

SHIRE OF MENZIES

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD IN THE COUNCIL CHAMBERS, MENZIES, ON FRIDAY 18TH MARCH 2005 COMMENCING AT 9.25am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed all elected members and declared the meeting open at 9.25am.

The Shire President also welcomed Mr. Richard Buchanan from the Menzies Police who accepted Council's invitation to attend the meeting.

Mr. Brad Pepper, Works Supervisor arrived at 9.26am.

The President invited Mr. Buchanan to present his report.

Within Mr. Buchanan's report the following topics were raised:

- ❑ Increase in assault, family violence, drink drivers and speeding
- ❑ 2 x JP's in town now
- ❑ New Policeman appointed within 4 weeks and will be able to access more resources for the town
- ❑ Fatal accident on the Kookynie/Malcolm Road

The President questioned the state of some of the GEHA homes and advised that the CEO had written to GEHA offering a gardening/clean-up service. The suggestion of reticulating the houses was discussed.

The President informed Mr. Buchanan that in previous years, Council sponsored patrols where the police and the CEO visited the outlying pastoral stations, and that the Council would consider a similar commitment should the Menzies Police Service be interested.

The President thanked Mr. Buchanan for his attendance.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

Present:	Cr K Finlayson	Shire President
	Cr K Pusey	Deputy Shire President
	Cr S Tonkin	
	Cr K Purchase	
	Mr Tony Nottle	Chief Executive Officer
	Mrs Jolene Nottle	Deputy Chief Executive Officer
	Mr Brad Pepper	Works Supervisor (arrived 9.26am left 11.15am)
Apolo- gies:	Cr P Kennedy	

Cr I McGregor
Cr R Earnshaw

Visitors: Mr. Richard Buchanan Menzies Police Service
(Left 11.15 am)

3. PUBLIC QUESTION TIME:

As there were no members of the public present, Public Question Time was closed at 9.45am.

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL DECISION	ITEM 6.1
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MOVED Cr S Tonkin

SECONDED Cr K Purchase

That the minutes of the Ordinary Meeting held on 18th February 2005 as previously circulated be confirmed as a true and accurate record.

CARRIED 4/0

The President requested that Item 11.2.2 be discussed as the next item of business, followed by the Works Report, due to the Works Supervisor's work schedule.

7. STATUS REPORT

7.1 Status Report as at 10th March 2005.

Item 4 on Status Report

COUNCIL DECISION	Item 4 (S/R)
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MOVED Cr K Pusey

SECONDED Cr S Tonkin

That Council accept the offer from Tourism WA for funding to purchase fencing to protect the environment at Lake Ballard.

CARRIED 4/0

COUNCIL DECISION

MOVED Cr K Pusey

SECONDED Cr K Purchase

That the Status Report as at 10th March 2005, be received.

CARRIED 4/0

8. FINANCIAL REPORTS

8.1 Financial Statements – to 28th February 2005.

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 8.1

MOVED Cr K Purchase

SECONDED Cr S Tonkin

That the Financial Statements for the period to 28th February 2005 as presented, be adopted.

CARRIED 4/0

8.2 Accounts for Payment

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 8.2

MOVED Cr K Pusey

SECONDED Cr K Purchase

That cheque numbers 2740 - 2780 and direct bank payments totaling \$42,472.62 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 4/0

9. WORKS REPORTS

9.1 Works Supervisor Report

The Report by Council's Works Supervisor, Mr. Brad Pepper, for the period to 10th March 2005 was tabled for Council's information.

Cr. Pusey requested the Works Supervisor to investigate fuel consumption of some of the plant items.

COUNCIL DECISION \ OFFICER RECOMMENDATION
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ITEM 9.1

MOVED Cr K Pusey

SECONDED Cr K Purchase

That the Works Supervisors report for the period to 10th March 2005 be received.

CARRIED 4/0

*Council adjourned the meeting for morning tea at 11.15am.
Council re-adjourned the meeting at 11.40am all in attendance, except Brad Pepper and Richard Buchanan.*

10. ENVIRONMENTAL HEALTH OFFICER & RANGER REPORTS

10.1 Environmental Health Officers Report

Nil

10.2 Rangers Report

The Ranger's Report for January was tabled for Councillor information.

COUNCIL DECISION \ OFFICER RECOMMENDATION

ITEM 10.2

MOVED Cr S Tonkin

SECONDED Cr K Purchase

That the Ranger's Report for February 2005 be received.

CARRIED 4/0

*Council adjourned the meeting for lunch at 12.20pm.
Council re-adjourned the meeting at 12.52pm.*

11. CHIEF EXECUTIVE OFFICER'S REPORT

11.1.1 Application to Clear Native Vegetation (342/1)

Location: N/A
Applicant: Department of Environment (Croesus Mining N/L)
File Ref: 221
Disclosure of Interest: None
Date: 10th March 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

The Department of Environment seeks Council's comments regarding an application to clear Native Vegetation.

Background

Original applicant Croesus Mining has placed an application with the Department of Environment to clear Native Vegetation.

The Department of Environment require Council's comments prior to making a decision.

Comment

Displayed on the whiteboard in the chambers, as well as seen in file 221, a map of the proposed area is displayed.

The area of proposed clearing is 7 hectares approximately 55km West/South West of Menzies.

It is the opinion of the author that the clearing of this vegetation does not affect Local Government property and would only assist the mining company to increase production.

Consultation – None Required

Statutory Environment - Environmental Protection Act 1986

Policy Implications – There are no current policies relating directly to this matter

Financial Implications – Not Applicable

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.1.1
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MOVED Cr S Tonkin

SECONDED Cr K Pusey

That Council raise no objection to application 342/1 to clear Native Vegetation as presented.

CARRIED 4/0

11.1.2 Request for Materials at Goongarrie

Location:	Goongarrie
Applicant:	Cr. K. Purchase
File Ref:	147
Disclosure of Interest:	None
Date:	10 th March 2005
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

An application (verbal) by the applicant has been received for Council to consider the future of the fencing between the Goongarrie cottages.

Background

The applicant phoned the Chief Executive Officer last month regarding the disused mesh fencing between the Station Masters House and the middle fettlers cottage. The applicant wishes to remove the fence free of charge provided he can keep the materials.

Comment

While the fencing is not currently serving any purpose, it is believed that the fencing once barricaded drill samples from the tenement holder from the general public.

This fence is no longer used for this purpose and continues to be damaged over time. The tenement which the fence is located on has changed hands numerous times.

While the fence serves no purpose at present, the issue may be as to who owns the materials. Council has the management order of the entire Goongarrie precinct and therefore should be directly responsible for all materials on the site.

Consultation – None Required

Statutory Environment – Section 3.58 of the Local Government Act 1995

Council is required by the above to invite submissions regarding the disposal of the property.

Policy Implications –

There are no current policies relating directly to this matter

Financial Implications – Advertising costs would apply to request submissions

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION

ITEM 11.1.2

For Council consideration.

It was decided that due to the uncertainty of the ownership of the equipment and lack of voting members, that this item need not to be discussed any further.

11.1.3 Draft Principal Activities Plan 2005/06 to 2008/09

Location: N/A
Applicant: N/A
File Ref: 113A
Disclosure of Interest: None
Date: 10th March 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

The Draft Principal Activity Plan for the years 2005/2006 to 2008/2009 will be presented to Council for perusal.

Background

The Local Government Act 1995 (Section 5.56) provides that a Local Government is to prepare, each financial year, a plan of principal activities for the next four, or more, financial years.

While this document is to be phased out under the Local Government amendments in favour of a “forward plan”, a Principal Activity Plan is ALSO a forward plan.

The Plan of Principal Activities reflects the strategic aims of the Council, over the value of \$20,000 per annum, and will enhance the management and the decision making process of the Council and will supplement the annual budgets from year to year.

Comment

Council will be presented with a copy of the Principal Activities Plan prior to the meeting scheduled for 5:00pm on the 22 March 2001.

After accepting the Draft Principal Activities Plan for 2005/2006 to 2008/2009, Council is required to give local public notice, inviting submissions to the plan within 42 days of the local public notice being given.

Council is to consider any submissions received in relation to the plan under section 5.56 of the Local Government Act and may accept the plan with or without modification.

Consultation

Community consultation is encouraged for feedback and various advertising requirements listed above are also required to be carried out.

Statutory Environment –

Sections 5.56 and 5.57 of the Local Government Act 1995 relating to Principal Activities Planning.

Policy Implications –

There are no current policies relating directly to this matter

Financial Implications –

Advertising costs would apply however all implications are accounted for in the 04/05 Budget. The documents also form the basis of the 05/06 budget.

Voting Requirement – Simple Majority

MOVED Cr K Pusey

SECONDED Cr K Purchase

That Council accepts the Draft Principal Activities Plan for 2005/2006 to 2008/2009 and local public notice, inviting submissions to the proposed plan be undertaken and any submissions received be forwarded to Council for consideration.

CARRIED 4/0

11.2 CHIEF EXECUTIVE OFFICER SUPPLEMENTARY REPORT

11.2.1 Tender MN 124 – Floodway Project

Location: N/A
Applicant: N/A
File Ref: MN124 / 408
Disclosure of Interest: None
Date: 15th March 2005
Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

The author requests the Council to consider the tenders for MN 124 "Construction of Floodways and Minor Works, Kookynie – Malcolm Road."

Background

Council made provision in the 2004/05 budget to complete the floodway project commenced in 2001/02 as far as possible. This included sealing the Dingo Creek crossing, resealing of four (4) floodways on the Kookynie road and minor works and repairs.

The Chief Executive Officer engaged the services of Mackay Projects to assist in the tender process, to carry out technical works and to supervise the overall project.

Tenders were advertised on Saturday 19th February in both the West Australian and Kalgoorlie Miner newspapers, and closed at 4.00pm 9th March.

Comment

Tenders were opened in accordance with Council Policy 2.5

Tenders were opened in the presence of:

Cr Kathy Finlayson – President
Mr Tony Nottle – Chief Executive Officer

The obvious problems that have arisen since the opening of the tenders is that both tenders are well over the budgeted figure when taking into consideration the costs of Mackay Projects.

After discussion it was decided that Dingo Creek South was the least important job in the tender. And both companies were contacted in regards to costs if this section was deleted to comply with our budgetary constraints.

Both companies that tendered were given the opportunity to adjust their tender by deleting the Dingo Creek South job.

As can be seen in Mackay Projects report, a clear recommendation has been made for Council consideration.

Consultation

Various discussions took place with Mackay Projects and potential tenderers.

Successful and unsuccessful tenderers will need to be notified of the outcome as per the Local Government Act 1995.

Statutory Environment

Section 3.57(1) of the Local Government Act 1995 provides that a Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services. Local Government (Functions and General) Regulation 11 states that the tenders must be invited if the consideration under the contract is expected to be worth more than \$50,000.00.

Policy Implications

Policy number 2.5 applies and all procedures that were carried in accordance with the policy.

Financial Implications

Council allocated \$298,600 towards the floodway project.

Original Ertech tender - \$299,000 ex GST

Original Riverlea tender – \$389,285 ex GST

Revised Ertech tender – \$224,825 ex GST

Revised Riverlea tender – \$249,285 ex GST

Council will need to allow a further \$30-35,000 for Mackay Projects

The funds Council received for the Roads 2 Recovery Program (\$125,425) will be used on this project.

Voting Requirement – Simple Majority

MOVED Cr S Tonkin

SECONDED Cr K Purchase

That Council award tender MN 124 to Ertech Pty Ltd for the revised sum and works of \$224,825.00

CARRIED 4/0

11.2.2 Tender MN 125/126 – Prime Mover, Triaxle Dolley and Trailers

Location: N/A
Applicant: N/A
File Ref: MN125/6 / 408
Disclosure of Interest: None
Date: 15th March 2005
Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

The author requests the Council to consider the tenders for MN 125/126 "Supply of Prime Mover, Triaxle Dolly and Side-Tipping Trailers."

Background

Council made provision in the 2004/05 budget to consider another truck with a larger capacity for its fleet. The amount set aside for the new truck was sufficient to purchase a new truck with the same specifications as the current Isuzu Giga 385 truck and trailer.

Council also agreed that for this to occur, the International Acco Truck (MN 785) and one of the Mitsubishi 6-wheelers (MN 27) would be traded, as the new truck would carry the same capacity.

After discussions, a proposal was put forward to Council to consider selling the above trucks, (including the new Isuzu Giga and trailer) and purchase a road train. The theory being: one truck, less drivers, bigger capacity and ability to provide private works.

At Council's February meeting Council requested the CEO to invite tenders for the roadtrain so that this could be considered.

Tenders were advertised on Wednesday 2nd March in both the West Australian and Kalgoorlie Miner newspapers, and closed at 4.00pm 16th March.

Comment

Tenders were opened in accordance with Council Policy 2.5

Tenders were opened in the presence of:

Mr Tony Nottle – Chief Executive Officer

Mrs Jolene Nottle – Deputy Chief Executive Officer

A detailed look at the tender documents was carried out and the prices and specifications were taken into consideration. A detailed table of prices is circulated to members.

After discussion with the Works Supervisor and Road Crew, we suggest that Council not continue with the purchase of the roadtrain.

Reasons for the above comment:

1. Works Crew do not want the roadtrain. (Unanimously)
2. Larger turning circles and issues with turn arounds (eg: Native Vegetation Regs.)
3. Left without any gravel carting ability if it breaks down, work stops.
4. Too large for short-lead runs
5. Only the contractor has the applicable license
6. Problems with employing qualified MC licensed drivers
7. Local Government wages compared with haulage wages are vastly different.
8. Such a large capital investment in this particular set-up (approx \$360,000 – \$380,000) will depreciate quite substantially in the first 3 years
9. The crew/staff and licenses (eg: clearing) are not ready for the roadtrain

It is suggested that the Council could better utilise the \$360,000 - \$380,000 on further road maintenance and construction under the current set-up, with more subtle changes made to the fleet.

These subtle changes may include upgrading the water tanker to a semi water tanker and the possibility of building a bigger trailer behind the Isuzu Giga.

In regards to the other trucks in the fleet, it has been seen that the International Acco 6 wheel rear tipper is not being utilised as much as it should be. With the inclusion of the new roller on the fleet, less time is being spent on the fourth truck.

Over the past 4-5 months, a roller has been hired to carry out some of the jobs and the use of the Acco is declining. In a 12 month period, the truck has done a total of 22,000 km, with approximately 8-10,000 of these kilometres used for private works and trips to Kalgoorlie. (Repairs etc.) It is believed that the disposal of this truck would not jeopardise the production of the road crew.

The best prices offered for outright purchase of the International Acco (MN 785) were:

Smith Broughton Auctioneers (Midland WA) - \$72,347.00 incl. GST
Golden City Trucks (Gympie QLD) – \$70,099.00 incl. GST

It is believed that the crew can sustain their current performance without this truck and also without the purchase of the roadtrain.

Consultation

Meetings with staff, Councillors and potential tenderers have taken place over the past 6 months.

Successful and unsuccessful tenderers will need to be notified of the outcome as per the Local Government Act 1995.

Statutory Environment

Section 3.57(1) of the Local Government Act 1995 provides that a Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services. Local Government (Functions and General) Regulation 11 states that the tenders must be invited if the consideration under the contract is expected to be worth more than \$50,000.00.

Policy Implications

Policy number 2.5 applies and all procedures that were carried in accordance with the policy.

Financial Implications

Should Council opt to purchase a roadtrain, the following recommendation is made:

Purchase 1 x Mack Freightliner (Issue of CAT engine)	\$190,000
Purchase 1 x Dolly and 2 x Trailers Haulmore	<u>\$169,573</u>
	\$359,000
Sell Isuzu Giga 385 (to best tender offered)	\$155,540.00
Sell International Acco MN 785	\$65,770.00
Sell Mitsubishi MN27	<u>\$72,817.27</u>
	\$294,127.27
Total changeover cost to Council	\$64,872.73

I would advise that to ensure a better re-sale value, that a further \$11,000 be spent on a sleeper cab arrangement.

However as mentioned previously, I do not advise that Council carry out the above and I recommend the following:

- ❑ Council not accept any tender for the purchase of the prime mover and trailers (roadtrain).
- ❑ Award the sale of the International Acco (MN785) \$72,347 including GST to Smith Broughton & Co Auctioneers

Halting this decision will allow Council staff to prepare and structure the road crew effectively, ensure the right clearances are in place, earn interest on the funds left in the plant reserve and allow Council to re-visit this option in 1 – 2 years time. (After the completion of the Seinor contract.)

This also allows the Council to hire a roadtrain with the same specifications from a company to demonstrate the effectiveness of the set up. It would provide Council and staff with a physical demonstration in which an informed decision can be made.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION**ITEM 11.2.2**

MOVED Cr K Pusey

SECONDED Cr K Purchase

1. That Council not accept any tender for the purchase of the prime mover and trailers (roadtrain).
2. That Council accept the tender from Smith Broughton and Sons Auctioneers for the sale of the International Acco (MN 785) for the amount of \$72,347 including GST.

CARRIED 4/0

COUNCIL DECISION / OFFICER RECOMMENDATION**ITEM 11.2.2A**

MOVED Cr K Pusey

SECONDED Cr S Tonkin

That Council tender for a six (6) wheel rigid right hand tipping truck and trailer to the maximum legal capacity and offer the Mitsubishi six (6) wheel truck (MN27) for trade or outright purchase.

CARRIED 4/0

11.2.3 Menzies "Special Series" Number Plates

Location: N/A
Applicant: N/A
File Ref: CEO / 404
Disclosure of Interest: None
Date: 15th March 2005
Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

The author requests the Council to choose from three (3) options for the design of the new "Special Series Plates" for the Shire of Menzies.

Background

Provision was made in the 04/05 budget to produce special series number plates for Menzies that could be bought from the Shire.

Comment

Three (3) designs of potential number plates have been created and circulated amongst the Councillors for consideration.

Consultation

Council's decision will be relayed to the Licensing Authority to create the number plates.

Statutory Environment - N/A

Policy Implications

There are no current policies relating to this matter.

Financial Implications

All expenditure for this project is offset by income and is provided for in the 2004 / 05 budget.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION

ITEM 11.2.3

That Council choose option 3, to be the official template for the Menzies Special Series Number Plates.

COUNCIL DECISION

ITEM 11.2.3

MOVED Cr S Tonkin

SECONDED Cr K Purchase

That option 1 be used as the official template for the Special Series Number Plates.

CARRIED 4/0

Reason for Change: Council believed the newer logo was more recognisable and aesthetically pleasing than other options.

12. REPORTS FROM COUNCILLORS

Nil

13. BUSINESS OF AN URGENT NATURE

13.1 COUNCILLORS

Cr K Finlayson –

- Briefed Council on the Amalgamate, Cooperate or Disintegrate conference attended by herself and the CEO
- Informed Council of President and CEO's visit to Sandstone (returning from conference) and meet with CEO Bill Atkinson. An example flowchart of obligations to be carried out in regards to extracting or locating gravel.
- Advised Council of Rangelands NRM meeting in Kalgoorlie. Cr. Tonkin expressed his interest
- CAN WA Funding-Possible to tap into for cultural heritage study

Cr K Pusey –

- Has received adverse comments regarding the condition of the Kookynie/Malcolm road following the recent fatal road accident

- Requested that signage be considered for some of the Kookynie tourist sites. CEO advised that this is to be included with the purchase of newly designed street signs

The Deputy CEO and CEO left the meeting at 2.03pm, due to a FESA call out to a fire. The CEO and Deputy were the only members of the Menzies Volunteer Bush Fire Brigade able to attend to the callout.

- Further investigation to be put into curves in the Shire's roads in regards to safety. Delineation markers to be considered (more/less)
- New Holland Front End Loader and lack of use was discussed. Should it be put to tender or sold to purchase a slasher for the skid steer?
- Supply suitable uniform for Works Supervisor
- Change answering machine on Council day to make mention that the Shire is closed due to the meeting.

13.2	CHIEF EXECUTIVE OFFICER
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- Tabled his report on the recent Amalgamate Cooperate Disintegrate Conference
- Tabled an example flowchart of obligations of the Shire in regards to gravel extraction (supplied by CEO Shire of Sandstone)

14. NEXT MEETING

The next Ordinary Council Meeting is scheduled for Friday 15th March, Davyhurst Minesite at 10.00am.

15. CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 2.35pm.

These Minutes were confirmed as a true
and accurate record of proceedings, at the
Ordinary Council Meeting held on 15th April 2005

CONFIRMED

SHIRE PRESIDENT.....