



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON FRIDAY 17 DECEMBER 2004**

MINUTES

SHIRE PRESIDENT

DATE

SHIRE OF CUBALLING

ORDINARY COUNCIL MEETING
FRIDAY 17 DECEMBER 2004

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF CUBALLING
HELD IN THE COUNCIL CHAMBERS, CAMPBELL STREET, CUBALLING ON FRIDAY
17 DECEMBER 2004**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 2.03 pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President Cr I L Watts
Cr J D Brown

Deputy President Cr D S Bradford
Cr C R Hawksley (from 2.10 pm)

Cr C R McKenzie
Cr T H Wittwer
Chief Executive Officer P T Naylor

Cr R J D Newman

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 18 NOVEMBER 2004 ORDINARY MEETING OF COUNCIL

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 18 November 2004 be confirmed.

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COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Bradford that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

5.2 ANNUAL ELECTORS MEETING HELD ON 18 NOVEMBER 2004

Comment

There were no issues raised at the Annual Electors Meeting for special consideration by Council.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the Shire of Cuballing Annual Electors Meeting held on 18 November 2004 be received.

COUNCIL ACTION

Moved Cr Newman, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS

Nil

Cr Hawksley entered the meeting at 2.10 pm.

7. REPORTS OF OFFICERS

7.1 CHIEF EXECUTIVE OFFICER

7.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – DECEMBER 2004

| V | NAME | PARTICULARS | MUNI | TRUST |
|------|-----------------------|--|---------|-------|
| 9871 | PETTY CASH | Petty Cash Recoup | 208.90 | |
| 9872 | ATO | October 2004 BAS | 8072.00 | |
| 9873 | CUBALLING TENNIS CLUB | Subscriptions 2004 – P Naylor | 90.00 | |
| 9874 | I L WATTS | Travel Allowance – SCM 03/10/04 | 341.20 | |
| 9875 | TELSTRA | Phone A/C | 764.96 | |
| 9876 | INGERSLEY ELECTRICAL | Electrical Works – Depot, Popo Hall etc. | 4567.55 | |
| 9877 | CAFÉ 27 | Catering – Tourism Meeting 17/11/04 | 50.40 | |

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| | | | |
|-------|---|---|---------|
| 9878 | COLES | Council Shopping | 109.07 |
| 9879 | COLES | Purchase of Gift Card for Future Council Shopping | 500.00 |
| 9880 | R SAYLES | Pergola – Shire House | 4675.00 |
| 9881 | CASH | Staff Bonuses | 7639.00 |
| 9882 | JAY-AY SERVICES | Animal Control | 257.00 |
| 9883 | BUILDERS REGISTRATION BOARD | Building Dispute Fees Oct & Nov 2004 | 95.00 |
| 9884 | AUSTRALIAN SERVICES UNION | ASU Deductions November 2004 | 47.70 |
| 9924 | WA LOCAL GOVT ASSOCIATION | Super Contributions November 2004 | 7155.28 |
| 9925 | SHIRE OF CUBALLING | Social Club Deductions November 2004 | 240.00 |
| 9926 | CASH | Licensing Course Expenses Reimbursed | 245.45 |
| 9927 | PETTY CASH | Petty Cash Recoup | 253.60 |
| 9928 | TELSTRA | Mobile Phone A/C | 50.00 |
| 9929 | WESTERN POWER | Power A/C | 272.45 |
| 9935 | ANTHONY MORT GARDENING | Shire House Garden Maintenance | 45.00 |
| 9936 | RD & RA BETTELEY | Push Gravel & Dozer Hire | 7760.50 |
| 9937 | BOISE CASCADE | Stationery | 143.62 |
| 9938 | BUTLER SETTINERI | Final Audit 2003/04 Financial Year | 1980.00 |
| 9939 | COCKBURN CEMENT | Materials | 262.81 |
| 9940 | COMMANDER AUSTRALIA | Commander Phones Contract | 12.54 |
| 9941 | COURIER AUSTRALIA | Freight | 20.69 |
| 9942 | CUBALLING TAVERN | Council Luncheon | 1076.25 |
| 9943 | CUBY ROADHOUSE | Refreshments, Gas and Depot Materials | 166.00 |
| 9944 | DRYANDRA ELECTRICAL SERV. | Electrical Works – Cuby Oval Retic | 2536.38 |
| 9945 | GREAT SOUTH SINGO SERVICES | Trenching & Backfilling – Youth Park | 110.00 |
| 9946 | GREAT SOUTHERN FUELS | Fuels & Oils | 9117.64 |
| 9947 | IKES HOME IMPROVEMENTS | Repairs – Cuballing Rec. Centre | 391.07 |
| 9948 | LANDVISION | Town Planning Professional Services | 550.00 |
| 9949 | LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE | Excess Units 2003/04 | 765.60 |
| 9950 | MAKIT NGN HARDWARE | Materials | 295.12 |
| 9951 | MCDOUGALL WELDMENTS | Roller Hire & Materials | 1717.87 |
| 9952 | NGN BEARING SERVICE | Parts & Repairs | 218.40 |
| 9953 | NGN PANEL BEATING SERVICE | Parts & Repairs | 500.00 |
| 9954 | PARRYS | Protective Clothing | 228.95 |
| 9955 | RAM PAPER | Stationery | 92.95 |
| 9956 | REINFORCED CONCRETE PIPES | Materials – Pipes | 1946.12 |
| 9957 | SHIRE OF WANDERING | Contr. to HR Guidelines & Policy Manual | 181.50 |
| 9958 | SHIRE OF WICKEPIN | Contr. to Repairs to Cherrypicker | 584.20 |
| 9959 | SOS OFFICE EQUIPMENT | Photocopier Charges | 76.92 |
| 9960 | SOUTH WEST PRINT. & PUBLISH. | Advertising | 224.00 |
| 9961 | STADIA INSTRUMENTS | Depot Materials & Equipment | 56.76 |
| 9962 | STAR TRACK EXPRESS | Freight | 107.65 |
| 9963 | SUNNY SIGN COMPANY | Signs | 1166.00 |
| 9964 | TOTAL EDEN WATER. SYSTYEMS | Cuballing Oval Reticulation | 5225.00 |
| 9965 | VALUER GENERALS OFFICE | Valuations | 338.10 |
| 9966 | VINIDEX TUBEMAKERS | Materials – Pipes | 1909.27 |
| 9967 | WA COLLEGE OF AGRICULTURE | Graduation Award Sponsorship | 100.00 |
| 9968 | WATER CORPORATION | Water A/C | 702.15 |
| 9969 | WESTRAC EQUIPMENT | Parts & Materials | 669.79 |
| 9970 | WHITFORD FERTILISERS | Materials – Turf Mix | 485.00 |
| T1908 | CUBALLING TAVERN | Social Club BBQ 12/11/04 | 167.50 |
| T1909 | COLES | Social Club BBQ 12/11/04 | 22.91 |
| T1910 | CUBALLING CRICKET CLUB | Monies Held in Trust for Paul Lewis – | 220.00 |

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| | | | |
|-------|-------------------|--|--------|
| T1911 | BCITF | Repairs to Gabba Grass Practice Wicket | |
| | | BCITF Oct & Nov 2004 | 133.92 |
| T1912 | COLES SOCIAL CLUB | Reimburse Bond for Rec. Centre Hire | 100.00 |

ELEC TSFR TRANSACATIONS

| | | | |
|--------|------------------|--|----------|
| 111104 | TERRY CLARK | Advance on Wages 03/11/04 – 16/11/04 | 500.00 |
| 161104 | SALARIES & WAGES | Wages 03/11/04 – 16/11/04 | 16523.25 |
| 171104 | SCOTT FOWLER | Advance on Wages 17/11/04 – 30/11/04 | 944.20 |
| 301104 | SALARIES & WAGES | Wages 17/11/04 – 30/11/04 | 18979.20 |
| 021204 | ALLAN RAMSAY | EHO/Building Surveyor Travel Expenses November 2004 | 166.80 |

CREDIT CARD TRANSACTIONS

| | | | |
|--------|-------------------------|---------------------------------------|--------|
| 301004 | RENDEZVOUS OBSERV. CITY | LGMA Conference | 85.80 |
| 011104 | COMMONWEALTH BANK | Annual Charge | 40.00 |
| 011104 | RENDEZVOUS OBSERV. CITY | LGMA Conference | 540.00 |
| 121104 | SPORTSPOWER NGN | Shire Tennis Tournament 2004 – Prizes | 380.00 |

| | | |
|--------------|-------------------|---------------|
| TOTAL | 115,557.66 | 644.33 |
|--------------|-------------------|---------------|

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That payment of Accounts Vouchers 9871 - 9884, 9924 - 9929, 9935 - 9970, T1908 - T1912, Electric Transfer/s 111104 - 021204, and Credit Card Transaction/s 301004 - 121104, totalling \$116,201.99, as presented, be endorsed.

Creditors invoices processed and outstanding as at 17 December 2004 and not included in the cheque list presented to the Council meeting on 17 December 2004 total \$_____.

COUNCIL ACTION

Moved Cr McKenzie, seconded Cr Brown that payment of Accounts Vouchers 9871 - 9884, 9924 - 9929, 9935 - 9970, T1908 - T1912, Electric Transfer/s 111104 - 021204, and Credit Card Transaction/s 301004 - 121104, totalling \$116,201.99, as presented, be endorsed.

Creditors invoices processed and outstanding as at 17 December 2004 and not included in the cheque list presented to the Council meeting on 17 December 2004 total \$9582.97.

CARRIED 7/0

7.1.2 SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 30 NOVEMBER 2004

INVESTMENTS

| Account Number | Maturity Date | Interest Rate | Fund/Account | | |
|----------------|-----------------|---------------|---------------------|--------------------|---------------------|
| | | | Municipal | Trust | Reserves |
| 652250055120 | 8 February 2005 | 5.00% | | \$12,211.70 | |
| 652250055147 | 30 January 2005 | 5.18% | | | \$477,000.00 |
| 652250055155 | 6 December 2004 | 5.19% | \$450,000.00 | | |
| | | | \$450,000.00 | \$12,211.70 | \$477,000.00 |

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| | | Annual Budget 2004/05 \$ | Actual YTD 2004/05 \$ |
|---|------------|---|--|
| OPERATING ACTIVITIES | Sch | | |
| Income | | | |
| General Purpose Funding | 3 | 3,100 | 536,889 |
| Governance | 4 | 11,310 | 1,366 |
| Law, Order & Public Safety | 5 | 40,750 | 31,765 |
| Health | 7 | 1,200 | 1,566 |
| Education and Welfare | 8 | 750 | 234 |
| Housing | 9 | 0 | 0 |
| Community Amenities | 10 | 2,000 | 3,780 |
| Recreation and Culture | 11 | 2,410 | 1,057 |
| Transport | 12 | 11,400 | -2,118 |
| Economic Services | 13 | 5,800 | 5,514 |
| Other Property and Services | 14 | 61,990 | 18,933 |
| Total Operating Income | | 140,710 | 598,986 |
| Expenditure | | | |
| General Purpose Funding | 3 | -39,440 | -47,481 |
| Governance | 4 | -236,270 | -120,803 |
| Law, Order & Public Safety | 5 | -55,650 | -36,805 |
| Health | 7 | -14,750 | -8,573 |
| Education and Welfare | 8 | -3,000 | -459 |
| Housing | 9 | -18,990 | -11,182 |
| Community Amenities | 10 | -96,000 | -14,272 |
| Recreation and Culture | 11 | -96,220 | -42,575 |
| Transport | 12 | -961,110 | -359,325 |
| Economic Services | 13 | -85,350 | -25,476 |
| Other Property and Services | 14 | -35,300 | -81,434 |
| Total Operating Expenditure | | -1,642,080 | -748,385 |
| ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS: | | | |
| Depreciation (Assets Register) | | 568,650 | 237,436 |
| Profit/Loss on Sale of Assets | | -9,860 | 3,367 |
| Capital Expenditure & Income | | | |
| Proceeds on Sale of Assets | | 159,000 | 12,727 |
| Capital Grants and Subsidies | | 898,940 | 429,817 |
| Land and Buildings | | -132,690 | -42,404 |
| Infrastructure Assets - Roads | | -480,450 | -139,608 |
| Plant and Equipment | | -465,000 | -30,244 |
| Furniture and Equipment | | -11,000 | -99 |
| Proceeds from New Loans | | 0 | 0 |
| Loan Repayments | | -16,990 | -4,153 |
| Transfer to Reserves | | -131,000 | -2,563 |
| Reserves (Cash Backed) | | 302,190 | 0 |
| Opening Funds | | 278,750 | 278,750 |
| Less Closing Funds | | 0 | -593,627 |
| CLOSING POSITION | | -541,330 | 0 |

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RATING INFORMATION

| | Budget 2004/05 | Actual 2004/05 |
|--|---------------------------|---------------------------|
| UV Rates Levied | \$424,510 | \$418,612 |
| GRV Rates Levied | \$44,930 | \$47,504 |
| UV Minimum Rates Levied | \$2,860 | \$2,600 |
| GRV Minimum Rates Levied | \$69,030 | \$67,370 |
| Interim Rates UV | \$0 | \$3,541 |
| Interim Rates GRV | \$0 | \$25 |
| Mining Tenement | \$0 | \$0 |
| | \$541,330 | \$539,652 |
| Rates o/s from previous years (1 July) | \$7,619 | \$7,619 |
| Rates Written Off | \$0 | \$0 |
| Discount Allowed | -\$38,000 | -\$38,001 |
| Net Rates Receivable | \$510,949 | \$509,270 |
| Emergency Services Levy | \$18,000 | \$17,820 |
| Net Rates & ESL Receivable | \$528,949 | \$527,090 |
| | | |
| Less Rates & ESL Paid | | -\$493,806 |
| RATES OUTSTANDING | | \$33,284 |
| Pensioner Deferred Rates | | \$2,000 |
| | | |
| UV Rates as a % of total rates | | 78.7% |
| GRV Rates as a % of total rates | | 21.3% |
| Payment Discount as a % of total rates | | 7.0% |
| Rates Paid as a % of net rates receivable | | 93.7% |
| Rates Outstanding as a % of net rates | | 6.3% |
| Pensioner Deferred Rates as a % of O/S Rates | | 6.0% |

BANK RECONCILIATION

| | Municipal Fund | Trust Fund | <u>Reserve Accts</u> |
|------------------------|-----------------------|-------------------|-----------------------------|
| | \$ | \$ | \$ |
| Opening balance | 496,911.83 | 52,997.26 | 479,716.28 |
| Income | 240,655.76 | 472.72 | 0.00 |
| | 737,567.59 | 53,469.98 | 479,716.28 |
| Expenditure | -162,005.87 | -544.33 | 0.00 |
| Closing balance | 575,561.72 | 52,925.65 | 479,716.28 |
| | | | |
| Bank account | 135,042.20 | 41,218.18 | 2,716.28 |
| Investments | 450,000.00 | 12,211.70 | 477,000.00 |
| | 585,042.20 | 53,429.88 | 479,716.28 |
| Plus O/S deposits | 3,408.75 | 0.00 | 0.00 |
| | 588,450.95 | 53,429.88 | 479,716.28 |
| Less O/S cheques | -10,985.58 | -504.23 | 0.00 |
| | 577,465.37 | 52,925.65 | 479,716.28 |
| Less O/S licensing | -1,903.65 | 0.00 | 0.00 |
| Less Adjustments | 0.00 | 0.00 | 0.00 |
| Closing balance | 575,561.72 | 52,925.65 | 479,716.28 |

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ROADS MAINTENANCE AND CONSTRUCTION

| MAINTENANCE | | | | |
|---------------------------------|----------|--------|-------------------------|---------------------|
| Details | Job No | Status | Budget 2004/05 \$ | Actual YTD \$ |
| Refuse Sites (Cuby & Popo) | 1000.1/2 | | 72,670 | 10,153 |
| Parks and Reserves | 1100.9 | | 48,700 | 19,152 |
| Road Maintenance General | 1201.31 | | 301,350 | 122,784 |
| Tree Lopping/Mulching | 1201.34 | | 47,600 | 11,012 |
| Tree Lopping (Contract) | 1201.34 | | 25,000 | 0 |
| Town Maintenance - Cuballing | 1201.35 | | 18,380 | 4,919 |
| Town Maintenance - Popanyinning | 1201.36 | | 18,380 | 17,379 |
| Bitumen Patching | 1201.37 | | 23,050 | 13,513 |
| Bridges & Culverts - General | 1201.38 | | 9,810 | 4,123 |
| Grading Maintenance - Winter | 1201.41 | | 93,070 | 64,937 |
| Grading Maintenance - Shoulder | 1201.42 | | 34,560 | 13,025 |
| Grading Maintenance - Summer | 1201.43 | | 116,450 | 29,026 |
| Storm Damage | 1201.44 | | 5,150 | 3,286 |
| Weed Control – Declared Plants | 1300.1 | | 14,160 | 4,522 |
| Weed Control - Roadside | 1300.3 | | 14,150 | 4,476 |
| Total Maintenance | | | 842,480 | 322,307 |
| CONSTRUCTION | | | | |
| Cuballing East (RRG) | 1200.30 | | 47,870 | 141 |
| Cuballing West (RRG) | 1200.31 | | 37,570 | 2,994 |
| Popanyinning East (DG) | 1200.50 | IP | 60,600 | 13,725 |
| Congellin (R2R) | 1200.60 | | 51,700 | 1,148 |
| Bunmulling (Own) | 1200.70 | | 20,080 | 0 |
| Yornaning West (Own) | 1200.71 | Comp | 40,520 | 51,242 |
| Town Streets (Own) | 1200.72 | | 49,980 | 0 |
| Congellin (Own) | 1200.75 | | 47,870 | 647 |
| Popanyinning West (Own) | 1200.76 | IP | 72,380 | 24,250 |
| Springhill (Own) | 1200.77 | | 29,880 | 0 |
| Total Construction | | | 458,450 | 94,147 |
| GRAND TOTAL | | | 1,300,930 | 416,454 |

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Financial Reports for the period ended 30 November 2004 be adopted by Council.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

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7.1.3 **CHIEF EXECUTIVE OFFICER ANNUAL LEAVE**

Background

Mr Peter Naylor, Chief Executive Officer, declares an interest in this item.

The Chief Executive Officer will be clearing 20 days of annual leave and public holiday entitlements from Monday 27 December 2004 until Friday 21 January 2005, inclusive, resuming on Monday 24 January 2005.

Comment

In the past Council has not officially appointed an acting Chief Executive Officer (CEO) during periods of leave, the CEO has generally made arrangements with the CEO's of neighbouring Councils to assist office staff should an emergency arise.

The Shire of Wandering has in recent times officially appointed the Cuballing Shire CEO as acting CEO for Wandering during periods of leave by their CEO.

The CEO has again made arrangements for Mr Mick Oliver, CEO Shire of Wandering, to be available for emergency and other situations, should they arise in his absence. On this occasion it is proposed that the Shire of Cuballing formalise the arrangement and appoint Mr Oliver as acting CEO for the Shire of Cuballing from Monday 27 December 2004 to Friday 21 January 2005, inclusive.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Mr Mick Oliver, CEO Shire of Wandering, be appointed as acting CEO for the Shire of Cuballing for the period Monday 27 December 2004 to Friday 21 January 2005, inclusive.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Brown that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7.1.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – REVIEW OF REPRESENTATIONAL AND STRUCTURAL EFFECTIVENESS OF WALGA ZONES

Background

Correspondence from WALGA advising that following a resolution carried at the 2004 Annual General Meeting, the Association is undertaking a comprehensive review of the basis for grouping Councils into metropolitan and country zones, together with examining their functional effectiveness in relation to the interests of Member Councils.

Comment

To facilitate input from local government the WALGA review is seeking comment from Council on five questions. The questions are listed as per the correspondence with a comment alongside each, in italics, by the Chief Executive Officer.

1. Does Council believe that determining the membership of Zones predominantly on the basis of geographic alignment between Councils remains appropriate?

Without reverting back to the previous three-tier system (ie LGA, CSCA and CUCA) prior to the amalgamation of WALGA the geographic method for aligning Zones appears to be the most appropriate method available.

2. Does Council consider there to be sufficient commonality of interests between members of your Zone? If not, is there another Zone to which Council has greater strategic alignment?

Yes, generally there is sufficient commonality of interest for the Councils within this Zone. Obviously some larger rural/urban Councils, ie like the Town of Narrogin (in this Zone), may also have some interests which they deem to be different to the smaller rural Councils, however there should be no difficulty in them coordinating or attending meetings with other regional type Councils to address these specific issues. At the end of the day these Councils are also part of the rural region of the State and they need to have an understanding and awareness of the issues affecting the outlying areas as do the other Shires of their needs.

3. Is there an alternative model that Council believes will provide the geographic relationships and/or commonality of interest required to accommodate the interests and needs of Member Local Governments?

Council comment.

4. In terms of the roles and functions presently undertaken by Zones, does Council consider that these are being performed efficiently and effectively?

Yes. Given that the Zone only meets on a bi annual basis not all issues go through this medium, however it provides a forum for Councils to put items for discussion, obtain feedback from participating local governments, and gain support for matters to be presented to State Council for appropriate action.

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5. Has Council identified any particular roles or functions that are not presently undertaken by Zones, but which should otherwise be undertaken?

Council comment.

Council discussion and comment is invited to expand on and change if necessary the comments above.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council discussion and direction please.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr McKenzie that the Chief Executive Officer formulates a response to the WA Local Government Association in accordance with the comments in the agenda and Council discussion.

CARRIED 7/0

7.1.5 ANNUAL MEETING OF ELECTORS

Background

Section 5.27 (1) of the Local Government Act 1995 provides that a general meeting of the electors of a district is to be held once in every financial year.

Comment

Recently Council has expressed concern at the requirement to hold electors meetings because they are generally poorly attended, not only within the Shire of Cuballing but most other municipalities as well.

Local Government Act 1995, section 5.23 *Meetings generally open to the public* and section 5.24 *Question time for the public*, provide residents of the Shire opportunity to attend a Council meeting and pose a question to Council or to seek clarification on a specific matter. Whilst section 5.28 of the Act, *Electors' special meetings*, provides for a special meeting of electors to be held at the request of a certain number of electors (100 or 5%, whichever is the lesser) or 1/3 of the number of council members.

In addition to the above, the Chief Executive Officer operates with an "open door" policy and residents are generally able to visit on an adhoc basis and obtain required information.

When the Department of Local Government and Regional Development first initiated amendments to the Local Government Act 1995 section 5.27 was to be reviewed with the possibility of an amendment to make the Annual Electors Meetings non compulsory. During the review process

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section 5.27 was listed by Local Government and WALGA for consideration to be removed, however the State Government did not accept the proposal and therefore it was not included as part of the review process.

Perhaps if Council considers that the necessity to conduct an Annual Electors Meeting is no longer required, given the above explanatory notes, an item could be put forward to the next meeting of the WALGA Central Country Zone with a view to having section 5.27 amended.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing prepares an item for presentation at the next meeting of the WALGA Central Country Zone for section 5.27 of the Local Government Act 1995 to be reviewed and amended with a view to removing the requirement to hold an Annual Electors Meetings.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7.1.6 INDIGENOUS LAND USE AGREEMENT (ILUA)

Background

The WALGA Central Country Zone (CCZ), in association with its member Councils, has for some time been negotiating with the South West Aboriginal Land and Sea Council, Native Title Claimants and the State Government to establish an Indigenous Land Use Agreement (ILUA).

Comment

It seems that whenever the Executive Officer of the CCZ and Marcus Holmes (Solicitor) feel that they are reaching the end of the ILUA process another hurdle appears. However following a successful meeting with the Wom-Ber People in Albany on Friday 3 December 2004, it now looks like the process is finally nearing completion.

In order for the CCZ to proceed to the next stage, the Executive Officer is requesting Council to formally resolve to be a party to the ILUA and to prepare a Statement for inclusion in the Agreement. The relevant information required for each is included in the Chief Executive Officers Recommendation.

The final documents pertaining to the ILUA are now available, please advise the Chief Executive Officer if a copy is required.

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Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing resolves to be a party to the Central Wheatbelt Indigenous Land Use Agreement (ILUA); authorises the Shire President and Chief Executive Officer to affix the Common Seal and to sign the ILUA; and agrees to making application to the National Native Title Tribunal (NNTT) for registration of the ILUA.**
- **The Shire of Cuballing agrees to a statement being prepared, in accordance with the information from the above dot point, on behalf of the Shire and signed by the Chief Executive Officer for inclusion in the application to the NNTT.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr Bradford that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7.1.7 SHIRE OF CUBALLING COMPUTER SOFTWARE

Background

In the 2004/05 Budget Council made provision of \$20,000 for upgrade of the Local Government Computer Software to a windows based program in accordance with the improvements being implemented by the Software Programmers PSU International.

Comment

In the past 18 months Collier Knyn and Associates have sold their software program to The Stenning Group who have on sold it to PSU International. A natural progression for the old Pick operating system is for it to progress to a windows based system, which The Stenning Group and now PSU International propose to do and were supposed to implement for the Shires of Cuballing and Narrogin and the Town of Narrogin in November 2004. This has not happened to date, nor has the support or communications improved as promised.

In the meantime administration staff have been investigating other software systems available. Haines Norton Chartered Accountants have developed a an accounting and rating system that is a combination of off-the-shelf and Haines Norton developed software, which can be run on a typical network system and does not require the need of a powerful or specific server. This system comprises the following software:

- Quickbooks (General Ledger);
- Quicken Payroll;
- Rate Book Online;
- Handi Asset; and
- A job costing solution.

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Advantages and strengths of the system are:

- Direct support is given by local government accountants, using all of the software on a day to day basis;
- No hardware upgrades;
- Cost effective and very affordable;
- Software is intuitive and user friendly;
- General Ledger software is used extensively in business around Australia & Worldwide. Subsidiary Ledger balancing is guaranteed;
- Reports for Financials, Payroll, Rates, Assets and job allocations can be run at anytime, for any period;
- Continued support for staff absences. Some aspects of the solution can be outsourced during periods of staff shortages; and
- Staff training can be detailed for the users needs.

The total costs (estimated) for purchase and installation of this system is \$26,955 (which can be payable over two financial years), with annual ongoing support of \$12,900. The purchase and installation price compares favourably with the anticipated upgrade of Councils existing system, which may then require upgraded hardware.

In addition to the above information Haines Norton have worked very closely with the Department of local Government and Regional Development in the preparation of monthly, quarterly and annual reporting requirements for local government and have set up reporting tools within their system to meet these requirements.

The Shires of Wagin and Cranbrook both changed their operating system in July 2004 to the Haines Norton product and are extremely satisfied with the outcome. It is proposed that prior to the Council meeting the Chief Executive Officer and staff will visit Wagin and inspect their operations and provide further information at the Council meeting..

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

To be advised.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr McKenzie that Council authorises the Chief Executive Officer to continue research into suitable computer software systems for Councils computer network and administration functions, and if considered viable, change to a new operating system.

CARRIED 7/0

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7.2 **REPORTS – WORKS**

7.2.1 **WORKS SUPERVISORS REPORT**

POPANYINNING EAST ROAD

Clearing of the road verge from Tanners Road east to Shaddicks Road has been completed and upgrading of the culverts is continuing. The road works will commence early in the 2005 year.

POPANYINNING WEST ROAD

Gravel carting to extend the shoulders of the road has been completed. Water binding and sealing works will be carried out in the New Year (2005).

BUNMULLING ROAD

Clearing on this road has started and pushing up of gravel will commence shortly. The upgrading of culverts will be undertaken as the works proceed.

CUBALLING YOUTH AND COMMUNITY PARK

The gazebo has been completed and water fountain and electric barbecues installed. Feedback from the community has been positive.

PLANT AND MACHINERY

All items of plant and machinery are being serviced and maintained as required, and all plant is in good working order.

PRIVATE WORKS

Various private works orders are being received and these are being completed as time permits.

Private works invoices for the month of November 2004, totaling \$5,783.

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7.2.2 **SHIRE OF CUBALLING TENDER 1-04/05 – SUPPLY AND TRADE OF FRONT END LOADER**

Background

Council, when adopting the Budget for 2004/05, made provision for changeover of the Front End Loader.

Comment

Tenders, closing at 4.00pm on Thursday 9 December 2004, were advertised in the Western Australian Newspaper on Saturday 20 November 2004.

At the closing of the tenders a spreadsheet identifying relevant information pertaining to the tender specifications will be prepared and tabled at the Council meeting for Council information and advice.

At the close of tenders some 17 tenders were received from nine different companies. A spreadsheet detailing the nett cost (GST excl) and various machines offered is attached.

All new machines tendered met the specification criteria set out in the tender document. Staff have inspected the relevant information and costs provided in an attempt to assist Council with the decision process.

There are three preferred tenders (from a staff perspective) that have been submitted, all prices shown are GST excluded:

- Smith Broughton :
Outright purchase of the Shire of Cuballing Cat 924F Front End Loader for amount of \$80,770.

- Wel-Quip:
Tender for supply of a Vanieri 9015 Front End Loader. Tender price of \$186,886 with trade of \$75,000, nett changeover \$111,886. Wel-Quip have also submitted a no trade price of \$176,886.

There are currently no other Vanieri Front End Loaders in Western Australia, and in fact only one (a Vanieri 9013) in Australia at the Shire of Carrathool in New South Wales. There are however some Vanieri Backhoe Loaders within Western Australia. Further information will be provided at the Council meeting after contact has been made with the Councils involved.

The Vanieri is made in Italy and they are very keen to break into the Australian market. The machine offered is larger than what was tendered for and Councils current machine. The specifications indicate that the width of the machine will fit within the tray of Councils truck fleet and therefore transportation would not pose a problem.

Wel-Quip have indicated they are prepared to take a small group of Council representatives (3) to New South Wales to trial the 9013 loader and view it in operation. Alternatively Wel-Quip have advised that they would be happy to accept an order from Council on the proviso

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that the order is subject to satisfactory inspection and successful demonstration of the machine on its arrival at Cuballing.

- Westrac Equipment:
Tender for supply of a Cat 924G Front End Loader. Tender price of \$198,850 with trade of \$70,000, nett changeover \$128,850. Westrac have also submitted a no trade price of \$190,000.

The Cat 924G is the new replacement model for Councils existing machine (Cat 924F).

The benefits identified in favour of the Vanieri are:

- Heavier machine providing a better ground to weight ratio;
- Additional 27 kw's of power;
- Hydrostatic drive;
- Larger standard tyre size, 20.5 to 17.5; and
- Larger standard bucket size, 2.2 cubic metres compared to 1.7.

The disadvantages are:

- The only perceived disadvantage is that they are a new machine to the Australian market and difficult to obtain comparisons across a broad range of Shires. The Shire of Cranbrook has a Vanieri Backhoe Loader and the Works Supervisor, Rod Crabbe, has spoken very highly of its performance. In addition to this it would be expected that the supply company would ensure backup service because they would be extremely keen for the machine and/or support not to fail.

Other matters for Council consideration is the purchase of additional options for the new Loader, these being a Compuload 4000 weighing system at cost of \$7,945.00, and a scrub rake at approximate cost of \$12,000.00. Whilst the Compuload system will have to be purchased from a supplier, it may be possible for Council staff to purchase materials and construct a suitable scrub rake at the Shire Depot workshop.

On the 2004/2005 Budget Council also made provision for sale of multi tyred rollers and purchase of a later model second hand multi tyred roller, nett changeover cost of \$82,000.00. Unfortunately investigations reveal that there is very little chance of finding a good second hand roller and therefore it is proposed that the Plant Replacement Schedule be revised and changeover of multi tyred roller be deferred to the 2005/2006 financial year. This will enable Council to adjust the Budget to enable one of the above tenders to be accepted and fit options as considered necessary.

It is recommended that Council consider the following:

- Purchase/trade of Multi Tyred Roller be deferred to the 2005/2006 financial year and the Shire of Cuballing Plant Replacement Schedule be amended to reflect this.
- Accept the tender offered by Smith Broughton of \$80,770 for outright purchase of Councils Cat 924F Front End Loader; and
- Accept one of the tenders submitted by either Wel-Quip or Westrac for provision of a new machine only.

New Front End Loader to be fitted with Compuload 4000 Weighing System at cost of \$7,945.00.

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Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council discussion and direction please.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that:

- Purchase/trade of Multi-Tyred Roller be deferred to the 2005/2006 financial year and the Shire of Cuballing Plant Replacement Schedule be amended to reflect this.
- Accept the tender offered by Smith Broughton & Sons of \$80,770.00 (GST excl.) for outright purchase of Councils Cat 924F Front End Loader.
- Accept the tender submitted by Wel-Quip for provision of a new Vanieri 9015 Front End Loader only (no trade) for price of \$176,886.00 (GST excl.). Acceptance subject to satisfactory inspection of the machine and successful demonstration on its arrival in Cuballing, and should the machine have total breakdown at any time a replacement machine of similar size is to be provided on site within the Shire of Cuballing within 24 hour period.
- New Front End Loader to be fitted with Compuload 4000 Weighing System at cost of \$7,945.00.

CARRIED 7/0

7.2.3 SHIRE OF WICKEPIN – DUAL FIRE CONTROL OFFICER 2004/2005

Background

Letter from the Shire of Wickepin advising of their appointment of Mr Lachlan White as a Dual Fire Control Officer (FCO) with all adjoining Shires for the 2004/2005 Fire Season.

Comment

This is the second appointment by the Shire of Wickepin for the 2004/2005 Fire Season, Mr Stephen Rose's appointment was endorsed by Council at the October 2004 meeting. Following the recent Shire of Wickepin Bush Fire Advisory Committee meeting it was resolved to appoint their Chief Bush Fire Control Officer as a Dual FCO with neighbouring Shires in addition to their previous appointments.

Dual FCO's are appointed to provide legal cover for an FCO in charge at a wildfire that burns across a Shire boundary. The Dual FCO can stay in charge and follow the fire, or hand over control to an FCO from the second Shire (if one is available).

Section 40 of the Bush Fires Act 1954 empowers Council to appoint Dual FCO's with neighbouring local authorities and section 38 (2) of the Act requires such appointments to be advertised in a local paper.

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Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That pursuant to section 40 of the Bush Fires Act 1954, Mr Lachlan White be appointed as a Dual Fire Control Officer with the Shire of Cuballing.

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7.3 REPORTS – BUILDING

7.3.1 BUILDING SURVEYORS REPORT

Summary:

There were two (2) building applications approved and licenses issued for the month of November 2004.

Listed below is a summarised breakdown of the applications and proposed structures.

| Approval Date | License No | Name & Address of Owner | Registered Builder or Owner Builder | Structure | Situation of Building Lot or Street No & Town |
|----------------------|-------------------|---|--|-----------------------|--|
| 4 Nov 04 | 18/04.05 | A Henriques 14 Dural Way Armadale | OB | House | 103 Victoria Road Popanyinning |
| 11 Nov 04 | 19/04.05 | K & L Sexton 42 Corrie Street Cuballing | OB | Portico & Car Port | 42 Corrie Street Cuballing |

Comment:

Have undertaken inspection on the progress of different stages of construction on various jobs. All meet the specific requirements and no problems encountered.

Various on site meetings to hold preliminary discussions with proposed building applicants.

Reporting Officer

Allan Ramsay, Building Surveyor

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyors Report be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Bradford that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7.3.2 DISPOSAL OF THE YORNANING HALL

Background

At the October 21, 2004, meeting of Council, Council passed the following resolution:

“That tenders be called for the demolition and removal of the Yornaning Hall. A plaque to be placed at the hall site as recognition of its significance to the area.”

Comment

Following the above resolution Greg and Judy Hemsell from the Laze-Away Caravan Park have contacted the Chief Executive Officer and submitted a written offer of \$1,500 to purchase the Yornaning Hall and relocate it to their property. It is proposed once the hall has been reconstructed it would not only be used for their business but also for Scouts, Venturers, the SES, and other group type bookings.

Whilst this offer has been made prior to staff having the opportunity to advertise and call for tenders, the possibility for the Hall to remain in the Yornaning area makes the offer more attractive than if it were to be eventually sold to outside interests.

Section 3.58 of the Local Government Act 1995 provides for the purposes in which a local government may dispose of property by way of public tender and/or private treaty. Clause 30 of the Local Government (Functions and General) Regulations 1996 provides for the disposition of property to which section 3.58 of the Act does not apply.

Clause 30(3)(a) of the Regulations states that “*A disposition of property other than land is an exempt disposition if its market value is less than \$20,000*”.

Therefore Council can consider the offer from Hemsells and if considered appropriate accept the offer and sell them the property without having to go through the formal tendering or advertising process.

Reporting Officer

Peter Naylor, Chief Executive Officer

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the offer of \$1,500 from Greg and Judy Hampsell of the Laze-Away Caravan Park for purchase and removal of the Yornaning Hall be accepted on the proviso that the Hall is reconstructed to a suitable standard in accordance with Building Codes and Regulations on their property at the Laze-Away Caravan Park, for which a separate building license must be sought by the applicant and approved by the Shire, and the site at Yornaning be left clear of any debris.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7.4 REPORTS – HEALTH

7.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

Purpose

To advise Council of Environmental Health inspections that have been carried out in the District during the month of October 2004.

On-site Effluent Disposal

- (i) One approval was issued to install septic tank and leach drain system at 103 Victoria Road, Popanyinning.

Food Recalls

There have been a number of Food Recalls issued by the Department of Health. All shops within the Shire have been advised of the recall products and their stocks checked to ensure the particular products were not on hand.

Reporting Officer

Allan Ramsay, Environmental Health Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Environmental Health Officers Report be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

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8 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9 OTHER URGENT BUSINESS

Nil

10 MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 4.25 pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON _____

PRESIDENT

SHIRE PRESIDENT

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