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**Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday, 18 October 2007, commencing at 11.03am.**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11:03am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr DE Anderson Cr LJ O'Connor Cr DJ Grey Cr L Hodder Cr EC Rowe Cr EF Taylor Cr DP Morrissey
STAFF	Mr N Mitchell, Chief Executive Officer Mr RJ Adams, Deputy Chief Executive Officer Mr C Hodder, Works Foreman
MEMBERS OF THE PUBLIC	Ms Victoria Thomas Ms Kylie Oldridge Ms Susan Ferguson Ms Mia Fogarty Mr Greg Daniel
APOLOGIES	None
LEAVE OF ABSENCE	None

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None

4. PUBLIC QUESTION TIME

Members of the public noted that in recent times, there has been an increase in disturbance at night by way of noise and anti-social behaviour, resulting in them being exhausted due to noise, and children attending school obviously tired.

It was also noted that on quite a few occasions, Police had been called, however, there had been no answer, and neither had the phone system been switched through to Geraldton Police Station.

In at least one instance, the person noted that their personal safety relied on quick access to Police, and that their unavailability resulted in feeling quite unsafe.

The lack of access to Police is of particular concern, and it was felt that it is essential that the phones be diverted to Geraldton, when the Yalgoo Station is unattended, and that it also be connected to the residence of the Yalgoo Officer in Charge.

Council was asked what would be done to improve the situation.

The President advised that other complaints had been received, and that they would be discussed further by Council later in the meeting.

The CEO advised that he had had discussions with Superintendent Fred Gere and others over the past few weeks and would be raising the matters once again.

Visitors/guests left the meeting at 11:22am

5. APPLICATIONS FOR LEAVE OF ABSENCE

None

6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

None

7. CONFIRMATION OF MINUTES

BACKGROUND

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1001 Confirmation of Minutes 20 September 2007

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

That the Minutes of the Ordinary Council Meeting held on 20 September 2007, be confirmed as a true and correct record of proceedings.

Motion put and carried 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

None

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

10.1 PRESIDENT

17.10.07 Special Meeting – CEO Performance Review and Old Railway Station leases.

10.2 MURCHISON REGIONAL VERMIN COUNCIL

15.10.07 Cr D Morrissey noted that the MRVC is experiencing some staffing issues, in part as a result of the resources boom. He also noted that there had been discussion at the recent meeting concerning the possibility of disbanding as a Regional Council under the Local Government Act and carrying out operations under a Memorandum of Understanding with participating Councils. A letter will be coming to the Shires in the near future.

11. DISCLOSURE OF INTERESTS

Item 15.2 Tender 2007–05 – Tri-axle Water Tanker –
Cr EC Rowe made a disclosure of Interest Affecting Impartiality as she is a contractor.

Item 15.3 Tenders 2007–06 to 08 – Old Railway Station Leases –
Cr DJ Grey made a disclosure of Financial Interest as he is a lease applicant.

12. REPORTS OF COMMITTEES

None

13. REPORTS OF OFFICERS

13.1 WORKS

13.1.1 WORKS ACTIVITY REPORT – SEPTEMBER

Mr Cliff Hodder, Works Foreman, will be in attendance at the meeting.

Matters noted –

- a brief written report is requested
- prior to removal of grids, confirmation to be sought from the lease holder
- floodways –
 - o one on Morawa Road to be sealed when works done in 2008
 - o one on North Rd approx. 7 km from town to be looked at

13.1.2 NARLOO-TARDIE ROAD

File: R11-42
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 8 October 2007
Attachments: Letter from M and J Foulkes-Taylor (white)
Map of Narloo-Tardie road (white)

MATTER FOR CONSIDERATION

Possible closure of the Narloo-Tardie Road

BACKGROUND

The commencement of this matter appears to go back to March 2006, and then followed up by Glenn Bone in June 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.50 – closing of thoroughfares to vehicles, wholly, partially or to particular classes of vehicle.

STRATEGIC IMPLICATIONS

Reduction in responsibility for road maintenance and associated liability.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Reduced road maintenance requirement

Very minor reduction of allocation from the WA Local Government Grants Commission.

CONSULTATION

Kim Edmeades, Main Roads WA

Cliff Hodder, Works Foreman

Michael and Jano Foulkes-Taylor

Michael Keane, Greenfield Technical Services

COMMENT

The origin of the request or wish to close the road is not known. However, in discussion with Jano Foulkes-Taylor and Kim Edmeades, it appears that the road is unused, and that it is essentially impassable. Its formal closure would reduce grants in a very minor amount, but also eliminate any requirement on Council to maintain, and also any liability issues, that may arise from a substandard road.

Jano Foulkes-Taylor's letter⁴ indicates their support for the closure of the road subject to two matters –

- installation of a series of bunds north of the Greenough River crossing to reduce erosion, and
- a minor realignment on the west side of the creek, 3.5 km north of the Vermin Proof Fence, to ensure access in the case of bush fire etc

Given the reported support of Dept of Environment and Conservation and Yuin Station residents, there does not seem to be any real reason for the road to remain open.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1002 Narloo–Tardie Road

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Narloo-Tardie Road be closed subject to –

- **approval being obtained from Yuin Station, Dept of Environment and Conservation, and Main Roads WA**
- **the following works being completed, when the Works Crew is in the area –**
 - o **installation of a series of bunds north of the Greenough River crossing to reduce erosion, and**
 - o **a minor realignment on the west side of the creek, 3.5 km north of the Vermin Proof Fence, to ensure access in the case of bush fire etc**

Motion put and carried 7/0

13.1.3 DUAL USE PATH NETWORK

File: R11-101
 Author: Niel Mitchell
 Interest Declared: No interest to disclose
 Date: 8 October 2007
 Attachments: none

MATTER FOR CONSIDERATION

Development of dual use paths in Yalgoo townsite, with potential for integration into a series of trails close to the town and throughout the Shire.

BACKGROUND

Some months ago, on behalf of the Shire, the Acting CEO, Mr Glenn Bone submitted an application for a dual use path in the townsite. Enquiries with Dept of Planning and Infrastructure in Geraldton, indicated that the available funding was substantially over-subscribed, and that one of the factors being considered in the assessment process, was whether a plan exists for development of a network of paths.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
 - s.3.1 – good governance

STRATEGIC IMPLICATIONS

Development of trails for various purposes

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Subject to Council decision prior to commencing any project, off-set by any grants that may be received.

CONSULTATION

Adam Murzewski, Dept of Sport and Recreation
 Tony McCann, Dept for Planning and Infrastructure.

COMMENT

Advice of the outcome of applications to the DPI dual use path funding was recently received, and unfortunately, Yalgoo was unsuccessful. A copy of the advice is in the Information Bulletin for this meeting.

As noted, one aspect of considerations for funding of dual use paths is whether or not there is a plan, and how the proposal integrates with the plan. One of the proposals listed in the draft Plan for the Future is development of proposals for an integrated network of trails within the town, its surrounds and throughout the Shire, and the dual use paths fits in part of this proposal for the next 4 years.

There are some existing paths, some lengths of which may need to be widened to meet dual use path standards –

- south side of Henty St from School to just around the corner into Gibbons St
- west side of Gibbons Street, from Museum Court in front of the Shire Offices
- a small section in front of the old disused store, and
- a small section in front of the hall

Essentially, the intent of the proposed paths is to link –

- the School past the Police Station to Campbell St, on the southern side of Henty and Selwyn Streets
 - o purpose to provide safe access to the School from
- the Hall to Railway Station on the west side of Shamrock and Gibbons Streets
- the children's playground to basketball courts on east side of Gibbons Street

These could then be linked in with potential future proposals for several trails outside the townsite, such as –

- western entry statement to the chapel
- chapel to northern entry statement
- northern entry statement around the north east of town to the eastern entry statement
- between the west and east entry statements, set back off the highway.

There is a variety of methods of construction such as concrete, hotmix, gravel seal, or simply formed and left loose where appropriate. Costs will vary quite a bit, but are not part of the decision required at this time.

One factor that should also be considered is marking of bicycle lanes in some of the wider streets, as an alternative to construction of a footpath. This was briefly discussed with the School Principal some weeks ago, as part of promoting cyclist safety and creating awareness in riders of road rules. However, cycle lanes are usually only marked where car parking is not permitted, so that there is no clash or confusion of line marking on the road. This aspect needs further investigation.

Adoption of a clear direction will hopefully assist future funding applications.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1003 Dual Use Path Network

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That the following be adopted as the priority areas for dual use paths, as and when funding is available for their development and construction –

- **on the southern side of Henty and Selwyn Streets, from the School past the Police Station to Campbell St,**
- **on the west side of Shamrock and Gibbons Streets, from Stanley St, past the Hall, Shire Office, General Store and Caravan Park, to Railway Station on the Geraldton-Mt Magnet Road,**
- **on east side of Gibbons Street, between Selwyn and Weekes Streets, from the children’s playground, past the Hotel and basketball courts.**

Motion put and carried 7/0

13.1.4 PURCHASE OF EQUIPMENT

File: T5
Author: Niel Mitchell
Interest Declared: No interest to disclose
Date: 9 October 2007
Attachments: none

MATTER FOR CONSIDERATION

Revocation of decision to purchase compressor/welder by tender, and authorisation to accept quotes.

BACKGROUND

At the September Meeting, Council resolved to invite tenders for the supply of a trailer mounted combined compressor/welder unit, and for the unbudgeted expense to purchase or rebuild the semi trailer dolly.

STATUTORY ENVIRONMENT

Functions and General Regulations –

- requirements regarding tendering

Administration Regulations –

- r.10 (2) – absolute majority required to revoke a decision.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

5.2.4 Purchasing and Tendering – Model Policy

FINANCIAL IMPLICATIONS

Purchase of compressor/welder unit, and dolly.

CONSULTATION

Ron Adams, Deputy CEO

Cliff Hodder, Works Foreman

COMMENT

Investigations since have revealed that the compressor/welder required by the works crew is not an item of equipment available commercially “off the floor” and has to be built specifically for the Shire’s use.

Accordingly, an indicative price was requested from Geraldton Industrial Supplies, which has come in at \$17,614.75 excluding GST. Council policy requires 3 quotes be obtained for items under \$20,000 unless there is a limited number of suppliers.

An estimate to rebuild the semi-trailer dolly has been received for \$14,659 excl GST from D Trans of Geraldton, who also provided an indicative cost for a new dolly of \$25,027 excl GST. Purchase of this item has not proceeded, as savings if any, on purchase of a new grader and a water tanker are not yet known.

Rather than call tenders for these two items, as they are well under the limits, it would be better to be able to describe directly, what is desired, and to make adjustments if necessary.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1004 Purchase of Equipment

Moved Cr EF Taylor, Seconded CrLJ O'Connor

- (1) That the third and fourth dot points of Resolution C2007-0902 Purchase of Plant Items, reading – *(That tenders be called for)* –
- *the purchase of a compressor / welder, either new or second-hand*
 - *the purchase of a replacement semi-trailer dolly, trading in the damaged unit, if repair is uneconomic or not possible; to be funded by any savings in the purchase of the previous items of equipment.*
- be rescinded.
- (2) That, subject to enquiries being made from at least two more possible suppliers for each item, purchase be authorised of the most suitable –
- compressor/welder and
 - replacement semi-trailer dolly, trading in the damaged unit, if repair is uneconomic or not possible; to be funded by any savings in the purchase of replacement grader or semi-trailer water tanker.

Motion put and carried by an absolute majority 7/0

13.1.5 TENDER – NINGHAN ROAD SEALING

File: T5 2007–11
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 10 October 2007
 Attachments: None

MATTER FOR CONSIDERATION

Consideration to invite tenders for the sealing of the Ninghan Road

BACKGROUND

The sealing of the road is in part, work held over from 2006-07, as the crew were fully occupied with fixing flood damage.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Sealing as per provision in Works Program, with some additional cost due to extra bitumen being required due to separation of spray dates, but potentially some cost reduction in the second stage as a result of increased volume of work.

CONSULTATION

Matt Barns, Greenfield Technical Services
 Cliff Hodder, Works Foreman

COMMENT

The seal component is for full service – pre-coating of the aggregate, spray, spread, roll and broom. When initially discussed with Matt Barns, it was thought that the cost would be under the \$100,000 tender threshold, and that consequently tenders would not be required. Quotes for the first 6.5 km seal closed on Monday 8 October, and were received by GTS as follows –

- | | |
|-----------|--------------|
| - Pioneer | \$135,263.70 |
| - RnR | \$136,567.00 |
| - Boral | \$118,389.92 |

As the first section of the road has now been water bound and is ready for sealing, it needs to be done as soon as possible, so that the surface does not deteriorate, and the water binding and compacting re-done. Accordingly, I have asked GTS to seek a revised quote from Pioneer, RnR and Boral to put down a 7 mm prime coat only for the first 6.5 km (recommended by GTS). Usually, a 14 mm prime coat followed by a 7 mm top coat is used, however GTS recommend the other way around in this instance.

This primer seal should last for some time, although a higher application rate of bitumen is required to hold the aggregate, due to the cutters in the bitumen evaporating etc, as the top coat is going to be delayed more than a week or two. Because of the reduction in the scope of work to be done, this stage should come in well under the tender threshold. However, there will be some additional cost in the overall expenditure for the first 6.5 km of the job due to the additional bitumen required.

I did discuss with GTS the possibility of reducing the length of the double coat seal to 4 km, trimming up and waterbinding the final 2.5 km when the second stage is to be done. However, it was felt that it would be better to get the prime seal on the full length rather than having to re-do a section.

The works crew is currently working on the second 6.5 km construction in preparation for sealing.

Accordingly it is requested that tenders be invited for –

- full service top seal (14 mm) of the first 6.5 km
- full service prime (14 mm) and top seal (7 mm) of the second 6.5 km

to be carried out at the same time.

There is the potential for some cost saving in this stage of the work, since the job has effectively increased in size by 50%.

Aggregate quotes received by GTS for both 14 and 7 mm stone sufficient to do the first 6.5 km were –

- Winchester \$41,580.00
- Readymix \$43,526.00

Matt Barns has been advised that the quote of Winchesters is acceptable, and will organise delivery.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That tenders be invited for full service sealing works on the Ninghan Road –

- top seal (14 mm) of 6.5 km
- primer seal (14 mm) and top seal (7 mm) of 6.5 km

COUNCIL DECISION

C2007-1005 Tender – Ninghan Road Sealing

Moved Cr LJ O’Connor, Seconded Cr DJ Grey

That Greenfields Technical Services be engaged to call tenders for the Annual Supply of –

- supply, spray and cover of bitumen
- supply and delivery of aggregates

Motion put and carried 7/0

REASON FOR VARIATION:

To ensure that the tenders pply to sealing works required on the Morawa Rd as well.

C2007-1006 Urgent Business brought forward

Moved Cr EF Taylor, Seconded Cr EC Rowe

That the following matters be brought forward for consideration while the Works Forman is in attendance –

- Item 15.1 – Tender 2007-04 – Grader**
- Item 15.2 – Tender 2007-05 – Tri-axle water tanker**
- Item 15.5 – Harmony Gold – Road Train Permit**

Motion put and carried 7/0

15.1 TENDER 2007-04 – GRADER

File: T5 2007-04
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 18 October 2007
Attachments: Specification
Copies of Offer Forms
Summary of tenders received

MATTER FOR CONSIDERATION

Consideration of tenders received for the supply of a new grader and trade-in/purchase of Council's Cat grader YA 361.

BACKGROUND

The calling of tenders was authorised at the September Council Meeting, advertised on 29 September 2007 and closed at 4.00 pm 15 October 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Purchasing Policy – goods and services over \$100,000

FINANCIAL IMPLICATIONS

Purchase and sale of a grader

CONSULTATION

Cliff Hodder, Works Foreman

COMMENT

Tenders were advertised in accordance with the Local Government Act and Regulations, and opened at 4.00 pm on Monday 15 October in the presence of –

- Ross McDonald, Westrac
- Cliff Hodder, Works Foreman
- Des Hodder and Andrew Scrivener, works staff

Tenders were received from –

- Hitachi Construction Machinery – supply and trade-in
- CJD Equipment – supply and trade-in
- Westrac Equipment – supply and trade-in
- Smith Broughton Auctioneers – outright purchase only
- RD Williams Machinery – outright purchase only

Mr Bill Hastings of CJD Equipment did request that I advise Council that, with the consent of the Shire of Sandstone, he would be happy to arrange a demonstration of the Volvo graders that have been purchased by them. These will be coming through Paynes Find late this week or early next week.

After discussion with the Works Foreman and Deputy CEO, the Caterpillar 12H is recommended, on the basis of –

- being well within original Budget estimates
- standard warranty of 84 months or 7,000 hours
- consistency with the current fleet
- known access and reliability of service

Standard warranties of the other machines is 12 months, although extended warranties are available.

A summary of the tenders received is attached. Budgeted change over figure is \$350,000. Current balance of Plant Reserve is \$259,059, and a budgeted transfer of \$240,000 late in the financial year.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1007 Tender – Grader

Moved Cr EC Taylor, Seconded Cr DP Morrissey

That the tender from Westrac Equipment for the supply of a Caterpillar 12H grader, for \$394,252.10 incl. GST, fitted as per specification with 14 foot blade, and trailer electrics, trading in Council's Caterpillar 140H grader YA361 for \$178,200.00 incl. GST, for a net changeover of \$216,052.10 incl. GST, be accepted.

Motion put and carried 7/0

ADJOURNMENT

The meeting adjourned for lunch at 12:10pm and recommenced at 1:05pm with those present before the adjournment present once again with the exception of Mr R Adams.

Mr Adams rejoined the meeting at 1:07pm

Cr EC Rowe made an Impartiality Declaration relating to item 15.2, being a contractor of plant.

15.2 TENDER 2007-05 – TRI-AXLE WATER TANKER

File: T5 2007-05
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 16 October 2007
Attachments: Specification

MATTER FOR CONSIDERATION
Purchase of a tri-axle water tanker.

BACKGROUND

The calling of tenders was authorised at the September Council Meeting, advertised on 29 September 2007 and closed at 4.00 pm 15 October 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Purchase and sale of a grader

CONSULTATION

Cliff Hodder, Works Foreman

COMMENT

Tenders were advertised in accordance with the Local Government Act and Regulations, and the tender box opened at 4.00 pm on Monday 15 October in the presence of –

- Ross McDonald, Westrac
- Cliff Hodder, Works Foreman
- Des Hodder and Andrew Scrivener, works staff

No tenders for the supply of a water tanker were received.

The options now would be to either –

- not proceed with the purchase and hire in a water tanker as necessary
- locate a suitable unit and fit out as required

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1008 Tender – Tri-axle Water Tanker

Moved Cr LJ O'Connor, Seconded Cr EF Taylor

That the CEO investigate options, and subject to costs being within Budget and in consultation with the Works Foreman, be authorised to purchase a suitable semi-trailer tanker unit and arrange the appropriate fit-out, for use as a water tanker for road works.

Motion put and carried 6/1

Cr EC Rowe requested that her vote against the motion be recorded.

15.5 HARMONY GOLD – Road Train Permit

File: R11-77
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 16 October 2007
 Attachments: Draft Road Train Agreement
 Map of Roads

MATTER FOR CONSIDERATION

To approve a road train permit on Shire roads for Harmony Gold.

BACKGROUND

Harmony Gold have been considering the carting of tailings from their Western Queen Mine to Mt Magnet for treatment for some time. Final Draft Agreement was received from them on Tuesday 16 October 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 - Provides that the general function of the local government is to provide for the good government of persons in its district.

Public Works Act 1902 –

- s.86(3) – roads under control of local governments.

STRATEGIC IMPLICATIONS

Improvement in roads.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None.

CONSULTATION

Nick Carter, Greg Job of Harmony Gold
 Matt Barns, Greenfield Technical Services
 Peter McConnell, CEO Shire of Mt Magnet
 Cliff Hodder, Works Supervisor

COMMENT

This has been under discussion with Harmony Gold for some time, but it is only in the past 4-5 weeks that it has been certain to go ahead.

Quite some time ago, while Harmony were still in preparation, the Works Foreman and I met with Shire of Mt Magnet and Harmony Gold representatives for a demonstration of the Petrotac stabiliser they propose to use. While not impressed with the capabilities of the stabiliser on the day, it was acknowledged that its application had not been according to specifications.

I have been working closely with Peter McConnell, CEO Shire of Mt Magnet, and have also referred the draft Agreement to Matt Barns of Greenfield Technical Services.

In reviewing an early draft, Matt Barns did express his concerns over a number of factors, and these have been addressed in the more recent draft in large part. There are some issues not specifically addressed, such as a stipulated commencement date, but this cannot occur until MRWA issues a Road Train Permit.

The Shire of Mt Magnet has referred various drafts of the Agreement to their solicitors, McLeod's, and there are substantial changes to the early versions, and pick up most of Matt Barns' concerns. Following McLeod's advice, Mt Magnet Shire have now signed their Agreement.

The bottom line is that the Agreement requires the road to be left in as good as or better than, its original condition. This is of greater benefit to Mt Magnet than to Yalgoo as their section is well below road train standard.

Prior to a road train permit being issued, Main Roads WA are required to inspect the road, for its suitability for the task.

A very brief summary of the Agreement –

- the Shire allows them use of various road from the Western Queen minesite, to connect up with the Mt Farmer to Mt Magnet Road
- approx 180,000 tonnes, but not more than 200,000 tonnes is to be transported by the end of January roughly
- Harmony Gold are responsible to upgrade, realign and maintain the roads to road train standard for the duration of haulage, and it is to be at their cost
- the roads are to be left in as good as or better condition than now
- independent assessment of the roads prior to, after signing, and after termination of the Agreement is required at Harmony Gold's cost
- any repair work to bring to as good as Original Condition to be done at Harmony Gold's cost
- a bank guarantee of \$50,000 is being provided to the Shire of Yalgoo to repair the roads at the conclusion of the Agreement, if not undertaken by Harmony Gold

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1009 Harmony Gold – Road Train Permit

Moved Cr LJ O'Connor, Seconded Cr DP Morrissey

That the draft Road Train Agreement with Mt Magnet Gold Ltd, for the use of –

- Rd 51 – Dalgara-Mt Magnet Road
- Rd 52 – Dalgara-Meteorite Road
- Rd 53 – Uanna Hills Road

be approved, and that the President and CEO be authorised to affix the Common Seal to the Agreement.

Motion put and carried by an absolute majority 7/0

Mr C Hodder left the meeting at 1:18pm

13.2 DEVELOPMENT

13.2.1 TENDERS – HOUSING

File: T5 2007–09 and T5 2007–10
 Author: Niel Mitchell
 Interest Declared: No interest to disclose
 Date: 8 October 2007
 Attachments: T & R Pricing list (yellow)
 Draft housing tender specification (yellow)

MATTER FOR CONSIDERATION

Calling of tenders for the construction of two new staff residences.

BACKGROUND

The adopted Budget for 2007-08 provides for the construction of two new residences.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders for supply

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Construction of Houses as provided in the 2007-08 Budget.

Enquiry was also made of the Country Housing Authority if any financial assistance might be available. At this time, no grants are being made, although a submission to State Cabinet is likely in the near future. If approved, it will probably be March 2008 before they are notified, and provision is highly unlikely before the 2008-09 State Budget. In the past, grants up to \$50,000 per residence have been made to successful applicants, although the program was always well over-subscribed.

CONSULTATION

Dave Williams, Environmental Health Officer
 Ron Adams, Deputy CEO
 Bill Atkinson, CEO Shire of Sandstone
 Tony Doust, CEO Shire of Boyup Brook

COMMENT

Construction of new residences has been discussed for some time, and the Budget provides for two houses to be constructed, funded by Reserves. While it has been spoken about that these residences be for CEO and Works Foreman, Council has not as yet resolved that this will be the case, and if other purposes were intended, this may affect the proposed design. If it was decided to locate other staff in the residences, Council may opt to build a 2x3 bedroom duplex on one of the lots.

The most suitable options for Council is for the new residences to be concrete floored, steel frame either transportable or built on site.

As a separate but associated issue, Council may wish to consider relocating one or two of the units from the corner of Stanley and Shamrock Streets, to one of the lots, to provide more space for the tenants in the complex. If this option was considered viable, the Weekes Street site would be the most suitable having two street frontage, and there should be sufficient space to allow a 3 bedroom unit to also be constructed facing Campbell Street. In effect the Stanley St / Shamrock St corner would become a 4 or 5 residence complex, and the Weekes Street site a duplex. If this possibility is considered viable, planning of the placement on the lot would need to be done prior, and the best time for any relocation would be while the builders of the new residences were in town.

The Henty Street lot has a narrow road frontage, and would be more difficult to develop as a multiple residence site.

The price list was obtained from T & R Transportables, solely as an indication of current pricing, and possible floor plans. We have been advised of at least one country builder who would be interested in tendering.

In considering the size and design, Council should also be mindful of the likely future employees who would live in the houses, e.g. older or younger, family / couple / single, and proximity to other employees.

Tender specifications for both residences will be the same, other than for dimensions and locations of the lots, or any other matter directed by Council.

VOTING REQUIREMENTS

Simple majority

C2007-1010 Suspension of Standing Orders

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

That Standing Orders be suspended to allow discussion.

Motion put and carried 7/0

Cr LJ O'Connor left the meeting at 1:53pm and returned at 1:56pm

Cr DE Anderson left the meeting at 1:57pm and returned at 1:59pm

C2007-1011 Resumption of Standing Orders

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That Standing Orders be resumed.

Motion put and carried 7/0

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1012 Tenders – Housing

Moved Cr DP Morrissey, Seconded Cr EC Taylor

That separate tenders be called for the design, supply, delivery and erection of two 4 bedroom 2 bathroom residences, being of concrete floor, steel frame construction, either transportable type or built on site, to be located on –

- Lot 6 Henty Street, Yalgoo, and
- Lot 54 Weekes Street, Yalgoo

Motion put and carried 7/0

13.2.2 YALGOO GENERAL STORE EXTENSIONS

File: C6-5
Author: David Williams Environmental Health Officer
Interest Declared: No interest to disclose
Date: September 25, 2007
Attachments: Extension Plans (lilac)

MATTER FOR CONSIDERATION

This report is to advise Council of the proposed extensions to the Yalgoo General Store for the purpose of providing Post Office facilities and a Centrelink service. The proposed extension is detailed on the attached plans.

ATTACHMENT

Detailed floor plan and elevations of the proposal are included.

BACKGROUND

The Yalgoo Fuel complex was upgraded into a multipurpose facility in 2006 to provide a Post Office Service and Centrelink facilities. However the arrangements for these services at this site have since been terminated, and the intention is to transfer them to the Yalgoo General Store. The services are a private arrangement between the organisations and the lessee, and Council therefore cannot determine who provides the service or stipulate the premises from which they are delivered.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Yalgoo Town Planning Scheme. No.1. Scheme Text

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

No cost to Council

CONSULTATION

Council's Environmental Health/Building Surveyor Mr. David Williams has discussed the proposal with the owner and applicant of the store Mr. R. Valenzuela and he has been informed that the proposal requires Council approval.

Council approval is required as the proposal is located in the Commercial zone of the Yalgoo Townsite and as such the Shire of Yalgoo Town Planning Scheme No.1 table II (page 14) requires that the minimum boundary setbacks are to be determined by Council. The matter has also been discussed with Council's Chief Executive Officer Mr. Niel Mitchell.

COMMENT

The submitted plans indicate that the extensions will be one metre from the northern boundary and align with the existing frontage of the building. The additions are to include disabled access as the existing premises does not have this facility.

Building work is to be supervised by a registered builder, is to match the current décor of the store and should not be adverse to the amenity of the area.

Table II also provides for additional parking at the ratio of 1 bay for every 15m² of floor area is required. However there are ample parking spaces in Gibbons Street to cater for the number of spaces required.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1013 Yalgoo General Store Extensions

Moved Cr EC Rowe, Seconded Cr DJ Grey

That Council resolves –

- **to grant approval to Mr. R.Valenzuela to extend the existing Yalgoo Store as provided for on the submitted plans for the purpose of providing Post Office and Centrelink facilities, and**
 - **that no additional onsite parking is required as there is adequate street parking within the area.**
- Motion put and carried 7/0**

NOTE: Council's attention had been drawn to the side setback of 1.0 metre as stipulated on the plan.

13.3 FINANCE

13.3.1 FINANCIAL ACTIVITY STATEMENTS – September 2007

File:	F8	
Author:	Ron Adams, Deputy Chief Executive Officer	
Interest Declared:	No interest to disclose	
Date:	4 October 2007	
Attachments:	Financial Activity Statements for September 2007	
	Balance Sheet	
	Income Statement Detail	
	Income Statement by Nature & Type	
	Income Statement Summary	
	Actual Vs Budget	(all green)

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for September 2007.

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 31 March 2005 and became effective from 1 July 2005 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

(b) budget estimates to the end of month to which the statement relates;

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c);

(e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 4.9—Provides that as a base standard for preparation of monthly statements, staff are to prepare a Profit & Loss Vs Actual Report and make comment of items of a 10% variance or \$5,000 from the previous month.

FINANCIAL IMPLICATIONS

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

CONSULTATION

None

COMMENT

None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1014 Financial Activity Statements

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

**That Council adopt the financial statements for the period ending 30 September 2007, as attached.
Motion put and carried 7/0**

13.3.2 ACCOUNTS PAID DURING THE MONTH OF SEPTEMBER 2007

File: F8
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 5 October 2007
Attachments: EFT & Cheque Detail for September 2007 (green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of September 2007.

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996
Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Account.

CONSULTATION

None

COMMENT

Payments made during the month of September as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1015 Accounts Paid during the month of September 2007-10-15

Moved Cr LJ O'Connor, Seconded Cr DJ Grey

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 to EFT 81 totalling \$121191 paid during the month of September 2007, be received;**
 - 2. Cheque payments covering cheque numbers 10588 to 10627 totalling \$50057.12 paid during the month of September 2007, be received; and**
 - 3. Salaries and Wages totalling \$ 47508.20 paid during the month of September 2007, be received.**
- Motion put and carried 7/0**

ADJOURNMENT

The meeting adjourned at 2:32pm and resumed at 2:46pm

13.3.3 DCEO – ACTIVITY REPORT SEPTEMBER/OCTOBER 2007

File:
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 5 October 2007
 Attachments: Nil

Diploma of Business (Local Government)

Attended the first two sessions of eight modules to complete the above course. The first two modules included Change & Innovation and Risk Management.

Yalgoo Town Bush Fire Brigade

Attended two day training course in Yalgoo with members of Yalgoo Town Bush Fire Brigade. There were 10 participants. The Shire now has a trained fire brigade and can tick some compliance issues with the Bush Fires Local Law.

Symposium of the Future

Attended the LGMA Symposium of the future. As reported last month.

Payroll Tax and ETP Seminar

Attended the above seminar. ETP is eligible termination payments, this was an area highlighted by the interim audit that we needed to tidy up.

Office of Crime Prevention

Attended the Office of Crime Prevention’s workshop in Geraldton with the Community Capacity Builder. Gave a presentation of Yalgoo’s successes and what we did with their funding.

Midwest LGMA

Attended the Midwest LGMA meeting on 2 October. With small numbers in attendance discussions were held on the Geraldton-Greenough amalgamation, the paper on structural reform in Western Australia’s local government. The Midwest LGMA proposed for the LGMA to source funding for compilation of a How To Amalgamate Manual. The Midwest LGMA will be using some of its funds to sponsor further education of young people in local government. The LGMA Executive Program will be run for the first time on October 9-11. This program in South Australia is about to be compulsory education for CEOs and Senior Executives.

LGMA Executive Program Training

Will be attending the training program from October 9-11

VOTING REQUIREMENTS
 Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1016 D/CEO Activity Report September/October 2007

Moved Cr EC Rowe, Seconded Cr DJ Grey

That Council note the DCEO activity report for September/October.

Motion put and carried 7/0

13.3.4 DONATION –MIDWEST GROUP OF AGRICULTURAL SOCIETIES

File: D6
Author: Ron Adams, Deputy Chief Executive Officer
Date: 25 September 2007
Interest Declared: No interest to disclose
Attachment: Letter from Society (blue)

MATTER FOR CONSIDERATION

To approve or disapprove a donation from Council to the Midwest Group of Affiliated Agricultural Societies.

BACKGROUND

The Midwest Group of Affiliated Agricultural Societies has a district display at the Perth Royal Show. The group finances this display through donations.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2–Requires that each year a local government prepare and adopt an annual budget.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

There is an allowance in the 2007–08 budget for donations to be made. This allowance is at the discretion of members of Council.

CONSULTATION

None

COMMENT

As Yalgoo has a small pastoral industry then consideration about the display of wool in region may be of benefit to the pastoralists of our community.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1017 Donation – Midwest Group of Agricultural Societies

Moved Cr EF Taylor, Seconded Cr LJ O'Connor

That a donation of \$100 be made to Midwest Group of Affiliated Agricultural Societies.

Motion put and carried 7/0

13.3.5 CHRISTMAS SHUT DOWN AND CHRISTMAS FUNCTION

File: S5
 Author: Ron Adams, Deputy Chief Executive Officer
 Date: 04 October 2007
 Interest Declared: No interest to disclose
 Attachment: Nil

MATTER FOR CONSIDERATION

1. To determine Christmas shutdown dates
2. To determine Council's Xmas Function
3. To determine last Council Meeting Date.

BACKGROUND

In previous years Council has chosen to hold the December Ordinary Meeting earlier, to accommodate the Christmas break and allow staff to travel in a semi non peak period.

Council has often used its last meeting in December to have a function for members, staff and their associated families at the conclusion of the last council meeting.

The Shire has a shut down period over the Christmas New Year break. Staff use a combination of public holidays, RDOs and annual leave during this period.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

There is an allowance in the 2007–08 budget for receptions. This allowance is at the discretion of members of Council.

CONSULTATION

None

COMMENT

Some staff will be rostered on to attend to rubbish and general repairs and maintenance during this period.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

C2007-1018 Christmas Shutdown and Christmas Function

Moved Cr DP Morrissey, Seconded Cr EF Taylor

- 1) **That Council Ordinary Meeting be held on Tuesday 18 December 2007**
- 2) **That the Shire be closed from Friday 21 December 2007 and re-open Monday 7 January 2008.**
- 3) **That the Chief Executive Officer be instructed to arrange a Christmas party function at the Sporting Complex on 18 December 2007, commencing at 6.30pm –**
 - **invitations to be extended to all serving Councillors, immediate past Councillors, staff, members of committees, their partners and immediate families under the age of 12**
 - **the cost of refreshments be limited to \$800**
 - **the cost of catering be limited to \$1,200**

Motion put and carried 7/0

13.4 ADMINISTRATION

13.4.1 CEO – ACTIVITY REPORT September/October 2007

File: E9
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 9 October 2007
 Attachments: Nil

Use of Common Seal

18 Sept Dept of Transport and Regional Services – Refurbishment of Old Railway Station Contract Variation (continuation) to 31 December 2007

Use of Delegated Authority not elsewhere reported

None

Lot 179 Henty Street

Lot 179 is adjacent of the School Oval, and has part of the bicycle safety training track on it. A depression on the eastern part is a natural watercourse in heavy rain. The lot was vested with Uniting Church, and is now vested with Shire for Recreation as of 16 August 2007.

Elections

19 Oct Early voting remote booth at Paynes Find from 12.00 to 2.00 pm
 19 Oct Early voting closes at 4.00 pm
 20 Oct Election Day – voting in person from 8.00 am to 6.00 pm
 Counting of votes and announcement of successful candidates will follow close of poll.
 Councillors and visitors are welcome to observe the process at the Council Chambers.
 25 Oct Post-election advertising (WALGA)
 3 Nov Last day for election report to Minister

Meetings

13 Sept. Jeff Seymour, SILCAR (optic fibre installation consultants to Telstra) re possibility of optic fibre cable from Yalgoo Exchange to Golden Grove. Under consideration only at this stage, and proposal to come to Council if proceeding (cable would be 1.2 m deep, generally on the western side, approx. cost of \$20,000 per km)
 18 Sept Royal Flying Doctor Clinic at Paynes Find
 24 Sept Tania Wiley and others, of Combined Universities Centre for Rural Health, regarding Community Development Officers etc, with Cr Hodder, and Healthy Community Project Staff and members of the community.
 28 Sept Gavin Treasure, CEO Morawa, and Stan Scott, CEO Perenjori, regarding mining company contributions to road upgrades and maintenance and for community improvement funds.

Future meetings –

15 Oct HCP Reference Group Meeting
 17 Oct Special Council Meeting
 9 Nov Murchison Country Zone in Cue
 19 Nov Northern Wheatbelt Health Scheme Meeting in Morawa
 7 Dec Murchison Zone Strategy Group Meeting in Cue

Awaiting confirmation of date and items for discussion from Oxiana Golden Grove.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1019 CEO’s Activity Report September/October 2007

Moved Cr EC Rowe, Seconded Cr DP Morrissey

That the CEO’s Activity Report to 9 October 2007 be received.

Motion put and carried 7/0

13.4.2 RECREATION FACILITIES

File: S18
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 8 October 2007
Attachments: Map of Reserve 35346; and lots 50/51(sand)

MATTER FOR CONSIDERATION

To formalise the inclusion of Lots 50 and 51 Campbell Street into Reserve 35346, and closure of the right of way.

BACKGROUND

In November 2006, Dept of Planning and Infrastructure (now Landgate) were requested to provide information on a number of lots for consideration for inclusion into the Reserve for the purposes of Recreation.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.2.7 (2) – Council to oversee allocation of local government finances and resources
- s.3.1 – general function of the local government is to provide for the good governance of the district

STRATEGIC IMPLICATIONS

Provision for future development of recreation facilities.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost to acquire lots 48 and 49, if desired

Cost of closure and Gazettal of right of way, and Lots 50 and 51 into Reserve 35346

CONSULTATION

Ron Adams, Deputy CEO

COMMENT

The Department advised in February 2007 that –

- Lot 47 – privately owned by Valarie Investments (Yalgoo Hotel)
- Lot 48 and 49 – owned by Landgate, and are available for freehold purchase as residential
- Lots 50 and 51 – Unallocated Crown Land, managed by Landgate, but zoned residential

DPI notes that if lots 50 and 51 are to be included, a re-Zoning would be required. The Town Planning Scheme is currently under review, so it would be timely to incorporate any change into the review.

If either of lots 48 or 49 were required, Council would need to purchase the freehold, and then incorporate the lots into the Reserve, as well as rezoning.

In August 2007, Council resolved that lots 50 and 51, including the closure of the right of way between the lots and Reserve 35346, were the preferred site for the Recreation Facilities.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1020 Recreation Facilities

Moved Cr DJ Grey, Seconded Cr LJ O'Connor

That the Dept of Planning and Infrastructure –

- **be requested to initiate the closure of the portion of the right of way adjacent to Lots 50 and 51 Campbell Street, and to incorporate the closed portion of the right of way, and Lots 50 and 51, into Reserve 35346 for the purpose of “Recreation”, and**
- **be advised that Council’s Town Planning Scheme is currently being reviewed and that the change of purpose of the closed portion of the right of way and Lots 50 and 51, will be reflected in the Scheme once the Review is finalised.**

Motion put and carried 7/0

13.4.3 PLAN FOR THE FUTURE

File: S10-2
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 8 October 2007
Attachments: Draft Plan for the Future (gold)

MATTER FOR CONSIDERATION
Adoption of a Plan for the Future.

BACKGROUND

The Local Government Act requires Council to adopt a Plan for the Future for each financial year from 1 July 2006, which is to be reviewed and updated every two years, at minimum. The Plan for the Future replaces the requirements for a Principal Activities Plan, which had to be reviewed and updated annually.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.56 – Planning for the Future – requirement to prepare

Administration Regulations 1996 –

- r.19C – Planning for the Future – to be prepared every 2 years, and matters for inclusion
- r.19D – Local public notice is required to be given

STRATEGIC IMPLICATIONS

Outlines the general directions and intentions of Council

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The draft Plan was originally considered by Council at the July 2007 meeting, with several amendments made. The draft was subsequently advertised for public comment, as required, and placed on the Shire's website as well.

The comment period closed 8 October 2007. No submissions were received.

The Plan is not fixed, but can be amended at any time by Council, subject to local public notice for each occasion of amending. While the Plan outlines the general direction of Council, Council is not obligated to pursue those directions, and may initiate other projects, not included in the Plan for the Future.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1021 Plan for the Future

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

That the draft Plan for the Future for the period 1 July 2007 to 30 June 2011 be adopted.

Motion put and carried 7/0

13.4.4 DRAFT POLICY – USAGE OF INFORMATION TECHNOLOGY

File: P11
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 03 October 2007
Attachments: Nil

MATTER FOR CONSIDERATION

To determine a policy with regard to members and staff usage of information technology.

BACKGROUND

There is a fundamental need to determine the amount of information technology whereby staff and members can utilise tools such as the internet and emails.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.2.7(2)(b) – Enables the Council to determine the local government's policies.

Occupational Safety & Health Act

s.19 and 20 provide for penalties for employees and employers under in relation to offensive material

Equal Opportunity Act 1994

Provides for protection against sexual harassment and discrimination.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None at this stage.

FINANCIAL IMPLICATIONS

The cost of excessive use of information technology tools, such as internet and email, could have dramatic effects on cash flow and unbudgeted expenditures

CONSULTATION

Niel Mitchell, CEO

COMMENT

None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1022 Draft Policy – Usage of Information Technology

Moved Cr EC Rowe, Seconded Cr DJ Grey

(1) That Council adopt the following policy –

POLICY 3.17 – USAGE OF INFORMATION TECHNOLOGY

INTRODUCTION

Information technology resources are provided to support the Council's administrative and operational activities. These resources include the Council's network, desktop computer systems and software, internet access, electronic mail (email) and related services.

Users of these systems are expected to comply with the following policy schedule which is written with the intent of protecting the integrity of these systems so as to provide reliable IT services to users, and also to protect the right of each employee to work in a healthy and safe environment.

OBJECTIVE

This policy deals with the provision of information technology resources by the Council and the associated responsibilities of authorised users when accessing these resources.

POLICY STATEMENT

- 1. The following Policy Schedule 3.17 – Information Technology is adopted, and forms part of this Statement.***
 - 2. Policy Schedule 3.17 is to be provided to all staff having access to information technology, as part of the employment package issued.***
- (2) That a copy of Policy 3.17 and Schedule 3.17 be provided to all staff having access to information technology.**

Motion put and carried 7/0

Policy Schedule 3.17 – Usage of Information Technology

Objective

This policy deals with the provision of information technology resources by the Council and the associated responsibilities of authorised users when accessing these resources.

Policy

Introduction

Information technology resources are provided to support the Council's administrative and operational activities. These resources include the Council's network, desktop computer systems and software, internet access, electronic mail (email) and related services.

Users of these systems are expected to comply with the following policy which is written with the intent of protecting the integrity of these systems so as to provide reliable IT services to users, and also to protect the right of each employee to work in a healthy and safe environment.

Ethics

Respect the rights of others, and comply with other policies regarding sexual, racial, and other forms of harassment. Do not engage in behaviour, which violates these policies.

Occupational Safety and Health

Employees have a duty not to adversely affect their own or any other person's health and safety at work.

Distribution of offensive material that may cause trauma or distress to other employees through the Council's IT systems, or the use of these systems to bully or intimidate other employees may be construed as a breach of the Occupational Safety and Health legislation. This carries a penalty of \$10,000 for an employee who breaches section 19 and \$100,000 for an employer who breaches section 20 of the Occupational Safety and Health Act.

Equal Opportunity

The Equal Opportunity Act 1984 WA prohibits discrimination (on grounds including gender, race and religion) and sexual harassment. Examples of discrimination and harassment include but are not limited to the following:

Referring in emails to a particular class of persons based on their race would be in breach of the EO Act.

The sending of pornographic material to a fellow employee via email constitutes sexual harassment and is in breach of the EO Act.

Defamation

A person defames another if they publish a statement or comment (written or verbal) which is likely to cause an ordinary, reasonable member of the community to think less of that other or to shun or avoid that other. Generally any comments which disparage another person's business or professional acumen, suggest that a person may have committed a crime or refer in a disparaging way to a person's sexual chastity would be considered to be seriously defamatory. Any person who is party to the publication of defamation may be liable for payment of substantial damages.

Personal Use

Reasonable personal use of Council IT resources is permitted (in the user's own time) provided that it does not negatively impact upon the users work performance, hinder the work of others nor make any modification to any IT resource. Such use shall not cause additional cost to the Council.

Reasonable use in a particular circumstance will be a matter to be determined by the user's supervisor.

Restrictions

Users are not permitted to use Council IT Resources to conduct private commercial activities including eBay and similar online auction sites.

Users are not permitted to utilise Council IT resources to access pornographic material or to create, store or distribute pornographic material of any type.

Users are not permitted to utilise the Council's IT resources to gamble or play games.

Users are not permitted to use MP3 download sites such as Kazaa, iTunes, LimeWire.

Consequences

Users found to have breached this policy will be subject to disciplinary action.

Criminal offences will be reported to the Police.

Monitoring

The Council reserves the right to monitor email, internet activity, logs and any electronic files for any reason, including but not limited to, suspected breaches by the user of his or her duties, breaches of Council policy, unlawful activities. The IT Administrator will monitor use of IT systems.

Maintenance

Maintenance of the Council's IT systems is solely the responsibility of the IT Administrator, PCS and delegated officers. Under no circumstance should any other employee attempt to repair hardware or software faults without the express permission of afore mentioned persons.

Access Control

Granting of Access to Information Systems

Access to information systems is controlled by the IT Administrator. Users are granted access on the basis that their use of IT resources shall be responsible, ethical and lawful at all times.

The Supervisor must advise the IT Administrator, before a new employee commences, of the level of system access required to carry out their daily tasks.

As a condition of employment all new employees who have requested access to Internet and/or Internet email are required to complete the policy acceptance form.

Computer Systems

Work Purpose

Computer systems are provided as a tool to support the operations of the Council. Each computer is installed with a standard operating environment plus additional user specific tools.

Personal Use

Limited personal use of computer systems is allowed provided such use is reasonable in terms of time and cost.

Prohibitive Use

Under no circumstance are users to install software or utilities on Council computers that are not licensed and work related. Permission must be obtained from the IT Administrator before installing applications on Council computers.

Under no circumstance are users to install software or utilities sourced from the internet. This includes but not limited to: ICQ, Gator, Neopets, Bonzibuddy, Internet flowers, Web shots and other screensavers.

Under no circumstances are users to install software on Council computers without the prior permission of the IT Administrator.

Internet

Internet costs are incurred based upon the amount of data that is downloaded from the internet and can be significant. The internet also presents a security risk to the Council's operations. The following points are aimed at reducing the cost and risk of providing internet access.

Work Purpose

Users are permitted to access the internet for work related purposes as outlined in each user's internet usage application.

Personal Use

Limited personal use of internet facilities is allowed, such as online banking, travel bookings, browsing, provided such use is reasonable in terms of time and cost.

Prohibited Use

1. Streaming voice and video media is prohibited unless it is proven to be work related.
2. Online games are prohibited.
3. Use of instant messaging applications is prohibited.
4. Use of personal Web Mail is prohibited.

User responsibility

It is the user's responsibility to ensure that any internet site they access is within the bounds of acceptable usage, legal and does not pose a risk to the security of the Council's operations.

Web based applications must be approved by a user's supervisor and the IT Administrator informed of the intended use of the application so that appropriate security measures are taken.

Email

Work Purpose

Email is provided to allow electronic communication with the Council's partners, clients and staff.

Personal Use

Limited personal use is allowed provided such use is reasonable in terms of time and cost and does not interfere with Council business or present a security risk.

Prohibited Uses

1. Users shall not use Council email accounts to conduct a private business.
2. Users shall not execute any attachments received via email that are not work related. Any executable attachment including but not limited to, movies, sound files, documents containing macros, screen savers can harbour viruses.
3. Users shall not use their Council provided email address to subscribe to any subscription service, unless approved by that user's divisional manager.
4. Users shall not send forged messages.
5. Users shall not use someone else's mail address without authorisation.
6. Users shall not send aggressive, rude or defamatory messages.
7. Users shall not transmit sexually explicit material.
8. Users shall not send unsolicited emails (SPAM).
9. Use of personal Web Mail is prohibited.

User Responsibilities

Users shall take care to protect their email address and not unwittingly provide it to any party that may include it in mass mailing lists (SPAM). Correspondence via email should be of the same standard for written communication.

Email, which contains offensive or discriminatory material or language, should be reported to the Senior Finance Officer.

Users shall maintain compliance with any records procedures regarding email.

Copyright

Respect the legal copyright rules. Copyright provisions also relate to downloading of software and documents. Do not distribute or install software without first obtaining approval from the Information Technology Administrator. Always assume website content to be subject to copyright unless stated otherwise.

Records Management

Respect the need to maintain other internal systems. All incoming email should be treated the same as other correspondence that is public record. Emails should be forwarded to the Executive Assistant for processing and referenced for filing purposes. Outgoing emails should also be printed, and treated the same as normal correspondence.

Responsibility

It is the responsibility of an Executive Officer to ensure that this policy is disseminated to staff and properly applied.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None

15. URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council admits the following matters for discussion and decision –

- 15.1 – Tender 2007-04 Grader
- 15.2 – Tender 2007-05 Second-Hand Semi-Trailer Water Tanker
- 15.3 – Tenders 2007-06 to 08 –Railway Station Complex Leases
- 15.4 – Surrender of Lease
- 15.5 – Harmony Gold – Road Train Permit

NOTE – Tenders close at 4.00 pm Monday 15 October 2007. Summaries will be prepared and circulated at the Special Meeting to be held on Wednesday 17 October 2007.

Healthy Community Project presentation

A brief presentation compiled by the Healthy Community Program staff, Leanda Adams and Greg Daniel was shown, to applause and congratulations of Councillors.

15.0 COMMUNITY SAFETY

Further to the Public Question Time, and from discussion, it was noted that –

- that there had been several contributing factors to the unrest and anti-social behaviour,
- the Police staff in Yalgoo had been in upheaval with one person transferred and two on sick leave, resulting in a lack of continuity of knowledge of the area
- some matters should start improving in the very near future with the Police Station being fully staffed, and the new OIC due to commence duties within a few days.

Accordingly, it was suggested that the CEO –

- meet with the new Yalgoo Police OIC at the earliest opportunity
- also contact senior Police at Geraldton Police Station expressing concern about the inability to contact by phone, particularly at night
- contact other departments or agencies as appropriate to obtain services and assistance to support the community

Mr R Adams left the meeting at 3:30pm and returned at 3:33pm

Cr E Taylor left the meeting at 3:49pm

Cr L Hodder left the meeting at 3:50pm

ADJOURNMENT

The meeting adjourned at 3:50pm and resumed at 4:00pm with those present before the adjournment present once again with the exception of Cr DJ Grey and Mr R Adams.

Cr DJ Grey had declared a financial interest in item 15.3, the nature of the interest being he is a lease applicant.

15.3 TENDERS 2007-06 to 08 – OLD RAILWAY STATION LEASES

File: T5 2007-06 to 08
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 18 October 2007
 Attachments: None

MATTER FOR CONSIDERATION

Tenders for the lease of the three areas of the Old Railway Station Complex.

BACKGROUND

The calling of tenders was authorised at the September Council Meeting, advertised on 29 September 2007 and closed at 4.00 pm 15 October 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
 - s.3.57 – calling of tenders
 - s.3.58 – disposition of property

STRATEGIC IMPLICATIONS

Delay in acceptance of tenders.

POLICY IMPLICATIONS

Council's Purchasing Policy

FINANCIAL IMPLICATIONS

Cost of additional advertising.

CONSULTATION

Philip Mavor, Civic Legal

COMMENT

Tenders were advertised in accordance with the Local Government Act and Regulations.

On the morning of Monday 15 October 2007, a fax was received from Phillips Fox, acting on behalf of Mr Barry Horsman, expressing concern that the documentation for the leases was still in a state of preparation, and had not been finalised. The fax sought assurance that Mr Horsman would not be disadvantaged.

Given the concern expressed by Phillips Fox, the process was referred to Civic Legal for guidance. The recommendation of Civic Legal is that the acceptance of tenders be delayed until the documents are fully ready.

The tender box was opened at 4.00 pm on Monday 15 October to access the tender documents for the grader and water tanker, in the presence of –

- Ross McDonald, Westrac
- Cliff Hodder, Works Foreman
- Des Hodder and Andrew Scrivener, works staff

All tenders received for the Old Railway Station Complex were immediately sealed together in a separate envelope, without reading the submitted documents.

As discussed at the previous meetings, it was known that the timeframes for all documentation to be 100% completed, was going to be extremely tight, and this has proven to be the case, with completed documents unable to be achieved prior to close of tender. The changes made from the original drafts, have the effect of reducing the requirements on potential lessees as well as clarifying various aspects, and making administrative corrections.

Council's direction on several matters was being sought at the Special Meeting of 17 October 2007, which will necessitate several further amendments. Once these are made, I am not aware of any further changes that will be necessary, other than to tailor the document to the successful lessee's requirements, e.g. term, options, address for notice etc.

Although the delay is disappointing, and will put some pressure on the successful lessee/s once a decision is made, there is no urgent requirement for either Tearooms or Office/Shop to be open or be in operation immediately or on the first available day. However, it is important to ensure continuity of the fuel supply, and subject to the agreed date for commencement of the new lease, this could be negotiated between the current lessee and the successful tenderer.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1023 Tenders – Old Railway Station Leases

Moved Cr DP Morrissey, Seconded Cr EC Rowe

- (1) Subject to confirmation of validity by Civic Legal, the requirement to provide either a Bank guarantee or fuel company guarantee of supply, remain as a discretionary right of Council prior to acceptance of a tender for lease of the 24 Hour Fuel Station, but that a guarantee not be required for either the Tearooms or Office & Retail Leases.**
- (2) That following completion of the draft lease documents, tenders for the lease of the 24 Hour Fuel Station, Tearooms, and Office & Retail areas of the Old Railway Station Complex, be recalled, with previous tenders to be eligible for consideration, subject to the tenderer's confirmation of details.**
- (3) That, subject to the agreed commencement date of the new lease for the 24 Hour Fuel Station by the accepted tenderer and in consultation with them, the CEO be authorised to make arrangements for the continuation of the fuel supply with Corvino Pty Ltd.**

Motion put and carried 6/0

Cr LJ O'Connor left the meeting at 4:16pm and returned at 4:17pm.

15.4 RAILWAY COMPLEX – SURRENDER OF LEASE

File: F6-3
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 16 October 2007
Attachments: Draft surrender of lease document

MATTER FOR CONSIDERATION

To authorise the signing and sealing of surrender of the current single lease arrangement for the Old Railway Station Complex covering.

BACKGROUND

In August 2007, Corvino Pty Ltd requested that the current lease be terminated by mutual agreement, which was agreed to by Council at the September Meeting, Resolution C2007-0837.

STATUTORY ENVIRONMENT

Formal surrender of the current lease.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of preparation of the Surrender document

CONSULTATION

Mr Darryl Grey, Director Corvino Pty Ltd

COMMENT

The Draft Surrender of Lease document was received on Tuesday 16 October 2007, and formalises the agreement reached between Corvino Pty Ltd and the Shire to terminate the current lease, as resolved.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1024 Railway Complex – Surrender of Lease

Moved Cr EF Taylor, Seconded Cr LJ O'Connor

That the Surrender of Lease for the Yalgoo 24 Hour Fuel Station by mutual agreement, between Corvino Pty Ltd and the Shire of Yalgoo, be approved, and that the President and CEO be authorised to affix the Common Seal to the Surrender.

Motion put and carried by an absolute majority 6/0

Cr D Grey rejoined the meeting at 4:20pm.

16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

None

17. MEETING CLOSURE

The President thanked Cr Elaine Taylor for her service to Council since 1992 and presented her with a Certificate of Appreciation on behalf of Council.

Cr Taylor said that she had enjoyed being on Council and having the opportunity to put her views forward.

There being no further business, the President declared the meeting closed at 4:25pm

DECLARATION

These minutes were confirmed by Council at the Ordinary meeting held on _____

Signed _____
Person presiding at the meeting at which these minutes were confirmed