



UNCONFIRMED MINUTES
OF THE SPECIAL MEETING OF COUNCIL
AS RESUMED
ON MONDAY 1 JULY 2013
AT 10:00am

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Yalgoo for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Yalgoo disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Yalgoo during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Yalgoo. The Shire of Yalgoo warns that anyone who has an application lodged with the Shire of Yalgoo must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Yalgoo in respect of the application.

CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	2
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	2
3.	DISCLOSURE OF INTERESTS.....	3
4.	PUBLIC QUESTION TIME	3
4.0	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	3
4.1	QUESTIONS WITHOUT NOTICE.....	3
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
6.	BUSINESS AS NOTIFIED	3
6.0	Purpose of Meeting.....	3
6.1	Regional Development Australia Funding – Round Five	4
	C2013-0701 RDAF Round 5 Approve Project to Upgrade Sports Ground Facility, Yalgoo North Road	6
	C2013-0702 To Change the RDAF Round 5 Project Name to the “Yalgoo Community Clubhouse”	7
	C2013-0703 To Change the RDAF Round 5 Project Name to the “Yalgoo Community Sporting Clubhouse	7
	C2013-0704 RDAF Round 5 Approve Project to Upgrade Sports Ground Facility, Yalgoo North Road	8
	C2013-0705 RDAF Round 5 Approve Budget Allocation 2013-14	8
7.	URGENT BUSINESS	9
8.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	9
8.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	9
	Local Government Act 1995	9
	Local Government (Rules of Conduct) Regulations 2007.....	10
8.1	Consideration of a matter relating to a contract 5.23 (2) (c)	11
	C2013-0706 Close Meeting to the Public.....	11
	C2013-0707 Open Meeting to the Public.....	11
	C2013-0708 Private Capital Works Agreement for Widening of Yalgoo Ninghan Road	11
9.	NEXT MEETING	12
10.	MEETING CLOSURE	12



**Unconfirmed Minutes of the Special Meeting of the Yalgoo Shire Council,
resumed Monday, 1 July 2013, in Yalgoo Shire Chambers at 10:00am**

In the absence of an Absolute Majority, Shire President, Terry Iturbide declared the Special Meeting held in the Yalgoo Shire Chambers, 37 Gibbons Street, Yalgoo on Thursday, 27 June 2013, commencing at 4:00 pm, open at 4:07pm and adjourned the meeting at 4:31pm in accordance with Local Government (Administration) Regulation 8 (a).

The President instructed the CEO to issue a notice that the meeting would resume at 10:00am on Monday, 1 July 2013 at the Yalgoo Shire Chambers.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President, Terry Iturbide declared the Special Meeting open at 10:00am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Terry K Iturbide, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Laurence Hodder Cr Stanley Willock
STAFF	Samantha Tarling, Acting CEO Heather Boyd, Deputy CEO Ron Adams, Project Executive Pip Parsonson, Community Youth Development Officer Karen Malloch, Executive Assistant
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr Neil A Grinham

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting.

4. PUBLIC QUESTION TIME

4.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.1 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 8.1 Consideration of a matter regarding a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting 5.23 (2) (c).

6. BUSINESS AS NOTIFIED

6.0 Purpose of Meeting

The Purpose of the Special Meeting is to:

1. To authorise private works funded by Sinosteel to prepare the Yalgoo Ninghan Road for Sinosteel's proposed restricted access vehicle haulage task.
2. To determine a project for funding of \$132,000 under the recently announced allocation of Regional Development Australia Fund (RDAF) Round 5.

6.1 Regional Development Australia Funding – Round Five

File:	ADM491
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	26 June 2013
Attachments	p RDAF guidelines

Matter for Consideration

To consider proposing project/s to apply for funding under the Regional Development Australia Fund (RDAF) Round 5.

Background

The Department of Regional Australia, Local Government, Arts and Sport through the Regional Development Australia Fund have released round five funding for suitable infrastructure projects.

The Shire of Yalgoo's allocation of this funding is \$ 132,299.

The Shire is required to present a business case on a suitable project within the Departments Guidelines.

The Federal government has strict guidelines in the use of this funding and can only be used to build and renew community infrastructure. Sporting facilities, libraries, town halls, playgrounds and essential community services such as child care facilities.

The Federal government's intent with these projects is to boost local economies and create more jobs.

There is funding constraints and eligibility criteria that must be adhered to in order to access this grant.

All of these criteria are outlined in the guidelines that are attached. Applications for this program open on 21 June 2013 and close on 22 July 2013.

Council has a Forward Capital Works program currently in place and various projects at different stages of development in order to establish "turn key projects".

The Shire is developing a Strategic Community Plan that has been informed by extensive community consultation as part of the Integrated Strategic Planning Framework requirement to come into practice in the new financial year, although not fully adopted by council. At this time it is in draft form and will be presented to Council in July. Part of this plan requires extensive community consultation and this process has been completed.

A cricket pitch, football oval and associated amenities have been listed in the plan and have been mentioned at the last electors meeting.

The Shire has not identified funding at this stage to achieve this project. Although not funded in the forward capital works a project of this scope is not beyond Yalgoo's capabilities and deliverables to the community.

Statutory Environment

Local Government Act 1995

s.3.1 (1) the general function of the local government is to provide for the good government of persons in its district.

S.6.8 Expenditure from municipal fund not included in annual budget

(a) Is incurred in a financial year before the adoption of the annual budget

(b) Is authorised in advance by resolution

Strategic Implications

Provision of infrastructure that is of high value to the community and is of potential regional benefit.

Policy Implications

Nil

Financial Implications

Cost to develop the project as a turnkey project, this will be allowed for in the Shire's 2013/14 Annual Budget.

Utilising the grant from the Federal Government will have an income and expenditure outcome in the 2013-14 Annual Budget of \$132,299.

Consultation

- Sharon Daishe, CEO
- Samantha Tarling, ACEO
- Heather Boyd, DCEO
- Pip Parsonson, CDO

Comment

The Shire's executive staff has reviewed the projects that are identified in the forward capital works plan for funding this year. It is important to choose a project that fits the RDAF guidelines, and can be absorbed in the work program.

The following project, which meets the eligibility profile of the RDAF Round 5 grant, is recommended for consideration:

1. Install oval including reticulation from the WaterWise Retic Infrastructure.
2. Install new cricket pitch and cover at "Original Recreation Ground"
3. Develop social meeting place infrastructure including shelter, amenities and potentially a Men's Shed.

Due to the complex nature of the application and the extremely short time frame the CEO will engage Tammy King of Grants Empire to write the application and supporting business case and plans.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AMENDED

C2013-0701 RDAF Round 5 Approve Project to Upgrade Sports Ground Facility, Yalgoo North Road

That Council:

- 1. Approves the project of “Sports Ground Facilities Upgrade” at the original sporting ground on the eastern side of the Yalgoo North Road to be included in the Forward Capital Works Plan including redevelopment of oval, cricket pitch and social infrastructure; and**
- 2. Authorises the CEO to prepare a business case and apply for funding from the Regional Development Australia Fund (RDAF) Round 5 for the above project; and**
- 3. Authorises the President and CEO to execute the funding agreement by affixing the Common Seal; and**
- 4. Requests the CEO to use the RDAF funds to leverage other funding to enhance this project (eg: for construction of a Men’s Shed); and**
- 5. Requests the CEO to present to Council in due course the detailed project plan with line item budget and timelines.**

Moved: Cr MR Valenzuela

Seconded: Cr S Willock

THE ORIGINAL MOTION AS AMENDED**C2013-0704 RDAF Round 5 Approve Project to Upgrade Sports Ground Facility, Yalgoo North Road****That Council:**

6. Approves the project of “Sports Ground Facilities Upgrade” at the original sporting ground on the eastern side of the Yalgoo North Road to be included in the Forward Capital Works Plan including redevelopment of oval, cricket pitch and social infrastructure; and
7. Authorises the CEO to prepare a business case and apply for funding from the Regional Development Australia Fund (RDAF) Round 5 for the above project; and
8. Authorises the President and CEO to execute the funding agreement by affixing the Common Seal; and
9. Requests the CEO to use the RDAF funds to leverage other funding to enhance this project (eg: for construction of a Community Sporting Clubhouse); and
10. Requests the CEO to present to Council in due course the detailed project plan with line item budget and timelines.

Moved: Cr MR Valenzuela

Seconded: Cr S Willock

THE ORIGINAL MOTION AS AMENDED

WAS PUT AND CARRIED 3/1

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**C2013-0705 RDAF Round 5 Approve Budget Allocation 2013-14****That Council:**

1. Authorises the CEO to expend up to \$3000 for the development of a business case for the renewal/upgrade of recreational facilities at the original sports ground site and include in the 2013/14 Annual Budget; and
2. Authorises the income and expenditure of \$ 132,299 in the 2013/14 Annual Budget - Regional Development Australia Funding –Round Five.

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried by absolute majority 4/0

7. URGENT BUSINESS

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971* ; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

(2) Without limiting subsection (1), a council member can have access to —

- (a) all written contracts entered into by the local government; and
- (b) all documents relating to written contracts proposed to be entered into by the local government.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

6. Use of information

(1) In this regulation —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

(2) A person who is a council member must not disclose —

- (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subregulation (2) does not prevent a person who is a council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

8.1 Consideration of a matter relating to a contract 5.23 (2) (c)

The agenda item is provided to councillors separately under confidential cover.

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0706 Close Meeting to the Public

That the meeting be closed to the public to discuss a matter relating to a contract (LGA s. 5.23 (2) (c)).

Moved: Cr MR Valenzuela

Seconded: Cr S Willock

Motion put and carried 4/0

The meeting was closed to the public at 10:24am.

Remaining in the meeting were all those who were previously in attendance.

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0707 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr MR Valenzuela

Seconded: Cr S Willock

Motion put and carried 4/0

The meeting was reopened to the public at 10:28am.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0708 Private Capital Works Agreement for Widening of Yalgoo Ninghan Road

That Council:

1. Authorises the CEO to negotiate an agreement for Sino Steel to pay the Shire to carry out a project to widen and seal to 8 metres the section of the Yalgoo Ninghan Road that is between the Minjar Haul Road intersection and the Golden Grove mine site; and
2. Authorises the President and the CEO to execute the agreement by affixing the Common Seal to the contract between the Shire of Yalgoo and Sino Steel; and
3. Authorises income and expenditure to the total of \$1.2M to be included in the 2013-14 Annual Budget.

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried by absolute majority 4/0

9. NEXT MEETING

The Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 18 July 2013 commencing at 11.00 am.

10. MEETING CLOSURE

There being no further business, the President Terry Iturbide declared the meeting closed at 10.29am.

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