

**2021**

# MINUTES

**Shire of Koorda**

**30/08/2021**

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# SHIRE OF KOORDA MINUTES

**FOR THE SPECIAL MEETING OF COUNCIL**  
Held in the Council Chambers, 10 Haig Street,  
Koorda, on Monday 30 August at 4.30pm

## 1 DECLARATION OF OPENING

The Presiding Person declared the meeting open at 4.30pm.

## 2 RECORD OF ATTENDANCE

### 2.1 Record of Attendance:

CR JM Stratford	President
CR GL Boyne	Councillor
CR LC Smith	Councillor
CR RDG Storer	Councillor

Mr Darren Simmons	CEO
Miss Lana Foote	DCEO

### 2.2 Apologies:

### 2.3 Approved Leave of Absence:

Cr PL McWha and Cr BG Cooper

**PRESIDENT TO DRAW THE DISCLAIMER TO THE PUBLIC'S ATTENTION**  
**(If members of the public present)**

## 3 QUESTION TIME FOR THE PUBLIC

(Please note: Being a special meeting of Council, any questions must relate to the purpose of the meeting being consideration of proposed leasing arrangements between CBH Group and Shire of Koorda).

### 3.1 Public Question Time Open

### 3.2 Public Question Time Closed

## 4 DECLARATIONS OF INTEREST

### Cr GL Boyne

Financial – Closely associated (spouse) with a shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

Cr RDG Storer

Financial – A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

Cr JM Stratford

Financial – A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

Proximity – Resides directly over the road of the site that is subject of the proposed leasing locations being a CBH Workers and short stay holiday accommodation (being 46 Scott St, Koorda).

***As all three of the disclosing Councillors were required to achieve a quorum, the CEO applied for statutory approval under s5.69(3) of the Local Government Act 1995. Accordingly, approval to participate has been provided to Cr Gina Boyle (SIC), Cr Jannah Stratford and Cr Robert (George) Storer.***

***Details of this approval have been included within these minutes in the preamble to item 5 below.***

<b>5</b>	<b>MATTERS FOR WHICH MEETING MAY BE CLOSED</b>
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Cr GL Boyne disclosed a financial interest in item 5.1 *Proposed Leasing Arrangement Between CBH Group and Shire of Koorda* being a closely associated (spouse) with a shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

Cr RDG Storer disclosed a financial interest in item 5.1 *Proposed Leasing Arrangement Between CBH Group and Shire of Koorda* being a shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

Cr JM Stratford disclosed a financial interest in item 5.1 *Proposed Leasing Arrangement Between CBH Group and Shire of Koorda* being a shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

Cr JM Stratford also disclosed a proximity interest in item 5.1 *Proposed Leasing Arrangement Between CBH Group and Shire of Koorda* as she resides directly over the road of the site that is subject of the proposed leasing locations being a CBH Workers and short stay holiday accommodation (being 46 Scott St, Koorda).

***As all three of the disclosing Councillors are required to achieve a quorum. Accordingly, approval to participate is provided to Cr Gina Boyle (SIC), Cr Jannah Stratford and Cr Robert (George) Storer.***

***“This approval allows the above members to fully participate in the discussion and decision making relating to the following item at the Shire's Special Council Meeting of 30 August 2021:***

**5.1 PROPOSED LEASING ARRANGEMENT BETWEEN CBH GROUP AND SHIRE OF KOORDA**

**Subject to the following conditions:**

- 1. The approval is only valid for the 30 August 2021 Special Council Meeting when agenda item 5.1 is considered;**
- 2. This approval is granted to the extent that the abovementioned Councillors can consider and make resolutions on the following:**
  - a. Legal advice provided by Mcleods Barristers and Solicitors on the proposed MOU between Co-operative Bulk Handling Limited (CBH) to develop accommodation units for workers and holiday accommodation within the district.**
  - b. Whether to continue negotiations on the draft MOU/Lease for 46 Scott Street.**
  - c. Whether to apply to the minister for Lands to alter the reserve purpose for Crown reserve 20135.**
  - d. Whether to enter a short-term lease (8 months) with CBH as an emergency grain storage facility for this year's harvest.**
- 3. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;**
- 4. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;**
- 5. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;**
- 6. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and**
- 7. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.”**

**Council Decision  
OFFICER RECOMMENDATION**

**Moved CR RDG Storer**

**Seconded CR GL Boyne**

**That Council close the meeting to the public at 4.33 pm in accordance with section 5.23(2)(a) (c) and (d) of the Local Government Act 1995 as the matters to be discussed relate to contracts and legal advice.**

**PUT & CARRIED: 4/0  
RESOLUTION NO: 090821**

**4.34pm SUSPEND STANDING ORDERS**

**Moved CR LC Smith**

**Seconded CR GL Boyne**

**That standing orders be suspended to discuss item *5.1 Proposed Leasing Arrangements Between CBH Group and Shire of Koorda.***

**PUT & CARRIED: 4/0  
RESOLUTION NO: 100821**

**5.08pm RESUMPTION OF STANDING ORDERS**

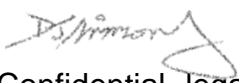
**Moved CR RDG Smith**

**Seconded CR GL Boyne**

**That standing orders be resumed as per attendance register.**

**PUT & CARRIED: 4/0  
RESOLUTION NO: 110821**

## 5.1 **PROPOSED LEASING ARRANGEMENTS BETWEEN CBH GROUP AND SHIRE OF KOORDA**

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	WALGA Region
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM0066
<b>Disclosure of Interest:</b>	No interest to be declared by the CEO Ministerial approval to be sought for item to be discussed
<b>Author:</b>	Darren Simmons, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Confidential legal advice correspondence will be provided to Councillors under separate cover.

### **\*\*CONFIDENTIAL\*\***

The relevant provision from the Local Government Act 1995 states:

#### **5.23. Meetings generally open to 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 —
  - (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;
- (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.

**Voting Requirement:**

Simple Majority

**Council Decision**

**Moved CR RDG Storer**

**Seconded CR LC Smith**

**That Council:**

- 1. Receives and notes the confidential legal advice as tabled at the Special Meeting held on 30 August 2021;**
- 2. Authorises the Chief Executive Officer to continue negotiations with CBH Group, based on the discussions at the Special Council Meeting held 30 August 2021, on the draft MOU/Lease for 46 Scott Street with a revised draft being presented for consideration at a future meeting of Council, noting that an agreed lease will be subject to the consent of the Hon Minister for Lands and the outcome of resolution #3 below;**
- 3. Applies to the Hon Minister for Lands to change the purpose of Reserve 20135 to permit the use of 46 Scott Street, Koorda for ‘workers accommodation and short-stay accommodation’ in line with ‘Schedule 4 – Special Use Zones’ of the Shire of Koorda Local Planning Scheme No. 3; and**
- 4. Agrees to lease Lots 402 and 32 Price, Street, Koorda for emergency grain storage from 1 September 2021 to 30 April 2022 and authorises the Chief Executive Officer to sign the ‘Agreement to Lease’ document between the Shire of Koorda and Co-operative Bulk Handling Limited (CBH) on the condition that CBH supply the Shire with a traffic management plan to the satisfaction of the Chief Executive Officer.**

**PUT & CARRIED: 4/0  
RESOLUTION NO: 120821**

**Council Decision**

**OFFICER RECOMMENDATION**

**Moved CR GL Boyne**

**Seconded CR RDG Storer**

**That Council re-open the meeting to the public at 5.11pm.**

**PUT & CARRIED: 4/0  
RESOLUTION NO: 130821**



**6 CLOSURE**

The Presiding Person thanked Councillors and Staff for their attendance and declared the meeting closed at 5.11pm.

Signed .....

Presiding Person at the meeting at which the minutes were confirmed

Date: 15 September 2021

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