL CONSIDERATIONS**

9. Section 5.42 of the *Local Government Act 1995* states that:

"A local government may delegate to the CEO the exercise of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43." (Absolute Majority required).

Limits on delegations to CEOs – S.5.43.

Requirement for review – S.5.46.

- 
10. Provision 81 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations* (Deemed Provisions) states that:

“The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government’s powers or the discharge of any of the local government’s duties under this Scheme other than this power of delegation.”

### **POLICY CONSIDERATIONS**

11. Where appropriate, policies will reflect the principles and conditions included in any delegation.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

12. Nil.

#### **External Referrals**

13. Public consultation is not required to be conducted and is not considered necessary with respect to this issue.

### **FINANCIAL CONSIDERATIONS**

14. No direct financial implications associated with this issue.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

15. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 6.3: To lead, motivate and advance the City of Kalamunda.

Strategy 6.3.3 Regularly review the organisation’s structure, policies and procedures in response to changing circumstances.

### **SUSTAINABILITY**

#### **Social Implications**

16. Improved levels of service to the community through decreased application times and greater clarity in decision making.

#### **Economic Implications**

17. The delegation review will enable greater work efficiency through the timely processing of minor proposals for SP’s, ACP’s and LDP’s.

**Environmental Implications**

18. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

|     |   |                    |               |
|-----|---|--------------------|---------------|
| 19. | <b>Risk:</b> Delegated authority is not provided to the CEO   |                    |               |
|     | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|     | Unlikely  | Minor              | Low           |
|     | <b>Action/ Strategy</b>   |                    |               |
|     | Investigate alternative methods to improve efficiency of assessment of Structure Plan amendments and Local Development Plans. |                    |               |

**OFFICER COMMENT**

20. In regard to the proposed changes to the delegation review, the following comments are provided:

**a) Renumbering of clauses**

Updating clause numbers and references is important to maintain clear and comprehensible Council documents.

**b) Collating advertising clauses**

Reduces duplication in the document to enable greater clarity and certainty without the reader cross-checking each clause number.

**c) Additional delegation to consider Local Development Plans and associated modifications**

Local Development Plans are similar in nature to a development applications. They generally propose minor modifications to the requirements of Local and State Planning Policy; however, they normally apply to more than 1 lot. Once approved, all houses within the Local Development Plan are exempt from planning approval to the extent that they comply with that Local Development Plan.

The CEO currently has delegation to approve development applications over multiple lots, but not LDP's s. Due to the generally minor nature of modifications proposed through a LDP and associated modifications, it is considered unnecessary for these to be determined by Council on all occasions. For example, in the past 12 months, Council has approved three LDP's which proposed minor changes to the provisions of the Residential Design Codes in the Satterley Hales Estate. All three were approved unanimously. The delegation will extend to those Local Development Plans and modifications where the provisions do not adversely impact on the amenity of adjoining landowners and occupiers and does not require advertising. The benefit will be a much reduced assessment time and increased work efficiency.

**d) Additional delegation to consider minor amendments to Structure and Activity Centre Plans**

Minor amendments to SP's and ACP's often have little strategic intention or impact. The majority of amendments are either administrative in nature or are to correct an engineering or planning issue. The benefit of this delegation will be decreased assessment time, decreased workload and more confidence in giving preliminary advice.

**e) Removal of redundant delegations for Cash-in-Lieu payments for Parking**

Cash-in-lieu payments are covered in other sections; this is a minor administrative modification.

A further review of delegations is scheduled by 30 June 2018.

*Cr O'Connor requested further details relating to 'minor modifications' in parts (c) and (d) of paragraph 7. The Director Development Services clarified the definition of a minor proposal.*

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

RESOLVED OCM 197/2017

That Council:

1. Adopt the delegation 'PLN1 Planning Matters' as at Attachment 3 for inclusion in the Delegations Register.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

**Attachment 1**

Review of Planning Delegations

**Current PLN1 Delegation**

**PLANNING AND DEVELOPMENT ACT 2005 & LOCAL PLANNING SCHEME NO.3**

**PLN1 Planning Matters**

|                     |                         |
|---------------------|-------------------------|
| Delegation from:    | Council                 |
| Delegated to:       | Chief Executive Officer |
| Date Adopted:       | 21 June 2010            |
| Date Last Reviewed: | 25 May 2015             |

|   |   |
|---|---|
| Legislation:  | Shire of Kalamunda Local Planning Scheme No 3; Planning and Development Act 2005; |
| Power or Duty of the Local Government which is being delegated: |   |

**DETAILS**

Pursuant to Clause 11 of the Shire of Kalamunda Local Planning Scheme No 3, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the following:-

**Advertising**

To advertise all development proposals in accordance with clause 9.4 of the Scheme, and Structure Plans in accordance with clause 6.2 of the Scheme.

**Determination of Applications**

To determine all applications in accordance with clauses 5.6, 5.8, 7.5, 8.3, 8.4, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8 of the Scheme.

**Cash-in-lieu**

To accept and determine Cash-in-lieu payments.

**Subdivision Applications and Clearances**

To make recommendations to the Western Australian Planning Commission on all subdivision and amalgamation applications and to endorse applications for clearance where relevant conditions have been satisfied.

**Appeals (Reviews)**

To attend the State Administrative Tribunal on behalf of Council and to determine conditions to be applied to applications the subject of mediation or successful appeal and to enter into Minute of Consent Orders accordingly.

**Enforcement and Administration**

Any of its powers, and the discharge of any of its duties, under Part 11 of the Scheme.

---

| <b>Related Documents</b>         |  |
|----------------------------------|--|
| Council Policy:                  | DEV2 – DEV41   |
| Administration Policy/Procedure: |  |
| Notes:                           | <p><b>Local Planning Scheme No. 3.</b></p> <p><b>11.3 Delegation of Functions</b></p> <p>11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer</p> <p>11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive's duties under clause</p> |

**Attachment 2**  
 Review of Planning Delegations  
**Track-changed PLN1 Delegation**

**PLANNING AND DEVELOPMENT ACT 2005 & LOCAL PLANNING SCHEME NO.3**  
**PLN1 Planning Matters**

|                     |                                      |
|---------------------|--------------------------------------|
| Delegation from:    | Council                              |
| Delegated to:       | Chief Executive Officer              |
| Date Adopted:       | 21 June 2010                         |
| Date Last Reviewed: | <del>25 May 2015</del> November 2017 |

|   |  |
|---|--|
| Legislation:  | Shire of Kalamunda Local Planning Scheme No 3; Planning and Development Act 2005; <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015</a> |
| Power or Duty of the Local Government which is being delegated: |  |

**DETAILS**

Pursuant to Clause ~~11-82~~ [of the Deemed Provisions of the Shire of Kalamunda Local Planning Scheme No 3](#), the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the following:-

**Advertising**

To advertise all development proposals in accordance with clause 9.4 of the Scheme, and ~~Structure Plans in accordance with clause 6.2 of the Scheme~~ [with Local Planning Scheme No. 3 \(the Scheme\)](#).

**Determination of Applications**

~~To apply discretion and determine applications under Part 6, 7, 8, 9 and 10 of the Deemed Provisions and Parts 4 and 5 of the Scheme.~~  
~~To determine all applications in accordance with clauses 5.6, 5.8, 7.5, 8.3, 8.4, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8 of the Scheme.~~  
[To apply discretion and determine applications under Clause 29 and 45 of the Deemed Provisions \(amendment of Structure Plans and Activity Centre Plans\). To apply discretion to the remainder of Part 4 and Part 5 of the Deemed Provisions to the extent that the discretion relates only to the preparation of an amendment to a Structure Plan or Activity Centre Plan.](#)

~~**Cash-in-lieu**~~

~~To accept and determine Cash-in-lieu payments.~~

**Subdivision Applications and Clearances**

To make recommendations to the Western Australian Planning Commission on all subdivision and amalgamation applications and to endorse applications for clearance where relevant conditions have been satisfied.

**Appeals (Reviews)**

To attend the State Administrative Tribunal on behalf of Council and to determine conditions to be applied to applications the subject of mediation or successful appeal and to enter into Minute of Consent Orders accordingly.

**Enforcement and Administration**

Any of its powers, and the discharge of any of its duties, under Part ~~11~~10 of the ~~Scheme~~Deemed Provisions.

| <b>Related Documents</b>         |   |
|----------------------------------|---|
| Council Policy:                  | <del>DEV2 – DEV4</del> All relevant Local Planning Policies prepared under Part 2 of the Deemed Provisions.   |
| Administration Policy/Procedure: |   |
| Notes:                           | <p><del>Local Planning Scheme No. 3</del><u>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions.</u></p> <p><del>11.382.</del> <u>Delegations by local government of Functions</u></p> <p><del>11.3.4(1)</del> <u>The local government may, by resolution in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or to the local government CEO/Chief Executive Officer the exercise of any of the local government’s powers or the discharge of any of the local government’s duties under this Scheme other than this power of delegation.</u></p> <p><del>11.3.2</del> <u>The CEO may delegate to any employee of the local government the exercise of any of the Chief Executive Officer’s powers or the discharge of any of the Chief Executive’s duties under clause</u></p> |



### Attachment 3

#### Review of Planning Delegations

#### Proposed PLN1 Delegation

## PLANNING AND DEVELOPMENT ACT 2005 & LOCAL PLANNING SCHEME NO.3

### PLN1 Planning Matters

|                     |                         |
|---------------------|-------------------------|
| Delegation from:    | Council                 |
| Delegated to:       | Chief Executive Officer |
| Date Adopted:       | 21 June 2010            |
| Date Last Reviewed: | November 2017           |

|   |  |
|---|--|
| Legislation:  | Shire of Kalamunda Local Planning Scheme No 3; Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2015 |
| Power or Duty of the Local Government which is being delegated: |  |

#### DETAILS

Pursuant to Clause 82 of the Deemed Provisions, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the following:-

#### Advertising

To advertise proposals in accordance with Local Planning Scheme No. 3 (the Scheme).

#### Determination of Applications

To apply discretion and determine applications under Part 6, 7, 8, 9 and 10 of the Deemed Provisions and Parts 4 and 5 of the Scheme.

To apply discretion and determine applications under Clause 29 and 45 of the Deemed Provisions (amendment of Structure Plans and Activity Centre Plans). To apply discretion to the remainder of Part 4 and Part 5 of the Deemed Provisions to the extent that the discretion relates only to the preparation of an amendment to a Structure Plan or Activity Centre Plan.

#### Subdivision Applications and Clearances

To make recommendations to the Western Australian Planning Commission on all subdivision and amalgamation applications and to endorse applications for clearance where relevant conditions have been satisfied.

#### Appeals (Reviews)

To attend the State Administrative Tribunal on behalf of Council and to determine conditions to be applied to applications the subject of mediation or successful appeal and to enter into Minute of Consent Orders accordingly.

---

**Enforcement and Administration**

Any of its powers, and the discharge of any of its duties, under Part 10 of the Deemed Provisions.

**Related Documents**

|                                  |  |
|----------------------------------|--|
| Council Policy:                  | All relevant Local Planning Policies prepared under Part 2 of the Deemed Provisions.   |
| Administration Policy/Procedure: |  |
| Notes:                           | <p><b>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions.</b></p> <p><b>82. Delegations by local government</b></p> <p>(1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government’s powers or the discharge of any of the local government’s duties under this Scheme other than this power of delegation.</p> |

---

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

**10.3.6 Development Assessment Panels – Local Government Nominations**

|                     |   |
|---------------------|---|
| Previous Items      | OCM 15/2017 (27 February 2017)            |
| Responsible Officer | Director Development Services             |
| Service Area        | Approvals Services                        |
| File Reference      | N/A                                       |
| Applicant           | N/A                                       |
| Owner               | N/A                                       |
| Attachment 1        | Letter from Development Assessment Panels |
| Attachment 2        | Nomination Form                           |

**EXECUTIVE SUMMARY**

1. To consider nomination for a Development Assessment Panel (DAP) members for the Metro East Region following the defeat of Cr Sue Bilich and Cr Andrew Waddell at the 2017 Local Government Elections.
2. The current Councillors on the DAP until 26 July 2018 are-  
Members:  
Cr Sue Bilich  
Cr Andrew Waddell  
Alternate Members:  
Cr Sara Lohmeyer  
Cr Tracy Destree
3. It is recommended two Councillors be appointed as replacement members.

**BACKGROUND**

4. In March 2009, the Department of Planning released the *Building a Better Planning System* consultation paper, which set out the broader planning agenda for the reform of the planning system. One of the reform initiatives was the introduction of DAPs to determine significant development applications in an attempt to simplify planning approvals
5. 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.
6. The *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations) commenced on 24 March 2011. DAPs commenced operation on 1 July 2011. Nominees were appointed for a two-year term, with current appointments expiring on 26 July 2018.

---

## **DETAILS**

7. Two of the Council's current DAP members, Cr Sue Bilich and Cr Andrew Waddell were defeated at the 2017 Local Government Elections.  
  
The Alternate Members are Cr Sara Lohmeyer, Cr Tracy Destree.
8. The replacement DAP members will be appointed for the balance of the current term expiring on 26 July 2018. All members are required to attend a training workshop on planning law and Codes of Conduct.
9. The DAP Regulations require local governments to submit to the Minister nominations for two DAP members (required) and two alternate DAP members (not required). Local governments have until 10 November 2017 to submit their replacement nominations.
10. Each DAP member will be appointed for a term of no more than two years at a time. 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.
11. It will be 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.
12. 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**

13. The *Planning and Development (Development Assessment Panels) Regulations 2010* provide for the operation, constitution and administration of DAPs.

## **POLICY CONSIDERATIONS**

14. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. Nil.

### **External Referrals**

16. Nil.

## FINANCIAL CONSIDERATIONS

17. 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

18. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 6.1 To ensure a highly effective and strategic thinking Council sets direction and works for the greater good of the community at all times.

Strategy 6.1.4 Develop and implement a governance framework to ensure the elected body has a very clear understanding of its role and responsibilities

## SUSTAINABILITY

### Social Implications

19. Nil.

### Economic Implications

20. Nil.

### Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 22.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Nomination for representation on the Metro East Region DAP are not endorsed.                            |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Significant        | Medium        |
| <b>Action/ Strategy</b>  |                    |               |
| Ensure Council is aware of the implications for development approvals if no local nominees are appointed to the DAP. |                    |               |

## OFFICER COMMENT

23. Membership on a DAP will provide those with the training the opportunity to consider development applications of significant nature.
24. Although due to the development threshold of \$10 million, there have been very few development proposals in the City of Kalamunda it is anticipated that

this situation will change particularly as a consequence of the Forrestfield Railway Station project.

25. It is recommended that Council nominates members to attend DAPs for the Metro East Region.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. Nominates the following Councillors as the replacement members for the Development Assessment Panel representing the Metro East Region, and forwards the nomination to the Minister for Planning for consideration:

Members

- Cr
- Cr

Moved: **LAPSED**

Seconded:

Vote:

*Cr Destree foreshadowed and alternative motion and Councillors discussed. The Substantive Motion did not receive a mover and lapsed.*

**Voting Requirements: Simple Majority**

RESOLVED OCM 198/2017

That Council:

1. Nominates Councillors Destree and Lohmeyer as the members, and the following Councillor/s as Alternate members for the Development Assessment Panel representing the Metro East Region, and forwards the nomination to the Minister for Planning for consideration.
2. Nominates the following Councillors as alternate members:
1. Cr Brooke O'Donnell
  2. Cr Dylan O'Connor

Moved: **Cr Tracy Destree**

Seconded: **Cr Dylan O'Connor**

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

## Attachment 1

### Development Assessment Panels – Local Government Nominations Letter from Development Assessment Panels



Government of Western Australia  
Development Assessment Panels

Our Ref: DP/12/00609  
Enquiries: DAP Secretariat  
Telephone: 6551 9919

Dear Local Government CEO,

#### DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS

As you would be aware, Development Assessment Panels (DAP) were introduced to determine development applications that meet prescribed criteria. Each DAP comprises of five members, three specialist members and two local government members. All current local government DAP members were appointed on the 26 July 2017, for the term ending 26 July 2018.

Following the upcoming local government elections to be held on 21 October 2017, there may be a change in your local government DAP membership if the composition of your council changes. In this instance, your local government will need to nominate replacement DAP members for appointment by the Minister for Planning.

Representation of local interests is a key aspect of the DAPs system. Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* your local council is requested to nominate, as soon as possible following the elections, four elected council members to sit as DAP members for your local government. Using the attached form, nominations should be submitted via email to the DAPs Secretariat at [daps@planning.wa.gov.au](mailto:daps@planning.wa.gov.au).

The McGowan Government has recently launched OnBoardWA as part of its commitment to increase the total number of women appointed to Government board and committees to 50 per cent by 2019.

I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment. Further information about OnBoardWA can be found at <http://www.onboardwa.jobs.wa.gov.au>.

All local government councils are requested to provide nominations for local government DAP members by Friday 10 November 2017, to ensure local interests are represented in future DAP determinations. I understand that a number of councils hold an extraordinary meeting shortly after the local government elections to finalise various matters. If you are unable to provide nominations by the above date, please contact the DAPs Secretariat to discuss alternative arrangements and implications.

Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000  
Tel: (08) 655 19000 Fax: (08) 655 19001 [corporate@planning.wa.gov.au](mailto:corporate@planning.wa.gov.au) [www.planning.wa.gov.au](http://www.planning.wa.gov.au)  
ABN 79 051 750 680  
[wa.gov.au](http://wa.gov.au)

If there is no change to your local government DAP representation following the local government elections, confirmation of this should be provided to the DAPs Secretariat as soon as possible.

Once nominations are received, the Minister will consider and appoint local government DAP members for the remainder of the term ending 26 July 2018.

If you have any queries regarding this request for nominations, please contact the DAPs secretariat on (08) 6551 9919 or email [daps@planning.wa.gov.au](mailto:daps@planning.wa.gov.au). Further information is available online at <https://www.planning.wa.gov.au/Development-Assessment-Panels.asp>.

Yours sincerely



Gail McGowan  
Director General

02 October 2017



**Attachment 2**

Development Assessment Panels – Local Government Nominations

**Nomination Form**



Government of Western Australia  
 Development Assessment Panels

**DEVELOPMENT ASSESSMENT PANELS  
 LOCAL GOVERNMENT MEMBER NOMINATION**

|                         |  |
|-------------------------|--|
| <b>Local Government</b> |  |
| <b>DAP Name</b>         |  |

|                                 | Member 1   | Member 2   |
|---------------------------------|--|--|
| <b>Name</b>                     |  |  |
| <b>Address</b>                  |  |  |
| <b>Phone</b>                    |  |  |
| <b>Email</b>                    |  |  |
| <b>Date of Birth</b>            |  |  |
| <b>Sex</b>                      |  |  |
| <b>Employer Name/s</b>          |  |  |
| <b>Position/s</b>               |  |  |
| <b>Employment Status</b>        | <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual -<br>Specify hours per week | <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual -<br>Specify hours per week |
| <b>*Eligibility for Payment</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |

|                                 | Alternate Member 1   | Alternate Member 2   |
|---------------------------------|--|--|
| <b>Name</b>                     |  |  |
| <b>Address</b>                  |  |  |
| <b>Phone</b>                    |  |  |
| <b>Email</b>                    |  |  |
| <b>Date of Birth</b>            |  |  |
| <b>Sex</b>                      |  |  |
| <b>Employer Name/s</b>          |  |  |
| <b>Position/s</b>               |  |  |
| <b>Employment Status</b>        | <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual -<br>Specify hours per week | <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual -<br>Specify hours per week |
| <b>*Eligibility for Payment</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |

\*Eligibility for DAP sitting fees is determined in accordance with [Premier's Circular 2010/02](#).

| LOCAL GOVERNMENT CONTACT DETAILS – MINUTE TAKER |              |
|---|--------------|
| <b>Name</b>                                     |              |
| <b>Phone</b>                                    | <b>Email</b> |

140 William Street, Perth, Western Australia 6000  
 T: 6551 9919 F: 6551 9001  
 E: [daps@planning.wa.gov.au](mailto:daps@planning.wa.gov.au) W: <http://daps.planning.wa.gov.au/>

---

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

*Cr Lesley Boyd disclosed an Interest Affecting Impartiality in this item as she has a previous working association with the neighbour objecting to the proposal.*

*Cr Brooke O'Donnell disclosed an Interest Affecting Impartiality in this item as she has worked in a similar role as a counsellor.*

*Both Councillors left the room at 9.15pm and returned at 9.27pm and neither was present for the vote.*

**10.3.7 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie**

|                     |                               |
|---------------------|-------------------------------|
| Previous Items      | Nil                           |
| Responsible Officer | Director Development Services |
| Service Area        | Approval Services             |
| File Reference      | CR-10/012                     |
| Applicant           | Julie Harris                  |
| Owner               | Julie Harris                  |

|              |                              |
|--------------|------------------------------|
| Attachment 1 | Initial Applicant Submission |
| Attachment 2 | Site Plan                    |
| Attachment 3 | Floor Plan                   |
| Attachment 4 | Submitters Table             |
| Attachment 5 | Confidential Submitters Map  |

*Reason for Confidentiality:  
Local Government Act 1995  
S5.23 (2) (b) – "the personal  
affairs of any person."*

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a development application for a proposed Home Business (Hypnotherapy and Counselling services) at Lot 39 (12) Plume Court, Lesmurdie.
2. The applicant is anticipating a maximum of two (2) persons per day and twelve (12) per week attending the site, all with prior appointment confirmation.
3. The application was advertised in accordance with the City's P-DEV 45 (Public Notification of Planning Proposals). Over the course of the advertising a total of two (2) objections and one (1) non-objection to the proposal were received. One of the objectors formally retracted their objection to the proposal at a later date.
4. It is recommended to approve the application for the home business, subject to appropriate conditions.

## BACKGROUND

### 5. Land Details:

|                                    |                   |
|------------------------------------|-------------------|
| Land Area:                         | 961m <sup>2</sup> |
| Local Planning Scheme Zone:        | Residential R10   |
| Metropolitan Regional Scheme Zone: | Urban             |



## DETAILS

6. The applicant is seeking approval to operate a home business from the subject property. As part of the home business the applicant intends to provide counselling and hypnotherapy services.
7. The applicant has submitted that their main area of expertise is grief and loss and in assisting clients to overcome associated trauma. The applicant has also advised that they are also qualified to work with addictions that include food, gambling, internet, on-line role play games and nicotine, with a preference to deal with behavioural addictions rather than with those related to substance abuse. In this regard, the applicant has advised that the counselling services will not extend to be people dealing with substance addiction.

Noting the above, as part of the home business the applicant submits that the counselling offered will focus on the following:

- Grief;
- Phobias;

- Stress/Anxiety;
  - Depression;
  - Insomnia;
  - Relationships (also including work related issues);
  - Behavioural Addictions; and
  - Self Esteem.
8. The home business is proposed to operate from Monday to Saturday (Closed Public Holidays) between the hours of 9am and 6pm. A maximum of two (2) people per day i.e. twelve (12) people per week are proposed to attend the site, with all associated parking to be retained on the subject site.
9. The home business will be conducted from a bedroom inside the existing dwelling which will be converted to a therapy room for use by patrons. The room is approximately 8 square metres in size.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

10. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.9 (the Scheme) states that the objectives of the Residential zone are as follows:
- *To provide primarily for single residential development whilst allowing for a range of densities in order to encourage a wide choice of housing types within the Shire.*
  - *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
  - *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
  - *To encourage the retention of remnant vegetation.*
11. Under the Scheme a home business is defined as follows:
- "home business"** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which-
- a) *Does not employ more than 2 people not members of the occupier's household;*
  - b) *Will not cause injury to or adversely affect the amenity of the neighbourhood;*
  - c) *Does not occupy an area greater than 50 square metres;*
  - d) *Does not involve the retail sale, display or hire of goods of any nature;*
  - e) *In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, and;* and

*f) Does not involve the use of an essential service of greater capacity than normally required in the zone"*

12. Under the Scheme, 'Home Business' is a 'A' use, meaning the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

13. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires that Council give due regard to a number of matters, including:
- The compatibility of the development within its settings;
  - Amenity of the locality;
  - The amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
  - Any relevant submissions received on the application.

### **POLICY CONSIDERATIONS**

14. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

15. The proposal was referred to the City's Environmental Health department for their assessment and comment.
16. The Environmental Health department reviewed the proposal and determined that they had no concerns regarding the proposal and therefore no conditions are required.

#### **External Referrals**

17. The proposal was advertised for a period of 14 days in accordance with the City's Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals). As part of this advertising letters were sent to surrounding neighbours inviting comment. During the advertising period a total of two (2) objections with comments and one (1) non-objection were received.
- Following completion of the advertising period one of the objecting parties made contact with the assessing officer and formally withdrew their objection, stating that they no longer had any concerns regarding the proposal. As a consequence there is only one (1) objection to the proposal. Refer Attachment 4.

- 
18. The following key concerns were raised as part of the remaining objection:
- a) the types of persons who would attend the home business could potentially increase the risk of damage to property, adults, or children (concerns were raised regarding the potential for individuals with a history of drug problems could attend the site);
  - b) an increase in traffic in the area could cause traffic congestion or accidents; and
  - c) patrons of the home business will park outside of the subject property.
19. The concerns raised are addressed in the officer comment section of this report.

### **FINANCIAL CONSIDERATIONS**

20. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

21. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

### **SUSTAINABILITY**

#### **Social Implications**

22. An increase in the number of persons visiting the site may have an impact upon the amenity of the surrounding properties.
23. The proposed counselling services provides an opportunity for people in the local community experiencing personal problems such as grief and loss, to seek qualified help.

#### **Economic Implications**

24. Approving the operation of a home business within the boundaries of the City would allow the owner of the property to work from home and reduce additional expenditure on the hiring of local halls or centres on behalf of the applicant.

#### **Environmental Implications**

25. Nil.

## RISK MANAGEMENT CONSIDERATIONS

26.

|  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The amenity of the area is unduly affected.   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Moderate           | Low           |
| <b>Action/ Strategy</b>  |                    |               |
| Ensure that conditions are imposed stipulating maximum number of patrons to attend the site at any one time and that all parking is to be contained on site. |                    |               |

## OFFICER COMMENT

27. The proposal is compliant with the requirements of a Home Business under the Scheme. The very nature of this type of land use activity, being of a small scale, maximum of twelve (12) persons per week, and also the activity being relatively benign, suggests amenity impacts to the surrounding residential area from people and vehicles attending the site are unlikely. Similarly, concerns regarding on street parking, traffic congestion and vehicle safety arising from the proposal are also unlikely.
28. Concerns raised regarding “undesirable people” attending the site and the risks they present are noted. However, the nature and range of the counselling services to be offered will be of interest to people from all sections of society who are coping with personal issues and would benefit from the proposed services offered as they seek to overcome their problems. The applicant has advised that the counselling services offered do not extend to addictions associated with substance abuse.

*Councillors Boyd and O'Donnell left the chambers at 9.15pm and returned at 9.27pm. Neither was present for the vote.*

*Councillors debated the recommendation and asked for clarification from the Director Development Services on minor points.*

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

### RESOLVED OCM 199/2017

That Council:

1. Approves the application for a Home Business (Hypnotherapy and Counselling Services) at Lot 39 (12) Plume Court, Lesmurdie subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) The Home Business is to comply with the Council's definition of a Home Business as set out under Local Planning Scheme No. 3.
  - c) The Home Business is to only operate from Monday to Saturday (Closed Public Holidays) between 9am and 6pm.

- d) Patrons are to attend the site by appointment only.
- e) A maximum of twelve (12) patrons to attend the site per week, with no more than two (2) patrons attending the site per day.
- f) All parking associated with the development is to be contained on site.
- g) The Home Business is only permitted to operate within the area as identified on the attached approved plans.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Tracy Destree**

Vote:

| <b>For</b>   | <b>Against</b>                        |
|--|---------------------------------------|
| Cr Michael Fernie<br>Cr Allan Morton<br>Cr David Almond<br>Cr Sara Lohmeyer<br>Cr Dylan O'Connor<br>Cr Cameron Blair<br>Cr Tracy Destree<br>Cr Margaret Thomas | Cr Geoff Stallard<br>Cr John Giardina |
| <b>CARRIED (8/2)</b>   |                                       |



**Attachment 1**

Proposed Home Business (Hypnotherapy and Counselling Services) - Lot 39 (12) Plume Court, Lesmurdie

**Initial Applicant Submission**

Julie Elsie Harris  
Counselling & Hypnotherapy Services  
12 Plume Court  
Lesmurdie WA 6076

13/06/2016

To the Planning Department  
Kalamunda Shire

**Re – Application from Julie E Harris for HOME OCCUPATION**

**Please find attached the hard copy of my completed Home Occupation Application, I have also included as requested a CD being the electronic copy of my plans and land titles for 12 Plume Court Lesmurdie, ABN is 169204371**

I am a Professional Counsellor and Clinical Hypnotherapist and wish to work from my home, I will not have any employees. I am a professional and would like to add have the appropriate Insurance in order as well as Senior First Aid, Police Clearance as per my regulating Superiors in my industry.


I *do not* anticipate more than a maximum of two persons at one time (relationship work) and **mostly will be assisting an individual client**. My 'initial' hours of operation will Monday to Saturday from 9am to 6pm. These 'intended' hours are just to begin with as I hope to be more helpful to clients by offering them appointments out of their working hours to make their lives easier and less stressful ☺ I intend to review the hours of operation according to client trends. *I anticipate (hopefully) two clients per day.*

I live in a cul-de-sac and do not see any issue at all with parking as I have a long drive way with plenty of free space. I have not purchased any signage as yet and am aware of the guidelines and regulations to adhere to if my working from home application is approved.

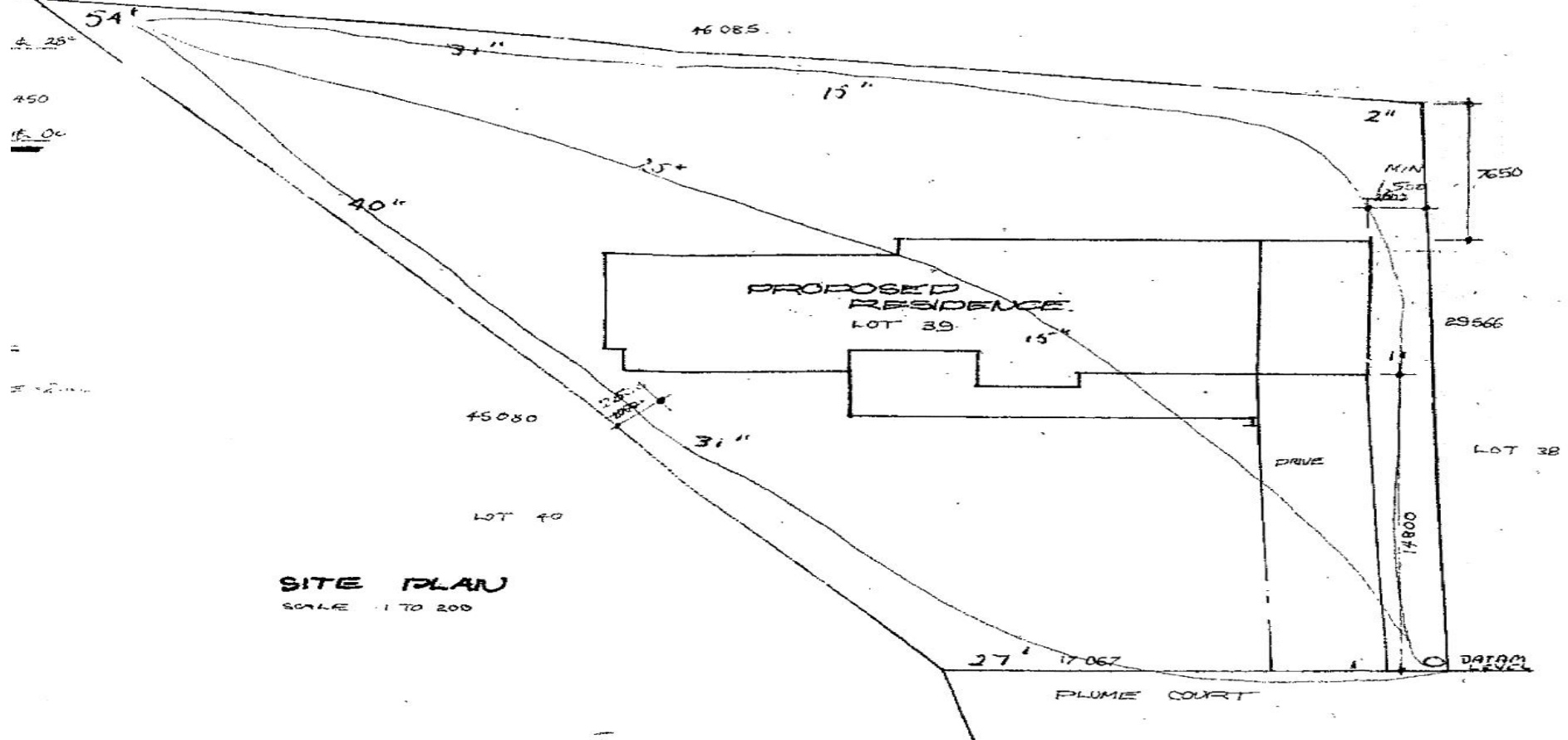
I have a therapy room set up for my clients which measures 7.78sq metres, it is situated near a clean modern bathroom which was newly renovated prior to my purchasing the property. I understand you may send a letter out to my neighbours and as a matter of courtesy I will speak to them myself about my intentions to work from home which I do not believe will affect anyone else in any way ☺

I have also enclosed a copy of the '*discounted fee*' I should be entitled to as I am currently participating in a Government course with NEIS (National Employment Incentive Scheme) this course has enabled me to learn 'how' to run my business properly. Thank you for your time and consideration, please telephone me on my mobile should you have any queries as this is the most time efficient way to contact me

Yours Sincerely

  
Julie Elsie Harris

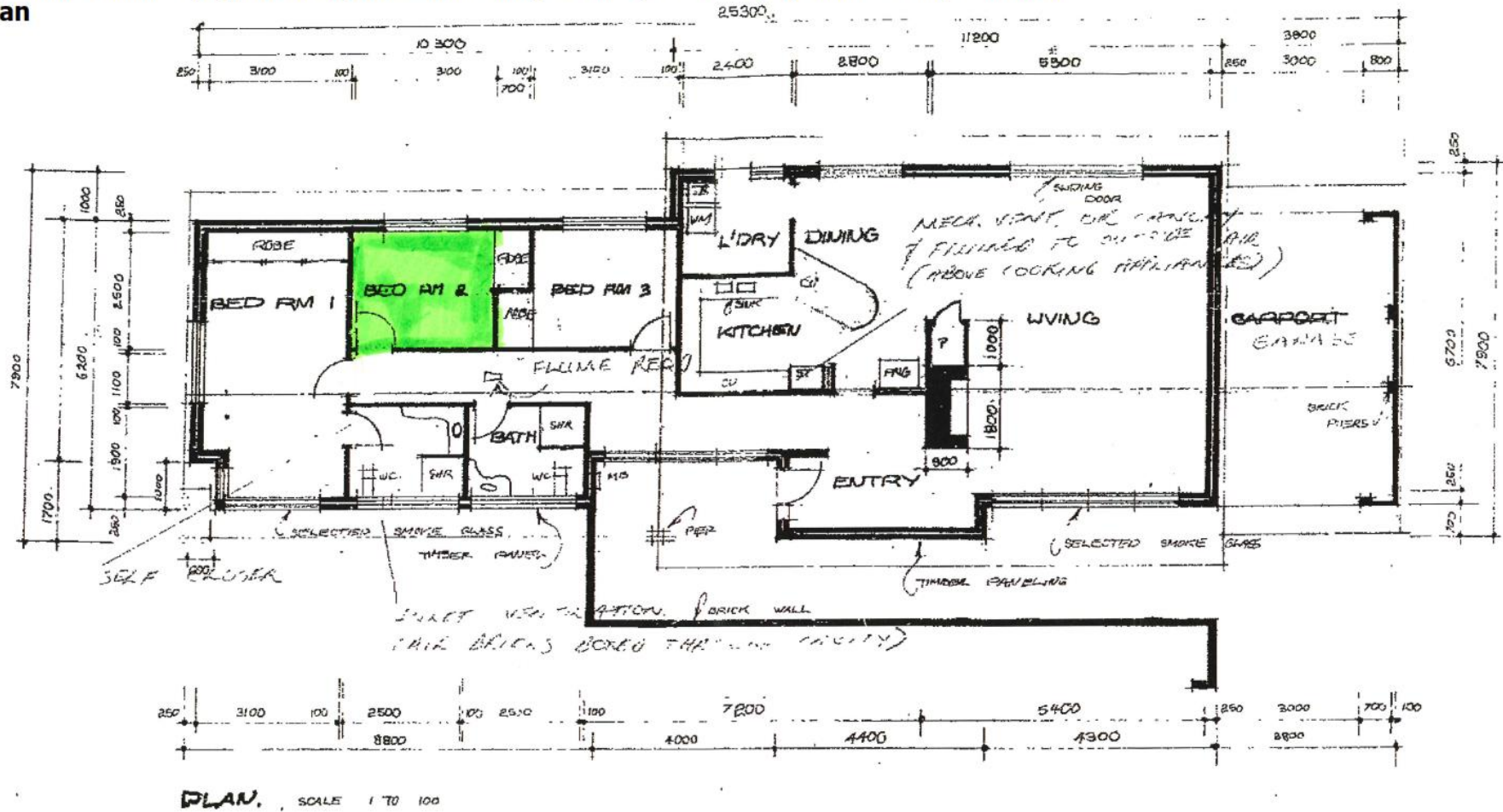
**Attachment 2**  
Proposed Home Business (Hypnotherapy and Counselling Services) - Lot 39 (12) Plume Court, Lesmurdie  
**Site Plan**



**SITE PLAN**  
SCALE 1:1 TO 200

### Attachment 3

### Proposed Home Business (Hypnotherapy and Counselling Services) - Lot 39 (12) Plume Court, Lesmurdie Floor Plan



#### Attachment 4

Proposed Home Business (Hypnotherapy and Counselling Service) – Lot 39 (12) Plume Court, Lesmurdie

#### Submission Table

| <b>Nature of Submission</b>  | <b>Submitter Number</b> | <b>Applicant's Justification</b>   | <b>Officer Comment</b>  |
|--|-------------------------|--|---|
| <b>No Objection</b>  | <b>1</b>                | Nil  | Noted   |
| <b>Objection</b><br>The potential increase in traffic will cause accidents and congestion. In addition to this, patrons will park on the street                              | <b>2</b>                | The applicant submits that they will only be seeing two persons per day, which will only allow for two extra cars in the street per day. They further submit that they have ample space on site for parking. | It is considered that the increase in the number of cars will be minimal. As part of any approval it can be conditioned that all parking is to remain confined to the site.   |
| <b>Objection</b><br>There is a chance that the safety of children, peoples and property within the area will become compromised through unsuitable people attending the site | <b>2</b>                | The applicant submits that they do not wish to deal with these types of persons as their own safety may be compromised.  | Concerns raised regarding "unsuitable people" attending the site and the risks they present are noted. However, the nature and range of the counselling services to be offered will be of interest to people from all sections of society who are coping with personal issues and would benefit from the proposed services offered as they seek to overcome their problems. |

**Attachment 5**

Proposed Home Business (Hypnotherapy and Counselling Service) - Lot 39 (12) Plume Court, Lesmurdie

**Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

**Provided under separate cover.**

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

*Cr Michael Fernie disclosed an Interest Affecting Impartiality on this item as he is a friend of the applicant. Cr Fernie left chambers at 10.16pm and returned at 10.18pm and was not present for the Vote.*

**10.3.8 CONFIDENTIAL ITEM - Herden v City of Kalamunda, Planning and Development Act 2005 – DR 201/2017 - Request for Councillor nominees to mediation**

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

|                     |                                       |
|---------------------|---------------------------------------|
| Previous Items      | OCM 73/2016 & 146/2017                |
| Responsible Officer | Chief Executive Officer               |
| Service Area        | Governance and Legal Services         |
| File Reference      | CN-01/310                             |
| Applicant           | Liz Bushby, Town Planning Innovations |
| Owner               | Andrew Herden                         |
| Attachment 1        | Agenda from D&A 1 May 2017            |
| Attachment 2        | Resolution OCM 73/2017                |
| Attachment 3        | Agenda from OCM 28 August 2017        |
| Attachment 4        | Resolution OCM 146/2017               |

**This item was discussed at point 15 of the agenda.**

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

RESOLVED OCM 206/2017

That Council:

1. Nominate Councillor Dylan O'Connor and Councillor Geoff Stallard to attend the Mediation scheduled for 9.30am on 10 November 2017 in the matter of *Herden v City of Kalamunda, Planning and Development Act 2005 – DR 201/2017*.
2. For the purposes of the Mediation, authorise the nominee Councillors as set out above in paragraph 1 of this Resolution, to:
  - a) enter into negotiations in regard to any possible alternative options for the outbuilding and retaining walls within the subject site in order to report back to the Council in the event that the Tribunal so orders; and
  - b) consider any other alternatives or modifications as may be suggested by the Applicant.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**  
**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Cr Tracy Destree – Order of Business

Q. It would be beneficial if we could reconsider the Council's Order of Business and move Items 12 and 13 after Item 3 of proceedings to allow members of the gallery to be present for Councillor questions so they can be across what is raised and we can improve communication between the residents and Council?

A. The Chief Executive Officer advised this can be reviewed. The other option is that the Mayor has the ability to move agenda items around, and if he is aware an issue is happening it can be dealt with this earlier in the agenda. This may be a solution until a review of Standing Orders is undertaken.

12.2 Cr Geoff Stallard – Lemon Scented Gums, Wattle Grove

Q. Along the lines of Cr Destree's question, many residents contacted me and asked how come the decision regarding the trees in Wattle Grove was made after members of the gallery had already left. I would ask that as a Council we would take that on board and address this in future.

12.3 Cr John Giardina – Lemon Scented Gums, Wattle Grove

Q. May we please have an update on the lemon scented gums in Wattle Grove.

A. The Director Asset Services advised that we are still waiting on the applicant to submit a revised design for assessment. There is also an independent road safety report required.

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

13.1 Nil.

**14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

14.1 Cr Lesley Boyd – Community Safety and Crime Prevention Advisory Committee

RESOLVED OCM 200/2017

That Council:

1. Reinstate the Community Safety and Crime Prevention Advisory Committee

2. Request the Chief Executive Officer to review the Terms of Reference for Council endorsement at its December 2017 meeting.

*The mover and seconder provided background to the motion and the community demand for more safety throughout the City.*

Moved: **Cr Lesley Boyd**

Seconded: **Cr Sara Lohmeyer**

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

14.2 Cr Tracy Destree – Legal Representative Funding

This motion was discussed under Item 15.0.

**15.0 MEETING CLOSED TO THE PUBLIC**

- 15.1 That the meeting go behind closed doors to discuss **Urgent Business – Legal Representative Funding and Confidential Item 10.3.8 - Herden v City of Kalamunda, Planning and Development Act 2005 – DR 201/2017 - Request for Councillor nominees to mediation** in accordance with Section 5.23(2)(d) of the Local Government Act 1995 (WA) – legal advice obtained, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**MOTION**

RESOLVED OCM 201/2017

That the meeting be closed to the public to discuss Urgent Business and Confidential Item 10.3.8.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

The meeting closed to the public at 9.37pm and members of the Gallery and staff left the Chambers.

*Cr Tracy Destree disclosed a Direct Financial Interest on Item 14 for funding for legal representation relating to Council business. Cr Destree provided rationale behind the motion and then left the Chambers at 9.40pm. Cr Destree was not present for the vote.*



## **Suspension of Standing Orders**

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|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

### **MOTION**

RESOLVED OCM 202/2017

1. That in accordance with Clause 17.1 of the Standing Orders all clauses in the Standing Orders be suspended.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY 11/0**

Standing Orders were suspended at 9.44pm

*The Chief Executive Officer and City Staff left the Chambers at 9.46pm.*

## **Resumption of Standing Orders**

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| <b>Voting Requirements: Simple Majority</b> |
|---|

### **MOTION**

RESOLVED OCM 203/2017

1. That in accordance with Clause 17.1 of the Standing Orders all clauses in the Standing Orders be resumed.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Standing Orders resumed at 10.08pm

## **Suspension of Standing Orders**

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|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

### **MOTION**

RESOLVED OCM 204/2017

1. That in accordance with Clause 17.1 of the Standing Orders all clauses in the Standing Orders be suspended.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Standing Orders were suspended at 10.13pm

### Resumption of Standing Orders

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

#### MOTION

RESOLVED OCM 205/2017

1. That in accordance with Clause 17.1 of the Standing Orders all clauses in the Standing Orders be resumed.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Standing Orders resumed at 10.14pm

*Councillors requested clarification on various details from General Counsel and debated the Motion. As there was no mover the substantive motion lapsed. A Procedural Motion was put.*

15.2 Urgent Business – Cr Tracy Destree – Legal Representative Funding

That Council:

1. Approves Legal Representative funding for Councillor Destree to deal with a complaint, in accordance with the Council's "Legal Representation for Elected Members & Staff" policy, to a maximum value of \$10,000

Moved: **LAPSED**

Seconded:

Vote:

**Voting Requirements: Simple Majority**

**PROCEDURAL MOTION**

RESOLVED OCM 206/2017

1. Defer to November Ordinary Council Meeting to seek further external advice.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote:

| <b>For</b>           | <b>Against</b>      |
|----------------------|---------------------|
| Cr John Giardina     | Cr Brooke O'Donnell |
| Cr Michael Fernie    | Cr Sara Lohmeyer    |
| Cr Geoff Stallard    |                     |
| Cr Lesley Boyd       |                     |
| Cr Allan Morton      |                     |
| Cr David Almond      |                     |
| Cr Dylan O'Connor    |                     |
| Cr Cameron Blair     |                     |
| Cr Margaret Thomas   |                     |
| <b>CARRIED (9/2)</b> |                     |

*Councillors and staff returned to the chambers at 10.15pm.*

15.3 **Confidential Item 10.3.8 - Herden v City of Kalamunda, Planning and Development Act 2005 – DR 201/2017 - Request for Councillor nominees to mediation**

*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 and which relates to a matter to be discussed at the meeting.*

*Cr Michael Fernie disclosed an Interest Affecting Impartiality on Item 10.3.8 as he is a friend of the applicant. Cr Fernie left chambers at 10.16pm and returned at 10.18pm and was not present for the Vote.*

**Voting Requirements: Simple Majority**

RESOLVED OCM 207/2017

That Council:

1. Nominate Councillor Dylan O'Connor and Councillor Geoff Stallard to attend the Mediation scheduled for 9.30am on 10 November 2017 in the matter of *Herden v City of Kalamunda, Planning and Development Act 2005 – DR 201/2017*.
2. For the purposes of the Mediation, authorise the nominee Councillors as set out above in paragraph 1 of this Resolution, to:

- a) enter into negotiations in regard to any possible alternative options for the outbuilding and retaining walls within the subject site in order to report back to the Council in the event that the Tribunal so orders; and
- b) consider any other alternatives or modifications as may be suggested by the Applicant.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

## 15.2 **MOTION**

RESOLVED OCM 208/2017

That the meeting be reopened to the public after consideration of Urgent Business and **Confidential Item 10.3.8 - Herden v City of Kalamunda, Planning and Development Act 2005 – DR 201/2017 - Request for Councillor nominees to mediation.**

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

The meeting reopened to the public at 10.18pm and the Chief Executive Officer read the motions that were passed behind closed doors.

## 16.0 **CLOSURE**

16.1 There being no further business, the Presiding Member declared the meeting closed at 10.22pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017