



SHIRE OF

Chapman Valley

love the rural life!

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting of Council will be held on Wednesday 18 July 2018 at the Lesser Hall Nabawa Community Centre, Nabawa commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

CONFIRMED MINUTES

JULY 2018

Shire's Vision

'A thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper'

DISCLAIMER



No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on **WRITTEN CONFIRMATION** of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read "M. Battilana", is written over a large, light-colored circular scribble.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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(Note: Quorum = 4 Elected Members)

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6.0 DISCLOSURE OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

*“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B:

*“a person has a **proximity interest** in a matter if the matter concerns –
(a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or
(b) a proposed change to the zoning or use of land that adjoins the person’s land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality):

*“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

Item No.	Member/Officers	Type of Interest	Nature of Interest

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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The President, Cr Farrell welcomed Elected Members, Staff and Visitors and declared the meeting open at 9.00am.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3.1 Present

a. Councillors

Member
Cr Anthony Farrell (President)
Cr Kirrilee Warr (Deputy President)
Cr Trevor Royce from 9.05am
Cr Darrell Forth
Cr Ian Maluish
Cr Nicole Batten
Cr Pauline Forrester

b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Mr Simon Lancaster	Deputy Chief Executive Officer
Mrs Dianne Raymond	Manager of Finance & Corporate Services
Mrs Karen McKay	Executive Services Administrator (Minute Taker)

c. Visitors

Name	
Kathryn Jackson	WA Planning & Logistics
Matthew & Christine Auld	3 Dune Vista Buller left at 9.29am
Megan Kipling	5 Dune Vista Buller left at 9.29am

3.2 Apologies

Name
Cr Peter Humphrey

3.3 Previously Approved Leave of Absence

Name
Nil

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions On Notice

Nil

4.2 Public Question Time

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Warr requested leave of absence for the August and October 2018 Ordinary Council meetings.

6.0 DISCLOSURE OF INTEREST

Item No.	Member/Officers	Type of Interest	Nature of Interest
15.1 CEO Performance Appraisal	Maurice Battilana	Financial	CEO Performance Appraisal & Remuneration Review

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations

- Christine & Mathew Auld gave presentations to Council on Agenda Item 10.1.1 as property owners of 3 (Lot 121) Dune Vista, Buller;
- Megan Kippling gave a presentation to Council on Agenda Item 10.1.1 as property owner of 5 Dune Vista, Buller.

7.3 Deputations

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FORTH

8.1 Ordinary Meeting of Council held on Wednesday 20 June 2018

That the minutes of the Ordinary Meeting of Council held Wednesday 20 June 2018 be confirmed as a true and accurate record.

**Voting 7/0
CARRIED
Minute Reference: 07/18-1**

9.0 ITEMS TO BE DEALT WITH EN BLOC

Nil

10.0 OFFICERS REPORTS

10.1 Manager of Planning July 2018

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10.1 AGENDA ITEMS

10.1.1 Proposed Earthworks – 3 Dune Vista Buller

10.1.2 Proposed Relocation (Expansion) of Building Envelope – R & S Moore – Lot 9 Stirling Place Waggrakine

AGENDA ITEM:	10.1.1
SUBJECT:	PROPOSED EARTHWORKS
PROPONENT:	M & C AULD
SITE:	3 (LOT 121) DUNE VISTA, BULLER
FILE REFERENCE:	A1874
PREVIOUS REFERENCE:	N/A
DATE:	10 JULY 2018
AUTHOR:	KATHRYN JACKSON

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Applicant's Site Plan	√	
10.1.1(b)	Applicants correspondence	√	
10.1.1(c)	Site photos of before and after earthworks commenced onsite	√	
10.1.1(d)	Received Submissions	√	

DISCLOSURE OF INTEREST

Nil.

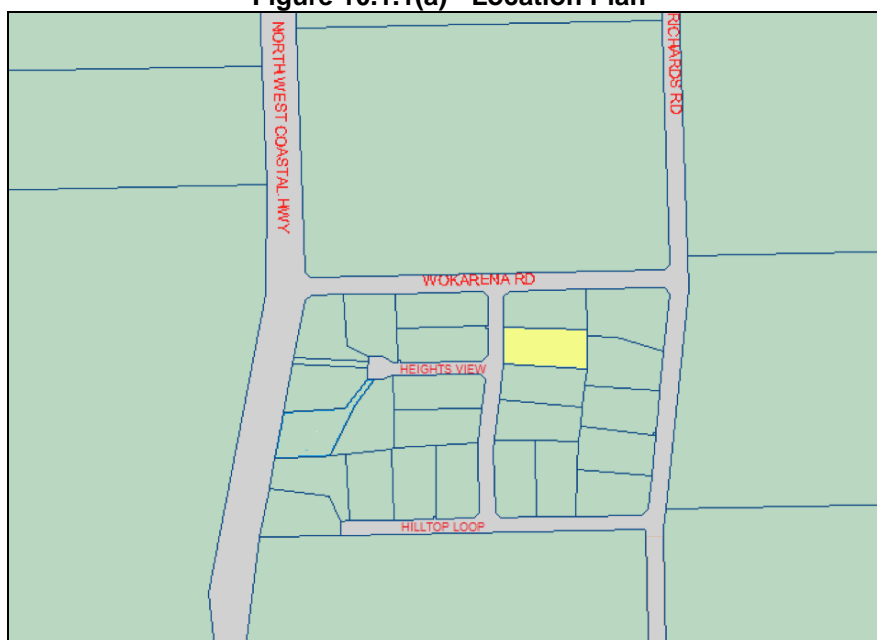
BACKGROUND

Council is in receipt of an application for earthworks upon 3 (Lot 121) Dune Vista, Buller. This report recommends conditional approval of the application.

COMMENT

Lot 121 is a cleared Residential R2.5 zoned property located within the Wokarena Heights subdivision. The lot has an existing crossover and a footpath that runs along its western front property boundary. The highest point of the lot is in the north-eastern corner at a contour of 52.80 sloping down to its lowest point at the south-western corner at a contour of 47.20 a difference of 5.6m.

Figure 10.1.1(a) - Location Plan



The applicant proposes to cut and fill the property to create a level building site upon which to site a future dwelling. The received site plan indicates that the site would have a 12-degree batter at the rear (east) of the property where soil is to be removed and a 11-degree batter at the front (west) of the property where the soil will be built up.

A copy of the applicants site plan has been included as **Attachment 10.1.1(a)** and site photos of before and after earthworks have commenced onsite has been included as **Attachment 10.1.1(b)** to this report.

Please note that works have already commenced onsite without the necessary prior planning approval. The works are not completed to the heights indicated upon the received site plan with works ceased upon the property once the owner was made aware that approval was required. Please also note that the earthworks upon the lot would need to be raised further and come further towards the front of the property in order to meet the proposed earthworks height indicated on the applicants site plan.

Council consideration is required as the earthworks are to be located within the front, side and rear setback areas of the property and more than 0.5m in height.

The applicants site plan indicates that the fill height (top of bank) at the front of the property would be 49.350 which would produce a maximum fill height of 1.65m above natural ground level on the south west corner and 0.75m on the north-west corner of the earthworks. Figure 9.1.1(b) below demonstrates the fill heights above natural ground level. Please note that the FFL indicated for the house is not relevant to this assessment and will subject to its own assessment on application for a residence in the future.

Figure 10.1.1(b) – Proposed site work heights above natural ground level indicated in yellow on the plan below

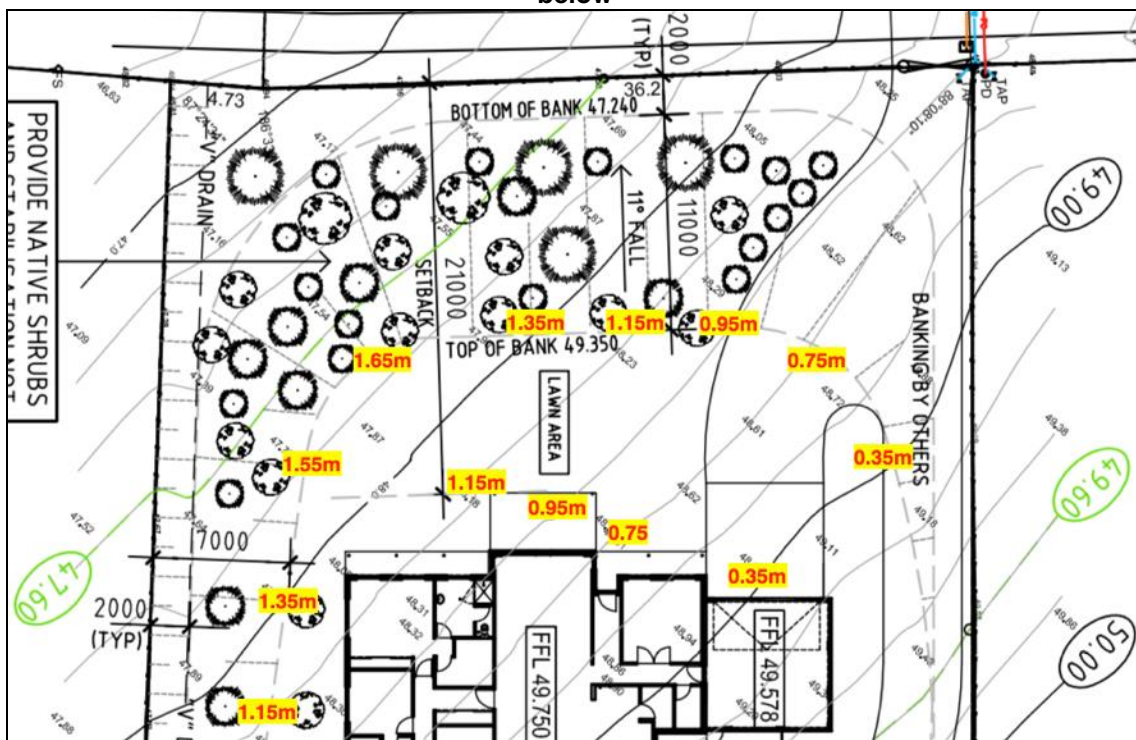


Figure 10.1.1(c) – View of Lot 121 prior to earthworks commencing



Figure 10.1.1(d) – Present earthwork level onsite



Figure 10.1.1(e) – Marker and rope showing proposed fill height and slope of batter towards southern Neighbour



Figure 10.1.1(e) above demonstrates the proposed fill height and slope batter (rope indicates potential slope). As the land slopes from north-east to south-west affectively the house will be at natural ground level on the northern side and then elevated on the southern side as the lot drops away. The applicant has indicated that this height has been chosen to prevent drainage issues for developing a future potential house at a lower level than natural ground level.

The applicant has submitted correspondence detailing their reasons for the development and this has been included as **Attachment 10.1.1(c)**.

STATUTORY ENVIRONMENT

The lot is zoned ‘Residential R2.5’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

Section 4.2.1 of the Scheme lists the objectives of the ‘Residential’ zone as being:

- “(a) Provide for residential development to meet the needs of a range of household types; and*
- (b) Provide for other land-uses compatible with a high level of residential amenity.”*

Section 10.2 of the Scheme lists the following relevant matters in considering this development application:

“The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application:

- (a) the aims and provisions of the Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;...*
- ...(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;*

- (g) *in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;...*
- ...(i) *the compatibility of a use or development with its setting;*
- (j) *any social issues that have an effect on the amenity of the locality;...*
- ...(n) *the preservation of the amenity of the locality;*
- (o) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;...*
- ...(y) *any relevant submissions received on the application;*
- (z) *the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) *any other planning consideration the Local Government considers relevant.”*

Table 1 of the R-Codes recommends that the minimum setback for front boundary of 15m (average) and side and rear boundary setbacks of 7.5m for R2.5 zoned properties.

7.5m side boundary setbacks can be considered excessive for R2.5 zoned properties when the much larger rural-residential zoned properties are permitted by the Scheme to have a minimum side boundary setback of 5m.

Section 5.2 of the Scheme notes the following:

“Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.”

It is considered that minor adjustments can be made to the application to better conform with the required setbacks. In this instance a 7.5m setback to the top of bank to the southern boundary and 15m setback to the top of bank on the front boundary.

Section 4.2.1 of the Explanatory Guidelines for the R-Codes make the following relevant observations:

“Exceptions to basic setback provisions

Consideration of setbacks should have regard to the natural ground level, shape, development and orientation of adjoining lots.

A reduction to the R-Codes deemed-to-comply setback requirements should only be considered where it can be demonstrated this is preferable for practical or aesthetic reasons, and will not be to the detriment of the amenity of adjoining properties, particularly where the reduced setback may result in increased overshadowing, overlooking or lack of privacy.

In these situations, the building design would need to address the design principles of clause 5.1.3.”

Section 5.1.3 of the R-Codes states:

“Buildings set back from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.”*

In relation to site works the R-Codes state:

- “C7.1 Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.*
- C7.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.*
- C7.3 Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.”*

The R-Codes state the following design principles for site works:

“P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.”

Section 4.4 of the Explanatory Guidelines of the R-Codes gives some consideration to how the issue of views might be managed in residential zoned areas:

“Obtaining and keeping views is a significant issue, particularly where a locality’s housing values place a premium on an outlook or featured landscape views.

Because views are an important part of the amenity shared and enjoyed by many people in certain areas, a proponent should take into account the desirability of protecting those views enjoyed by neighbours, and the public to the extent that it is possible to design the dwelling to enjoy the view, but not to the exclusion or detriment of others.

While the R-Codes cannot guarantee the protection of views, the decision maker may exercise a degree of control by primary and secondary street setbacks and height controls enhanced by local planning policies as permitted under clause 7.3.1 of the R-Codes. Alternatively, the decision-maker may consider the development of local planning policies or local development plans which target the protection of views. This approach would identify views ahead of potential development and may require visual assessment and reliance on technical opinion rather than advertisement for public comment and objections to specific proposal(s).”

Taking into consideration of the above a couple of matters are brought to Council’s attention. It should be recognised that cut & fill within the estate is required for every lot within the estate given the topography of the land with most houses within the estate requiring between 1 to 2m of cut & fill to create a level building site. Therefore, this lot undertaking earthworks with a maximum fill height of 1.65m is not necessarily out of place in relation the estate or previous planning decisions.

If the subject site was the first to be developed then the impact of 1.65m of fill on the south-western side would have a different impact on surrounding landowners as opposed to the situation onsite where the adjoining landowners to the south has chosen to construct at a finished floor level approximately 1-1.5m below the natural ground level at the adjoining boundary. This in affect exacerbates the height difference between the existing house to the south and the proposed fill on the subject lot.

Notwithstanding this, there needs to be a balanced approach between the necessity of creating a level building site, the competition for views, privacy for each lot, drainage/stormwater control and overall streetscape appearance.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

On determination of this application should the applicant be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal with a cost likely to be imposed on the Shire through its involvement in the appeal process.

- **Long Term Financial Plan:**

It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

- **Strategic Community Plan:**

It is not considered that the determination of this application by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

The Shire wrote to surrounding landowners providing details of the application and inviting comment upon the proposal. A sign was also erected on-site to advise of the received application and the opportunity for comment during this period.

At the conclusion of the advertising period 3 submissions had been received, two in support and one in objection.

A copy of the received submissions has been included as **Attachment 10.1.1(d)**.

RISK ASSESMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

Recommendation Option 1 – Approve application based on plans as submitted

That Council grant formal planning approval for earthworks upon 3 (Lot 121) Dune Vista, Buller subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 18 July 2018 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 Stormwater runoff is to be managed to the approval of the local government. A drain is to be installed along the southern boundary to the satisfaction of the local government.
- 4 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 5 The bank on the western and south-western elevations shall be planted out with vegetation within 6 months from the date of this approval to the satisfaction of the local government.

Notes:

- (i) If the applicant is aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Option 2

Recommendation Option 2 – Approve application with modifications to setbacks & a reduction in fill height of 0.35m (giving maximum fill height of 1.35m)

That Council:

1. Require the applicant to submit an amended site plan demonstrating:
 - a. A 15m setback to the top of bank on the western (front) elevation;
 - b. A 7.5m setback to the top of bank on the southern (side) elevation;
 - c. The top of bank height being reduced from 49.35 to 49.00
- 2 Delegate authority to the chief executive officer that on receipt of an amended plan in accordance with item 1 above that formal planning approval be granted for earthworks upon 3 (Lot 121) Dune Vista, Buller subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 18 July 2018 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 Stormwater runoff is to be managed to the approval of the local government. A drain is to be installed along the southern boundary to the satisfaction of the local government.
- 4 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 5 The bank on the western and south-western elevations shall be planted out with vegetation within 6 months from the date of this approval to the satisfaction of the local government.

Notes:

- (i) If the applicant is aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FORTH

That Council grant formal planning approval for earthworks upon 3 (Lot 121) Dune Vista, Buller subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 18 July 2018 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 Stormwater runoff is to be managed to the approval of the local government. A drain is to be installed along the southern boundary to the satisfaction of the local government.
- 4 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 5 The bank on the western and south-western elevations shall be planted out with vegetation within 6 months from the date of this approval to the satisfaction of the local government.
- 6 Fencing to be installed along the top of the fill on the southern elevation to assist in privacy protection to the approval of the Local Government.

Notes:

- (i) If the applicant is aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**Voting 5/2
CARRIED
Minute Reference: 07/18-2**

Deviation from Staff Recommendation: Councillors requested that point 6 be added to the Staff Recommendation to address privacy issues for neighbouring property.

Lot 121 (3) Dune Vista Buller

We would like to cut and fill our block (not bringing in any extra fill) to maximise use of space and position our house/garage to above ground level. Cutting and filling at our proposed level also minimises view obstructions to our north and north-east neighbours. The location of our future shed at the rear of the property and height of shed above natural ground level will be greatly reduced. The height that the sand pad will finish at will be 49.35 at the front of the property and 49.71 at the rear of the property. At the garage location the sand pad will be at natural ground level. John Pirone, Pirone's Sand Supplies and Llewyn Connolly, Connolly Creative Building, agree that this height is needed to maintain views and ensure stormwater will not be a problem.

Our north neighbours have proposed to build a double storey house (and have our full support to do so) and with this knowledge we feel our level will potentially provide us with some privacy and be consistent with the natural topography.

We have given a lot of thought and care to the location of our house and had considered positioning it further back to obtain the city lights view at night. We didn't object our south neighbours' application to erect a shed and patio knowing our views would be severely impacted and essentially supported their application because we believe we have all bought these blocks for similar reasons, for views, space and room to have a shed.

By positioning the house towards the front of the levelled block we will obtain views and maintain a tidy street appearance enhanced with tiered landscaping. The layout of our house supports the recommended privacy guidelines under R2.5 zoning with living areas to the front and bedrooms to the south. Our future patio will be on the north east side of our house which will provide our south neighbours with privacy. If we were to build further back we lose our views due to our neighbour's shed and would also create a privacy issue as we would be looking into their backyard.

Our primary motive for a level block is to minimise stormwater issues, to be able to provide our young children with a secure, safe and level backyard, as well as erect a shed that doesn't obstruct other views, all while maintaining our views. Our primary concerns are stormwater and wind erosion issues for us and our surrounding neighbours. At the moment the banks on the south look steeper than they will actually be due to the nature of earthworks. Once the block is levelled the south slope will be tapered back reducing the angle to 18.5 degrees (1:3 ratio) which will enable us to maintain/mow vegetation. To ensure our neighbours to the south aren't impacted by the elevation, water will be channelled to the front of our property. We will install a V drain along the south side of our block to contain water off the slope within our property and ensure no water run off to our south neighbours. The neighbours to the south have built 5 meters from our adjoining boundary and at this location their house is below ground level. To compromise with their proximity, we are allowing 2 meters (containing the V drain) before starting our incline which will rise at a 1:3 ratio with our house being positioned 10 meters from our adjoining boundary.

Earthworks will be temporary stabilised by seeding barley which we will mow to maintain. We strongly advocate the need to carry out these earthworks as soon as possible to achieve a good cover prior to this summer. Next year erosion will be stabilised from the vegetation (shrubs and grass) that we will plant along the south boundary. Lawn, plants and natives will be planted along the front and south west of the property. We also feel this landscape will enhance the aesthetics of our property.

We believe our development will be cohesive to others in the estate as almost all property owners have cut and filled at a location on their block to maximise the elevation of their house and some have bought in extra fill to further increase views. With our driveway located at the north of our block and our south neighbour's driveway at the south of their block, our driveway incline and garage step up from the road will be very similar to theirs which will maintain a level cohesiveness between our properties. Our block frontage is to the west and to try and obtain the average block height we need to cut and fill from the rear of our property. As mentioned above this also benefits other land owners as our future shed will not affect their views.

Please feel free to contact us on 0488043790 with any queries that you would like answered directly.

Matthew and Christine Auld

Elevation of our house

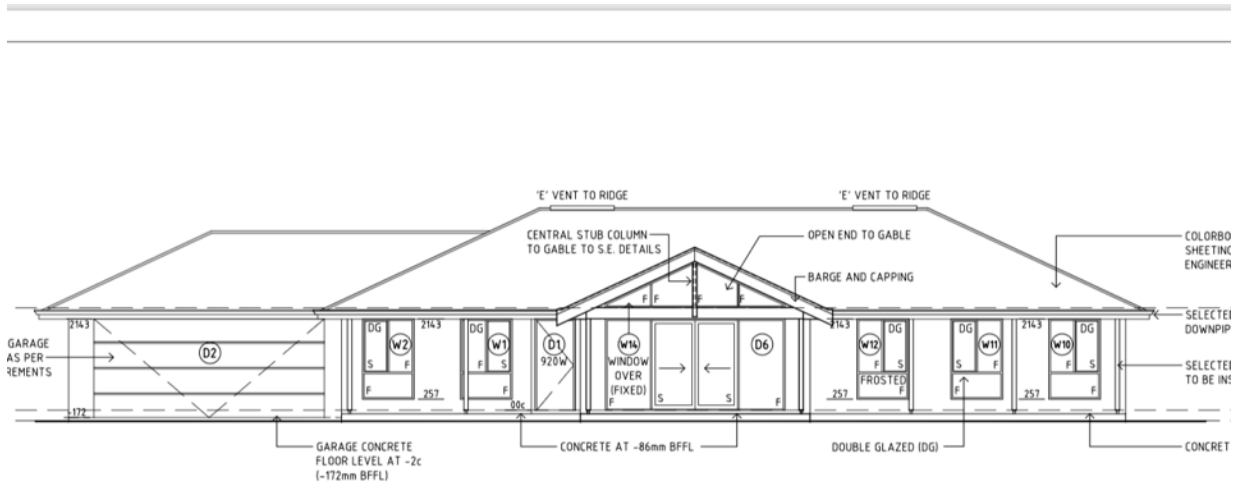


FIGURE 1

An example of the slope on the south



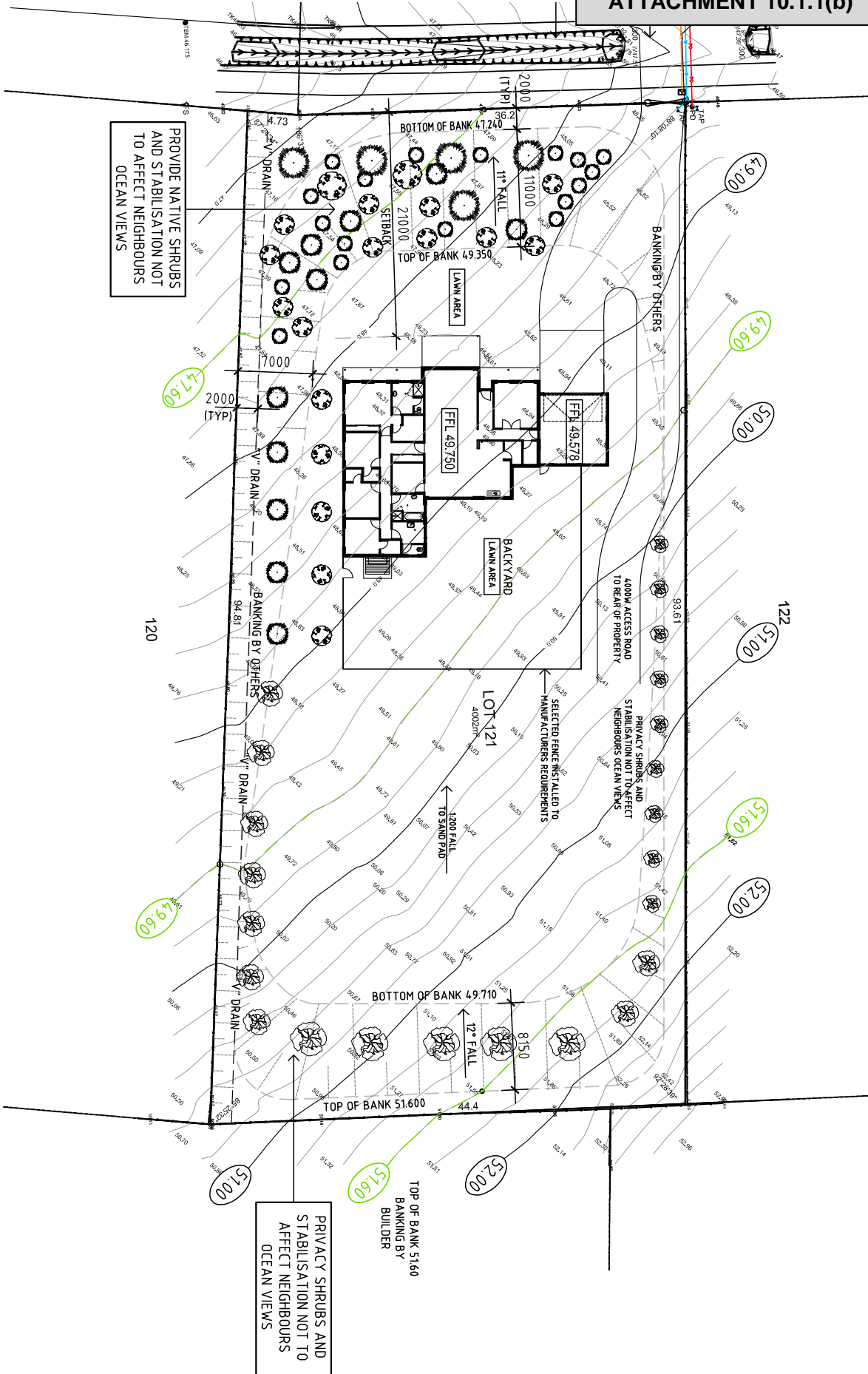
Proposed tiered retaining for the front of our property



An example of cut and fill to level the whole block in White Peaks, however this is on a much larger scale compared to ours.



ATTACHMENT 10.1.1(b)



BEFORE EARTHWORKS COMMENCED ONSITE





CURRENT EARTHWORK LEVELS ONSITE











DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1874

EARTHWORKS – 3 (LOT 121) DUNE VISTA, BULLER

Name: MITCHELL & NICOLE CROFT

Postal Address: 38 WOKARENA ROAD

Phone Number: 0428 650306

SUBMISSION: Support Object Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

WE ARE CONCERNED ABOUT EROSION DUE
TO WHAT HAS HAPPENED IN THE PAST WITH THE
ESTATE. AS LONG AS ANY COST ASSOCIATED
WITH EROSION DAMAGE BY THIS DEVELOPMENT
WAS FIXED BY THEM, AND THAT PROJECT
Nº: 1701/0342 DRAWING A03 WAS APPROVED
TO THEN WE WOULD HAVE NO OBJECTIONS.

Signature:  Date: 09/07/2018

Please return to: Chief Executive Officer or cso@chapmanvalley.wa.gov.au
Shire of Chapman Valley or (fax) 9920 5155
PO Box 1
NABAWA WA 6532

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4:00pm Friday 6 July 2018



DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1874

EARTHWORKS – 3 (LOT 121) DUNE VISTA, BULLER

Name: PHILIPPA SAUNDERS
 Postal Address: PO Box 1465 GERALDTON 6531
 Phone Number: 0428 212 356

SUBMISSION: Support Object Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

Signature: Paunders Date: 6/7/2018

Please return to: Chief Executive Officer
 Shire of Chapman Valley
 PO Box 1
 NABAWA WA 6532
 or cs@chapmanvalley.wa.gov.au
 or (fax) 9920 5155

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4:00pm Friday 6 July 2018

5th July 2018

We are writing to object to the application of the proposed residence using the proposed cut and fill to the entire block at 3 (lot121) Dune Vista Buller. As Per the first plans we have received the suggested sand pad level is 49.6. On the fence line of our 2 properties the natural ground level is 47.6 21m set back from the boundary. This proposal would result in the sand pad being 2metres above natural ground level. Per picture 1 it shows that this level is above our house gutters.

The application makes mention of Lot 121 seeking privacy by having the increased level due too their northern neighbours expressing an interest to build a two story home. No consideration has been given to our privacy having their home built at such a high level above ground especially in relation to our home. The pad level itself that is proposed is significantly higher than their own front fence and the home has the potential to be higher than the street light in front of our homes. Due to the significant height of 2m above natural ground level, we would loose all privacy. If we were to erect a colourbond neighbour fence at the required 1.8m height the neighbouring home and windows will be over the height of the fence. Adversely effecting the value of our home.

Within the application letter, there has been mention of the erection of our shed and patio severely impacting on the neighbours views of the city lights. However the patio met all council regulations and the shed is cut in below natural ground level for the height regulations and complied with the original building envelope which the house was originally designed and positioned. See Diagram received from council via email on ...The heights and construction of both the patio and shed complement our house height and colouring. NO building or ground prep was done on these outbuildings prior to receiving an approved application from council. Therefore we believe that these outbuildings should not be part of this application and positioning of the neighbour's house for "view" purposes.

The proposed application example of a whole block in White Peak is not similar or relevant to this situation. White Peak blocks average 10,000m. Wokarena where we are situated are 4000m². From the picture provided, it appears that the particular example is in a slight incline area. The natural fall of the estate in consideration is significant. The slope declines from east to west and north to south. We built our home 5m from our boundary fencing to use the building envelope to fit in home, shed, patio. Using a north south cut fill per the council regulations at the time of the build understanding we would have two tears. Having an incline starting 2metres on the other side of the fence as proposed impacts water run-off, erosion and privacy, and does not Ahearn to Residential Design Code 5.2 street scape, 5.3(c) and 5.3.7 p7.1 & p7.2 as it does not respect the natural topography of the site that it is on or our adjoining property.

All current developments within the estate are at least 2 different levels within each block. This allows each block to work with the natural topography of the area. As well as maintaining a consistent street scape per 5.3c of the building codes. Most of the current houses have used cut and fill on the block, building in the cut or close to it.

The site works that have been done so far twice without any council approval does not meet 5.3.7 p7.1, p 7.2 for site works building codes as the extensive excavation/relocation of soil within the

property is not working with the natural features of the area. The code requires minimal excavation. Mention of planting barley to hold the soil together to avoid erosion is not an adequate method for the area. There is a significant number of mice and rabbits in the area that would be likely to hinder the growth and/or roots of the barley when seeded.

It has been noted that our house is below natural ground level at to the North side. This is the result of us using the cut and fill method on our block and building in the cut. This has meant we are below natural ground level to the north and above natural ground level to the south. This will then also allow us to maintain a cohesive streetscape with our neighbours to the south and to maintain 5.2 views and vistas to rear neighbours. Meeting the original council building envelope and views and vistas for the estate. Please see picture.

There has been mention that 3 (Lot121) Dune Vista are building with a similar incline and step up to our garages which they propose will maintain a level cohesiveness with our blocks. However their driveway is on the higher side of their block with our driveway is to the south/lower side of our block. With the way we have positioned our house and cut in fill to work with the natural topography of the block and our northern neighbours proposing to level out their block from the high point of the block which is already higher than us at natural ground. There is NO cohesiveness between our 2 properties at all. 3 Dune Vista is also not cohesive with ANY of the existing blocks, as well as being built at a significant height above the current fence level at the front and our adjoining block. therefore not meeting R code 5.2 in relation to cohesiveness in street scape and 5.3.7 site works not respecting the natural features of the site.

If you or the council have any questions or hesitation in supporting our objection, we would like to open an invitation to visit our house and stand in our front yard to help understand our objection.







Lower Hand shows side fence height, highlighting pad height above neighbouring fence



Neighbouring block to our south showing the topography decent



Showing height marker on fence line



Wide view showing our adjoining property including street sign height



Wide view showing our adjoining property including street sign height



Angle showing our house cut in to the north, built up to the south



Street View of our home

AGENDA ITEM:	10.1.2
SUBJECT:	PROPOSED RELOCATION (EXPANSION) OF BUILDING ENVELOPE
PROPONENT:	R & S MOORE
SITE:	LOT 9 STIRLING PLACE, WAGGRAKINE
FILE REFERENCE:	A1705
PREVIOUS REFERENCE:	Nil
DATE:	10 JULY 2018
AUTHOR:	KATHRYN JACKSON

SUPPORTING DOCUMENT:

Nil.

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to relocate (expand) the building envelope upon Lot 9 Stirling Place, Waggrakine. The application has been advertised for comment and this report recommends approval of the application.

Figure 10.1.2(a) – Location Map of Lot 9 Stirling Place, Waggrakine

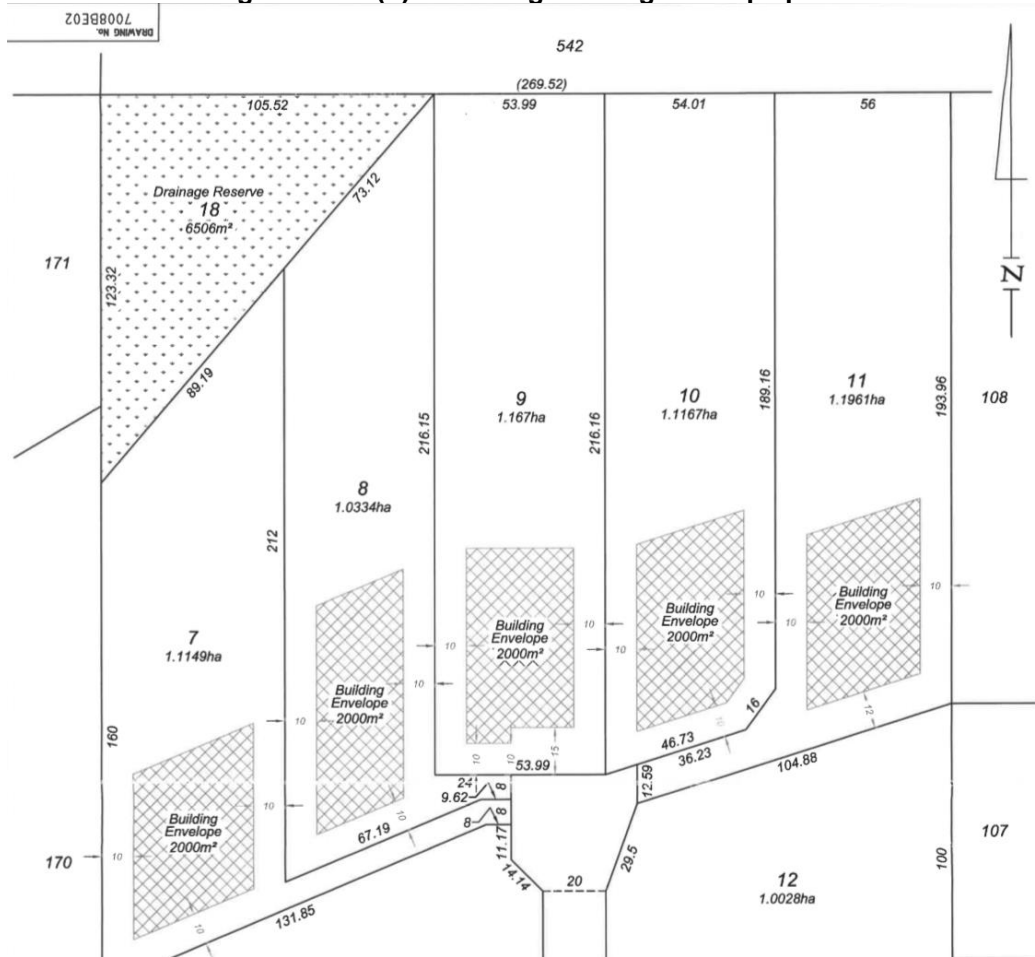


COMMENT

Lot 9 is a 1.167ha property located on the cul-de-sac of Stirling Place. The property is open grassland with no significant vegetation. To the rear of the property is the Dolby Creek reserve.

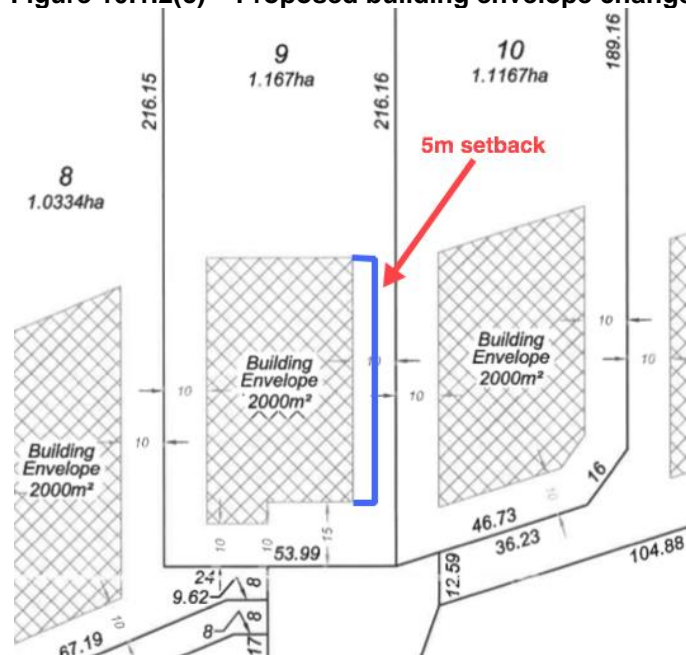
When Lot 9 was created a Building Envelope plan was prepared and designated a 2,000m² building envelope within which all development was required to be located. This was to ensure adequate setback from the potential Dolby Creek Reserve. The applicant is seeking to relocate (expand) the building envelope that was identified upon this original plan.

Figure 10.1.2(b) – Existing building envelope plan



The existing building envelope is setback 10m from the eastern boundary with the applicant seeking to expand the building envelope towards the eastern boundary to provide for a 5m setback. See figure below.

Figure 10.1.2(c) – Proposed building envelope change



Shire staff raise no objection to the relocation (expansion) of the building envelope on the following basis:

- the new building envelope location would not require clearing of remnant vegetation;

- the intended location for the new building envelope still provides for the same separation to the Dolby Creek reserve;
- the application has been advertised to surrounding landowners inviting comment and no submissions were received;
- the proposed building envelope area is outside of the area identified by the State Map of Bushfire Prone Areas;
- the Shire's Local Planning Scheme permits 5m side setbacks for Rural Residential Zoned lots so this amendment would be in keeping with setbacks as already generally prescribed by the Shire; &
- the purpose of the building envelope was to ensure that development upon the lot was clustered and the proposed relocation of the building envelope would retain this.

STATUTORY ENVIRONMENT

Lot 9 Stirling Place, Waggrakine is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 5.11 of the Scheme states:

"5.11 Building Envelopes

5.11.1 Where a building envelope is identified on a subdivision guide, structure or fire management plan, all development shall be contained within the designated envelope area.

5.11.2 No development of any structures shall occur within any area/s identified as 'Development Exclusion Area', 'Re-vegetation Area', 'Remnant Vegetation' or similar on the subdivision guide, structure or fire management plan;

5.11.3 Notwithstanding the requirements of Clause 9.1 of the Scheme, where a building envelope exists on a particular lot an application for planning approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.

5.11.4 In considering an application to relax the requirements of Clause 5.11.2 and 5.11.3 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to:

- unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations;*
- unnecessary clearing of remnant native vegetation;*
- visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;*
- suitability for landscape screening using effective screening vegetation; and*
- compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Local Planning Policies."*

This application to relocate (expand) the building envelope with a 5m setback to the eastern boundary complies with clause 5.11 of the Scheme. The amendment to the building envelope is considered very minor in nature and does not affect the intent of the building envelope to protect built development from any potential flooding risk from the Dolby Creek reserve and to cluster development upon the lot.

POLICY IMPLICATIONS

Section 2.2 of the Scheme provides for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

Council's 'Building Envelopes' policy was adopted to provide guidance to landowners and staff when dealing with applications that requested the relocation and amendment of designated building envelopes.

The objectives of the 'Building Envelopes' Local Planning Policy are listed as:

- "3.1 To provide guidance with respect to the amendment of a building envelope (relocation, expansion) that will not lead to unacceptable impacts on surrounding properties.*

- 3.2 *To provide criteria by which the amendment of a building envelope should be considered to assist in protecting the integrity of the application of building envelopes.*
- 3.3 *To provide guidance in relation to the information required to be submitted as part of an application for the amendment of a building envelope.”*

Sections 4.3 & 4.4 of the ‘Building Envelopes’ Local Planning Policy state that:

- “4.3 *In considering an application to relax the development standards pursuant to Section 5.5 of Local Planning Scheme No.2, the Council will give particular consideration to:*
- (a) justification for the proposed amendment;*
 - (b) the secondary nature of the development should the application be to site a building/s outside of the envelope (i.e. horse stables);*
 - (c) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range;*
 - (d) unnecessary clearing of remnant native vegetation;*
 - (e) visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;*
 - (f) suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;*
 - (g) use of materials and colours to assist in softening any perceived visual impact;*
 - (h) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.*
- 4.4 *Building envelopes are generally imposed at the time of subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits.”*

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

The application complies with the requirements of the Policy.

FINANCIAL IMPLICATIONS

Nil.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

Nil.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

CONSULTATION

Section 4.1 of the Shire’s ‘Building Envelopes’ Local Planning Policy notes that an application seeking to relocate, remove or expand a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration.

The Shire wrote to the landowners of the Stirling Place cul-de-sac head lots addressed by the building envelope plan, and placed a sign on-site, inviting comment. At the conclusion of the advertising period no submissions had been received.

RISK ASSESMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple Majority required

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR BATTEN

That Council grant planning approval for the relocation (expansion) of the building envelope upon Lot 9 Stirling Place, Waggrakine to provide a 5m setback to the eastern boundary in accordance with the approved plans dated 18 July 2018.

**Voting 7/0
CARRIED
Minute Reference: 07/18-3**

10.2 Finance July 2018

Contents

10.2 AGENDA ITEMS

10.2.1 Financial Reports for June 2018

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR JUNE 2018
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	18 JULY 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1	Merged Financial Reports		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Financial Regulations require a monthly statement of financial activity report to be presented to Council.

COMMENT

The monthly financial statements for June 2018 have been provided as a **separate attachment** for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in June 2018 financial statements.

- **Long Term Financial Plan (LTFP):**

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

- **Strategic Community Plan/Corporate Business Plan:**

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity. The Risk Rating is Level 1 Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR FORRESTER

That Council receives the financial report supplied under separate attachment for the month of June 2018 comprising the following:

- Statement of Financial Activities with notes
- Note 1 – Significant Accounting Policies
- Note 2 – Explanation of Material Variances
- Note 3 – Net Current Funding Position
- Note 4 – Cash & Investments
- Note 5 – Budget Amendments
- Note 6 – Receivables
- Note 7 – Cash Backed Reserves
- Note 8 – Capital Disposals
- Note 9 – Rating Information
- Note 10 – Information on Borrowings
- Note 11 – Grants & Contributions
- Note 12 – Trust
- Note 13 – Capital Acquisitions
- Appendix A – Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

**Voting 7/0
CARRIED
Minute Reference: 07/18-4**

10.3

Chief Executive Officer

July 2018

Contents

10.3 AGENDA ITEMS

- 10.3.1 Stop Puppy Farming - Consultation
- 10.3.2 Review of Council's Policies & Procedures
- 10.3.3 Western Australian Local Government - AGM
- 10.3.4 Finance, Audit & Risk Management Committee

AGENDA ITEM:	10.3.1
SUBJECT:	STOP PUPPY FARMING - CONSULTATION
PROPONENT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SITE:	WESTERN AUSTRALIA
FILE REFERENCE:	604.00
PREVIOUS REFERENCE:	NIL
DATE:	18th AUGUST 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Stop Puppy Farming LG Consultation Paper		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Western Australian Local Government Association (WALGA) has advised:

- The McGowan Government has committed to introducing laws to:
 - stop puppy farming and the supply chains that support this industry;
 - improve the health and welfare of dogs in Western Australia; and
 - stop the overbreeding of dogs.
- The Government released a public Consultation Paper in May 2018.
- The Government has now prepared a Local Government Consultation Paper and has requested WALGA to coordinate a sector response.
- WALGA is conducting this consultation process in alignment with the State and Local Government Partnership Agreement

COMMENT

The Info Page released by WALGA on the issue states:

Stop Puppy Farming Proposal

The McGowan Government recently released a public Consultation Paper explaining its commitment to introduce laws to:

- *stop puppy farming and the supply chains that support this industry;*
- *improve the health and welfare of dogs in Western Australia; and*
- *stop the overbreeding of dogs*

The Government aims to implement the following key elements of the Stop Puppy Farming Policy:

- *mandatory de-sexing of dogs unless an exemption is requested for breeding purposes or for reasons stated by a registered veterinarian;*
- *a centralised registration system to ensure every dog and puppy can be identified at the point of sale or adoption, including in advertisements for sale; and*
- *the transition of pet shops into adoption centres that will only sell puppies and dogs from approved rescue organisations and animal shelters;*

- mandatory standards for dog breeding, housing, husbandry, transport and sale.

Local Government Consultation

WALGA, together with Local Government Professionals WA, are members of the Ministerial Working Group overseeing the Stop Puppy Farming initiative and have promoted the view that the Local Government sector should be the subject of a consultation process separate to the public consultation process.

The Stop Puppy Farming Local Government Consultation Paper is designed for Local Governments to consider and comment on the recommended actions and proposed implementation process of the stop puppy farming proposals.

Local Government has a long-standing involvement in animal welfare and has a majority interest in the introduction of legislative measures to reduce overbreeding which results in unwanted and abandoned dogs, and the poor animal welfare standards often associated with unregulated breeding of dogs for profit.

In a separate process, the Department of Local Government, Sport and Cultural Industries will soon develop a cost modelling project aimed at collecting current information about the cost to Local Governments to implement the Dog Act and the projected costs associated with implementation of the Stop Puppy Farming initiative.

The feedback provided in both processes will assist to inform the Government on the role of Local Governments support for the implementation of the stop puppy farming initiative, identify resource requirements and cost implications.

Feedback Opportunity

WALGA is seeking a Council-endorsed response by **Friday 3 August 2018**. Your response will assist the preparation of an item for consideration by all WALGA Zones and, ultimately, State Council. This consultation process aligns with the State and Local Government Partnership Agreement.

The Consultation Paper is provided under separate cover (**see Attachment 10.3.1(a)**) with the CEO's recommended responses included. This Agenda Report is seeking Council review the recommended response, amend accordingly and lodge a submission to WALGA by the due date 3rd August 2018.

STATUTORY ENVIRONMENT

Dog Act, 1976; and

Animal Welfare Act, 2002

POLICY/PROCEDURE IMPLICATIONS

Corporate Management Policy CMP-001 "Animal Welfare Act 2002 – General Inspectors" is relevant and may require additional resources to enforce the proposed new legislation.

MANAGEMENT PROCEDURE No.	CMP-001
MANAGEMENT PROCEDURE	ANIMAL WELFARE ACT – GENERAL INSPECTORS
RESPONSIBLE DIRECTORATE	MUNICIPAL LAW ENFORCEMENT
RESPONSIBLE OFFICER	RANGER
PREVIOUS POLICY No.	1.10
RELEVANT DELEGATIONS	

OBJECTIVES:

Appointment of Animal Welfare General Inspectors for the Shire of Chapman Valley

MANAGEMENT PROCEDURE STATEMENT/S:

Council endorses the appointment of the Rangers as General Inspectors within the Shire of Chapman Valley boundaries in accordance with the Animal Welfare Act 2002 with authorisation to use the Council owned vehicles and resources to perform these duties.

This is a Shire Internal Procedure and there is no legal obligation for Council to appoint an Animal Welfare General Inspector under the Animal Welfare Act, 2002.

If Council is concerned about possible additional responsibilities being imposed on the Animal Welfare General Inspector, which may result in additional costs to the Shire, then Council can simply dispense with this specific Procedure.

FINANCIAL IMPLICATIONS

The Discussion Paper states the following:

“Currently, Local Governments are responsible for administering and enforcing the provisions of the Dog Act in their district.

Amendments to the Dog Act are being considered that would impose additional responsibilities on local government authorities, including:

- *enforcing the mandatory dog de-sexing requirement (by taking action against owners when this comes to the local government’s attention);*
- *processing dog breeder applications;*
- *enforcing the dog breeder registration requirement;*
- *inputting information into a centralised registration system, as opposed to the local government’s own dog register.*

It is proposed that the State will develop a centralised registration system that is used by all local governments. For local government this means instead of maintaining individual dog registration databases, local government will continue to be responsible for processing of dog registrations and uploading the registrations to a centralised system. We are working with the local government sector to undertake economic modelling to anticipate what these costs may look like.

The costs that will be evaluated include:

- *costs associated with enforcing the provisions (as itemised above);*
- *costs associated with transitioning local governments to a centralised registration system;*
- *costs involved with assisting communities to comply with the new provisions, for example, assisting remote communities to access veterinary services to de-sex dogs by the mandatory age;*
- *costs of prosecution and defending appeals to prosecution; and*
- *scoping the capacity and costs of local governments being the agency responsible for enforcing the requirement that pet shops only source dogs from accredited rescues and shelters.”*

At this stage the actual costs to the Shire are unknown.

- **Long Term Financial Plan (LTFP):**

It is anticipated there will be no effect on the LTFP.

STRATEGIC IMPLICATIONS

No significant implication anticipated.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
1.2	Strengthen our advocacy role and regional partnerships to support the provision of local services and facilities	Be present in conversations and gatherings related to the provision of essential and desired services for Chapman Valley residents and visitors	Participate in and advocate for regional resource sharing and cross-boundary cooperation.

CONSULTATION

WALGA has provided a Consultation Paper seeking local government feedback on the proposed legislation change. Submissions close **3rd August 2018**.

RISK ASSESSMENT

There is a risk of additional resources being requires of local government for the proposed legislation change. However; I believe this risk is **minor**.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR WARR

That Standing Orders be suspended.

**Voting 7/0
CARRIED
Minute Reference: 07/18-5**

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR FORTH

That Standing Orders be reinstated.

**Voting 7/0
CARRIED
Minute Reference: 07/18-6**

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR WARR

Council endorse the response provided by the Chief Executive Officer as presented on the *Stop Puppy Local Government Consultation Paper* and lodge these responses/comments to the Western Australian Local Government Association.

**Voting 7/0
CARRIED
Minute Reference: 07/18-7**

AGENDA ITEM:	10.3.2
SUBJECT:	REVIEW OF COUNCIL POLICIES & PROCEDURES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REFERENCE 03/17-31 & 03/17-32
DATE:	MARCH 2017
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Revised Policy & Procedures Manuals		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

To allow Council to review and consider changes to the Shire Policy & Procedures Manuals

At the March 2017 OCM the following was resolved:

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

Council endorses the amendments to the Policies as presented.

*Voting 7/0
CARRIED
Minute Reference 03/17-31*

MOVED: CR FORRESTER

SECONDED: CR FARRELL

Council endorses the amendments to the Management Procedures as presented.

*Voting 7/0
CARRIED
Minute Reference 03/17-32*

COMMENT

As discussed at the March 2018 Concept Forum I have been working with Marg Hemsley (LG People) to undertake a full review of the Shire's Policies & Procedures.

Funding was allocated in the 2017/2018 Budget to co-opt the services of a consultant with the skills and expertise to bring Council's Policies and Procedures to the next level of compliance and relevance. This review is a follow-on from the full review of the Shire's Local Laws, completed in 2017.

Marg Hemsley joined the March 2018 Concept Forum via telephone to explain to Council where we were at with the review process and how this is being undertaken.

Provided under separate cover (**Attachment 10.3.2(a)** also placed in Dropbox on the 26th June 2018) is the revised Policy and Procedures Manuals, which have been categorised into specific organisation responsibility areas. The intention is to ensure there is specified areas of responsibility and a defined process on how the policies & procedures are communicated to Elected Members & Staff.

The Polices & Procedures have now been categories in the following areas, which will have separate Manuals for each area, rather than the previous system where all polices & procedures were included into the one Manual i.e.

- Building & Projects;
- Finance;
- Elected Members Governance;
- Human Resources;
- Organisational Corporate; and
- Planning & Development

Each section will have a designated *Responsible Officer* who will be responsible for ensuring the policies & procedures relevant to their areas are communicated to staff under their management and to present recommended updates, amendments, additions, etc. to the CEO for consideration as required.

The *Elected Members Governance & Policy Manual* will be provided to all Elected Members and will be CEO's responsibility to present to Council any recommended updates, amendments, additions, etc. for consideration.

All **Policies** (i.e. those prefixed with "**CP**") will be present to Council (as is required by the LG Act) for review.

Whereas all **Procedures** (i.e. those prefixed with "**CMP**") will only be presented to Council at the time Staff believe there is need to recommended updates, amendments, additions, etc. for consideration.

The revised Policy & Procedures Manuals provided will have all recommended amends and any additional items shown in **RED Text** to assist Council with clearly identifying any changes to the existing policies & procedures.

There are a number of *Policies*, which I believe should be *Management Procedures* and I have recommended these be amended accordingly i.e.

- IP-001 Midwest Regional Road Group (MWRRG) Significant Road Policy
- IP-002 Private Works
- IP-003 Heavy Haulage Vehicle Permits
- IP-004 Gravel Acquisitions
- IP-005 Roadside Vegetation Policy – Road Construction
- IP-006 Road Hierarchy

It will also be noticed where the *Responsible Directorate* section has been removed from all policies & procedures as this was considered superfluous to requirements for an organisation of our size. The *Responsible Officer* section has been enhanced to reflect the staff member responsible to update and implement the policy or procedure, bearing in mind the CEO can amend the *Responsible Officer* as seen fit to ensure the operational needs of the organisation are appropriately catered for.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 2.7(2)(b)

Role of Council

- 1) *The council:*
 - (a) *Governs the local government's affairs; and*
 - (b) *Is responsible for the performance of the local government's function.*
- 2) *Without limiting subsection (1), the council is to:*
 - a) *Oversee the allocation of the local government's finances and resources; and*
 - b) *Determine the local government policies.***

The legislation has no specific period for the review of Policies, yet Council has attempted to undertake a review annually.

POLICY IMPLICATIONS

All the Shire of Chapman Valley existing policies & procedures are under review.

FINANCIAL IMPLICATIONS

No effect on financial operations of the Shire.

Long Term Financial Plan (LTF):

No effect on LTFP of the Shire.

STRATEGIC IMPLICATIONS

It is important Councillors and staff are fully conversant with Policies and Procedures of the organisations in the first instance and for these to be accessible to the Elected Members, Staff and the community to ensure all ambiguity is removed regarding how the Shire operates.

It is also important Councillors and staff review the policies & procedures to ensure these remain current and relevant.

- **Strategic Community Plan/Corporate Business Plan**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

This has been a more detailed review process of all Council's policies & procedures to ensure not only are they current and relevant, yet also identify areas of responsibility for each policy & procedure and determine how these are being communicated to various stakeholders.

Marg Hemsley from LG People has works with the CEO & Staff as well as discussing the process and desired outcome with Elected Members at the March 2018 Concept Forum

RISK ASSESSMENT

There is a risk associated with the organisation's Policies and Management Procedures being antiquated and not relevant, which could lead to poor operations and possible areas of non-compliance with legislation. However; I believe this risk is considered ***"insignificant"*** in this instance i.e.

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple Majority

Note: Council may simply endorse Policies & Management Procedures up to a point and bring the balance of items not covered at this meeting back to a future meeting(s) to continue the review process if the task is considered too much for one meeting.

Council meeting adjourned at 10.07am. Mrs. Jackson left the meeting

Council recommenced at 10.27am

COUNCIL RESOLUTION

MOVED: CR FORTH

SECONDED: CR BATTEN

That Standing Orders be suspended.

**Voting 7/0
CARRIED
Minute Reference: 07/18-8**

COUNCIL RESOLUTION

MOVED: CR BATTEN

SECONDED: CR WARR

That the Standing Orders be reinstated.

**Voting 7/0
CARRIED
Minute Reference: 07/18-9**

STAFF RECOMMENDATION

1. Council endorses the amendments, deletions and additions to the Shire of Chapman valley Policies & Management Procedures Manuals as presented;
2. Council amend the following Polices to Corporate Management Procedures:
 - IP-001 - Midwest Regional Road Group (MWRRG) Significant Road
 - IP-002 - Private Works
 - IP-003 - Heavy Haulage Vehicle Permits
 - IP-004 - Gravel Acquisitions
 - IP-005 - Roadside Vegetation – Road Construction
 - IP-006 - Road Hierarchy

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: CR BATTEN

1. Council endorses the amendments, deletions and additions to the Shire of Chapman valley Policies & Management Procedures Manuals as presented and with the following additional amendments:
 - i. CP-024 – Expand upon conditions of purchases between \$5,000 & \$15,000 to ensure Purchase Orders have verbal quote requirement endorsed;
 - ii. CMP-010 – Delete blank page here;
 - iii. CMP-034 – Remove reference to “*Presidents*” function. Replace “*will*” to “*may*” in first sentence of procedure. Add this is to be brought to the Concept Forum annually (September each year) for Council determination;
 - iv. CMP-036 – Section 5 “*Publicity*” to have Facebook and other social media added. Section 7 title to be changed from “*Shire Crest*” to “*Shire Logo*”;
 - v. CMP-071 – Section 3.1 – Change wording from “*..disclosure rules..*” to “*disclosure of interest rules...*”;
2. Council amend the following Polices to Corporate Management Procedures:
 - IP-001 - Midwest Regional Road Group (MWRRG) Significant Road
 - IP-002 - Private Works

- IP-003 - Heavy Haulage Vehicle Permits
- IP-004 - Gravel Acquisitions
- IP-005 - Roadside Vegetation – Road Construction
- IP-006 - Road Hierarchy

**Voting 7/0
CARRIED
Minute Reference: 07/18-10**

Reason for Deviation from Staff Recommendation: Council determined the abovementioned variation as being appropriate

AGENDA ITEM:	10.3.3
SUBJECT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - AGM
PROPONENT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)
SITE:	WHOLE OF STATE
FILE REFERENCE:	404.01
PREVIOUS REFERENCE:	NA
DATE:	18th JULY 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	WALGA AGM Agenda		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

WALGA has provided local governments with the Annual General Meeting (AGM) Agenda for the meeting scheduled for 1st August 2018 (see **Attachment 10.3.3(a)**).

COMMENT

Council representatives attending the WALGA AGM can vote on all Agenda Items as they determine appropriate at the meeting, which is in accordance with Corporate Management Procedure CMP-035. However; this has been brought to Council for determination as there is an Agenda Item which advocates an amendment to the WALGA Constitution.

STATUTORY ENVIRONMENT

Not Applicable.

POLICY/PROCEDURE IMPLICATIONS

MANAGEMENT PROCEDURE No.	CMP-035
MANAGEMENT PROCEDURE	WALGA AGM AND NORTHERN COUNTRY ZONE
RESPONSIBLE DIRECTORATE	GOVERNANCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	9.150
RELEVANT DELEGATIONS	

OBJECTIVES:

Give authority to Elected Member representatives at both the WALGA AGM and the Northern Country Zone of WALGA to vote on issues at their discretion.

MANAGEMENT PROCEDURE STATEMENT/S:

Delegates elected as representatives to the WALGA AGM and, Northern Country Zone (NCZ) are given the authority to vote on issues in the best interest of the Shire of Chapman Valley, rather than having to bring such issues back to Council first for direction.

If delegates believe a specific item does require a decision of Council and are not prepared to vote on such items until Council has first discussed this specific matter they will abstain from voting on these grounds and put forward a motion that the matter “lay on the table” until each individual Local Government Authority has had the opportunity to consider the item of concern.

The authorisation given to Council representatives will not: -

- Commit the Local Government Authority to any expenditure; or
- Be extended to a situation where such a matter requires a specific decision of Council in accordance with any form of legislation

FINANCIAL IMPLICATIONS

Nil

- **Long Term Financial Plan (LTFP):**

Nil affect.

STRATEGIC IMPLICATIONS

Nil affect.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

WALGA has provided all Western Australian local government authorities with the Annual General Meeting Agenda in accordance with the notice requirements of the constitution.

RISK ASSESSMENT

Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR BATTEN

Council confirm with delegates attending the Western Australian Local Government Association Annual General Meeting to vote in the affirmative for all items listed unless any additional information is presented to the AGM, which would then allow delegates to exercise their discretion in accordance with Corporate Management Procedure CMP-035.

**Voting 7/0
CARRIED
Minute Reference: 07/18-11**

AGENDA ITEM:	10.3.4
SUBJECT:	FINANCE, AUDIT & RISK MANAGEMENT COMMITTEE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.05
PREVIOUS REFERENCE:	MINUTE REFERENCE: SCM 10/17-2
DATE:	18th JULY 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.4(a)	Dept. Local Government, Sport & Cultural Industries – Circular No 02-2018		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the Special Council Meeting held on the 23rd October 2017 Council established its Committees, Working/Advisory Group representatives with the following being resolved for the Finance & Audit Committee:

Finance & Audit Committee	<p>Will meet on an annual basis to provide a review of Council's ongoing financial situation, provide a forum for ongoing review of strategic management plan for Council operations and discuss the Audit System.</p> <p>Delegation – Nil</p>	<p>MOVED: CR FORRESTER SECONDED: CR MALUISH</p> <p><u>3 x Councillors</u></p> <ul style="list-style-type: none"> • Cr Farrell • Cr Royce • Cr Forth <p><u>Observers:</u></p> <ul style="list-style-type: none"> ~ CEO ~ Manager Finance & Corporate Services ~ Accountant <p style="text-align: right;">CARRIED Voting 8/0 Minute Reference SCM 10/17-2</p>
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COMMENT

The Department of Local Government, Sport & Cultural Industries (DLGSCI) has issued Circular 02-2019 accompanied by *A Guideline to Local Government Auditing Reform – June 2018* (see **Attachment 10.3.4(a)**) outlining legislative amendments associated with the transition of responsibility for the oversight of local government audits to the Office of the Auditor General (OAG).

The legislative amendment will place more roles and responsibilities onto the local governments Audit Committees as stated in the DLGSCI Guideline:

“Role of the Audit Committee

With the transfer of auditing to the Auditor General, local government Audit Committees will have a new and important role.

The role of the Audit Committee has been amended so that the Audit Committee has greater involvement in assisting the CEO to carry out the review under Regulation 17 of the Audit Regulations of systems and procedures concerning risk management, internal control, and legislative compliance. The Audit Committee is empowered to 'monitor and advise' the CEO in reviews of certain systems prescribed by the audit and financial management regulations. The terms 'monitor and advise' have been selected following consultation with the sector.

The reforms are intended to help CEOs formulate recommendations to council to address issues identified in the reviews.

The Audit Committee will also support the auditor as required and have functions to oversee:

- the implementation of audit recommendations made by the auditor, which have been accepted by council; and
- accepted recommendations arising from reviews of local government systems and procedures.

These roles reflect the importance of the Audit Committee as a section of council charged with specific responsibilities to scrutinise performance and financial management. The regulations continue to allow for external membership of Audit Committees. Councils are encouraged to consider inviting appropriate people with expertise in financial management and audit to be members of their Audit Committee."

It is therefore necessary to amend the purpose of the Finance & Audit Committee to reflect the new legislation.

As the Committee is involved in the risk management aspect of the Regulations it is also consider appropriate to amend the name "Finance & Audit Committee" to "Finance, Audit & Risk Management Committee".

STATUTORY ENVIRONMENT

Local Government Act, 1995

Local Government (Audit) Regulations, 1996

Local Government (Financial Management) Regulation, 1996

POLICY/PROCEDURE IMPLICATIONS

No current Policy/Procedure affected.

FINANCIAL IMPLICATIONS

As stated in the DLGSCI Guidelines:

"The reforms made in 2017 have expanded the Auditor General's scope of powers to undertake and report on local government financial audits and provide for the independent oversight of the local government sector.

The Auditor General will take over responsibility for financial audits on a transitional basis as existing audit contracts expire. From 2020-21, all local governments will be audited by the Auditor General, regardless of whether their auditing contracts have expired."

As Elected Members are paid an annual allowance in lieu of sitting fees there not expected to be any financial implications associated with any additional Committee meetings required.

In regard to the costs of the OAG undertaking the local government audits compared to the previous arrangement of this being undertaken by an independent auditor appointed by the local government, indications are the cost could be double what is currently paid. However; we do not have actual/estimated cost from the OAG at this stage.

The last audit service tender resulted in an average, annual cost of approximately \$20,000. Therefore, the Shire can expect the annual, average cost for the OAG audits to be in the vicinity of approximately \$40,000.

- **Long Term Financial Plan (LTFP):**

No effect on the LTFP.

STRATEGIC IMPLICATIONS

The State Government has deemed it necessary to bring the local government audit process under the responsibility of the Office of the Auditor General for their own reasons. One being to ensure there is more scrutiny and accountability associated with the local government audit process. I, personally, support the change as it assists with removing the unfounded conspiracies associated with local government operations and brings in consistency with the audit process.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

The DLGSCI and the Office of the Auditor General have both been in continual contact with local government authorities on the proposed and implemented changes.

I have also discussed with the DGLSCI staff the wording for the title and purpose of the Committee, which has assisted in forming the Staff Recommendation below.

RISK ASSESSMENT

Based on estimated additional cost alone the risk associated with the OAG undertaking the annual audits increasing by approximately \$20,000 the risk associated with the transition is considered **moderate** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR BATTEN

Council:

1. Amend the name of the Committee from “*Finance & Audit Committee*” to “*Finance, Audit & Risk Management Committee*”;
2. Amend the purpose of the Committee in fulfilling the requirements of Local Government (Audit) Regulation 17 by assisting the Chief Executive Officer to:
 - a) provide an independent oversight of the financial systems of the local government on behalf of the Council;
 - b) guide and assist the local government in respect to financial management;
 - c) contribute to the Shire’s corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit;
 - d) guide and assist with the Internal Audit and Risk Management;
 - e) oversee the implementation of audit recommendations made by the auditor, which have been accepted by council; and
 - f) oversee accepted recommendations arising from reviews of local government systems and procedures.

**Voting 7/0
CARRIED
Minute Reference: 07/18-12**

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

13.0 DELEGATES REPORTS

- Cr Farrell - Councillors and CEO attended meeting with the Shadow Minister for Local Government, Tony Krsticevic and Ian Blayney, Shadow Minister for Agriculture.

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

15.1 CEO's Performance Appraisal

COUNCIL RESOLUTION

MOVED: CR FORTH

SECONDED: CR ROYCE

Council close the meeting to members of the public to discuss Agenda Item 15.1 in accordance with the Local Government Act 1995 Section 5.23(2)(a) as it is considered a matter affecting an employee

**Voting 7/0
CARRIED**

Minute Reference: 07/18-13

Mr Lancaster, Mrs McKay and Mrs Raymond left Chambers at 11.52am.

Mr Battilana declared a financial interest in Item 15.1

AGENDA ITEM:	15.1
SUBJECT:	CONFIDENTIAL ITEM - CEO ANNUAL PERFORMANCE REVIEW
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	NABAWA
FILE REFERENCE:	PERSONAL FILE
PREVIOUS REFERENCE:	N/A
DATE:	18th JULY 2018
AUTHOR:	MAURICE BATTILANA

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR WARR

Council:

1. Appoints the Shire President, Cr Farrell, Cr Forth and Forrester to undertake the Chief Executive Officer Annual Performance Appraisal and Remuneration Review for 2018 and bring this back to Council for consideration.
2. Provide the Chief Executive Officer written notice of his Annual Performance Appraisal and Remuneration Review to be undertaken and requesting a waiver of condition 5.3.1 regarding the use of an independent party to facilitate the performance review in this instance.

**Voting 7/0
CARRIED**

Minute Reference: 07/18-14

COUNCIL RESOLUTION

MOVED: CR BATTEN

SECONDED: CR ROYCE

That the meeting be re-opened to the public at 11.57am

**Voting 7/0
CARRIED
Minute Reference: 07/18-15**

16.0 CLOSURE

The President thanked the Elected Members and Staff for their attendance and closed the meeting at 11.57am.