



Shire of Victoria Plains

## Minutes for Ordinary Meeting of Council held

On	Tuesday 15 <sup>th</sup> March 2005
At	Council Chambers, Calingiri
Commencing	1.00pm

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# **Shire of Victoria Plains**

## *Minutes*

FOR AN ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 15<sup>TH</sup> MARCH 2005  
AT COUNCIL CHAMBERS CALINGIRI COMMENCING AT 1.00PM.

### **1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Presiding Member declared the meeting open at 1.00pm and welcomed visitors.

*Patrick Mullaley* from the Northern Agricultural Catchment Council (NACC) attended Council at 1.01pm to discuss his role as the Indigenous Support Officer for the NACC. His role is to support Aboriginal involvement in natural resource management through the Northern agricultural region. He provides advice of Aboriginal consultation processes, the Aboriginal Heritage Act and Native Title. Mr Mullaley presented maps to Council, spoke about Native Title and the Aboriginal Heritage Act as it applies to the region and the Shire of Victoria Plains.

Following his presentation a question and answer session was held where Mr Mullaley answered questions from Councillors.

Mr Mullaley left the meeting at 1.25pm.

*Andrea Clarke* attended Council at 1.36pm and gave a short presentation on the Be Active Winter Sports Accreditation Camp to be held at Woodman Point from 18<sup>th</sup> April to 22<sup>nd</sup> April. It will be an opportunity for year 9 and 10 students to meet fellow students, learn important and valuable leadership skills and gain accreditation in an exciting atmosphere.

Ms Clarke left the meeting at 1.59pm.

### **2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE GRANTED**

<b>President:</b>	<b>Cr M Anspach</b>	<b>West Ward</b>
<b>Councillors:</b>	<b>Cr J Kelly</b>	<b>West Ward</b>
	<b>Cr D Lovelock</b>	<b>West Ward</b>
	<b>Cr D Holmes</b>	<b>South Ward</b>
	<b>Cr G Erickson</b>	<b>South Ward</b>
	<b>Cr N Smith</b>	<b>East Ward</b>

Cr Thorpe  
Cr Woods

Central Ward  
Central Ward

Apologies:

Cr J Young

East Ward

Chief Executive Officer:

Mr H Hawkins

Finance and Administration Manager:

Mr N Hamilton

Works Manager:

Mr A Kent

Community Services Manager:

Mr T Walker

Visitors:

Mrs A Byrne-O'Neil (from 1.06pm)

### **3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### **4 PUBLIC QUESTION TIME**

Nil

### **5 APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATIONS OF INTEREST**

Nil

### **6 PETITIONS/DEPUTATION'S/PRESENTATIONS**

Nil

### **7 CONFIRMATION OF MINUTES**

#### **7.1 Confirmation**

##### ***Resolution 54/05***

Moved Cr Smith seconded Cr Holmes that the minutes of the Ordinary Meeting of Council held 15<sup>th</sup> February 2005 be confirmed.

**MOTION PUT & CARRIED 8/0**

#### **7.2 Business Arising**

Nil

## **8 ANNOUNCEMENT BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## **9 PRESIDENT AND COUNCILLORS REPORTS**

Cr Anspach and Cr Smith

Attended the "Amalgamate, Co-operate or Disintegrate conference in Geraldton. Both gave comments on their views of the conference.

Cr Anspach

Attended meeting at Muchea regarding incinerator.

Attended Bolgart Progress Association Meeting regarding the future of the Bolgart Hall.

Cr Kelly

Attended meeting of Gillingarra LCDC

Cr Erickson

Landcare Conference - Linking Science to Landcare

Cr Lovelock

Attended VP Tourism Association Meeting

Wildflower Walk - September this year

District Consultative Group - Pest Management - Government no longer funding pest control.

## **10 BUSINESS PAPER**

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

### **10.1 FINANCE**

**F357 Accounts for Payment**

A list of accounts for payment is attached to the Minutes. Outstanding creditors at the 28<sup>th</sup> February 2005 were \$24,513.14.

**Resolution 55/05**

Moved Cr Thorpe seconded Cr Erickson that Municipal and Trust cheques numbered 2698-2775 and direct payments totalling \$186,585.66 be passed for payment.

**MOTION PUT & CARRIED 8/0**

**F358 Sundry Debtors**

A list of sundry debtors is attached to the Minutes.

**Resolution 56/05**

Moved Cr Lovelock seconded Cr Erickson that the sundry debtors report be received.

**MOTION PUT & CARRIED 8/0**

**F359 Monthly Financial Statement**

The Monthly Financial Report for the period ending 28<sup>th</sup> February 2005 is attached to the Minutes.

**Resolution 57/05**

Moved Cr Smith seconded Cr Kelly that the Monthly Financial Report for the period ending 28<sup>th</sup> February 2005 be received.

**MOTION PUT & CARRIED 8/0**

**F360 Municipal and Trust Fund**

**Resolution 58/05**

Moved Cr Smith seconded Cr Erickson that the Municipal and Trust Fund on hand as at the 15<sup>th</sup> March 2005 as tabled be received.

**MOTION PUT & CARRIED 8/0**

**F361 Outstanding Rates Report**

The Outstanding Rates Report is attached to the Minutes

**Resolution 59/05**

Moved Cr Holmes seconded Cr Thorpe that the Outstanding Rates Report be received.

**MOTION PUT & CARRIED 8/0**

**F362 Investments**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	F1.1.2
<b>Attachment/s</b>	None
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Neil Hamilton - Finance and Administration Manager

### Background

Council has surplus funds to the value of \$410,557.93 after the collection of rates money. These funds have been invested in a term deposit with the Bendigo Bank for 30 days at 5.20% an approximate yield of \$1,637.73 maturing on the 13 March 2005.

### Comment

The investments with Bendigo Bank are within policy guidelines and although slightly higher rates may be obtained elsewhere the additional commission earned at Bendigo Bank negates any lost interest revenue.

	Budget Interest	Budget YTD Interest	Actual YTD Interest
Municipal A/C	21,000	14,000	17,195
Reserve A/C	10,000	6,667	7,133
Totals	31,000	20,667	24,328

<b>Statutory Environment</b>	Local Government Act Sections 6.15
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Maximum interest earned.
<b>Strategic Implications</b>	Nil

### Resolution 60/05

Moved Cr Smith seconded Cr Erickson that Council endorse the investment with Bendigo Bank.

**MOTION PUT & CARRIED 8/0**

### F363 Audit Contract

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Haines Norton – Mr D Tomasi and Mr R Swarbeck
<b>File Reference</b>	F1.4.2
<b>Attachment/s</b>	Nil
<b>Date</b>	28 <sup>th</sup> February 2005
<b>Author</b>	Neil Hamilton - Finance and Administration Manager

### Background

The Audit Contract 2004 was approved by Council at the Ordinary Meeting of Council 20<sup>th</sup> July 2004 Item F303. As per minutes Haines Norton were the approved auditors for the next five years from 2004.

At the recent Interim Audit carried out 22<sup>nd</sup> February 2005 it was pointed out that the Act Ref: 7.3(1) requires that the Local Government appoint a person to be its auditor i.e. not a company and Ref: 7.3(2) permits the Local Government to appoint one or more persons as its auditor.



### **Comment**

In view of the above it is recommended that Council accept this amendment that Messers DJ Tomasi and RB Swarbeck of Haines Norton be appointed as the Shire's auditors for the next five years from 2004.

<b>Statutory Environment</b>	Local Government Act 1995 Section 7.3
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

### **Recommendation**

That it be recommended that Council accept this amendment and that Messers DJ Tomasi and RB Swarbeck of Haines Norton be appointed as the Shire's auditors for the next five (5) years from 2004.

### **Resolution 61/05**

Moved Cr Kelly seconded Cr Woods that it be recommended that Council accept this amendment and that Messers DJ Tomasi and RB Swarbeck of Haines Norton be appointed as the Shire's auditors for the next three (3) years from 2004.

## **F364 Shire of Victoria Plains Financial Package**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	2.13.3
<b>Attachment/s</b>	Nil
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Neil Hamilton - Finance and Administration Manager

### **Background**

Earlier this year we were advised as a user of the LOGIS system software that PSU International (PSU) will no longer be supporting this software as of December 2006.

LOGIS is the software the Shire of Victoria Plains and several other councils in the region use for the majority of their financial accounting and reporting, and it is interfaced with the Rates system Prospect.

PSU also advised that they would be offering in its place a financial application called Navision and although they advised that the cost of this software to the average country council would be about \$25,000, they will only be charging existing councils in the region of \$15,000 to \$25,000 depending on size of Council for training and implementation.

Prospect would still be used for Rates although this is being improved into a newer version called Prospect Gold (PGold), and an interface will still have to be maintained.

In the initial phase of Navision implementation it appears that the Cash Receipting system in LOGIS will still be in operation until a new PSU Property system is introduced in Phase 2.

As a result of the above several shires got together to firstly review the proposal from PSU of their new system Navision. This was done at the Shire of Victoria Plains on Friday 4<sup>th</sup> February, and an alternative presentation of SynergySoft from IT Vision was viewed at the Shire of Moora on Friday 11<sup>th</sup> February.

### **Comment**

#### *Navision*

Navision is a financial product offered by Microsoft that could be under constant review pending a convergence of all Microsoft global financial applications in 2010. It is therefore not a Local Government system designed with Local Government intent.

Only a few councils are part way through the implementation process of Navision, and a few implementation and functionality problems have arisen that have caused PSU to readdress these issues.

Advice from PSU is that 25 councils throughout Australia have actually migrated to Navision of which only a very small number are underway in WA.

Navision is not a stand alone package that incorporates all modules required for Local Government financial management and reporting, as Rates will still need to operate through PGOLD and in the initial phase Cash Receipting will be required out of the LOGIS system until phase 2 of the overall implementation process is completed.

#### *SynergySoft*

IT Vision is a locally based software provider for Local Government systems. It is a Western Australian supplier and has been in operation for about 20 years.

Its software is used by approximately 50% of Western Australian Councils, about half of the Councils in South Australia and a small number down the Eastern Seaboard.

It was recently chosen by the Local Government Association of the Northern Territory for rollout to Councils through their shared facility.

The development and support operations for IT Vision are located in Perth.

SynergySoft is a completely fully integrated modular system that covers all aspects of Local Government financial applications and in addition has over thirty optional modules that cover other areas of Local Government requirements, i.e. Agendas and Minutes, Document Management, Electoral Roll, GIS Mapping etc.

The software is continually upgraded to suit changing conditions, normally there are one or two software release a year the cost of which are included in the normal annual fee, although

additionally contributions might be charged for major re-writes i.e. in the case of the GST and Pensioners and Seniors changes.

For the modules selected the Software Cost before discount is \$34,500 plus training costs of \$15,200. Currently IT Vision is offering a 35% on software cost to new customers this will result in a discount of \$12,005.

There will also be additional costs for Data Conversion to the SynergySoft application, Project Management and Installation and 7-User License agreement, giving an overall cost of \$49,970. Not including GST

The annual fee will be \$10,280 plus GST.

Additionally IT Vision are offering additional discounts on the initial costs where more than one Council in the region take up their offer.

The following are the additional discounts on offer

#### Software Costs

2 Central Midlands Councils 8% discount	\$2,744
3 Central Midlands Councils 20% discount	\$6,860
4 Central Midlands Councils 25% discount	\$8,575

#### Training Costs discount where training is shared

2 Councils	\$3,150
3 Councils	\$4,950
4 Councils	\$5,850

To date interest is being shown at Shires of Dalwallinu, Wongan-Ballidu and Moora.

Irrespective of whichever proposal is taken I propose we undertake a computer audit to determine capacity availability of the existing servers. This audit will be taken this financial year.

Based on the two proposals offered it is recommended that Council approve the inclusion in the Budget for financial year 2005-2006 funds for the adoption of the IT Vision proposal for future financial management at the Shire of Victoria Plains.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	\$54,967 inc GST
<b>Strategic Implications</b>	Long term future of financial application at Shire of Victoria Plains. Secure.

**Resolution 62/05**

**Moved Cr Smith seconded Cr Thorpe that based on the two proposals offered it is recommended that Council approve the inclusion in the Budget for financial year 2005-2006 funds for the adoption of the IT Vision proposal for future financial management at the Shire of Victoria Plains.**

**MOTION PUT & CARRIED 7/1**

The Community Services Manager entered the meeting at 2.58pm.

## **10.2 COMMUNITY SERVICES**

(Incorporating Health, Building and Community Services)

### **CS257 Community Services Managers Report**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Trevor Walker - Community Services Manager
<b>File Reference</b>	A1.2.1
<b>Attachment/s</b>	Community Services Manager's report
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Community Services Manager

#### **Background**

See report

#### **Comment**

See report

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

#### **Resolution 63/05**

Moved Cr Erickson seconded Cr Kelly that the Community Services Manager's report be received.

**MOTION PUT & CARRIED 8/0**

### **CS258 Planning Approval Application - Ivers**

<b>Location</b>	Lot 94 Lambert Crescent Calingiri
<b>Name of Applicant</b>	Mr D Ivers
<b>File Reference</b>	D5.1
<b>Attachment/s</b>	Copies of Planning Approval Application, Photographs, report, letter, plans
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Community Services Manager

#### **Background**

Mr D Ivers seeks approval to relocate the timber framed four roomed residence located t 48 Nollamara Avenue, Nollamara to 94 Lambert Crescent Calingiri. The residence has been inspected at the owner's expense in accordance with Council's District Town Planning Scheme

No. 4 Policy No. 1 – Moveable Buildings. The report appears at the back of this agenda document.

**Comment**

Mr Ivers letter which accompanies his Planning Approval Application advises that it is his intention to remove all materials containing asbestos from the building prior to relocation, and replace them with Hardiflex material.

It is proposed to repaint the residence inside and out. Mr Ivers has requested that a Special Building Licence of 12 months duration be issued to cover the relocation work.

**Statutory Environment**

Building Code of Australia  
District Town Planning Scheme No. 4  
Town Planning and Development Act 1928

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 64/05**

**That Council grants Planning Approval to Mr D Ivers to relocate the four roomed timber framed residence located at 48 Nollamara Avenue Nollamara to Lot 94 Lambert Crescent Calingiri subject to the following conditions:-**

1. That a time limit of twelve months be allowed for the completion of the works;
  2. Engage a registered builder to complete the relocation work or obtain permission from the Builder's Registration Board to relocate the building;
  3. Submit detailed plans and specifications for the building and obtain a special building licence of twelve months duration;
  4. Remove all materials containing asbestos fibre prior to relocation;
  5. The proponent is required to arrange an inspection of the building by Council's Building Surveyor prior to relocation and obtain approval in writing to relocate;
  6. Lodge a bond or bank guarantee with Council in the amount of \$10,000 to be returned with interest when the relocation work is completed to Council satisfaction.
- Should the relocation work not be completed within the scope of the building licence the building will be required to be removed and the bond will be forfeited in full.

**MOTION PUT & CARRIED 7/1**

**Resolution 65/05**

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

**MOTION PUT & CARRIED 8/0**

The meeting adjourned at for afternoon tea at 3.03pm.

Cr Anspach, Chairperson left the meeting at 3.04pm. Cr Kelly to chair the meeting at resumption.

The meeting resumed at 3.25pm with Cr Kelly in the Chair.

## **CS259 Proposed Industrial Subdivision**

<b>Location</b>	Lot 23 Emmanuel Street Bolgart
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	D6.2
<b>Attachment/s</b>	Option "D" documents
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Community Services Manager

### **Background**

Council has resolved to explore the possibility of creating an industrial Lot at Lot 23 Emmanuel Street Bolgart. Lot 23 is owned by Council and is currently zoned parks and recreation under District Town Planning Scheme No. 4.

Discussions have taken place with Ward Councillors and those Bolgart residents interested in the project.

A suitable subdivision design has been prepared and is attached to this report.

### **Comment**

The steps involved in this project are:

1. Council to approve the design;
2. Community Services Manager to obtain quotes for services, subdivision costs, rezoning costs and development costs;
3. Seek available grants to assist with the project costs;
4. Obtain cost per square metre to complete the project;
5. Obtain intentions to purchase the completed lots or possibly pre-sell the lots;
6. Obtain Council approval to develop the subdivision in accordance with the above steps.

<b>Statutory Environment</b>	Local Government Act Town Planning and Development Act 1928
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Unknown at this point
<b>Strategic Implications</b>	Nil

### **Resolution 66/05**

**Moved Cr Erickson seconded Cr Lovelock that Council approve the attached subdivision design for Lot 23 Emmanuel Street Bolgart and authorise the project to be costed and applications be made for available funding to assist.**

**MOTION PUT & CARRIED 7/0**

**CS260                      Petition to Connect Water**

<b>Location</b>	Wyening
<b>Name of Applicant</b>	Ms M Birkus, Mr J Fertig, Mr R Kenward
<b>File Reference</b>	CA5.3.1
<b>Attachment/s</b>	Copy of petition
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Community Services Manager

**Background**

The Wyening Townsite does not have a reticulated water supply. The three residents of Wyening have petitioned the Water Corporation Mid West Region requesting Water Corp to connect water to the two properties located in the townsite. The residents seek Council's support to have a pipeline installed to carry water from a source 2kms away, to connect the properties.

**Comment**

The residents have made an application under the Community Water Supply Program. Water Corp will fund up to two thirds of the approved cost of pipeline extensions to successful applicants to the program.

<b>Statutory Environment</b>	Local Government Act 1995
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

**Resolution 67/05**

**Moved Cr Erickson seconded Cr Holmes that Council consider what support it can provide for the connection of a reticulated supply for the Wyening Townsite.**

**MOTION PUT & CARRIED 6/1**

Executive Assistant entered the meeting at 3.43pm.

Executive Assistant left the meeting at 3.44pm.

**CS261                      Proposed Amendments to Health Local Laws**

<b>Location</b>	Whole of Shire
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	A2.22.10
<b>Attachment/s</b>	Proposed amendments document and summary of Purpose and Effect
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Community Services Manager



### **Background**

At the last meeting of Council it was resolved to review Council's Health Local Laws. The review has revealed that it will be necessary to amend the Health Local Laws by updating references to superseded Australian Standards and correct errors in the numbering of schedules.

### **Comment**

A copy of the proposed amendments is attached to this report. The first step in the lengthy process of amending the Health Local Laws document is for a Summary of the Purpose and Effect of the Amendments to be read aloud in Council at a Council meeting by the Presiding Member.

<b>Statutory Environment</b>	Local Government Act 1995 Health Act 1911
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

### ***Resolution 68/05***

**Moved Cr Thorpe seconded Cr Erickson that the Presiding Member read aloud the Summary of Purpose and Effect of the proposed amendments to the Shire of Victoria Plains Health Local Laws.**

**MOTION PUT & CARRIED 7/0**

Cr Kelly read aloud the Purpose and Effect regarding the proposed amendments to the Shire of Victoria Plains Health Local Laws.

Cr Kelly read aloud a letter to Council from the Water Corporation regarding Biosolids and suggested that the letter be included in the Shire Newsletter.

Community Services Manager left the meeting at 3.54pm.

## **10.3 TOWN PLANNING**

***There are no items for discussion under the Town Planning Section for this meeting.***

## 10.4 ADMINISTRATION

### A750 Chief Executive Officers Report

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Harry Hawkins - Chief Executive Officer
<b>File Reference</b>	A1.2.1
<b>Attachment/s</b>	CEO Report
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Chief Executive Officer

#### **Background**

See report

#### **Comment**

See report

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

#### **Resolution 69/05**

Moved Cr Thorpe seconded Cr Erickson that the Chief Executive Officer's report be received.

**MOTION PUT & CARRIED 7/0**

### A751 Legal Fees – Michael Stock

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	D5.1
<b>Attachment/s</b>	Letter Minter Ellison
<b>Date</b>	2 <sup>nd</sup> March 2005
<b>Author</b>	Chief Executive Officer

#### **Background**

Council at its February meeting asked the CEO to speak to Minter Ellison and to investigate the legal fees being incurred in various actions against Michael Stock in regard to implementing a strategy aimed at reducing future costs.

#### **Comment**

The attachment to this report, a letter from Minter Ellison is a result of an email sent to, and a telephone conversation with Sam Barbaro on the strategy being employed in actions against Michael Stock in relation to keeping future fees to a minimum.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Additional legal fees to finalise actions
<b>Strategic Implications</b>	Nil

**Resolution 70/05**

Moved Cr Thorpe seconded Cr Smith that the information be received and that Council authorise the CEO to continue actions against Michael Stock with Minter Ellison Lawyers.

**MOTION PUT & CARRIED 7/0**

**Resolution 71/05**

Moved Cr Thorpe seconded Cr Lovelock that the Chief Executive Officer writes to the Magistrate of the Northam Court of Petty Sessions and convey Council's anger at the issuing of an interim violence restraining against a Shire staff member.

**MOTION PUT & CARRIED 7/0**

**A752 Visitor Centre Association of WA**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	ES2.5
<b>Attachment/s</b>	Nil
<b>Date</b>	2 <sup>nd</sup> March 2005
<b>Author</b>	Chief Executive Officer

**Background**

The Shire has been invited to become a member of the Visitor Centre Association of Western Australia, the Association is the states only representative body for the visitor (tourist) servicing industry and among its objectives are raising the profile of visitor servicing within the tourism industry, providing advice to the government and the WA Tourism commission on visitor servicing issues and facilitating educational, training and support services to visitor centres.

The Shire administration office acts as a visitor centre with brochures for tourist activities and tourism advice being given out on a regular basis.

**Comment**

Benefits of membership of the Visitor Centres Association include participation in low cost visitor centre marketing co-operative i.e. wildflower guide and winter breaks publications, an annual conference with the emphasis on training and education and a quarterly newsletter.

The association is a not for profit organisation that receives funds to operate primarily through member fees. The annual membership fees are currently \$117 including GST for a corporate membership, the most appropriate for the Shire.

<b>Statutory Environment</b>	Nil
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<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Fees of \$117 annual Fee.
<b>Strategic Implications</b>	Nil

**Resolution 72/05**

Moved Cr Woods seconded Cr Lovelock that Council join the Visitor Centre Association of WA as a corporate member.

**MOTION PUT & CARRIED 7/0**

**A753 Subscription to Councillor Magazine**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	A1.15
<b>Attachment/s</b>	Flyer
<b>Date</b>	28 February 2005
<b>Author</b>	Harry Hawkins – Chief Executive Officer

**Background**

Hallmark Editions Pty Ltd publishers of many local government newsletters and websites have sent a flyer asking if we would like to subscribe to their "Councillor" magazine.

**Comment**

The Councillor magazine is a glossy Australia wide publication containing stories and information from various local governments and a twelve month subscription would cost \$330 for a magazine for each Councillor and one for the CEO.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	\$330 Annual subscription.
<b>Strategic Implications</b>	Nil

**Resolution 73/05**

Moved Cr Lovelock seconded Cr Erickson that Council does not purchase a subscription to Councillor magazine.

**MOTION PUT & CARRIED 7/0**

**A754 Legal Fees Biosolids Trial Facility**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Norm and Alison McPherson
<b>File Reference</b>	H2.12
<b>Attachment/s</b>	Copy of letter
<b>Date</b>	3 <sup>rd</sup> March 2005

**Author**

Chief Executive Officer

**Background**

In June 2004 Council granted planning approval to the Water Corporation to construct a Trial Biosolids Storage facility on Annandale Farm in Gillingarra. There were community concerns regarding odour and fly breeding at the facility and the effect this may have on the value of neighbouring properties.

Mr & Mrs McPherson the nearest neighbours decided to take legal advice over the granting of planning approval based on a fear of the detrimental effect the Biosolids storage facility would have on the future use of their land. The Water Corporation abandoned the project after receiving 70 submissions from the community opposing the building of the trial facility on the proposed site near the boundary of the McPherson property.

**Comment**

Planning approval was granted based on the presentation made to Council in April 2004 by the Water Corporation and the document tabled at the June 2004 meeting and although there may have been some technical issues raised after the granting of planning approval the claim that Council acted outside of the provisions of Town Planning Scheme No. 4 and in a negligent manner in granting approval is denied. Council's legal opinion was that once planning approval had been granted and communicated to the applicant any attempt to revoke or rescind that approval would be ineffectual and futile and that the authority cited by the McPherson's lawyers in this regard was a broad general power that had not been considered by the courts to be relevant in the grant of a planning approval.

While in hindsight Council may have acted differently based on the revelation that the document tabled at the June meeting was flawed in some areas, such as deficiencies in public consultation, and that there was a technical error in the signing of the application there was no reason why planning approval should not have been granted at the June 2004 meeting.

To reimburse legal fees in these circumstances would set a dangerous precedent that Council would fund future legal challenges to unsavoury and unpopular but legitimate decisions of Council.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Possible legal fees incurred up to \$10,716

**Strategic Implications**

Nil

**Resolution 74/05**

**Moved Cr Smith seconded Cr Woods that Council do not contribute to legal fees of \$10,716 incurred by Mr and Mrs McPherson.**

**MOTION PUT & CARRIED 5/2**

The Chief Executive Officer declared an interest in Item A755. Cr Woods suggested that the Chief Executive Officer be allowed to remain in chambers.

**A755            CEO House Dishwasher**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Harry Hawkins - Chief Executive Officer
<b>File Reference</b>	HS1.1
<b>Attachment/s</b>	None
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Chief Executive Officer

**Background**

Approximately twelve months ago a second hand dishwasher was purchased by the CEO and installed into the current CEO residence at 13 Lambert Crescent Calingiri. The dishwasher has recently ceased to operate and has been removed leaving an empty space under the bench and no floor coverings in that space.

**Comment**

Council is asked to consider purchasing a new dishwasher to be fitted into the house which will then become a permanent fixture in lieu of the CEO purchasing a new one which will be taken away when he moves leaving the empty space once again.

The cost of a dishwasher is approximately \$800 and could be purchased within the current house maintenance budget.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil Absorbed in housing maintenance budget
<b>Strategic Implications</b>	Nil

**Resolution 75/05**

**Moved Cr Woods seconded Cr Erickson that Council endorse the purchase of a new dishwasher for the CEO house at 13 Lambert Crescent Calingiri.**

**MOTION PUT & CARRIED 7/0**

**A756            Compliance Audit Return**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	F1.4.5
<b>Attachment/s</b>	Compliance Audit Return
<b>Date</b>	9 <sup>th</sup> March 2005
<b>Author</b>	Chief Executive Officer

## **Background**

Each year Council is required to complete a compliance audit return to ensure that the operations of the organisation are complying with the Local Government Act 1995 and associated regulations.

## **Comment**

This report aims to highlight the areas of non-compliance, and detail remedial action proposed to be taken in regard to instances of non-compliance.

The items of non-compliance were:

1. Where a decision of Council varies significantly from the officers written recommendation then a written reason should be included in the minutes this was not picked up at the May meeting and although raised at the June meeting when confirming the minutes for May it did not get included in the minutes.
2. Councillors are required to lodge an annual return by the 31<sup>st</sup> of August, two Councillors lodged returns late.
3. A draft Principle Activities Plan was prepared but was not finalised or advertised for public comment.

The remedial action proposed in relation to these items of non-compliance are;

1. The CEO is now aware of this requirement and will ensure that where this occurs a written reason will be included in the minutes from now on.
2. Councillors will be reminded of the requirement to lodge returns by the 31<sup>st</sup> of August and this will continue to be followed up closer to that date.
3. The changes to the legislation have removed the requirement for a principle activities plan to be produced and replaced it with a requirement to prepare a "plan for the future" every two years. New regulations for this type of plan will be perused as they become available and a plan that meets the requirements will be produced

Council is required to adopt the return and endorse remedial actions before the return is submitted to the Department of Local Government and regional Development.

All items of non-compliance listed on the 2003 return were met in 2004 or will be met in the 2005 year.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

## **Resolution 76/05**

**Moved Cr Lovelock seconded Cr Erickson that Council adopt the compliance audit return for the year 1 January 2004 to the 31 December 2004 and endorse the remedial actions to be taken on items of non-compliance.**

**MOTION PUT & CARRIED 7/0**

Re Item A756 - Page 8 - No. 4 - Cr Lovelock enquired if the Shire kept a register of Cattle Grids.

Answer: No

Mrs Byrne O'Neil left the meeting at 4.20pm.

*Item A757 was reintroduced from the July 2004 Ordinary Meeting where it was left to lay on the table.*

*It was reintroduced for Council consideration.*

**A757 Proposed Road Closure and Inclusions**

<b>Location</b>	Old Plains Road/Great Northern Highway
<b>Name of Applicant</b>	Shire of Victoria Plains
<b>File Reference</b>	D9.2
<b>Attachment/s</b>	Copy of Plan Attached
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Chief Executive Officer

**Background**

The proposal re the entry of the Old Plains Road to the Great Northern Highway has been surveyed and is ready to be forwarded to CALM for action following endorsement by Council.

**Comment**

Nil

<b>Statutory Environment</b>	Land Act
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Costs of survey and closure
<b>Strategic Implications</b>	Complete road deviation plan

**Recommendation**

**That Council endorse the proposed road closure and inclusions Old Plains Road, New Norcia Victoria Plains Shire Lot M1903 and Lot 400 as per the plan presented.**

**Resolution 77/05**

**Moved Cr Erickson seconded Cr Woods that Item A757 lay on the table until appropriate Title Searches are carried out.**

**MOTION PUT & CARRIED 7/0**

Re Item A757 - Does the road go through David Maher's property? The Chief Executive Officer is to investigate and commence a title search.



**A758            WALGA Association Honours**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	A1.9.3
<b>Attachment/s</b>	WALGA Honours Policy
<b>Date</b>	10 <sup>th</sup> March 2005
<b>Author</b>	Chief Executive Officer

**Background**

Nominations for the WA Local Government Association honours are now open in five categories being Local Government Medal, Life Membership, Certificate of Appreciation, Long and Loyal Service Award and the Distinguished Service Award.

Member Local Governments, Zones and State Councillors may submit nominations.

**Comment**

The attached flyer outlining the association honours policy contains guidelines for nominations. Nominations close on the 29<sup>th</sup> April 2005

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

**Resolution 78/05**

Moved Cr Thorpe seconded Cr Lovelock that the information be received and any nominations being considered be brought to the April meeting of Council for endorsement.

**MOTION PUT & CARRIED 7/0**

**A759            New Norcia Bushfire Brigade Requests**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	F1.2.1
<b>Attachment/s</b>	Letter New Norcia Bush Fire Brigade
<b>Date</b>	10 <sup>th</sup> March 2005
<b>Author</b>	Chief Executive Officer

**Background**

The New Norcia Bushfire Brigade met on the 8<sup>th</sup> March 2005 and sent the following requests to the shire for consideration.

1. New fire truck – The brigade was told that the new truck would be to the same standard as the original truck written off. There are two concerns a.) The foam induction unit is nowhere near as efficient as the old unit and, b.) The pump seemingly has only half the capacity of the original.
2. CFCO out of pocket expenses – The meeting moved that the CFCO should be provided with a fuel card and an out of pocket expenses allowance of \$3,000 per year to cover expenses associated with the discharge of his duties.
3. Red Flashing Lights for FCO's – The brigade urged the shire to issue red flashing lights to FCO's which could be used to identify "officer in charge" and "contact centre" at fires.

### **Comment**

The response for these requests as proposed by the CEO is as follows

1. a.) The insurance claim for the fire truck was extended to include the cost of a new foam induction unit, the cheque has now been received and a new unit is being ordered.
1. b.) The brigade was asked to ensure that the truck was equipped the same as the original and the insurance claim would be extended to include costs to bring the truck to the same equipment level. The claim is now closed and this is the first the CEO has heard about the pump capacity. There may be some scope to upgrade the pump through ESL funding and a claim will be pursued to that end.
2. The ESL funding allows for the payment of volunteer travel expenses associated with FESA approved training and recognised regional meetings only and any claim for a fuel card and out of pocket allowance which are not based on reimbursement of these specific expenses would fall outside of the ESL and Council would be liable for these costs if paid.
3. The use of red and blue flashing lights is tightly controlled by emergency services and may be outside of the shires scope to provide. Enquires will be made to see if they can be issued and if they would be covered by the ESL.

<b>Statutory Environment</b>	Local Government Act 1995, Bushfires act 1954 and the ESL Act.
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Council funding of Brigades may increase outside the ESL.
<b>Strategic Implications</b>	Nil

### **Recommendations**

1. That Council endorse the actions proposed by the CEO
2. That Council does/does not endorse the issue of a fuel card and the payment of an allowance of \$3,000 per annum to the CBFCO outside the scope of the ESL.

### **Resolution 79/05**

Moved Cr Erickson seconded Cr Smith that Council endorse the actions proposed by the CEO and that Council does endorse the payment of an allowance of \$1,000 per annum to the CBFCO outside the scope of the ESL.

**MOTION PUT & CARRIED 7/0**

Chief Executive Officer left the meeting at 4.50pm.

Chief Executive Officer and Works Manager entered the meeting at 4.51pm.

## 10.5 WORKS

All Plant and Works Items have been placed on the Plant and Works Agenda.

## 10.6 LANDCARE

### L22 Landcare Officers Report

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Elizabeth Tierney and Georgie Gardner
<b>File Reference</b>	A1.2.1
<b>Attachment/s</b>	Landcare Report
<b>Date</b>	8 <sup>th</sup> March 2005
<b>Author</b>	Landcare Officers

#### **Background**

See report

#### **Comment**

See report

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

#### **Resolution 80/05**

Moved Cr Erickson seconded Cr Thorpe that the Landcare Officers report be received.

**MOTION PUT & CARRIED 7/0**

## 11 NOTICE OF MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Confidential Item **12.1 EBA Outside Staff** has been omitted intentionally.

## **13 NEW BUSINESS OF AN URGENT NATURE APPROVED BY COUNCIL RESOLUTION**

### **Resolution 82/05**

**Moved Cr Smith seconded Cr Thorpe that late items of business be introduced to Council.**

**MOTION PUT & CARRIED 7/0**

### **13.1 Plant and Works Committee**

Discussion was held regarding Works Committee items being re discussed during the Ordinary Meeting.

### **13.2 Audit Committee**

Discussion was held regarding the Audit Committee.

### **13.3 Bolgart Progress Association**

Cr Holmes advised Council that the Bolgart Progress Association had discussed the Insurance provisions for the Hall. This item has been discussed on previous occasions regarding takeover by the Shire and the Association leasing back.

The Chief Executive Officer is to contact Local Government Insurance for quotes on insurance.

Cr Kelly recommended that the Bolgart community should come up with a proposal to present to Council various options regarding the insurance and responsibility of the Bolgart hall.

Cr Smith advised there is a Rural Water Council meeting to be held Friday 1<sup>st</sup> April 2005.

### **13.4 Discussion for next meeting**

The issue of Street Lighting is to be discussed at the Ordinary meeting of Council to be held on 19<sup>th</sup> April 2005.

## **14 DECLARATION OF CLOSURE**

There being no further business the Presiding Member declared the meeting closed at 5.38pm.

Signed this ..... day of ..... 2005

Presiding Member .....

## **Chief Executive Officer's Report to Ordinary Meeting of Council**

### **1. Meetings attended**

Friday 18<sup>th</sup> February      Haines Norton IFRS seminar Perth  
Friday 4<sup>th</sup> March          Returning Officer Training City of Bayswater

### **2. Staff Housing**

A review of tenancy agreements revealed that some staff do not have agreements for staff housing or have not paid a bond. Agreements are being drawn up and bond payments followed up for collection.

### **3. Michael Stock**

The court hearing in regard to the games room at lot 182 Poincare Street Bolgart was adjourned until the 17<sup>th</sup> March due to allegations made by Mr Stock that could not be answered by the shires lawyer. It was also revealed that Minter Ellison were advised to pursue the games room issue but not the house at lot 183 George street which may now need to be pursued separately. The planning approval granted, with conditions, in relation to that house has now expired and Mr Stock has lodged a new application which has been referred to a consultant planner.

The restraining order action was dismissed by the Supreme Court on the 4<sup>th</sup> March and is hopefully finalised (see attached report from lawyers).

Harry Hawkins  
**Chief Executive Officer**

## **Community Services Manager's Report to Ordinary Meeting of Council**

### **Thank a Volunteer Function**

Some time ago the Department of Local Government and Regional Development offered grant money to hold a function to thank the Volunteers who assist the community for their service.

Council's application for funding was approved and a successful function was held at New Norcia on Friday 4<sup>th</sup> March.

The event was most appreciated by those volunteers that attended.

### **Biting Insects**

A complaint that biting insects have caused a severe allergic reaction in a local resident of Calingiri has been received.

Two unsuccessful attempts have been made to trap the offending insects for identification. The area where the bites have occurred has been sprayed with a residual insecticide in an attempt to solve the problem. It is suspected that the insect involved is a biting midge.

Trevor Walker  
**Community Services Manager**



**Landcare Officer's Report to Ordinary Meeting of Council  
Elizabeth Tierney and Georgie Gardner**

**National Landcare Program Perennial Project**

After sending out an application package calling for expressions of interest for funding to plant perennials this year, plus numerous reminder faxes and phone calls, Georgie has received 50 applications. With the assistance of Tim Wiley she has visited all the sites of those wanting to plant sub-tropical and temperate grasses, native grasses, tagasaste, *Acacia saligna* and Evergreen saltland mix. Next week she will visit the 15 lucerne sites with assistance from WALG-the WA Lucerne Growers Association. She hopes to visit saltbush sites after that. She still has to visit the rest of the farmers for the Case Studies on past attempts to establish perennials. A half-day workshop is also being planned for early April, covering issues such as preparation, pests and persistence of lucerne, its role as a herbicide resistance management tool, GM's, and sub-soil acidity. A date and location is to be arranged, and a flier will be sent out in the Shire and advertised through various media.

**Grain and Graze**

A national Grain and Graze forum is being held in the Northern Ag Region in April. This will include an overnight stay at New Norcia and visits to a couple of farms in the area. A property east of New Norcia has been selected to take part in a national benchmarking study for the Grain and Graze program. Elizabeth attended a training session in the use of PAM, a farm management software package, which will be used to track the performance of the participating farms.

**Farm Water Planning**

Elizabeth assisted an experienced Farm Water Planner to prepare a Farm Water Grant Application, to gain experience for future rounds.

**Envirofunds: Round 6**

We both helped write-up 13 Envirofund applications that were due on February 18. The applications covered all areas of the Shire and focussed on fencing and revegetation. Georgie had assistance from Margi Weir and Luke Bentley (Biodiversity Support Officers for NACC/Greening Australia WA) to assess remnant vegetation types and condition, as well as select local species for revegetation, particularly in saline sites. She also liaised with Yerecoin Primary School, Land for Wildlife, Greening Australia, Rosalie Park Primary School (Perth) and Leonie McMahon (Carnaby's Cockatoo Recovery Project) for these applications. Elizabeth has involved the WA State herbarium and CALM.

**Co-ordinated Fox Baiting Program: from Albany to Geraldton**

We have been in contact with other NRM Officers in the Northern Ag Region who have sent out fliers about fox baiting, and also Adam Clune, Coordinator and Biosecurity Officer, Ag Dept in Moora who is the primary contact for the program. A flier and an article has been included in the March Shire newsletter. Farmers are to contact Adam directly to obtain a baiting application form. We are hoping that many farmers will then bait within a similar time-frame and at a wide scale so that baiting will be more effective.

**Meetings/Workshops/Field Days/Training attended:**

- NRM Officers meeting re: workplan development for 2005 (ET & GG)
- Meetings with landholders applying for Envirofunds (ET & GG)
- EEI – Salinity Engineering Evaluation Initiative Forum, Department of Environment, Dalwallinu (GG)
- EEI – Salinity Engineering Evaluation Initiative Field Day, Department of Environment, Dalwallinu & Pithara/Kalannie (GG)
- Selecting local salt-tolerant species for revegetation, plant identification and condition scoring of remnant vegetation (during site visits with Margi and Luke) (GG)
- SGSL (Sustainable Grazing on Saline Land) Project Site visit and animal condition scoring at Todd Duggan's - (GG)
- Meeting with Alison Cooke to organise workshop (GG)
- 2 days of perennial site visits with Tim Wiley (GG)
- Grain and Graze Project Milestone Review, Geraldton (ET)
- PAM software training, Perth (ET)

**Promotion**

- Shire newsletter (GG and ET)
- Co-ordinated fox baiting program flier designed and sent out with Shire newsletter

Elizabeth Tierney and Georgie Gardner  
**Landcare Officers**