SHIRE OF MOORA

MINUTES OF THE ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS, MOORA 24 MAY 2017

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I. <u>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</u>

I.I DECLARATION OF OPENING

The Shire President declared the meeting open at 5.33pm.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. <u>ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE</u>

ATTENDANCE

KM Seymour - Shire President / Presiding Member

CE Gardiner - Councillor
TG Humphry - Councillor
DV Clydesdale-Gebert - Councillor
MR Holliday - Councillor
PF Nixon - Councillor
El Hamilton - Councillor
LC House - Councillor

AJ Leeson - Chief Executive Officer

DK Trevaskis - Deputy Chief Executive Officer
JL Greay - Manager Engineering Services
PR Williams - Manager Development Services

MM Murray - Executive Support Officer (minute taker)

APPROVED LEAVE OF ABSENCE

MR Pond - Deputy Shire President

PUBLIC

Cynthia McMorran Michelle Cockman (from 5.36pm)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cynthia McMorran – commented that the footpath on Berkshire Valley road looks good. Questioned how far is the path going?

Chief Executive Officer advised that the path would finish at the Tafe driveway.

5. <u>PETITIONS AND PRESENTATIONS</u>

At 5.36pm Michelle Cockman joined the meeting.

Moora Frail Aged Lodge Inc. Committee members Cynthia McMorran and Michelle Cockman addressed Council regarding the Committees' current structure and operations.

They advised that there would be a Special General Meeting held on Thursday 20th July 2017 at 1.00pm in the Delmoor Centre for the Dissolution of Moora Frail Aged Lodge Incorporated and welcomed members of the community to attend.

6. <u>APPLICATIONS FOR LEAVE OF ABSENCE</u>

The Shire President advised that a written request for leave of absence had been received from Cr Nixon for the meetings of Council to be held during the period I June to 25 July 2017.

COUNCIL RESOLUTION

59/17 Moved Cr Holliday, seconded Cr Humphry that Council approve the request for leave of absence received from Cr Nixon for the meetings of Council to be held during the period I June to 25 July 2017.

CARRIED 8/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Shire President, Cr Seymour

- 25/4 ANZAC Day services
- 28/4 Avon-Midland Zone meeting, Toodyay
- 30/4 Horse Trials, Moora
- 10/5 CMCWA Inc representatives and Mike Hollett, HH Developments, Perth
- 11/5 Meeting with Bev Port Louis & Diane Yappo, Moora
- 13/5 Moora Speedway Presentation night

Cr House

- 25/4 ANZAC Day services
- 27/4 Wildflower Country meeting, Three Springs
- 4/5 Watheroo Community Strategic Planning workshop
- 5/5 WALGA Integrated Strategic Planning workshop, Moora

Cr Clydesdale-Gebert

- 25/4 ANZAC Day services
- 4/5 Watheroo Community Strategic Planning workshop
- 9/5 Moora Community Strategic Planning workshop

Cr Hamilton

- 27/4 Wildflower Country meeting, Three Springs
- 4/5 Watheroo Community Strategic Planning workshop

9/5 Moora Community Strategic Planning workshop

15/5 Nature play information session, Perth

Cr Humphry

25/4 ANZAC Day services

9/5 Alcohol & Other Drug meeting, Moora

Cr Nixon

25/4 ANZAC Day services

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 19 APRIL 2017

COUNCIL RESOLUTION

60/17 Moved Cr Holliday, seconded Cr Hamilton that the Minutes of the Ordinary Meeting of Council held on 19 April 2017 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 8 May 2017

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditors/Debtors Rates Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

> Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

61/17 Moved Cr Humphry, seconded Cr Holliday that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 62250 TO 62260	\$8,910.40
•	EFT 17344 to 17490	\$291,551.35
	[new]C/Card 03/03/17 to 03/04/17	\$2,581.00
	[old] C/Card 15/03/17 TO 17/04/17	\$1,293.25
	Net Pays – PPE 04/04/17	\$103,383.50
	Net Pays - PPE 18/04/17	\$108,782.11
	Direct Debits 11130.1 to 11157.11	\$44,897.43
Trust Fund	Cheques 5254 to 5257	\$1,060.00
Total		<u>\$562,459.04</u>

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2017

REPORT DATE: 18 May 2017

OFFICER DISCLOSURE OF INTEREST: Nil PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Monthly Financial Report April 2017

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 April 2017.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2016/17 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

62/17 Moved Cr Hamilton, seconded Cr Gardiner that Council notes and receives the Statement of Financial Activity for the period ended 30 April 2017.

CARRIED 8/0

9.1.3 WA LOCAL GOVERNMENT ASSOCIATION – 2017 ANNUAL GENERAL MEETING VOTING DELEGATES

FILE REFERENCE: GA/WAL3-2 **REPORT DATE:** 8 May 2017

APPLICANT/PROPONENT: WA Local Government Association

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Not Applicable

AUTHOR: Michelle Murray, Executive Support Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider nominating two Elected Members as Council's voting delegates at the 2017 Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA).

BACKGROUND:

Correspondence has been received from WALGA requesting two voting delegates and two proxy delegates for the WALGA AGM to be held on Wednesday 2nd August at the commencement of the WALGA Convention.

COMMENT:

Council can nominate either Elected Members or the Chief Executive Officer to act as voting delegates. It is normal practice to nominate the President and Deputy President as the voting delegates or if they are unable to attend another Elected Member.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no strategic implications related to this item.

SUSTAINABILITY IMPLICATIONS:

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this item.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

63/17 Moved Cr Clydesdale-Gebert, seconded Cr Gardiner that Council advises the Western Australian Local Government Association that Cr Ken Seymour and Cr Merrel Pond are the AGM voting delegates, and Cr Tracy Humphry is the Proxy voting delegate representing the Shire of Moora at the 2017 WALGA Convention.

CARRIED 8/0

9.1.4 NATIONAL GENERAL ASSEMBLY – CANBERRA – 18-21 JUNE 2017

FILE REFERENCE: EM/SUCI & GA/ALGI

REPORT DATE: 18 May 2017

OFFICER DISCLOSURE OF INTEREST: Nil PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider authorising Shire President Cr K Seymour and Chief Executive Officer A Leeson to attend the Australian Local Government Association 2017 National General Assembly (NGA) in Canberra from the 18-21 June 2017.

BACKGROUND:

The 2017 National General Assembly of Local Government (NGA) is an opportunity for attending Councillors to deliver the views and concerns of Council as well as contribute your own experience and knowledge to debate on a broad set of national issues. The theme for this year's NGA is "Building Tomorrow's Communities". It reflects not only the dominant debate being pursued by the Australian Government, but also an opportunity to dig much deeper to discuss and debate the role of local government not just in the larger Federation, but in our communities. Link to program;

http://alga.asn.au/site/misc/alga/downloads/events/2017NGA/ALGA NGA17V2.pdf

This is also an opportunity to contribute to policy discussions at a national level and a key opportunity to engage with key decision makers, such as the Prime Minister, the Leader of the Opposition, the Deputy Prime Minister and a range of politicians.

COMMENT:

Representation at such conventions/congresses is advantageous to the Shire of Moora as a local government. The opportunity to network and share ideas amongst fellow congress delegates cannot be underestimated.

POLICY REQUIREMENTS:

Council does not have a policy in relation to attendance at the NGA. It is considered annually on merit by Council. Attendance fits within Strategy 5.1.2, which is in place to promote representation at regional, state and national forums.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

Outcome 5.1: Good governance and leadership.

Strategy 5.1.1: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.

<u>Strategy 5.1.2: Represent and promote the Shire in Regional, State and National forums.</u>

Strategy 5.1.3: Promote collaboration with other Councils on a local and regional level.

Strategy 5.1.4: Support strategic alliances, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.

Strategy 5.1.5: Develop and implement a community engagement and communication strategy.

SUSTAINABILITY IMPLICATIONS:

Environment

There are no known significant economic implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

> Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Flights	\$2,000
Accommodation/meals	\$3,500 \$2,050
Registrations	
_	\$7,550

Council has a budget of \$34,715 for annual conference expenses of which there is an allowance for the National General Assembly in Canberra, of which \$29,422 has been expended YTD. The CEO has an annual contractual allowance of \$9,000 for professional development of which \$5,434 has been expanded YTD.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

64/17 Moved Cr House, seconded Cr Humphry that Council authorise the Shire President and Chief Executive Officer to attend the Australian Local Government Association National General Assembly to be convened in Canberra from the 18th – 21st June 2017.

9.2 **DEVELOPMENT SERVICES**

9.2.1 CBH - ADDITIONAL BULKHEADS MOORA GRAIN RECEIVAL SITE

Item withdrawn at the request of the applicant.

9.2.2 CBH - ADDITIONAL BULKHEADS WATHEROO GRAIN RECEIVAL SITE

FILE REFERENCE: TP/PA30/1617 **REPORT DATE:** 17 May 2017

APPLICANT/PROPONENT: Cooperative Bulk Handling (CBH)

OFFICER DISCLOSURE OF INTEREST: Nil PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The Shire is in receipt of an application by Cooperative Bulk Handling (CBH) to install extra capacity for grain storage, by installing two extra open bulkheads at the Watheroo grain receival site.

BACKGROUND:

The proposed development includes;

- Internal Roads to, around and from the sand pads for the open bulkheads;
- Two 30,000 tonne capacity open bulk heads;
- Stormwater drains around the internal roads to connect to existing drains;
- Stormwater basin south of the two open bulkheads

Estimated value of development: \$1,100,000

This is a low level development not requiring a building application therefore it is only Town Planning consent that is requested.

The Industrial Zone:

Objectives

- (a) To provide for the needs of industry to support the community;
- (b) To provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts;
- (c) To provide landscaped buffers along the branch of the Moore River to the established industrial area;
- (d) To avoid direct discharge of storm water drainage or the discharge of any deleterious substances into the Moore River;
- (e) To avoid non-industry related uses establishing in the industrial area.

COMMENT:

The proposed structure will be located within the required land use zone of "industrial" structure is located in the required zone and is therefore recommended for approval.

POLICY REQUIREMENTS:

There are no known policy requirements for this application.

LEGISLATIVE REQUIREMENTS:

Local Planning Scheme Number 4

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

- 65/17 Moved Cr Gardiner, seconded Cr House that Council grant planning approval to Cooperative Bulk Handling for the construction of;
 - Internal Roads to, around and from the sand pads for the open bulkheads;
 - Two 30,000 tonne capacity open bulk heads;
 - Stormwater drains around the internal roads to connect to existing drains;
 - Stormwater basin south of two open bulkheads.

in accordance with drawings 2017-340-0070 Revision A, and drawing s-056-A0000 revision 3, on Lot 101 Midlands Road, Watheroo W.A 6513.

CARRIED 8/0

10. <u>ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN</u> <u>GIVEN</u>

Nil

II. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The Chief Executive Officer tabled an item of urgent business titled 'Small Brewery and Beer Garden - Lot 212 Melbourne Street Moora' for Councils consideration.

At 6.23pm Cr Clydesdale-Gebert declared a proximity interest as she owns Lot 213 Melbourne Street Moora & left the meeting.

COUNCIL RESOLUTION

66/17 Moved Cr Gardiner, seconded Cr Holliday that Council consider the item of urgent business as tabled by the Chief Executive Officer titled 'Small Brewery and Beer Garden - Lot 212 Melbourne Street Moora'.

CARRIED 7/0

II.I <u>SMALL BREWERY AND BEER GARDEN - LOT 212 MELBOURNE STREET MOORA</u>

FILE REFERENCE: TP/PA26/1617 **REPORT DATE:** 24 May 2017

APPLICANT/PROPONENT: Peter & Shirley Derrick

OFFICER DISCLOSURE OF INTEREST: Nil PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of a development application from Peter and Shirley Derrick seeking Councils permission to develop a small brewery and beer garden at their property at Lot 212 Melbourne Street, Moora.

BACKGROUND:

Lot 212 is located in the Industrial Zone and a brewery is a use that is not described in the Shire of Moora Town Planning Scheme Zoning Table of which Council has discretion. Mr and Mrs Derrick the proponents have applied for a Small Brewery Producers Licence and a Tavern Licence which has an "X" classification. A Tavern is a use not permitted in the Industrial Zone and the proponents have been made aware of this.

ZONING TABLE

- 3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.
- 3.2.2 The symbols used in the cross reference in the Zoning Table have the following meaning:
 - "P" means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
 - "D" means that the use is not permitted unless the local government has exercised its discretion by granting approval;
 - "A" means that 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 7.3;
 - "X" means a use that is not permitted by the Scheme.
- 3.2.3 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use which by its more general terms might otherwise include such particular use. AMD 09 GG 11/03/11
- 3.2.4 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Local government may: AMD 09 GG 11/03/11
 - a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or

- b) determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the 'A' advertising procedures of clause 7.3 in considering an application for planning approval; or
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

COMMENT:

Council has the discretion to determine whether as a small brewery or a producer licence as what will be applied for, is a use that is in keeping with the zoning in the industrial area. A Tavern is not a permitted use in the Industrial Zone under the Zoning Table. A brewery is required to be advertised being a use that is not described under the Shire of Moora Town Planning Scheme No 4 Amendment 11, Zoning Table. Under the Liquor and Gaming Act and Local Planning Scheme the applicant is required to advertise the intention to provide a brewery in this area to see if there are any objections to this proposal. A Producer Licence does allow consumption though it can be limited to the number of toilets provided i.e. one toilet 25 persons only allowed at one time, two toilets 50 persons.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 Amendment 11; Liquor Licencing Act 1988 and Liquor Licencing Regulations 1989.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

> Social

This may have social implications related to sale of alcohol.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

67/17 Moved Cr Gardiner, seconded Cr Humphry that Council advertise the development proposal from Proponents Peter and Shirley Derrick for a Small Brewery (with Producer's Licence) to be located in the Industrial Zone at Lot 212 Melbourne Street Moora in accordance with the provisions of the Shire of Moora Local Planning Scheme No 4.

At 6.26pm Cr Clydesdale-Gebert rejoined the meeting and the Presiding Member read aloud the decision made.

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 6.27pm.

CONFIRMED

PRESIDING MEMBER