



Shire of Victoria Plains

## Minutes for Ordinary Meeting of Council held

On	Tuesday 19 <sup>th</sup> April 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 19<sup>th</sup> APRIL 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.

### **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>
	<b>Cr J Young</b>	<b>East Ward</b>
	<b>Cr Thorpe</b>	<b>Central Ward</b>
	<b>Cr Woods</b>	<b>Central Ward</b>

<b>Chief Executive Officer:</b>	<b>Mr H Hawkins</b>
<b>Finance and Administration Manager:</b>	<b>Mr N Hamilton</b>
<b>Works Manager:</b>	<b>Mr A Kent</b>
<b>Community Services Manager:</b>	<b>Mr T Walker</b>

### **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 87/05***

Moved Cr Smith seconded Cr Woods that the minutes from the Ordinary Meeting of Council held 15<sup>th</sup> March 2005 be confirmed with the inclusion of the words MOTION PUT & CARRIED 9/0 being added after Item F363  
Resolution 61/05.

**MOTION PUT & CARRIED 9/0**

### **7.2 Business Arising**

Nil

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

Nil

## **9 PRESIDENT AND COUNCILLORS REPORTS**

### Cr Anspach

Cr Anspach, Cr Kelly and Chief Executive Officer attended VROC Meeting in Moora.

### Cr Erickson

Attended a special meeting of the Moore Catchment Council in Gingin.

Attended Aboriginal Divisional Land Council Meeting.

Attended Regional Meeting.

### Cr Smith

Attended Rural Water Council Meeting in Narembreen.

Attended Main Roads Grain Industry forum.

Cr Kelly

Attended Catchment Demonstration Initiative (CDI) meeting.

Cr Lovelock

Attended Cultural Mapping meeting.

Cr Woods

Attended Landcare Management Committee Meeting.

## **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**

#### **F365 Accounts for Payment**

A list of accounts for payment is attached to the Minutes. Outstanding creditors at the date of this report were \$70,301.98

#### ***Resolution 88/05***

**Moved Cr Young seconded Cr Holmes that Municipal and Trust cheques numbered 2776-2848 and direct payments totalling \$227,857.92 be passed for payment.**

**MOTION PUT & CARRIED 9/0**

Comment on current Council name badges. Badges should be larger and easier to read.  
Based on Shire of Moora style.

#### **F366 Sundry Debtors**

A list of sundry debtors is attached to the Minutes.

#### ***Resolution 89/05***

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

**MOTION PUT & CARRIED 9/0**

**F367 Monthly Financial Statement**

The Monthly Financial Report for the period ending 31<sup>st</sup> March 2005 is attached to the Minutes.

**Resolution 90/05**

Moved Cr Smith seconded Cr Holmes that the Monthly Financial Report for the period ending 31<sup>st</sup> March 2005 be received.

**MOTION PUT & CARRIED 9/0**

**F368 Municipal and Trust Fund**

The Municipal and Trust Fund on hand as at the 19<sup>th</sup> April 2005 was tabled at the meeting.

**Resolution 91/05**

Moved Cr Erickson seconded Cr Young that the Municipal and Trust Fund on hand as at the 19<sup>th</sup> April 2005 as tabled be received.

**MOTION PUT & CARRIED 9/0**

**F369 Outstanding Rates Report**

The Outstanding Rates Report is attached to the Minutes.

**Resolution 92/05**

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

**MOTION PUT & CARRIED 9/0**

**F370 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>	12 <sup>th</sup> April 2005
<b>Author</b>	Neil Hamilton - Finance and Administration Manager

**Background**

Council has surplus funds to the value of \$313,641.75 after the collection of rates money. These funds have been invested in a term deposit with the Bendigo Bank for 30 days at 5.35% an approximate yield of \$1,379.16 maturing on the 11<sup>th</sup> May 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	15,750	17,707
Reserve A/C	10,000	7,500	9,069
Totals	31,000	23,250	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 93/05***

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

**MOTION PUT & CARRIED 9/0**

Finance and Administration Manager left the meeting at 1.50pm

Chief Executive Officer left the meeting at 1.51pm.

Finance and Administration Manager, Chief Executive Officer and Community Services Manager entered the meeting at 1.52pm.

Community Services Manager left the meeting at 1.53pm

Community Services Manager entered the meeting at 1.56pm.



## 10.2 COMMUNITY SERVICES

(Incorporating Health, Building and Community Services)

In reference to the Biosolids article mentioned in the Community Services Manager's Report a letter received from Temples Pty Ltd was read aloud to the meeting.

### CS262 Community Services Manager's Report

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Community Services Manager
<b>File Reference</b>	A1.2.1
<b>Attachment/s</b>	Community Services Manager's Report
<b>Date</b>	12 <sup>th</sup> April 2005
<b>Author</b>	Trevor Walker

**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 94/05**

Moved Cr Thorpe seconded Cr Woods that the Community Services Manager's report be received.

**MOTION PUT & CARRIED 9/0**

Community Services Manager - Trevor Walker read out details of an invoice supplied to Council by AJ & JM Streppel - Builders from Moora for the upgrading works required at the Mogumber Hall.

### CS263 Mogumber Hall

<b>Location</b>	Mogumber Townsite
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	RC2.5
<b>Attachment/s</b>	Nil
<b>Date</b>	4 <sup>th</sup> April 2005
<b>Author</b>	Trevor Walker

## Background

As Council is aware a public meeting was held at the Mogumber Hall to discuss the future of the Hall on 21<sup>st</sup> March 2005. the meeting resolved that the currently allocated \$10,500 for replacement of the skillion roof, installation of a suspended ceiling and kitchen upgrade should be expended and that an annual amount of \$5,000 should be allocated in the Municipal Budget for the next five years to fund upgrading works in order that the hall can continue to be used as a public hall.

## Comment

The upgrading priorities for the hall are:-

- i. Re cladding the roof and walls together with appropriate bracing of the structure and replacement of all door and window frames;
- ii. Access for the disabled (legal requirement);
- iii. Insulation and internal linings to main hall i.e. suspended ceilings and wall linings;
- iv. Painting inside and out;

There is some doubt as to whether the amount of use the hall gets justifies the scale of funding required to carry out the above upgrading work.

If Council is to accept the proposition to retain and upgrade the Mogumber Hall, it will be necessary to ascertain a realistic cost to achieve the above upgrading works. It will be pointless to embark on a programme of spending over the next five years if the amount which it is proposed to spend is pitifully inadequate, to achieve the aim of satisfying the legislation and keeping the building in use as a public building.

<b>Statutory Environment</b>	Local Government Act 1995
<b>Policy Implications</b>	Unknown
<b>Financial Implications</b>	Budgeted amounts - Municipal Budget
<b>Strategic Implications</b>	Nil

## Resolution 95/05

Moved Cr Erickson seconded Cr Young that Council prepares estimates to complete the following works at the Mogumber Hall:-

- i. Re cladding the roof and walls together with appropriate bracing of the structure and replacement of all door and window frames;
- ii. Access for the disabled;
- iii. Insulation and internal linings to main hall i.e. suspended ceilings and wall linings;
- iv. Painting inside and out;
- v. Electrical works;
- vi. Plumbing works.

**MOTION PUT & CARRIED 7/2**

## CS264 Mogumber Landfill

<b>Location</b>	Mogumber Townsite Reserve
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	CA1.2.3
<b>Attachment/s</b>	Nil
<b>Date</b>	4 <sup>th</sup> April 2005
<b>Author</b>	Trevor Walker

## Background

At the public meeting held at Mogumber on the 21<sup>st</sup> March it was resolved to recommend to Council that the Mogumber Landfill Site be fenced and closed to the public.

It was also recommended that keys be made available to local residents. In order to maintain control of key access to the site it will be necessary to install a restricted profile key system and a key register to record who has keys. The padlocks will be a deadlock type which requires the padlock to be locked in order to withdraw the key from the lock.

## Comment

The costs involved are:

i.	Levelling and siteworks (shire plant)	\$ 1,500
ii.	Security fencing	\$ 11,385
iii.	Security gates 2400 x 2	\$ 750
iv.	Restricted profile key system	\$ 500
v.	Closure signs x 2	\$ 1,000

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

## Recommendation

That Council allocates an amount of \$\_\_\_\_\_ to fence, close and issue keys to local residents for access to the Mogumber Landfill site.

## Resolution 96/05

Moved Cr Erickson seconded Cr Young that Council consider allocating an amount of \$15,135 to the 2005/2006 Municipal Budget to fence, close and issue keys to local residents for access to the Mogumber Landfill site.

**MOTION PUT & CARRIED 9/0**

## CS265 Biosolids Application

<b>Location</b>	Corio Farm - Piawaning
<b>Name of Applicant</b>	Mr H Purser
<b>File Reference</b>	H2.12
<b>Attachment/s</b>	Letter
<b>Date</b>	14 <sup>th</sup> April 2005
<b>Author</b>	Trevor Walker - Community Services Manager

## Background

Corio Farm on the Waddington-Wongan Hill Road has been given permission to spread lime amended Biosolids at a rate of 5 dry tonnes/hectare to Hill Paddock (70ha). It is proposed to immediately incorporate the Biosolids after spreading (within 7 days) and then sow a canola crop.

## Comment

The Confidential review of environmental factors is tabled for Councillors information.

<b>Statutory Environment</b>	Department of the Environment
	Department of Health
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

***Resolution 97/05***

**Moved Cr smith seconded Cr Young that the information be received.**

**MOTION PUT & CARRIED 9/0**

## 10.3 TOWN PLANNING

### TP32 Planning Consent - Gravel Extraction

<b>Location</b>	Dalkey Farm Walebing
<b>Name of Applicant</b>	B M Court
<b>File Reference</b>	T3.2
<b>Attachment/s</b>	Application form and map
<b>Date</b>	14 <sup>th</sup> April 2005
<b>Author</b>	Trevor Walker - Community Services Manager

#### Background

Dalkey Farms seek approval to extract gravel from PT920 Lot 102, Great Northern Highway.

There are two sites for which approval is sought. Site one is an old gravel pit which is proposed to be expanded. It will involve clearing between five and ten hectares of sparse mallee bush. The topsoil will be stockpiled and excavated to between 5 and 10 metres deep depending on gravel. Site two is 95% cleared and will only be developed in the same manner if insufficient gravel can be won. (Approximately 2ha).

#### Comment

Both sites have been tested and approved for road use and is proposed to be used during Great Northern Highway proposed upgrade.

The winning of gravel is defined as an Extractive Industry under District Town Planning Scheme No. 4. Enquiries with the Department of the Environment confirm that approval for the clearing will need to be obtained from DOE. Since a satisfactory revegetation plan forms part of the application, planning consent should carry a condition that approval for the clearing is to be obtained from DOE.

<b>Statutory Environment</b>	Town Planning and Development Act
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Nil

#### Resolution 98/05

**Moved Cr Smith seconded Cr Young that Planning Consent be granted to Dalkey Farms to develop two gravel pits on PT920 Lot 102, Great Northern Highway in accordance with the application submitted on condition that permission for the proposed clearing of bush be obtained from the Department of the Environment.**

**MOTION PUT & CARRIED 9/0**

Community Services Manager left the meeting at 2.45pm.

## 10.4 ADMINISTRATION

### A760 Chief Executive Officer's Report

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Chief Executive Officer
<b>File Reference</b>	A1.2.1
<b>Attachment/s</b>	CEO Report
<b>Date</b>	12 <sup>th</sup> April 2005
<b>Author</b>	Harry Hawkins - 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 99/05**

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

**MOTION PUT & CARRIED 9/0**

#### **Resolution 100/05**

Moved Cr Young seconded Cr Erickson that Council send a letter to the Minister with a copy to Gary Snook regarding the water stand pipe situation in Bolgart and that Council request a meeting with Water Corp representatives and Council representatives on site.

**MOTION PUT & CARRIED 9/0**

Cr Lovelock advised he was disappointed that Council was not supplying a Polling place at Mogumber Hall for the upcoming elections in May 2005.

#### **Resolution 101/05**

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

**MOTION PUT & CARRIED 9/0**

The meeting adjourned at 3.12pm.

The meeting resumed at 3.27pm.

**A761            Audit Committee**

**Location**                                Shire of Victoria Plains  
**Name of Applicant**                none  
**File Reference**                        F1.4.2  
**Attachment/s**                        Nil  
**Date**                                        11<sup>th</sup> April 2005  
**Author**                                    Harry Hawkins – Chief Executive Officer

**Background**

Part 2 of the Local Government Amendment Act 2003 deals with the new provisions in section 7 of the local government act requiring a Local Government to establish an audit committee of three or more persons.

Council resolved at the February ordinary meeting to appoint a committee of up to five members with up to two other persons on that committee. An expression of interest was received from Graham Nixon and a call for further expressions of interest was advertised in the shire newsletter circulated at the beginning of March and no additional expressions were received. This amendment to the local government act is to take affect from the 7<sup>th</sup> May 2005.

**Comment**

Haines Norton our auditors have suggested that, based on the explanatory memorandum accompanying the bill, it would appear that the intention is for each Council to appoint other persons to provide for independent membership and for the committee to be independent of Councils management (as is expected in commerce).

**Statutory Environment**                Local Govt Amendment Bill 2003 Part 2  
**Policy Implications**                    Nil  
**Financial Implications**                Nil  
**Strategic Implications**                Nil

**Recommendation**

**That Council form an audit committee of 4 persons comprising of three Councillors being Councillor \_\_\_\_\_ Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ plus Graham Nixon of New Norcia as the other person.**

**Resolution 102/05**

**Moved Cr Erickson seconded Cr Holmes that Item A761 Audit Committee lay on the table until the May 2005 Ordinary Meeting of Council.**

**MOTION PUT & CARRIED 9/0**

**A762            Seed Collection**

**Location**                                Shire of Victoria Plains  
**Name of Applicant**                Greening Australia WA  
**File Reference**                        CA3.1  
**Attachment/s**                        Letter from Technical Officer  
**Date**                                        11<sup>th</sup> April 2005  
**Author**                                    Harry Hawkins – Chief Executive Officer

### **Background**

Greening Australia WA has written to the Shire requesting permission to collect native seed from within reserves vested in the Shire of Victoria Plains. Permission was given last year and this request is a renewal of that permission for a further twelve months beginning 1<sup>st</sup> July 2005.

### **Comment**

The Seed collected by Greening Australia WA will be used for strategic revegetation projects within the region and some may be used for research purposes (see attachments).

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

### **Resolution 103/05**

**Moved Cr Woods seconded Cr Lovelock that subject to collectors holding relevant licences Council give permission to Greening Australia WA to collect native seeds from within reserves vested in the Shire of Victoria Plains.**

**MOTION PUT & CARRIED 9/0**

### **A763      Aged Persons Units - Bolgart**

<b>Location</b>	George Street Bolgart
<b>Name of Applicant</b>	Cr Erickson
<b>File Reference</b>	HS1.4.1
<b>Attachment/s</b>	Nil
<b>Date</b>	6 <sup>th</sup> April 2005
<b>Author</b>	Fiona Watson - Executive Assistant

### **Background**

Council is aware that the APU's in Bolgart are completed with the exception of landscaping.

Tenants have been selected and notified of approval of occupation.

### **Comment**

Upon completion the APU's in Harrington Street Calingiri were fitted with ducted evaporative air conditioning.

The Bolgart Units have been fitted with ceiling fans.

It should be noted that the intended occupation of these units is for seniors and pensioners and installation of air conditioning would be beneficial in the hotter months of the year.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Unknown
<b>Strategic Implications</b>	More comfortable conditions for occupants



**Recommendation**

That the Chief Executive Officer approach Homeswest requesting the installation of:-

1. Reverse cycle split system air conditioning; or
2. Evaporative ducted air conditioning.

**Resolution 104/05**

Moved Cr Erickson seconded Cr Holmes that the Chief Executive Officer approach Homeswest requesting the installation of reverse cycle split system air conditioning for the Bolgart Aged Persons Units.

**MOTION PUT & CARRIED 9/0**

**A764          Damage to Declared Rare Flora**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Department of Conservation and Land Management
<b>File Reference</b>	CA3.1
<b>Attachment/s</b>	Letter
<b>Date</b>	13 <sup>th</sup> April 2005
<b>Author</b>	Harry Hawkins – Chief Executive Officer

**Background**

A letter has been received from CALM regarding damage to declared rare fauna on the rail reserve at Gillingarra. A second incident where a fence that had been erected to protect the area was cut to allow movement of stock has now been reported and CALM is asking for help in identifying those responsible.

**Comment**

The fencing of areas of land to protect and rehabilitate patches of rare fauna in this way are a nuisance to local farmers where they have to move stock and this route was the most appropriate. However those farmers affected must act responsibly and to ignore signage and cut fences to move stock through the area is an act of vandalism and should not be encouraged or condoned by Council.

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

**Resolution 105/05**

Moved Cr Erickson seconded Cr Young that the information be received and that a copy of the letter from CALM be published in the May 2005 Shire and Community Newsletter.

**MOTION PUT & CARRIED 9/0**

**A765 Sponsorship of Fire Tender**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	Rewards Group
<b>File Reference</b>	L1.7
<b>Attachment/s</b>	Letter
<b>Date</b>	13 April 2005
<b>Author</b>	Harry Hawkins – Chief Executive Officer

**Background**

The Rewards Group who operate the sandalwood plantation in the west of the shire have deposited the promised \$18,000 for the purchase of a fast attack/light tanker type fire tender for the New Norcia bushfire brigade.

**Comment**

For some time now negotiations have been ongoing with the Rewards Group for a donation/sponsorship for a light tanker type fire tender to be based in New Norcia to provide extra protection for their plantation this sponsorship has now come to fruition with the deposit of \$18,000 into our bank account on the 31<sup>st</sup> March 2005. It was a little disappointing that the sponsorship was \$18,000 including GST leaving a net amount of \$16,364 to spend on the vehicle.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Insurance, Fuel and Maintenance costs to be borne by Council
<b>Strategic Implications</b>	Additional fire fighting vehicle for New Norcia area

**Resolution 106/05**

Moved Cr Young seconded Cr Erickson that the information be received.

**MOTION PUT & CARRIED 9/0**

**A766 Support for Landcare Officers**

<b>Location</b>	Shire of Victoria Plains
<b>Name of Applicant</b>	n/a
<b>File Reference</b>	CA3.4.1
<b>Attachment/s</b>	Letter from Calingiri/New Norcia LCDC
<b>Date</b>	14 <sup>th</sup> April 2005
<b>Author</b>	Harry Hawkins – Chief Executive Officer

**Background**

A letter has been received from the Calingiri/New Norcia LCDC expressing their thanks to Council for the continued support of Landcare and Natural Resource Management in the area and the continued employment of two landcare officers.

**Comment**

The relative short term funding of projects has led to the change over of staff that has occurred in landcare positions throughout this and other shires in the state and support by Council during the gaps between funding has been acknowledged.

The requests for hand held augers and soil ph testing kits has been given to the Finance and Administration Manager for inclusion in the budget.

<b>Statutory Environment</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	Nil
<b>Strategic Implications</b>	Continued support of Landcare in the Shire

**Resolution 107/05**

**Moved Cr Young seconded Cr Woods that the information be received and Council authorise the CEO to write to the Moore Catchments Council and the Northern Agriculture Catchments Council to support the position taken by the Calingiri/New Norcia LCDC on the lack of security of tenure for our two landcare officers.**

**MOTION PUT & CARRIED 9/0**

**A767 100<sup>th</sup> Birthday Congratulations**

<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>	Nil
<b>Date</b>	14 <sup>th</sup> April 2005
<b>Author</b>	Harry Hawkins – Chief Executive Officer

**Background**

A letter has been received from Peter Yelland advising that his mother, Jean Yelland a long time Victoria Plains resident is to turn 100 on the 4<sup>th</sup> May.

**Comment**

Mrs Yelland was an active member of the community and the family is well known throughout the district.

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

**Recommendation**

**That Council write a letter of congratulations to Mrs Yelland on the occasion of her 100<sup>th</sup> birthday.**

**Resolution 108/05**

**Moved Cr Thorpe seconded Cr Erickson that Council writes a letter of congratulations to Mrs Yelland and send an arrangement of flowers on the occasion of her 100<sup>th</sup> birthday.**

**MOTION PUT & CARRIED 9/0**

ITEM A768 IS RE-INTRODUCED FROM THE ORDINARY MEETING HELD 15<sup>TH</sup> MARCH 2005

**A768 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>	14 <sup>th</sup> April 2005
<b>Author</b>	Harry Hawkins - 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 109/05**

Moved Cr Young seconded Cr Erickson 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 and all costs for survey and road closure etc to be borne by Mr David Maher of New Norcia.

**MOTION PUT & CARRIED 9/0**

Finance and Administration Manager left the meeting at 3.52pm.

Finance and Administration Manager and Works Manager entered the meeting at 3.53pm.

## 10.5 WORKS

### **Resolution 110/05**

Moved Cr Erickson seconded Cr Holmes that Plant and Works Committee resolutions 83/05 to 86/05 be carried En Bloc.

**MOTION PUT & CARRIED 9/0**

Works Manager left the meeting at 4.25pm.

## 10.6 LANDCARE

### **L23 Landcare Officer's 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 Officer's report
<b>Date</b>	12 <sup>th</sup> April 2005
<b>Author</b>	Elizabeth Tierney and Georgie Gardner

### **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 111/05**

Moved Cr Erickson seconded Cr Young that the Landcare Officer's report be received.

**MOTION PUT & CARRIED 9/0**

## **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**

## **Resolution 112/05**

**Moved Cr Smith seconded Cr Young that late items of business be introduced to Council.  
MOTION PUT & CARRIED 9/0**

<b>Late Item</b>	<b>W215</b>	<b>Biosolids Transport and Usage</b>
<b>Location</b>		Shire of Victoria Plains
<b>Name of Applicant</b>		n/a
<b>File Reference</b>		H2.12
<b>Attachment/s</b>		Nil
<b>Date</b>		13 <sup>th</sup> April 2005
<b>Author</b>		Harry Hawkins – Chief Executive Officer

## **Background**

Since the Water Corporation were granted planning approval to build a trial storage facility for Biosolids on Annandale Farm at Gillingarra there has been a lot of community concern on the use of and transport of Biosolids in the west of the shire.

The shire has no control in these areas and is informed of the use by various farmers in the district as a courtesy only.

## **Comment**

There has in recent weeks been complaints lodged with the Community Services Manager regarding spills on the roads and from the spreading of Biosolids which have resulted in a lot of time being taken up where a phone call direct to the Water Corporation, the Department of Environment or the Health Department would have achieved the same result.

The Community Services Manager in his role of Environmental Health Officer will only investigate specific complaints of nuisance odour and fly breeding as a result of the use of Biosolids and will not become involved in other complaints such as transport spillage over which Council has no control.

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

## **Resolution 113/05**

**Moved Cr Young seconded Cr Thorpe that Water Corporation telephone numbers for reporting the spillage of Biosolids and other related complaints be circulated to West Ward Councillors and displayed on Community notice boards in the district and that residents be encouraged to contact the relevant government agencies direct.  
MOTION PUT & CARRIED 9/0**

**Late Item CS266 Legal Fees Biosolids Trial Facility**

**Location** Shire of Victoria Plains  
**Name of Applicant** Norm and Alison McPherson  
**File Reference** Nil  
**Attachment/s** Letters from McPherson and Minter Ellison  
**Date** 18 April 2005  
**Author** Harry Hawkins – Chief Executive Officer

**Background**

At the March 2005 meeting of Council the matter of reimbursement of legal costs to Mr and Mrs McPherson was discussed and was refused on the basis that it would set a dangerous precedent that Council would fund future legal challenges to unsavoury and unpopular but legitimate decisions of Council.

A second letter (attached) has been received from Mr and Mrs McPherson again threatening legal action.

**Comment**

A telephone conversation with our lawyers (see written report attached) has indicated that the McPherson's have no legal basis to claim to damages or reimbursement of legal fees and that for an ex gratia payment to be made on commercial grounds the commercial interests should outweigh the negative consequences of that payment. Clearly the setting of a precedent in this case would far outweigh any benefit to Council, commercial or otherwise.

**Statutory Environment** Nil  
**Policy Implications** Nil  
**Financial Implications** Nil  
**Strategic Implications** Nil

**Resolution 114/05**

**Moved Cr Young seconded Cr Thorpe that the information be received.**

**MOTION PUT & CARRIED 9/0**

Gloria Thorpe entered meeting at 4.25pm.

Shire President Cr Anspach, on behalf of Council thanked Cr Thorpe for his support to the Community and Council over the years.

Cr Thorpe responded.

Cr Anspach also offered his thanks and support of candidates up for the May 2005 election.

## 14 DECLARATION OF CLOSURE

There being no further business the Presiding Member declared the meeting closed at 4.30pm.

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

Presiding Member .....