

SHIRE OF KOJONUP

# Kojonup



## MINUTES

Special Council Meeting

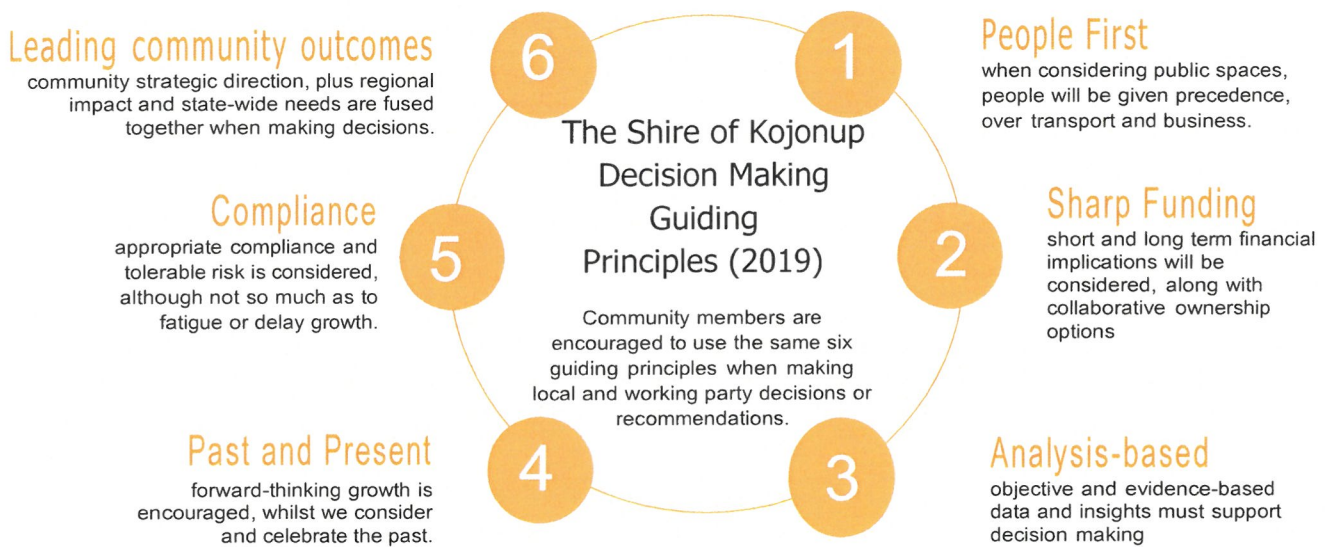
23 August 2022

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 23 AUGUST 2022

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.



## MINUTES

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Deputy Shire President declared the meeting open at 3.02pm and drew the meeting's attention to the disclaimer below:

#### *Disclaimer*

*No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.*

*The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.*

*Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.*

#### **Acknowledgement of Country**

*The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.*

*We pay our respect to their Elders past, present and emerging.*

#### **Prayer – Cr Gale**

*Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elizabeth. Grant to her good health and strength in the executing of her duties.*

*We pray for all Ministers and Cabinet members of the Australian Federal and State Government. Grant to them wisdom in the welfare of Australia, so that truth and justice is established for all Australians.*

*Lastly Gracious Father, we pray for ourselves. We ask that you might grant to us the ability to speak with integrity and to work with uncompromising diligence. Grant to us the wisdom to make good decisions, remembering that we are one community. Grant to us the good humour to keep things in perspective in a community that is a diverse population.*

*We ask that we might always be mindful of the safety and welfare of the people of Kojonup. Grant to all who serve on public committees the ability to listen and work together with mutual respect for one another. Bless us with the personal joy of knowing that we have done our best.*

2 **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil

3 **ATTENDANCE**

**COUNCILLORS**

Cr P Webb

Deputy Shire President

Cr F Webb

Cr Wieringa

Cr Gale

Cr R Bilney

Cr A Egerton-Warburton

**STAFF**

Grant Thompson

Chief Executive Officer

Emily Sleight

Sport and Recreation Officer

3.1 **APOLOGIES**

Nil

3.2 **APPROVED LEAVE OF ABSENCE**

Cr Radford

Cr Singh

4 **DECLARATION OF INTEREST**

Cr Wieringa declared an impartiality interest in item 14.1.1 and remained in the meeting but did not participate in item 14.1.1.

5 **PUBLIC QUESTION TIME**

Questions may be submitted using the special email address for Council Meeting Public Question Time being [cmpqt@kojonup.wa.gov.au](mailto:cmpqt@kojonup.wa.gov.au)

The Chief Executive Officer will table all correspondence received.

5.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

5.2 **PUBLIC QUESTION TIME**

Nil

6 **CONFIRMATION OF MINUTES**

Nil

7      PRESENTATIONS

- 7.1      PETITIONS  
         Nil
- 7.2      PRESENTATIONS  
         Nil
- 7.3      DEPUTATIONS  
         Nil
- 7.4      DELEGATES' REPORTS  
         Nil

8      METHOD OF DEALING WITH AGENDA BUSINESS

9      REPORTS

- 9.1      KEY PILLAR 1 – 'PLACE' REPORTS  
         Nil
- 9.2      KEY PILLAR 2 – 'CONNECTED' REPORTS  
         Nil
- 9.3      KEY PILLAR 3 – 'PERFORMANCE' REPORTS  
         Nil
- 9.4      KEY PILLAR 5 – 'PROSPERITY' REPORTS  
         Nil
- 9.5      KEY PILLAR 5 – 'DIGITAL' REPORTS  
         Nil

10     APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11     MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12     QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13     NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

**14 MEETING CLOSED TO THE PUBLIC**

**14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**14.1.1 143 ALBANY HIGHWAY, KOJONUP – LEASE**

<b>AUTHOR</b>	Grant Thompson – Chief Executive Officer
<b>DATE</b>	Wednesday, 17 August 2022
<b>FILE NO</b>	CP.LEA.1

**14.1.2 143 ALBANY HIGHWAY, KOJONUP – ASSET PLAN**

<b>AUTHOR</b>	Grant Thompson – Chief Executive Officer
<b>DATE</b>	Wednesday, 17 August 2022
<b>FILE NO</b>	CP.LEA.1

**STATUTORY REQUIREMENTS**

*Section 5.23(2) of the Local Government Act 1995* permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (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; and
- (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; and
- (e) a matter that if disclosed, would reveal —
  - (i) a trade secret; or
  - (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; and
- (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; or
  - (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; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting and the reason for the decision to be recorded in the minutes.

PROCEDURAL MOTION

82/22 Moved Cr F Webb

Seconded Cr Gale

That the meeting proceed behind closed doors in accordance with Section 5.23(2) (c) of the *Local Government Act 1995* at 3.08pm.

CARRIED 6/0

PROCEDURAL MOTION

86/22 Moved Cr F Webb

Seconded Cr Gale

That the meeting be reopened to the public at 3.36pm.

CARRIED 6/0

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14.2.1 143 ALBANY HIGHWAY, KOJONUP – LEASE

OFFICER RECOMMENDATION/COUNCIL DECISION

83/22 Moved Cr Gale

Seconded Cr F Webb

That Council:

Subject to no public submissions being received, proceed in accordance with Section 3.58 of the *Local Government Act 1995* to lease the Black Cockatoo Café to the Kodja Place Community Fund Inc., as the successful respondent, for an initial term of three (3) years with a further option of three (3) years in accordance with the terms and conditions as mutually agreed and executed.

CARRIED 4/1

*Cr Bilney requested his vote in the negative be recorded*

14.2.2 143 ALBANY HIGHWAY, KOJONUP – ASSET PLAN

OFFICER RECOMMENDATION:

That Council:

Endorse the transition strategy outlined in this report to ensure the contractual arrangements are executed in the least disruptive manner and delegate authority to the CEO and Cr Bilney to negotiate the contractual arrangements as outlined in this report within a payment range of \$50,000 to \$100,000.



**COUNCIL DECISION**

Moved Cr Gale

Seconded Cr Egerton-Warburton

That Council:

Endorse the transition strategy outlined in this report to ensure the contractual arrangements are executed in the least disruptive manner and delegate authority to the CEO and Cr Bilney to negotiate the contractual arrangements as outlined in this report within a payment range of \$50,000 to \$100,000.

**AMENDMENT TO THE MOTION**

84/22 Moved Cr Bilney

Seconded Cr Gale

That the motion be altered to replace Cr Bilney with the Shire President or Deputy Shire President as party to the contractual negotiations and the payment range be removed.

CARRIED 6/0

**THE AMENDMENT BECAME PART OF THE MOTION AND WAS PUT**

85/22 Moved Cr F Webb

Seconded Cr Wieringa

That Council:

Endorse the transition strategy outlined in this report to ensure the contractual arrangements are executed in the least disruptive manner and delegate authority to the Chief Executive Officer and the Shire President or Deputy Shire President to negotiate the contractual arrangements for a seamless transition to be brought back to the Council for ratification.

CARRIED 6/0

***Reason for change to Officer Recommendation:***

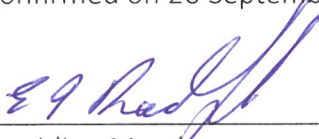
*Council requested contractual negotiations and any costs this may present to Council be ratified at a future meeting. Council noted that the expectation on the Chief Executive Officer is to ensure negotiations are to remain dignified and respectful.*

**15 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.37pm.

- 16 ATTACHMENTS (SEPARATE)  
Nil

Confirmed on 20 September 2022 as a true record –

  
\_\_\_\_\_  
Presiding Member

20/9/2022  
Date