



Shire of Victoria Plains

Minutes for an Ordinary Meeting of Council held

On	Tuesday 12 th December 2006
At	Council Chambers, Calingiri
Commencing	1.00pm

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**Agenda - Ordinary Meeting
12th December 2006**

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 1.05pm.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE GRANTED

President: Cr M Anspach West Ward

Councillors: Cr J Kelly West Ward
Cr D Lovelock West Ward
Cr D Holmes South Ward
Cr Woods Central Ward
Cr Brennan Central Ward (from 1.49pm to 5.05pm)
Cr N Smith East Ward (from 1.42pm to 5.05pm)

Apologies: Cr Young East Ward
Cr G Erickson South Ward

Visitors: Mr T Field (to 1.20 pm)

Chief Executive Officer: Mr H Hawkins
Finance and Administration Manager: Mr N Hamilton
Works Manager: Mr A Kent (from 4.26pm to 5.05pm)
Environmental Health Officer: Mr G Tester (from 1.51pm to 3.20pm)
Executive Assistant: Mrs F Watson (Minutes)

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr Field

Expressed his disappointment in Councillors and their lack of commitment to attend the commencement of Council meetings. Having attended the last two Council meetings only five Councillors have been present at the commencement of the meeting.

Question directed to Chief Executive Officer.

Mr Field

May I read your fax sent to me?

Chief Executive Officer

Yes.

Mr Field read the fax to all present and asked the Chief Executive Officer to explain its contents. Mr Field went on to challenge his claim for legal expenses submitted to Council. Mr Field submitted two claims to council

1. Regarding Mr Harridge,
2. Regarding Mr Freestone at the Nov 06 meeting.

Mr Field

“As further discussion with Council is not going to solve the issue of my claims I will now make these claims through the Local Government Department, take the issue to the Minister and other bodies as I feel the matter has not been dealt with adequately at Council level.”

Mr Field left the meeting at 1.20pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATIONS OF INTEREST

Cr Woods requested Leave of Absence for the January 2007 Meeting of Council.

6 PETITIONS/DEPUTATION'S/PRESENTATIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 Confirmation of Minutes

Resolution 373/06

Moved Cr Lovelock seconded Cr Holmes that the minutes of the Ordinary Meeting held 21st November 2006 be confirmed as a true and correct record of the proceedings.

MOTION PUT & CARRIED 5/0

7.2 Business Arising from Minutes

Nil

8 ANNOUNCEMENT BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PRESIDENT AND COUNCILLORS REPORTS

Nil

10 BUSINESS PAPER

- 10.1 Finance
- 10.2 Community Services
- 10.3 Town Planning
- 10.4 Administration
- 10.5 Works

10.1 FINANCE

F493 Accounts for Payment

A list of accounts paid for the month of November 2006 follows this item. Payments are made either via cheques from the Accounts Payable System or by EFT (Electronic Funds Transfer) direct from the payroll system for the payment of wages. For the month of November cheques drawn amounted to \$197,596.59 and EFT Payments amounted to \$54,664.42, giving an overall amount of \$252,261.01.

Cr Lovelock

Presented his thoughts on the BioDiesel development and enquired; should council be proceeding with this issue?

Chief Executive Officer and President

Responded with their thoughts.

Resolution 374/06

Moved Cr Woods seconded Cr Holmes that Municipal cheques numbered 5117 to 5184 and direct EFT payments totalling \$252,261.01 be passed for payment.

MOTION PUT & CARRIED 5/0

F494 Sundry Debtors

A list of sundry debtors follows this item.

Resolution 375/06

Moved Cr Kelly seconded Cr Lovelock that the sundry debtors report for 30th November 2006 be received.

MOTION PUT & CARRIED 5/0

F495 Monthly Financial Statement

The Monthly Financial Report for the period ending 30th November 2006 follows this item.

Resolution 376/06

Moved Cr Kelly seconded Cr Holmes that the Monthly Financial Report for the period ending 30th November 2006 be received.

MOTION PUT & CARRIED 5/0

F496 Municipal and Trust Fund

The Municipal and Trust Fund on hand as at the 30th November 2006 follows this item.

Resolution 377/06

Moved Cr Kelly seconded Cr Holmes that the Municipal and Trust Fund on hand as at the 30th November 2006 be received.

MOTION PUT & CARRIED 5/0

F497 Outstanding Rates Report

The Outstanding Rates Report for the period ending 30th November 2006 follows this item.

General discussion was held on issue of notices and payment timelines and schedules.

Cr Anspach

Noted that a lot of people are under financial strain this year regarding harvest finances, AWB issues and farm incomes.

Finance and Admin Manager

Contact can be made and arrangements worked out including payment plans for rates.

Chief Executive Officer

Four years ago Council introduced a debt collector agency. The Shire is now at good level of rates income and Council can't afford rate debt to rise again. Anyone suffering financial hardship is welcome to discuss and arrangements can be made to ease the strain.

Resolution 378/06

Moved Cr Lovelock seconded Cr Woods that the Outstanding Rates Report for the period ending 30th November 2006 be received.

MOTION PUT & CARRIED 6/0

F498 Financial Report - Tree Lopping - Shire of Chittering

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: n/a

File Reference: T1.14

Attachments: Financial Report

Date Report Written: 4th December 2006

Author: Neil Hamilton - Finance and Administration Manager

Disclosure of

Interest: n/a

Background

At the November 2006 Council meeting Cr Smith requested a cost breakdown and profitability report on the work carried out by the Shire of Victoria Plains on behalf of the Shire of Chittering between July and September 2006.

Comment

The following breakdown is provided for Council information.

Item	\$
Labour & Overheads	15,986.99
<i>Plant Costs</i>	
PLR2 Volvo L70D Loader	5,791.80
Tree Lopper	17,025.00
Ford Courier Ute	1,617.00
<i>Freestone Transport</i>	
Loader Transport	363.64
TOTAL	<u>40,784.43</u>
Invoiced (excl GST)	47,808.50
Total Labour Hours	430.50

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

Nil

Voting Requirement

Simple majority

Cr Anspach

This item along with other works costs, breakdowns and further information on private works items shall be placed on the Plant and Works Agenda for the January 2007 meeting.

Resolution 379/06

Moved Cr Smith seconded Cr Lovelock that the Costing/Profitability report for Tree Lopping carried out by the Shire of Victoria Plains on behalf of the Shire of Chittering be accepted.

MOTION PUT & CARRIED 7/0

10.2 Community Services Status Report

Resolution 380/06

Moved Cr Smith seconded Cr Holmes that the items in the Community Services Status Report detailed below be noted.

MOTION PUT & CARRIED 7/0

Item No	Report Details	Community Services Action Required	Status
CS315	EBO/BS Report	Nil	Report received by Council
CS316	Biosolids Application	Nil	Information received by Council

Chief Executive Officer left the meeting at 1.50pm

Chief Executive Officer and Environmental Health Officer entered the meeting at 1.51pm

10.2 COMMUNITY SERVICES

(Incorporating Health, Building and Community Services)

CS317 Environmental Health Officer/Building Surveyor Report

Gordon Tester has provided Council with the following information on his time in Calingiri for November/December 2006:-

- Attended to phone and counter enquiries;
- Attended SAT Teleconference with CEO (building conditions appeal Michael Stock);
- Investigated unsafe activities on a building site and reported the matter to the relevant authority;
- Processed building and demolition applications;
- Issued condemnation certificate due to freezer malfunction;
- Inspected a food handling premises and issued a works request.

Issues from EHO Report

Unsafe Activities

Chief Executive Officer to advise the owner to place signage identifying cables underground and that the owner be requested to apply for a builders power supply to be installed on the lot.

Cr Kelly

Has the environmental policy been discussed with the Environmental Health Officer?

Chief Executive Officer

Yes, the Environmental Health Officer is investigating other shires policies.

Cr Smith

What Councils do have these types of policies?

Environmental Health Officer

Unsure at this stage, some exist and some unsuitable for rural Local Governments. Investigation will continue.

Cr Woods

Re:- food issues in report.

Environmental Health Officer

Standard practice following power outage.

Resolution 381/06

Moved Cr Smith seconded Cr Kelly that the information be received.

MOTION PUT & CARRIED 7/0

CS318 Biosolids Application

Location: Glentromie Farm – New Norcia

Name of Applicant/

Respondent: Department of Health

File Reference: H2.12

Attachments: Copy of letter from Department of Health.

Date Report Written: 28th November 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

The Water Corporation has requested on behalf of Mr Ian Wright approval to apply Biosolids to Jack's Paddock Glentromie Farm New Norcia in December 2006.

Comment

The Department of Health has no objection to the proposal subject to the conditions contained in the letter.

Statutory Environment

Environmental Protection Act, Health Act 1911

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

The application of Biosolids to farm land is considered to be a sustainable practice.

▶ **Economic**

Significant economic benefits arise from the application of Biosolids to farm land.

▶ **Social**

Nil

Voting Requirement

Simple majority

Resolution 382/06

Moved Cr Lovelock seconded Cr Woods that the information be received.

MOTION PUT & CARRIED 7/0

10.3 TOWN PLANNING

TP61 Planning Application Mogumber Tavern

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: WR Carpenter Properties Pty Ltd

File Reference: D5.2

Attachments: Amended site plan

Date Report Written: 30th November 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

Council resolution 325/06 from the October 2006 granted Planning Approval to WR Carpenter Properties Pty Ltd for the proposed redevelopment of the Mogumber Tavern and Restaurant subject to the following conditions:-

1. That a Heritage Assessment be carried out on the “Mogumber Post Office and Store” (stone cottage) at WR Carpenter’s expense to ensure that the conservation recommendation for the building of retain and conserve in the Shire of Victoria Plains Municipal Inventory of Heritage Places can be complied with.
2. That car parking bays be provided in accordance with Council’s Local Planning Scheme No. 5 and all car parks be drained and sealed/paved with landscaping or fencing put in place between the car park and Butler and Lanigan Streets to reduce the impact on residents.
3. That a noise strategy/management plan demonstrating that the new development would have no more undue adverse impacts on the adjoining residential sites than the existing tavern and if it does how these issues could be managed.
4. That no lighting from the new development shines directly into the windows and outdoor living areas of the adjoining residential properties.
5. All existing land title lots which are covered by this redevelopment including car parks are to be amalgamated into one lot.
6. The potential future accommodation shown on the site location plan Rev A: April 06 does not form part of this approval and will require a separate planning application.
7. Where ever possible the existing mature trees are retained for aesthetic purposes.
8. No work shall commence until such time as an appropriate building licence

- has been issued.
9. Subject to further truck parking area being provided by the Developer if required.

Comment

WR Carpenter Properties have come back and asked for three changes to the conditions to take away additional costs that may make the project not feasible at the present. The changes requested are:-

1. That of the 73 parking bays required by the new Local Planning Scheme that 14 as per the attached revised plan are sealed and drained with the remainder being a grassed area only used as required;
2. Condition 9 the provision of truck or long vehicle parking if required be removed; and
3. Rather than insist on a noise plan that an insistence on noise limiting building materials such as CSR Soundcheck for ceilings with Rockwool Insulation and Hebel internal walls be made.

The reasons behind this are as follows:-

1. It is suggested that the overflow parking would only be used a few times a year and a sealed area besides adding to the cost would take away from the rural aesthetics of the surrounds.
2. Few trucks would stop at the tavern and there is no where to put a truck parking bay that would be easily accessible and safe.
3. The cost of a consultant to do a noise study would make the project not feasible at this time and it would not go ahead. The use of sound absorbing building products would produce the desired result without the added cost of a consultant to do a noise plan.

Statutory Environment

Town Planning Scheme No. 4, Planning and Development Act 2005, Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ Environment

This proposal fits in with the commercial zoning of this property and the developer plans to retain as much natural vegetation as possible.

▶ Economic

A new tavern/restaurant complex may bring additional development into the Mogumber area

▶ Social

New tavern/restaurant complex will give a more pleasant environment for social gatherings and may increase social interaction.

Voting Requirement

Nil

Resolution 383/06

Moved Cr Woods seconded Cr Lovelock that Planning Approval granted to WR Carpenter Properties Pty Ltd for the proposed redevelopment of the Mogumber Tavern and Restaurant is amended and is now subject to the following revised conditions:-

- 1. That a Heritage Assessment be carried out on the “Mogumber Post Office and Store”(stone cottage) at WR Carpenter’s expense to ensure that the conservation recommendation for the building of retain and conserve in the Shire of Victoria Plains Municipal Inventory of Heritage Places can be complied with.**
- 2. That car parking bays be provided in accordance with Council’s Local Planning Scheme No. 5 with a main car park of 30 bays including 2 disabled bays to be sealed and drained, 45 unsealed bays (to be a maintained lawn area if a water supply can be proved by WR Carpenter) with landscaping or fencing put in place between the car park and Butler and Lanigan Streets to reduce the impact on residents.**
- 3. That a noise strategy/management plan demonstrating that the new development would have no more undue adverse impacts on the adjoining residential sites than the existing tavern and if it does how these issues could be managed.**
- 4. That no lighting from the new development shines directly into the windows and outdoor living areas of the adjoining residential properties.**
- 5. All existing land title lots which are covered by this redevelopment including car parks are to be amalgamated into one lot.**
- 6. The potential future accommodation shown on the site location plan Rev A: April 06 does not form part of this approval and will require a separate planning application.**
- 7. Where ever possible the existing mature trees are retained for aesthetic purposes.**
- 8. No work shall commence until such time as an appropriate building licence has been issued.**
- 9. That W R Carpenter negotiates with CBH and Main Roads WA for truck/long vehicle parking facilities.**

MOTION PUT & CARRIED 7/0

Resolution 384/06

Moved Cr Lovelock seconded Cr Woods that the meeting adjourn for afternoon tea.

MOTION PUT & CARRIED 7/0

The meeting adjourned at 3.00pm.

The meeting resumed at 3.20pm. All present at adjournment were present at resumption with the exception of the Environmental Health Officer.

10.4 Administration Status Report

Resolution 385/06

Moved Cr Brennan seconded Cr Holmes that the items in the Administration Status Report detailed below be noted.

MOTION PUT & CARRIED 7/0

Item No	Report Details	Administration Action Required	Status
A947	CEO Report	Nil	Information received by Council.
A948	Grt Nthn Hwy Improvements - New Norcia to Waddington Land Acquisitions	Nil	Council concurred with the taking of land.
A949	December 06 Council Meeting	Nil	Council resolved to bring meeting forward to 12/12/06.
A950 - A954	Biosolids Licences	Nil	Moved en bloc that Council receives the reports.
A955	Christmas Holiday Shutdown	Nil	Council endorsed closure from 2pm 22/12/06 to 1/1/07.
A956	Meeting Dates 2007	Nil	Proposed meeting dates and times endorsed.
A957	Housing of NRMO Position	CEO to negotiate with MCC.	Ongoing.
A958	Exploration Licence Application	Nil	Information received by Council.
A959	Rates Discount Waiver	Nil	Resolved that Council maintains its policy on late payments of rates.
A960	Central Midlands VROC Minutes	Nil	Information received by Council.
A961	Gate on Longman Road	Placed on December 06 Agenda	Ongoing

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A962	Extended Trading Hours - Yerecoin Tavern	Nil	No objections by Council.
A963	Calingiri Caravan Park	Council endorsed concept plan and authorised the CEO to negotiate purchase of Lot 5 Railway St	Ongoing.
A964	In Kind Assistance - Bolgart Golf Club	Nil	Bolgart Golf Club advised in kind works were approved subject to availability and fitting in with Councils works program.
A965	Local Health Advisory Group Representative	Nil	LHAG notified of Shire of Victoria Plains representative - Cr John Young.
A966	Wheatbelt Health MOU	Nil	Avon Midland Country Zone of WALGA advised that Council endorsed the Wheatbelt Health MOU.
A967	Heavy Vehicle Access to Local Roads Policy	Policy to be reworked and taken back to Council for adoption in early 2007	Ongoing.
A968	Chief Executive Officer Performance Appraisal	Nil	Council endorsed the use of Local Government Workplace Solutions.

10.4 ADMINISTRATION

A969 Chief Executive Officer's Report to Council

Location: Shire of Victoria Plains

**Name of Applicant/
Respondent:** N/A

File Reference: A1.2.1

Attachments: CEO Report

Date Report Written: 5th December 2006

Author: Harry Hawkins - Chief Executive Officer

**Disclosure of
Interest:** n/a

Chief Executive Officer's Report to December Ordinary Meeting of Council

1. Meetings Attended

WALGA Avon Midland Zone meeting in York 24th November 2006
City of Subiaco History Book Launch 1st December 2006

2. School Teacher Housing – Calingiri

An email has been received from GEHA leasing section that the Department of Education and Training are interested in the shire building 2 x 2 Bedroom units and a 4 x 2 bathroom house in Calingiri for long term leasing. At the time of writing this report further enquires were still being made. The Wongan Development Group has been contacted and they are having an open house on Saturday the 9th December 2006 at a GEHA house they are just completing for the Police. I will attend and talk to them to get details about their interest in building units and a house in Calingiri to GEHA standard and the cost.

Resolution 386/06

Moved Cr Woods seconded Cr Brennan that Council express an interest to GEHA regarding the provision of housing and that further information be obtained regarding floor plans, costs, loan repayment schedules and land availability; and that the information be provided to Council at the January 2007 Ordinary Meeting.

MOTION PUT & CARRIED 7/0

3. SAT Hearing

The SAT Directions Hearing with Mrs Stock was held by teleconference on the 23rd November 2006. The sticking points to be sorted out at another hearing on the 1st February 2007 are the height of the front fence and location of the leach drains. Building Surveyor Gordon Tester is to hold an onsite meeting with Mr Stock to try to sort out the leach drains however it appears as though the fence issue will need to be sorted out by the tribunal making a decision. Gordon Tester will be attending a meeting with Landcorp and Michael Stock on site in Bolgart on Thursday 7th December 2006.

4. Broadband Internet

The shire office and many residents of Calingiri are finally connected to wireless broadband internet. The service is working well although it is disappointing that some farmers close to Calingiri have been unable to connect due to trees and small ridges blocking the signal.

Resolution 387/06

Moved Cr Brennan seconded Cr Lovelock that the Chief Executive Officer's Report be received.

MOTION PUT & CARRIED 7/0

A970 Be Active Coordinator

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: n/a

File Reference: RC1.5

Attachments: Letters of support from local schools.

Date Report Written: 27th November 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

The Shire of Victoria Plains has a 10% interest in the Central Midlands Be Active Coordinator program along with the shires of Dandaragan 10% Chittering 40% and Moora 40%. Healthways subsidises the scheme and currently pays approximately 40% of the cost. The Shire of Dandaragan has indicated that when the current round of Healthways funding expires in July 2007 that they will withdraw from the program and Chittering is considering a similar move.

Comment

As the majority of the "Be Active" work done in Victoria Plains is the sports clinics held at the three primary schools in Bolgart, Calingiri and Yerecoin comment was sought from the three Principals to gauge their support or otherwise. As can be seen by the attached letters there is significant support for the scheme to continue in Victoria Plains.

At the next meeting of the Central Midlands Be Active Scheme we will be asked if we want to increase our commitment to the scheme when Dandaragan leaves, stay with our current involvement or leave the scheme as well. Other shires in the Central Midlands may be asked to join the scheme if Chittering leave or we don't take Dandaragan's share.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Current budget for 10% is \$5,218 per annum

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

The enhancement of sport in our young peoples lives will lead to a more active and healthy community in years to come

Voting Requirement

Nil

Resolution 388/06

Moved Cr Lovelock seconded Cr Woods that the representative of the Shire of Victoria Plains at the December 2006 Be Active Meeting indicates the shires intention to increase its involvement in the Central Midlands Be Active Coordinator Scheme from 10% to 20% from July 2007 subject to current funding subsidies from Healthways being maintained at their present level.

MOTION PUT & CARRIED 6/1

The Chief Executive Officer declared a direct interest in the following item and was allowed to remain in chambers.

A971 LGMA National Congress

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: Harry Hawkins Chief Executive Officer

File Reference: A1.1.1

Attachments: Congress Program

Date Report Written: 28th November 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

The National LGMA Congress is to be held in Hobart in April/May 2007 and as the dates of the Annual State Conference has had to be changed from October to March to fit in with the change in Local Government elections there will be no Annual State Conference in 2007. I missed the 2006 Annual State Conference due to family reasons and have had no professional development this year.

Comment

The LGMA National Congress and Business Expo are to be held in Hobart Tasmania from the 29th April to the 2nd May 2007 and as I missed the 2006 Annual State Conference and there is no state conference in 2007 it is requested that I be able to attend the National Congress. There is money in the annual budget for me to attend the state conference with only additional cost for the National event being \$803 for airfares in the total cost of \$3,078.

The theme for the National Congress is leadership “The Power and the Passion” and features some good topics and speakers. I found the National Congress in Perth in 2006 a full on event and the networking with people from other states showed that they face many of the same problems as us.

To avoid problems and increased costs Council approval is requested now so that an early booking can be made.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

All except airfares of \$803 can be absorbed into budget for state conference which was not attended.

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

Nil

Voting Requirement

Nil

Resolution 389/06

Moved Cr Kelly seconded Cr Holmes that the CEO is authorised to attend the Annual LGMA National Congress in Hobart Tasmania from the 29th April to the 2nd May 2007 as Council funded professional development.

MOTION PUT & CARRIED 7/0

A972 Central Midlands VROC Minutes

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: None

File Reference: A1.12.2

Attachments: Minutes of Meeting 17th November 2006

Date Report Written: 28th November 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

The Shire of Victoria Plains is an active member of the Central Midlands Voluntary Regional Organisation of Councils (CMVROC) which holds meetings Bi-monthly. The minutes of each meeting are to be presented to Council to provide details of items being raised and discussed at the CMVROC for those Councillors not involved.

Comment

A meeting of the Council of the CMVROC was held in on the 17th November 2006 and the minutes are attached for Councils attention. The Shire President and CEO attended the meeting.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

Nil

Voting Requirement

Simple Majority

Resolution 390/06

Moved Cr Kelly seconded Cr Woods that the Minutes of the Central Midlands VROC Council Meeting held on the 17th November 2006 be received.

MOTION PUT & CARRIED 7/0

A973 Central Midlands Constitutional Agreement

Location: Shire of Victoria Plains

**Name of Applicant/
Respondent:** n/a

File Reference: A1.12.2

Attachments: Constitutional Agreement

Date Report Written: 28th November 2006

Author: Harry Hawkins – Chief Executive Officer

**Disclosure of
Interest:** n/a

Background

The current financial year is the first year that Council, and the other four member Council's have contributed an equal \$10,000 to form the CMVROC. With the appointment of a part-time executive officer we now have had regular meetings with the CEO's and also the Shire Presidents (month about). Current projects successful include the joint purchasing of our financial software across all Councils and the successful receipt of a grant to undertake a joint Disability Services (and Access) Plan.

Projects underway also include a joint major review of our Local laws in order to have, as much as possible, a single common set under one Local Law.

Comment

Whilst the VROC is exactly that – voluntary – it does show our intention to be a member of the group for the longer term (12 months minimum at a time under the agreement).

The five member local governments have formed the Central Midlands Voluntary Regional Organisation of Councils for the purposes of:

- 2.1 Assessing the possibilities and methodology of facilitating and promoting a range of services and facilities on a regional basis so as to provide benefits of scale to members.
- 2.2 Undertaking joint administrative projects, joint research and providing a uniform response to matters having a common affect on member local governments.
- 2.3 Facilitating and promoting economic development within the region for the benefit of the communities of the member local governments.
- 2.4 Developing common operating processes and procedure, local laws, computer management packages so as to provide staffing and

administrative support and exchange between member local governments.

2.5 Undertaking resource sharing in all areas where benefits to member local governments are identified.

2.6 Pursue political objectives that are beneficial to member local governments.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Council is currently levied \$10,000 pa as this Councils contribution to the running of the CMVROC. This covers the part-time executive officer employment and operational costs as well as some operational projects. Our 2006/07 contribution has been budgeted and paid for.

Generally specific projects are funded by additional subscription and determination that the project is one that our Council wishes to contribute to.

A member local government may withdraw from CMVROC at any time however the withdrawing local government shall not be entitled to the repayment of any contribution made during the financial year in which they withdraw or contributions made in previous years.

With significant financial savings made due to the existence of the VROC in the first 18 months there is no reason to suggest that the VROC cannot continue to deliver similar savings for member Councils into the future.

Strategic Implications

Nil

Sustainability Implications

▶ Environment

Nil

▶ Economic

There are expected to be beneficial economic implications associated with the proposal by virtue of bringing additional investment into the region as well as minimising our costs through cooperation and joint contracting / tendering etc.

▶ Social

Nil

Voting Requirement

Simple majority.

Resolution 391/06

**Moved Cr Kelly seconded Cr Lovelock that Council authorise the Shire President to sign and affix Councils seal to the Central Midlands Voluntary Region Organisation of Councils Constitutional Agreement.
MOTION PUT & CARRIED 7/0**

A974 Exploration Licence Application

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: Millward Surveys

File Reference: R3.12

Attachments: Application Documents

Date Report Written: 30th November 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

Millward Surveys on behalf of Washington Resources Limited have applied to the Department of Industry and Resources for exploration licence 70/3080 in the area of Yarrawindah between the Great Northern Highway and Newdale Road from Calingiri West Road running north south.

Comment

It is a requirement under section 33 (a) of the mining act to notify the Chief Executive Officer of all applications for exploration licences.

Objections to this application close on the 21st December 2006.

Statutory Environment

Mining Act 1978

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

- ▶ **Environment**
Nil
- ▶ **Economic**
Nil
- ▶ **Social**
Nil

Voting Requirement

Simple majority.

Resolution 392/06

Moved Cr Smith seconded Cr Kelly that the information be received.

MOTION PUT & CARRIED 7/0

A975 Cultural Planning – Progress Victoria Plains

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: None

File Reference: A1.10.2

Attachments: Report – Connecting Communities & Creating Common Ground (Under separate Cover)

Date Report Written: 1st December 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

Sandra Krempl from Espiri Tiva was employed by Council to follow on from the successful 'Cultural Mapping' program of 2005 with 'Cultural Planning' in 2006. There were three public workshops held and various other meetings at the schools etc. culminating with a meeting at New Norcia on the 18th October 2006 to launch "Progress Victoria Plains".

Comment

Attached is the final report for the Cultural Planning program.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

Sandra Krempl through these workshops is encouraging the coming together of all sections of the Victoria Plains community as one group.

Voting Requirement

Simple majority.

Resolution 393/06

Moved Cr Brennan seconded Cr Woods that the report be received.

MOTION PUT & CARRIED 7/0

A976 Gate on Longman Road

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: n/a

File Reference: p-long

Attachments: Submissions received.

Date Report Written: 4th December 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

Resolution 284/06 passed at the Ordinary Meeting of Council held on the 19th September 2006, gave conditional approval for a gate to be placed at the end of Longman Road where it intersects the Gillingarra Glentromie Road.

The first condition of that approval was for the proposal to be advertised in the Central Midlands Advocate and any submissions received within 14 days of the advertisement being published being considered by Council.

Resolution 357/06 at the November 2006 Meeting refused to give approval due to 9 submissions being received, however the contents of the submissions were not debated or considered by Council as they were not circulated to Councillors due to them being received on the 15th and 16th day.

Comment

The advertisement of conditional approval for a gate on Longman Road was published in the Central Midlands Advocate on Thursday 26th October 2006 and when the 14 days had expired there were no submissions received. The advertisement showed a date of 14 days from the date of the notice not 14 days from publication. Seven submissions objecting to the approval were received on the 15th day with a further two received on the 16th day.

Due to the mix up in the advertisement Council resolved to consider the submissions and they are attached.

The contents of the submissions are as follows;

Neil Botha, Jenny and Hayley Kelly, Peter and Lois Kelly have objected on the grounds that public access was being blocked.

S E Fitzgerald, B Toms, T S P Kelly and M K Kelly all raised concerns regarding the precedent being set which may lead to other roads in the west of the shire having gates placed across them.

B B Kelly and M K Kelly also objected on the grounds of liability for straying stock and the cattle grids already on the road.

In answer to the submissions it is advised that,

1. The road is still a public road with the only difference being that to access the road the public will have to open and close the gate. The land owner cannot refuse the public access to the road reserve.
2. A precedent will only be set if a road similar to Longman Road with only two landowners who both agree to the road having a gate arises. It would not create a precedent for all other dead end roads in the shire.
3. Condition 6 on resolution 284/06 calls for a joint liability agreement being drawn up which will give the landowner liability for the cattle grids and wandering stock.

Local Government (Uniform Local Provisions) Regulation 9 (5) gives a local government the power to withdraw the permission and request the removal of the gate within a specified time. A penalty of \$1,000 then applies if the gate is not removed within the specified time.

Statutory Environment

Local Government Act 1995, Local Government (Uniform Local Provisions) Regulations 1996

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

Nil

Voting Requirement

Simple majority

Recommendation

That Council grant permission to erect gates across Longman Road where it intersects with Gillingarra Glentromie Road for a twelve month period subject to the remaining conditions listed in resolution 284/06 from the September 2006 ordinary meeting of Council.

Recommendation

Moved Cr Kelly seconded Cr Holmes that Council readvertise the Conditional Permit Gate Approval on Longman Road in the CMA outlining the proposal and that submissions be brought to the January 2007 Ordinary meeting.

Debate:-

Cr Kelly

This is an ongoing issue. Council should be following due process. Council should readvertise and clearly outline the 14 days for submissions from date of paper.

Cr Smith

I believe the nine (9) submissions lodged should be received by Council and Council should vote accordingly.

Resolution 394/06

Moved Cr Kelly seconded Cr Holmes that Council readvertise the Conditional Permit Gate Approval on Longman Road in the Central Midlands Advocate, outlining the proposal and that submissions received be brought to the January 2007 Ordinary meeting.

MOTION PUT & CARRIED 5/2

Reason for change:-

Advertising was incorrect.

A977 Legal Fees Former Shire President

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: Tom Field

File Reference: A2.19

Attachments: Nil

Date Report Written: 29th November 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

Former Shire President, Tom Field attended the November 2006 Meeting of Council to request payment of his legal fees arising from an incident in 2001 previously rejected by Council in resolutions 840/01 in August 2001, 901/01 in October 2001, 200/02 in May 2002 and 452/02 in November 2002. Council in its previous considerations of this matter had ruled that the legal advice was personal and therefore it should not reimburse the fees. Mr Field made a presentation during public question time at the November 2006 meeting and left paper work for the CEO to investigate his claim and report back to the December 2006 meeting.

Comment

Regulation 10 (1a) Local Government (Administration) Regulations 1996 says that for a notice of motion on this item, which seeks to revoke or change a decision made at a Council meeting, to be accepted by Council it must be signed by members of Council numbering at least one third of the offices (whether vacant or not) of members of the Council inclusive of the mover.

After comparing the office files and reports written by the former CEO with additional paper work left by Mr Field at the November 2006 meeting there does not appear to be any compelling new evidence presented. Advice was

sought from the Department of Local Government and Regional Development who advised that the CEO is not required to list the item in the agenda however it has been listed to have a vote on the matter and bring it to a close.

Mr Field has advised that he does not require the item to be debated behind closed doors as confidential as he has nothing to hide.

Statutory Environment

Local Government Act 1995, Local Government (Administration) Regulations 1996

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

Nil

Voting Requirement

Absolute majority

Recommendation

That Council takes no action on the application by former Shire President Tom Field for payment of Legal Fees incurred in April 2001 on the grounds that no new compelling evidence has been produced to show that Council made an error in rejecting the claim in earlier resolutions.

Resolution 395/06

Moved Cr Lovelock seconded Cr Holmes that this item lay on the table to enable further information to be presented to council.

MOTION PUT & CARRIED 7/0

A978 Modified Route Assessment Guidelines – Rural Road Access

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: Livestock Transporters & Country Bulk Carriers Assoc. of WA

File Reference: T5.1

Attachments: Letter from Assoc.

Date Report Written: 6th December 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of

Interest: n/a

Background

Main Roads WA has introduced a road network system for heavy vehicles and to be added onto the network roads have to be assessed and meet guidelines. Many of the roads used by farmers and pastoralists to access properties will never meet the guidelines as they were built for the sole purpose of servicing farms and pastoral properties. The Association has asked consultants ARRB Group to prepare a proposal for developing guidelines for a secondary heavy vehicle network in Western Australia.

Comment

The Livestock Transporters and Country Bulk Carriers Assoc. of WA has proposed an alternative secondary road network that would be assessed with less onerous set of guidelines. Transport operators in return would operate under conditions such as speed restrictions. This secondary network would allow access to farming and pastoral properties on low volume roads using existing combination vehicles.

MRWA contends that they would consider a proposal for such a network if their priority of not compromising safety was satisfied. The association contends that to break a combination and leave a trailer on the side of a road in many instances cannot be done safely. In addition this can lead to an increase in truck movements where as a job that could be done in two movements could take up to six movements. These extra movements would lead to increased road damage and increased costs to farmers.

The Livestock Transporters and Country Bulk Carriers Assoc. of WA are asking for a financial contribution of \$1,000 towards the project.

Statutory Environment

Nil

Policy Implications

May require changes to heavy vehicle policy

Financial Implications

Initial contribution of up to \$1,000 which would be offset by lower road maintenance costs in the long term if the secondary network was established.

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

The damage to roadside vegetation would be reduced by less stringent assessment guidelines. Fewer truck movements would reduce pollution.

▶ **Economic**

Larger vehicles with fewer road movements would reduce costs to farmers and damage to roads.

▶ **Social**

Fewer truck movements would reduce conflict on roads with smaller vehicles including school busses.

Voting Requirement

Simple majority

Resolution 396/06

Moved Cr Lovelock seconded Cr Smith that Council agree to contribute up to \$1,000 to the Livestock Transporters and Country Bulk Carriers Assoc. of WA in support of their project to prepare a proposal to introduce a secondary rural road network for heavy vehicle access to farming and pastoral properties.

MOTION PUT & CARRIED 6/1

A979 Local Government Amendment Bill (No 2)

Location: Shire of Victoria Plains

Name of Applicant/

Respondent: n/a

File Reference: A2.22.1

Attachments: Submission

Date Report Written: 6th December 2006

Author: Harry Hawkins – Chief Executive Officer

Disclosure of Interest: n/a

Background

In November 2005 the Local Government Advisory Board embarked on an enquiry on Structural and Electoral Reform and the results concluded among other things that a majority of local government authorities wanted to retain first past the post voting in local government elections.

When the Minister for Local Government and Regional Development introduced the Local government Amendment Bill 2006 to Parliament it contained a proposal to change the local government voting system from one of first past the post to that of proportional preferential voting without further consultation with the industry.

After much lobbying by the industry members of the Legislative Council succeeded in having the bill split with the change to the method of voting being put into a separate 'Local Government Amendment Bill (No 2)' which was referred to the Environment and Public Affairs Committee. Local governments have been encouraged to make their views on the changes known to the committee.

Comment

The Shire of Victoria Plains in our submission to the Local Government Advisory Board enquiry stated that we wanted to retain the first past the post system.

A short submission reinforcing that view has been put together and is presented to Council for endorsement prior to being sent to the Environment and Public Affairs Committee of the Legislative Council.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ **Environment**

Nil

▶ **Economic**

Nil

▶ **Social**

Nil

Voting Requirement

Simple majority

Resolution 397/06

Moved Cr Smith seconded Cr Lovelock that the submission on Local Government Amendment Bill (No 2) prepared by the Chief Executive Officer is endorsed and it be sent to the Legislative Council Committee on Environment and Public Affairs.

MOTION PUT & CARRIED 7/0

Chief Executive Officer and Finance and Administration Manager left the meeting at 4.25pm

Finance and Administration Manager and Works Manager entered the meeting at 4.26pm

Chief Executive Officer entered the meeting at 4.27pm.

10.5 Plant and Works Status Report

Resolution 398/06

Moved Cr Brennan seconded Cr Lovelock that the items in the Plant and Works Status Report detailed below be noted.

MOTION PUT & CARRIED 7/0

Item No	Report Details	Plant and Works Action Required	Status
W244	Works Manager's Report	Nil	Report received by Council.
W245	Tender Replacement Truck	Nil	Council accepted Tender from Skipper Trucks Belmont.
W246	Kubota Zero Turn Mower	Nil	Council accepted quote from Boya Equipment.

10.5 PLANT AND WORKS

W247 Works Manager's Report

Location: Shire of Victoria Plains

**Name of Applicant/
Respondent:** n/a

File Reference: A1.2.1

Attachments: Report

Date Report Written: 30th November 2006

Author: Allen Kent - Works Manager

**Disclosure of
Interest:** n/a

Works Manager's Report to Council December 2006

Calingiri New Norcia Road

AgLime Route 2

We have completed a section of total reconstruction and primer seal from last years work at a length of 1.20 kms heading west towards Howard Road. This section of 1.2 kms has been funded by the Commonwealth Government with Roads to Recovery funds, which are councils 1/3 contribution of \$100,000 in total.

The construction team have also started water binding and final trim over the next section of 800m x 10m in width in preparation for the primer seal. The primer sealed section will finish 50m past Howard Road. Guide posts and signs will be installed over the completed 2000m section prior to the Christmas shutdown period. The additional 1.80 kms of construction and primer seal has been funded by Main Roads who have contributed 2/3 of the funding which is \$200,000 in total.

Capital Works - Gillingarra New Norcia Road

Roads to Recovery Project

The sealing programme has now been completed over 6,700m x 7m in width in the 2006-07 budget. The road is completed to a 7m seal width from Bindoon Moora Road starting at S.L.K 0.00 to S.L.K end 12.79 where the sealed road reduces in width to a 3.7m seal.

From S.L.K 12.79 to where the seal finishes this year to Great Northern Highway the length is 5300m of narrow seal down to a 3.7m in width.

Toodyay Bindi Bindi Road

RRG Project

The resealing of 5000m x 6.2m in width is now complete this is from a total length of 6000m which was hoped to be achieved in the 2006-07 budget.

We have not completed the 1000m of reseat through the Yerecoin townsite as yet, the reason being is problems that arise and will arise with hot sticky bitumen being carted into shops, houses etc, when heavy vehicles are using the road during the harvest and grain carting period. There will be a certain amount of bitumen coming to the surface of the seal, and persons walking over the sealed surface will pick up bitumen on their shoes etc.

Another reason why I made the decision not to complete this 1000m section was to find out how expenditure was heading after completing 5000m x 6.2m to ensure it fitted within our 2006-07 budget allocation. As we are all aware costs have been escalating over the last 10 months, since the budget was adopted earlier in the financial year. If we have money left over to complete the reseat through the townsite of Yerecoin it will be completed early in 2007.

Toodyay Bindi Bindi Road

State Blackspot Project

A length of 1600m x 10m sub grade and base course was cement stabilised in two lifts through the failed and clayey sections from the Carani crossroads and heading north towards Yerecoin. The road is now completed to a 7m wide primer seal.

Guide posts and signs will be completed prior to the Christmas shutdown. If there is money left over after accounts are finalised I would push very hard to have the total area sealed with the second coat for the entire length of 2 kms x 6.2m early in the first two months of 2007.

Tree Lopping Guide Posts

Main Roads Audits

Heavy Haulage Roads

I have four roads listed for urgent work i.e: tree lopping, guide posts etc. I have also had complaints from ratepayers in relation to the following roads.

Corondine Road, Calingiri Goomalling Road, Old Plains Road, Bolgart West Road, Gabalong West Road - approximately 40kms of road.

I will endeavour to continue with these roads as far as the budget will allow, and only those roads named above. They will not be completed until at least the end of February 2007.

Parks & Gardens

Don Westlake will continue on with his maintenance of ovals, parks and gardens, townsite maintenance. For the last two weeks in November, Don has been helping out with the Capital Works programme, sweeping roads for sealing and sweeping off loose stone on the finished sealing projects.

Maintenance Grading

Arthur Jones and Gary Stewart have completed a few roads with a light summer grade to cut off corrugated areas, specifically on school bus routes, since the sealing programme has been completed.

Some requests have been made from ratepayers in reference to rough sections, these roads will be inspected and a decision will be to grade or not to grade.

Minimal maintenance grading will be carried out during the dry summer months ahead unless requested. Alternately the roads that are showing signs of failure due to heavy traffic use will need to be monitored closely.

Plant & Machinery Report

All plant and machinery is performing well, there are no major breakdowns or costly repairs to report to date.

Scheduled maintenance will continue on all plant as required.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

▶ Environment

Nil

▶ Economic

Nil

▶ Social

Nil

Voting Requirement

Simple majority

Resolution 399/06

Moved Cr Smith seconded Cr Brennan that signage be placed on Gillingarra Glentromie Rd and Wirrilda Rd stating that the roads are closed to heavy "Through Traffic"

MOTION PUT & CARRIED 7/0

Cr Kelly

Congratulated the Works Manager on the primer sealing and sealing programme this year and reported blowouts on Boxhall Road

Resolution 400/06

Moved Cr Woods seconded Cr Smith That the Works Manager's report be received.

MOTION PUT & CARRIED 7/0

11 NOTICE OF MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 CONFIDENTIAL ITEMS

Nil

13 NEW BUSINESS OF AN URGENT NATURE APPROVED BY COUNCIL RESOLUTION

13.1 – Information Bay-Gillingarra – Cr Kelly

Works Manager

Reported that Main Roads will not proceed this project.

13.2 – Calingiri Football Club – AGM – Cr Brennan

Requesting information and clarification for the club regarding the invoice sent to the Football Club.

Chief Executive Officer to follow up.

13.3 – Closure of Schools – Cr Holmes

Has any information been received at the shire regarding closure of any schools within the shire?

Chief Executive Officer

No information has been provided on this issue.

Works Manager

Private Works

Works taken on initially to help alleviate budget pressures.

14 DECLARATION OF CLOSURE

There being no further business the Presiding Member declared the meeting closed at 5.05pm

Signed this 16th day of January 2007

Presiding Member