

Ordinary Council Meeting

Agenda for Tuesday 15 October 2019



**city of
kalamunda**



NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 15 October 2019 at 6.30pm.**



Rhonda Hardy
Chief Executive Officer
10 October 2019



Core Values

- Service:** We deliver excellent service by actively engaging and listening to each other.
- Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.
- Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.
- Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

Aspirational Values

- Creativity:** We create and innovate to improve all we do.
- Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.
- Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises
- Harmony:** We will retain our natural assets in balance with our built environment

Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.

www.kalamunda.wa.gov.au

city of
kalamunda

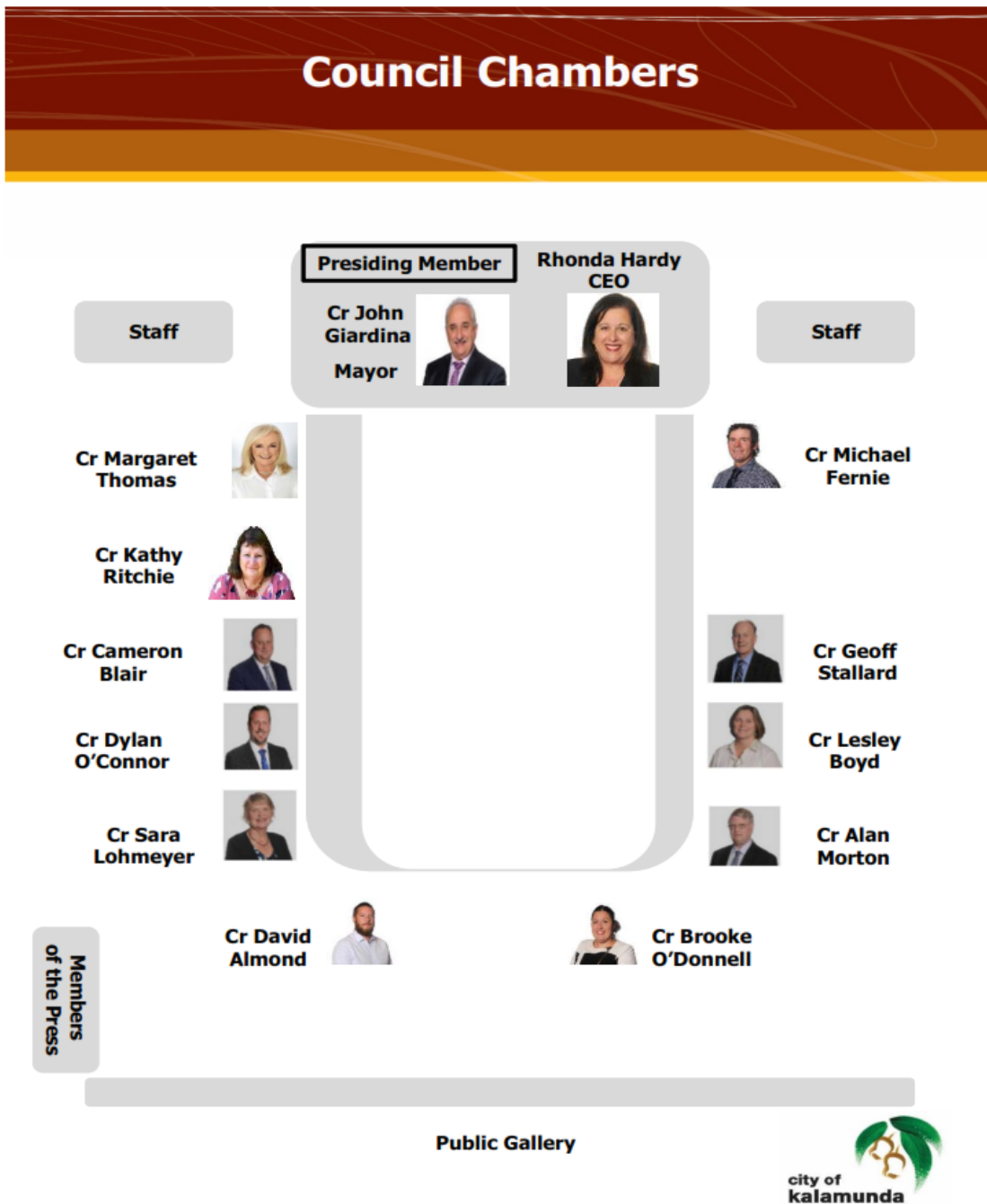


INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times, except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by City Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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1. Official Opening

2. Attendance, Apologies and Leave of Absence Previously Approved

Cr Sara Lohmeyer – Leave of Absence
Cr David Almond - Absent

3. Public Question Time

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

3.1.1 Peter Forrest 36 Panoramic Terrace Kalamunda

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

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

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

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

1. The City's Local Planning Scheme No. 3 defers to State or Federal legislation in relation to tree protection. The City of Kalamunda encourages the retention of vegetation where practicable at the Development Application and Subdivision stage of development (Clause 5.18 of Local Planning Scheme No. 3).
2. The MKSEA area is located within a Special Control Area. In respect to retention of vegetation the Scheme requires all subdivision and/or Development Applications within the MKSEA area to be designed in accordance with the Design Guidelines for the area and be supported by environmental reporting to support the proposed development(s).
3. To date, development and subdivision applications considered in the MKSEA area have been supported by environmental reporting, with the reports finding the quality of vegetation on the site was low, highly degraded and included introduced species.
4. Where retention of vegetation is concerned, the following provisions of the Design Guidelines should be noted:
 - a) Landscaping strips to be provided in accordance with Figure 7 (3-4 metre landscaping strips).
 - b) Clause 2.5.1:
 - i. All Development Applications to be supported by a Landscape Intent Plan.
 - ii. A minimum of 5% of the total lot area is to be allocated for landscaping purposes, which includes the minimum landscaping strip provided along all street frontages.

- iii. The landscaping strip abutting street frontages is to be planted with large trees that have a minimum bag size of 100L at a spacing of 1 tree for every 10m of frontage, in addition to a variety of shrubs.
- iv. Trees are to be planted within uncovered car parking areas at the rate of 1 per 4 car parking spaces.
- v. There are no more than 6 adjoining car parking bays without the area being punctuated by a tree.

c) Clause 2.5.1

- i. One (1) verge tree for every 10m of street frontage.

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

3.1.2 Kathleen Edmonds Valcan Road, Orange Grove

Q1. How regularly is the City of Kalamunda Intramaps system updated with source data from Landgate?

A1. The IntraMaps Enterprise System is updated daily from Landgate Data, while the IntraMaps Public Mapping System is updated weekly. The data that is being referred to is predominantly the Subscription Data and is downloaded via data.wa.gov.au and contains Cadastre, Tenure, Property Street Address, Roads, Topography. The Aerial Imagery is updated Bi-Annually. A Summer Flight at 15cm resolution and a Winter Flight at 10cm resolution.

Q2. In 2010 an MRS Amendment was applied for, and granted, on 41 Brentwood Road to change the zone from Rural to Rural Composite. What was the date of the change of zoning to rural composite approved?

A2. The City does not have any record of a Metropolitan Region Scheme (MRS) amendment being approved over 41 Brentwood Road, Wattle Grove in 2010.

41 Brentwood Road is currently zoned Special Rural under the City's Local Planning Scheme No.3.

Q3. Why does the City of Kalamunda Intramaps data not show the change?

A3. The City does not have any record of a Metropolitan Region Scheme (MRS) amendment being approved over 41 Brentwood Road, Wattle Grove in 2010.

Q4. Does the City of Kalamunda permit Sea containers to be fixed by commercial canopies between two containers? Other local governments consider this to be dangerous.

- A4. Sea containers in this configuration are capable of being approved but are typically subject to development approval and associated building permits where required. If through those approval processes, the canopy is certified as being structurally sound, it will be capable of receiving approval. The City would also consider the land use of the structure to ensure activities will be consistent with the Scheme and any relevant approvals on the site.
- Q5. The City of Kalamunda Local Planning Policy P-DEV-20 permits 300 square metres on rural composite and 200 square metres on special rural with specified set-backs. Is Council aware the proper at 41 Brentwood Road exceeds the permitted allowances?
- A5. This policy applies to outbuildings which are used for domestic purposes and it does not apply to structures used for commercial purposes. The City is aware that buildings exist on the subject land that exceed the maximum sizes of Local Planning Policy No.20. It is possible for landowners to apply to construct buildings larger than the maximum sizes and dimensions of LPP20, and those applications are considered on their individual merit.

3.2. Public Question Time

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

4. Petitions/Deputations

5. Applications for Leave of Absence

6. Confirmation of Minutes from Previous Meeting

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

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 24 September."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.1.3 Chief Executive Officer's Performance Review Committee Recommendation 1 October 2019 – **CONFIDENTIAL ATTACHMENT 1 & 2**

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

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

- 8.2 Item 10.1.4 Forrestfield North - Progression of Local Structure Plans - **CONFIDENTIAL REPORT**

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

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.2. Disclosure of Interest Affecting Impartiality

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

10. Reports to Council

10.1. Chief Executive Officer Reports

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

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

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

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

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

BACKGROUND

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

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

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

DETAILS

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

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

8. The public will be notified for comment as well as targeted stakeholders including, but not limited to, the following groups:
 - a) Kalamunda Environmental Advisory Committee;
 - b) Kalamunda Aged Care Advisory Committee;
 - c) Kalamunda Design Advisory Committee;
 - d) State Government agencies;
 - e) Utility providers;
 - f) Neighbouring local governments;
 - g) Urban Development Institute of Australia;
 - h) Housing Institute of Australia; and
 - i) Friends Groups.

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 2: Kalamunda Clean and Green

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

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

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

Strategy 2.1.3 - Community engagement and education in environmental management.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

21.

Risk: The community feel they have been inadequately engaged and had insufficient opportunity to comment leading to reputational impacts.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Council adopt the CES and initiate consultation.		
22.

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

10.1.2. Reconciliation Action Plan - Adoption

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

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

EXECUTIVE SUMMARY

1. This report seeks the final endorsement of the City of Kalamunda Innovate Reconciliation Action Plan 2019 (RAP).
2. At the Ordinary Council Meeting (OCM) of 26 February 2019, Council adopted the draft of the RAP for the purposes of advertising for public comment.
3. After consideration of public comment and guidance from Reconciliation Australia this report recommends the City of Kalamunda adopt a the 'Innovate' Reconciliation Action Plan.

BACKGROUND

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

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

DETAILS

10. The draft Reconciliation Action Plan adopted by Council for public comment was developed on a 'Reflect' basis and advertised for a 30-day public comment period concluding on 30 April 2019.
11. At the end of the public comment period, community feedback received through engagement sessions resulted in minor changes to enhance the final document that were collated and incorporated into an amended RAP, which was then sent to Reconciliation Australia for conditional endorsement.
12. Reconciliation Australia suggested that in consideration of the level of detail included in the plan plus the advanced steps already taken toward reconciliation the City consider amending the RAP from a Reflect RAP to an Innovate RAP.
13. An Innovate RAP outlines actions that work towards achieving an organisation's unique vision for reconciliation. Commitments within an 'Innovate' RAP will allow the City to be aspirational and innovative in order to gain a deeper understanding of the City's sphere of influence, and to establish the best approach to advance reconciliation.
14. An Innovate RAP focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.
15. In response to the advice from Reconciliation Australia, the City has amended the draft RAP to an Innovate style RAP.
16. To assist with the progression of deliverables within the RAP, a RAP Reference group has been established. Internally the City has developed a cross directorate Staff Project Working Group whereby representatives will assist with the implementation of the RAP.

STATUTORY AND LEGAL CONSIDERATIONS

17. There are currently no legal requirements or legislation such that a Local Government must have a Reconciliation Action Plan.

POLICY CONSIDERATIONS

18. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Workshops with consultants and staff from various service areas within the City were held to obtain input that has been used to develop the RAP.
20. An internal strategic reconciliation training session was delivered by consultants on 4 July 2018 to key administration personnel within the City to help raise awareness and educate them as to how they can contribute to the reconciliation process.
21. The same training was provided at a Councillor workshop held on 6 November 2018.

External Referrals

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

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

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

- 28. Establishing relationships with the local Aboriginal and Torres Strait Islander community guided by a formal RAP will assist with consultation requirements for any major development projects and with section 18 *Aboriginal Heritage Act 1972 (WA)* applications.

Environmental Implications

- 29. Nil.

RISK MANAGEMENT CONSIDERATIONS

30.	Risk: The City has no strategic direction in relation to the Aboriginal and Torres Strait Islander community in the absence of a RAP.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Council adopt the RAP in the form of an 'Innovate RAP' as recommended by Reconciliation Australia and in consideration of public comment received.		

OFFICER COMMENT

- 31. Anecdotal evidence indicates that RAPs are making a positive difference across Australian workplaces, universities, schools, governments and community organisations. The City of Kalamunda's first RAP is a significant milestone in the journey towards reconciliation.
- 32. To date, the City has taken steps towards reconciliation including:
 - a) introducing the Acknowledgement of Country at Council meetings;
 - b) support towards events such as NAIDOC/Makaru; and

- c) a focus on culture, music and the arts through various events and the City's art gallery at the Zig Zag Cultural Centre.
33. Introducing a formal framework for reconciliation will ensure the City can continue to build relationships and turn good intentions into action.
34. It is recommended that Council adopts the Innovate RAP.

Voting Requirements: Simple Majority

RECOMMENDATION

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

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

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to present to Council the recommendations of the Chief Executive Officer's Performance Review Committee (CEOPRC) held on 1 October 2019 (as set out in Confidential Attachment 1) and the final confidential report - CEO Performance Review 2019 - from Minter Ellison (as set out in Confidential Attachment 2).
2. This report recommends Council approve and endorse the recommendations of the CEOPRC and receive the CEO Performance Review 2019 from Minter Ellison.

BACKGROUND

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

DETAILS

5. Minutes of the CEOPRC are presented as Confidential Attachment 1 of this report.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

8. Not applicable.

External Referrals

9. Not applicable.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

11. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

12. Not applicable.

Economic Implications

13. Not applicable.

Environmental Implications

14. Not applicable.

RISK MANAGEMENT CONSIDERATIONS

15.	Risk: The CEO Performance Review is not completed in accordance with Section 5.38 of the <i>Local Government Act 1995 (WA)</i> , which provides that all permanent employees including the CEO must have his or her performance reviewed annually.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Process complies with the relevant Policy and Procedure.		

OFFICER COMMENT

16. Nil.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

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

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

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

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

PROVIDED UNDER SEPARATE COVER

11. Motions of Which Previous Notice has been Given

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

MOTION

Voting Requirements: Simple Majority

That Council:

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

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Cameron Blair**

Vote:

Rationale

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

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

Officer Comments

The City is supportive of the development of a Policy.

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

- 12. Questions by Members Without Notice**
- 13. Questions by Members of Which Due Notice has been Given**
- 14. Urgent Business Approved by the Presiding Member or by Decision**
- 15. Meeting Closed to the Public**
- 16. Tabled Documents**
- 17. Closure**