



SHIRE OF KOJONUP

## MINUTES

Ordinary Council Meeting

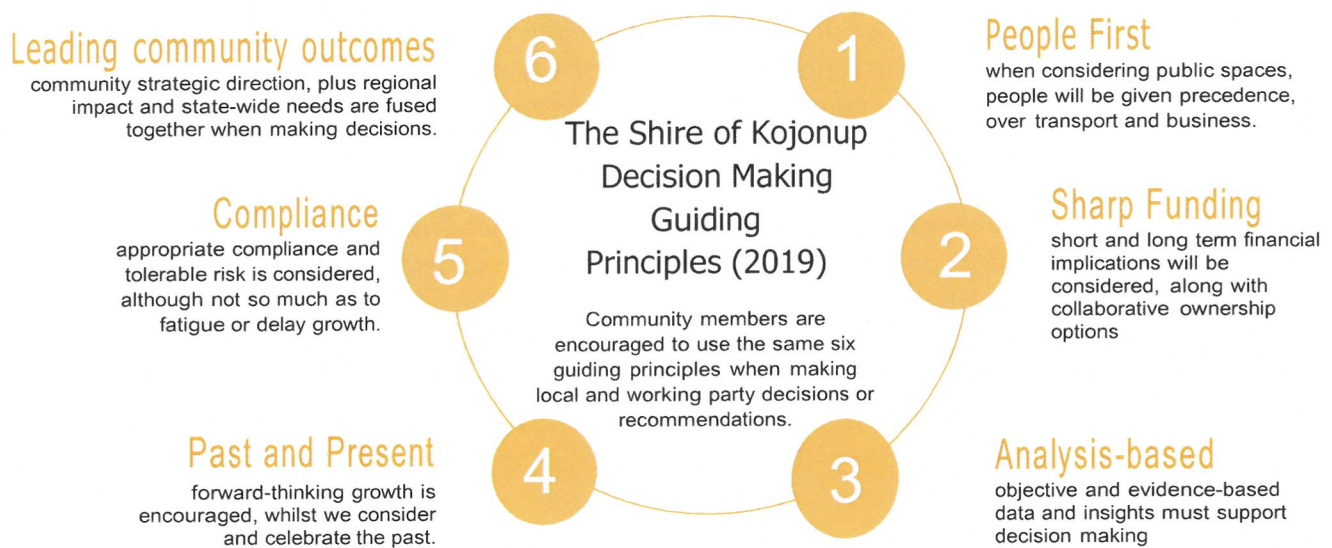
25 November 2025

MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 25 NOVEMBER 2025  
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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 Shire President shall declare the meeting open at 3:00pm and draw 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**

*Almighty God, we pray for wisdom for our reigning monarch King Charles.*

*We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.*

*Grant us grace to listen and work together as a Council to nurture the bonds of one community.*

*Amen*

**2     ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil

**3     ATTENDANCE  
COUNCILLORS**

Cr Bilney  
Cr Mathwin  
Cr Radford  
Cr Mickle  
Cr Michael  
Cr Mitchell  
Cr Wieringa

Shire President  
Deputy Shire President

**STAFF**

Grant Thompson  
Jill Johnson  
Annabelle Harvey  
Estelle Lottering

Chief Executive Officer  
Manager Finance Corporate Community  
Human Resource Advisor  
Manager Regulatory Services

**Guests**

Ross Goodall  
Paul Webb  
Tony Fisher

**3.1   APOLOGIES**

Nil

**3.2   APPROVED LEAVE OF ABSENCE**

Nil

**4     DECLARATION OF INTEREST**

Nil

**5     PUBLIC QUESTION TIME**

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

Not Applicable

## 5.2 PUBLIC QUESTION TIME

Refer to attached Correspondence from Community Member Mr Paul Webb, [attachment 5.2.1.](#)

1. Is the Shire aware of the current fuel load situation in the Myrtle Benn Flora and Fauna Sanctuary?

**Answer in Meeting:** Yes, the Shire is aware and we have put in a mitigation plan for a round of funding last year outlining what those mitigations should be. Obviously, the sensitivities and the issues related to Myrtle Benn have created an access and a permission issue to undertake the works. So yes, the Shire is very aware of the fuel load situation.

2. Does the Shire have a planned program (such as hazard-reduction burning, mechanical slashing/mulching or other mitigation works) to reduce the fire risk in the reserve before the 2025/26 fire season? If so, could you please advise the timing and scope of any proposed works?

**Answer in Meeting:** The Shire has had a plan for some time now. As far as the timing and the scope goes, the timing is dependent on permission from the Wagyl Kaip Southern Noongar Aboriginal Corporation and the local traditional owners and the relevant approvals that is required.

The Shire has a meeting tomorrow night to discuss this exact issue, and we do have immediate plans to, if we do get permission to go in there and resolve the weed issue as soon as practical for this season.

And then follow up in the non-prohibited season to do the rest of the mitigations that we've got grant money to do it. So yes, there is a plan, the timing is very dependent on permission that we're going to ask for at a meeting tomorrow night.

3. In the event that a fire originates in, or is significantly worsened by fuel within the Myrtle Benn Sanctuary, who is ultimately responsible (legally and financially) for damage caused to private property, infrastructure or the community - the Shire of Kojonup, the Department of Biodiversity, Conservation and Attractions, or another entity?

**Answer in Meeting:** For clarity, the land is vested in the Shire. There are six reserves in the area that the Shire is responsible for managing.

Liability is another question, and it depends on different circumstances, particularly where the source of the fire comes from. And of course, what the negligence is around that. So, it's a difficult one to answer because liability obviously rests with the landowner, but at the same time it depends on the circumstances of the fire so whilst we would never admit liability, at the end of the day, the land is vested in the shore and therefore it's our responsibility to manage.

**4. Has the Shire got an evacuation plan for Springhaven, the Hospital and town?**

**Answer in Meeting:** The Shire has a Local Emergency Management Arrangement (LEMA) that incorporates all the different organisations. The Shire's also got a Local Emergency Management Committee (LEMC) and the committee itself discusses evacuation plans and does desktop exercises on a regular basis.

But each of the organisations that are within the surrounds of that area have their own plans for evacuation that includes Spring Haven, the Hospital, the Medical Centre and above mentioned for the town itself, the Shire has one through the Local Emergency Management committee.

The Shire has evacuation centers (muster points) both in Boyup-Brook and Katanning for any evacuation of the town, but at the end of the day, the Shire works with those other organisations who's got their own plans in place to evacuate because of the complexity around the palliative care, the aged care facility and moving people is always complex and difficult.

**5. Why has it taken so long to undertake the mitigations at Myrtle Benn?**

**Answer in Meeting:** The Shire has commitments related to the Aboriginal Heritage Act to undertake a cultural survey of the reserves. As commitments have been made not to undertake further work as material Aboriginal cultural sites have been identified in the reserves. The process to undertake surveys and identify the sites has taken time.

**6. Question by Ross Goodall: Why are regulations so constraining?**

**Answer in Meeting:** The Shire is endeavouring to fulfill its obligations under the legal framework we operate under. We take our responsibilities seriously as the community is vulnerable to the consequences of inaction.

The Shire is trying to apply the regulations consistently to all residents. Our focus is to educate and trying not to impose these regulations too harshly. It will be a long-term journey.

There is resistance however that is because some people don't do the right thing. We need to work, educate everybody in the community.

The Shire is constantly under pressure to enforce the regulations from the relevant departments. In this day and age of transparency the Shire is highly visible to the state government for our enforcement functions.

**7. Question by Tony Fisher: Is the Shire aware of the illegal dumping of rubbish in reserves and if you are what are you doing about it?**

**Answer in Meeting:** The Shire is very aware of the illegal dumping of rubbish. We are trying to do everything in our power to identify the people that do it and to reduce the frequency of it.

We have cited infringements on people and will continue to do so. The Shire will investigate and act on picking the rubbish picked up.

The Shire has taken this on board and will act.

**8. Question by Tony Fisher: The Shire has an EHO appointed, what are they doing to educate and engage the community?**

**Answer in Meeting:** Clarity requested that it is the Environmental Health Officer not Occupation Safety Officer, Yes this is the case.

The direction to the EHO is to make sure the Shire is educating people and that means being front and centre, being accountable to the Community and being out there talking to people. Obviously, there are ways and means that can do that in a better way.

The community will see better communications and education over the few years in the Environmental Health Officer space. The Shire shares the EHO with Katanning, 2/5 of the role to Kojonup 3/5 to Katanning.

**9. Question by Paul Webb: Who fixed the potholes on Jingalup Road and why have they only done some of the potholes and passed others?**

**Answer to question Taken on Notice:** The Shire engaged a contractor "Potholes Perth" to undertake pothole patching for 1 day on Jingalup Road, Jingalup.

The contractor's truck has a 1200kg capacity of pre-mix asphalt and once stock are exhausted they finish works and return to Perth. Potholes Perth was engaged as the Works Team did not have capacity due to the construction requirements of capex projects.

The contractor was advised to treat moderate failures suitable for cold patch asphalt.

The contractor was instructed to leave minor faults as these are best treated with bitumen emulsion and fine aggregate to achieve durability and mitigate water ingress. Not all potholes are suited to the use of pre-mix asphalt.

The shire will treat minor faults with bitumen emulsion and aggregate post-harvest.

In the meantime, a road inspection has not revealed any asphalt repairs sitting "proud" of the road surface to cause any safety issues.

The failure at SLK 6 near Aus Oils requires geotechnical investigation to determine suitable remedial works. The investigation will take place after harvest.

There is a current 5-year plan co-funded by Regional Road Group to carry out preservation works i.e. pavement repairs and reseals along Jingalup Rd as the existing seal is at the end of its life showing binder embrittlement, cracking and aggregate loss.

**Commentary related to several other questions:** Roads is an important core function of the Shire. There are other core regulatory functions that the Shire is obligated to undertake, and the Environmental Health Officer's role is one of those mandatory functions.

The Shire can just not employ this role and transfer the money into roads. Those functions cannot be compromised. We need to clarify that these are mandatory functions of local government.

A balance of funding for these regulatory functions is essential. The Council is considering where funding for roads is coming from and how it is going to spend those funds in the future. The Shire has a high debt load at the moment, which presents a high cost of borrowing. That is money that is more than likely coming from the maintenance roads program over the last 4-5 years. And what we're doing now is we are developing a plan over the next two years to utilise funds from sources such as Roads to Recovery back into the local road program so that the Shire can improve the standards of gravel roads. The Manager of Works and Infrastructure, Darren Watkins, is working on that plan now for the next two to five years.

The focus will be on increasing the pruning activities and the grading of the gravel roads. This will not happen overnight, but the performance is expected to gradually increase over the next two years.

## 6 CONFIRMATION OF MINUTES

130/25                      Moved Cr. Mathwin                      Seconded Cr Wieringa

That items 6.1, 6.2, 6.3, 6.4 in this agenda be moved En Bloc.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

131/25                      Moved Cr. Mathwin                      Seconded Cr Mickle

That items 6.1, 6.2, 6.3, 6.4 in this agenda be carried En Bloc.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

**6.1 SPECIAL COUNCIL MEETING 29 JULY 2025**

Unconfirmed Minutes of an Ordinary Council Meeting held 29 July 2025 are at [attachment 6.1.1.](#)

**Officer Recommendation**

That the Minutes from an Ordinary Council meeting held 29 July 2025 be confirmed as a true record.

**6.2 ORDINARY COUNCIL MEETING 23 SEPTEMBER 2025**

Unconfirmed Minutes of an Ordinary Council Meeting held 23 September 2025 are at [attachment 6.2.1.](#)

**Officer Recommendation**

That the Minutes from an Ordinary Council meeting held 23 September 2025 be confirmed as a true record.

**6.3 ORDINARY COUNCIL MEETING 28 OCTOBER 2025**

Unconfirmed Minutes of an Ordinary Council Meeting held 28 October 2025 are at [attachment 6.3.1.](#)

**Officer Recommendation**

That the Minutes from an Ordinary Council meeting held 28 October 2025 be confirmed as a true record.

**6.4 SPECIAL COUNCIL MEETING 3 NOVEMBER 2025**

Unconfirmed Minutes of a Special Council Meeting held 3 November 2025 are at [attachment 6.4.1.](#)

**Officer Recommendation**

That the Minutes from a Special Council meeting held 3 November 2025 be confirmed as a true record.

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

**REPORTS****9.1 KEY PILLAR ‘LIFESTYLE’ REPORTS****9.1.1 HALL & PRIOR GROUP REFINANCING RIGHT OF ENTRY (BUSINESS GOODS)  
KOJONUP SPRINGHAVEN FRAIL AGED CARE LEASE**

<b>AUTHOR</b>	Grant Thompson – Chief Executive Officer
<b>DATE</b>	Thursday, 20th November 2025
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT</b>	9.1.1.1 - Hall & Prior - 2025 Group Refinancing - Right of Entry (Business and Goods) - Kojonup Lease

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> To be <i>“The Cultural Experience Centre of the Great Southern”</i> <b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>Key Strategic Pillar/s</b>	<b>Community Goal/s</b>	<b>Corporate Objective/s</b>
Lifestyle	1. Diverse Accommodation Options	1.3 Future-proof aged care

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to consider authorizing the execution of a Deed ([attachment 9.1.1.1 - Hall & Prior - 2025 Group Refinancing - Right of Entry \(Business and Goods\) - Kojonup Lease](#)) related to the Shire providing consent to mortgage the lease and a right of entry of the Security trustee to a Lender of Hall & Prior.

**BACKGROUND**

This relates to the lease of Springhaven Frail Aged Lodge.

The Lessee has entered into new financing arrangements and requires the Shire’s consent to the mortgage of the lease.

This will be formalised by way of a consent document (namely the Right of Entry document) between the lessor (Shire), the lessee, and the security trustee (acting on behalf of the lenders).

**COMMENT**

The Lessee’s solicitors have provided the Shire’s solicitors with copies of the relevant security documents referred to in the Right of Entry provisions so that these could be reviewed in context.

Under the terms of the Springhaven Lease, the Shire must not unreasonably withhold its consent to the mortgage of the Lease. Strictly speaking, the Shire is not required to enter into a Right of Entry Deed with the lenders, as the mortgage is between the lessee and the lender.

The lender is requesting the Shire's involvement to protect monies payable under the mortgage. If the Lessee were to default under the lease and the lease was terminated, the lender would lose the benefit of its mortgage and have limited ability to recover outstanding amounts. The Right of Entry Deed addresses this by:

- ensuring the Lease remains on foot;
- requiring that the lender be given notice of any breaches and the opportunity to remedy them; and
- allowing the lender to sell the Lessee's fittings to recover amounts owing under the mortgage.

In practice, these arrangements generally do not prejudice a landlord's position and may, in fact, strengthen it.

It is in the lender's interests to ensure the lease is complied with, and the landlord benefits from having a financially secure party standing behind the tenant.

In addition, from a practical perspective, the Lessee's ability to obtain finance may depend on the Shire entering into the Right of Entry Deed, as lenders are often unwilling to advance funds without this protection.

The Shire's solicitors have reviewed the Right of Entry document, required certain amendments to protect the Shire's interests, and have recommended that the Shire proceed to enter into the Right of Entry document.

The Author recommends supporting the request and executing the Deed of Right of Entry, [attachment 9.1.1.1 - Hall & Prior - 2025 Group Refinancing - Right of Entry \(Business and Goods\) - Kojonup Lease](#).

#### **CONSULTATION**

Nil

#### **STATUTORY REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil impact - All legal costs have been paid through Hall and Prior's Solicitors.

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
15. <i>Supplier - Contracts</i>	Inadequate management of external Suppliers, Contractors, IT Vendors or Consultants engaged for core operations.  Inadequate contract management practices	<i>Contract Management</i>  <i>Documented authorisation and approvals process for contracts</i>	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Limiting the lessee's security holder has two impacts: <ol style="list-style-type: none"> <li>1. May lessen protections of the Shire for Lessee to remain viable to maintain the lease conditions.</li> <li>2. May limit the lessee's funding arrangements limiting growth of the business and therefore limiting the controls for the Shire to future proof aged care.</li> </ol>			

## ASSET MANAGEMENT PLAN IMPLICATIONS

Protects the asset Lease at Springhaven Frail Aged Lodge

## GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION

132/25 Moved Cr Mickle

Seconded Cr Michael

That Council approve the Execution of the Right of Entry Deed as presented and authorise the Shire President and Chief Executive Officer to execute the Deed and apply the Shire Seal to the Deed.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

## 9.2 KEY PILLAR ‘ECONOMICS’ REPORTS

Nil

## 9.3 KEY PILLAR ‘VISITATION’ REPORTS

Nil

## 9.4 KEY PILLAR ‘PERFORMANCE’ REPORTS

### 9.4.1 SHUTDOWN DURING THE 2025/2026 CHRISTMAS AND NEW YEAR PERIOD

AUTHOR	Annabelle Harvey – HR Advisor
DATE	Wednesday, 11 October 2024
FILE NO	
ATTACHMENT(S)	9.4.1.1 Shutdown Schedule

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> <b>To be “The Cultural Experience Centre of the Great Southern”</b> STRATEGIC/CORPORATE IMPLICATIONS		
<b>Key Strategic Pillar/s</b>	<b>Community Goal/s</b>	<b>Corporate Objective/s</b>
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

### DECLARATION OF INTEREST

The author is a Shire of Kojonup employee and, as such, is affected by the outcome of this report.

### SUMMARY

To consider a shutdown period for the Depot, Swimming Pool, Administration Office/ Library, Kodja Place and Black Cockatoo Café shutdown during the 2025/2026 Christmas and New Year period.

### BACKGROUND

A shutdown during the Christmas and New Year holiday period has occurred year on year; it is suggested that the same occurs during the 2025/2026 Christmas and New Year period.

### COMMENT

In 2025 Christmas Day and Boxing Day fall on Thursday, 25 December and Friday, 26 December with the public holidays to be observed on those days. New Year’s Day falls on Thursday, 1 January 2026 with the public holiday to be observed on that day.

It is proposed that the Shire Depot, Swimming Pool, Administration Office/Library, Kodja and Black Cockatoo Café be closed in accordance with the attached schedule, [attachment 9.4.1.1 Shutdown Schedule](#).

Team Members will be required to utilise leave accruals which can include:

- annual leave
- rostered days off
- Local Government days
- time in lieu; or
- leave without pay (only by prior arrangement with the Chief Executive Officer [CEO]).

Staff planning to work throughout this period can only do so with the approval of the CEO. A skeleton crew may be required for emergencies and/or call outs.

In summary, the Shire Administration Office will be closed from 2.00pm on Tuesday 23<sup>rd</sup> December, through until usual hours Monday, 5 January 2026.

Please refer to the [attachment 9.4.1.1 Shutdown Schedule](#) for detail outlining the other departments.

#### CONSULTATION

Chief Executive Officer  
Manager Finance Corporate Community

#### STATUTORY REQUIREMENTS

Nil

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Team Members will be required to utilise leave accruals which are accounted for in the 2025/2026 Annual Budget and reduces the Shires benefits liability. The only impact will be cashflow which is accounted for in the Team Member benefit provisions reserve account. Therefore, the financial impact is minimal.

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5 – Employment Practices	Failure to effectively manage and lead human resources	Health and Wellbeing initiatives	Nil
<b><i>Risk rating: High</i></b>			
IMPLICATIONS			
Continuing the practice of shutting down operations over the Christmas/New Year period, as occurs in many local governments and has occurred for many years at the Shire of Kojonup, aligns with health and wellbeing initiatives. A Skeleton crew may be required to remain accessible for essential services.			

ASSET MANAGEMENT IMPLICATIONS

Nil

GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)  
IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

133/25 Moved Cr Radford      Seconded Cr Mitchell

That Council approve:

1. An operational shutdown of the Administration Office, Library, Kodja Place and Depot during the 2025/2026 Christmas and New Year period as presented in the *Shutdown Schedule, [attachment 9.4.1.1](#)*; and
2. The above-mentioned closure be advertised on the Shire of Kojonup website and via local public notice.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

#### 9.4.2 ORDINARY COUNCIL MEETING DATES FOR 2026

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Wednesday, 19 November 2025
FILE NO	
ATTACHMENT	

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> <b>To be “The Cultural Experience Centre of the Great Southern”</b> <b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Council to consider its Ordinary Meeting schedule for the 2026 calendar year.

#### BACKGROUND

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, local governments are required to give local public notice and publish on their websites the date, time and place of ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

#### COMMENT

In October 2005 it was resolved that Council’s ordinary meetings would be held on the third Tuesday of each month commencing at 3:00pm except where dates clash with a public holiday or internal staffing management.

The author is recommending changing this resolution to generally the fourth Tuesday of the month in line with the general dates recommended in this report.

This is in-line with the discussions at the 20 August 2024 Briefing Session, where the concept of briefing sessions be reduced to one day a month and Council meetings continue to generally be held on the fourth Tuesday of a month in the 2025 calendar year.

Occasionally, timeframes associated with specific matters may alter scheduled ordinary meeting dates due to the circumstances in that month. The following recommendation represents changes to the scheduled fourth Tuesday of each month for the holding of Council’s Ordinary Meetings in 2025:

- There is no ordinary meeting of Council held during the month of January.
- The December ordinary meeting date has typically been held a week earlier and it is recommended that this practice continues to align to the Christmas and New Year period shutdown.

Regulation 12 of the Local Government (Administration) Regulations 1996 requires that Council's scheduled ordinary meetings, which will be open to the public, are published on the local government's official website before the beginning of the year in which the meetings are to be held and that the notice should include the date, time and location of the meetings.

Considering the above the recommended 2026 ordinary meeting schedule for Council is as follows:

24	February	2026
24	March	2026
28	April	2026
26	May	2026
23	June	2026
28	July	2026
25	August	2026
29	September	2026
27	October	2026
24	November	2026
15	December	2026

## CONSULTATION

Briefing Session – 18 November 2025

## STATUTORY REQUIREMENTS

Section 5.25 (1) (g) - *Local Government Act 1995*:

### ***5.25. Regulations about council and committee meetings and committees***

(1) *Without limiting the generality of s. 9.59, regulations may make provision in relation to—*

- (g) the giving of public notice of the date and agenda for council or committee meetings;*

Regulation 12 - *Local Government (Administration) Regulations 1996* –

### **12. Publication of meeting details [Act s. 5.25(1) (g)]**

(1) *In this regulation —*

***meeting details***, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held—*

- (a) ordinary council meetings;*
- (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*

(3) *Any change to the meeting details for a meeting referred to in sub-regulation (2) must be published on the local government's official website as soon as practicable after the change is made.*

(4) *If a local government decides that a special meeting of the council is to be*

*open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.*

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC/CORPORATE IMPLICATIONS

Nil

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.	Councillor/Staff Induction Process  Councillor/Staff training	Nil
6 - Engagement Practices	Failure to maintain effective working relationships with the Community (including local Media), Stakeholders, Key Private Sector Companies, Government Agencies and/or Elected Members.	Policies and Procedures	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Allows compliance with s. 5.25 (1) (g) of the Local Government Act 1995 and r. 12 – Local Government (Administration) Regulations 1996 - publication of meeting details.			

**ASSET MANAGEMENT PLAN IMPLICATIONS**

Nil

**GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

134/25 Moved Cr Wieringa Seconded Cr Mickle

Council Approve that:

1. Ordinary Meetings of Council be scheduled to be held in the Shire of Kojonup (Shire) Council Chambers, 93 Albany Highway, Kojonup, generally on the fourth Tuesday of each month in 2026 commencing at 3:00pm, with the following principles:
  - No scheduled meeting to be held in January.
  - Month of December to be held earlier to align to the Christmas and New Year shutdown.
2. The following dates be approved for the 2026 calendar year for Ordinary Meetings of Council:

24	February	2026
24	March	2026
28	April	2026
26	May	2026
23	June	2026
28	July	2026
25	August	2026
29	September	2026
27	October	2026
24	November	2026
15	December	2026
3. The Ordinary Council Meeting schedule for 2026, as above, be published on the Shire of Kojonup website and local public notice given.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

#### 9.4.3 COMMITTEES OF COUNCIL - MEETING DATES FOR 2026

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Wednesday, 19 November 2025
FILE NO	
ATTACHMENT	9.4.3.1 - Calendar of meetings 2026

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> <b>To be “The Cultural Experience Centre of the Great Southern”</b> <b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Council to consider a schedule of meeting place, dates and times for Committees of Council for the 2026 calendar year.

#### BACKGROUND

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, local governments are required to give local public notice and publish on their websites the date, time and place of meetings of Council committees that shall be held within the proceeding 12 month period.

#### COMMENT

Council Committees include:

- Audit, Risk & Improvement Committee (required to meet a minimum quarterly)
- Kojonup Keneang Noongar Advisory Committee (minimum four (4) times per year)
- Kojonup Natural Resource Management (NRM) Advisory Committee (required to meet minimum biannually [twice a year])
- Bush Fire Advisory Committee (required to meet a minimum biannually [twice a year])
- Kojonup Aging, Disability, Access, Inclusion and Health Committee (required to meet four times per year)
- Historical, Tourism and Cultural Committee (required to meet a minimum biannually [twice a year])
- Roads and Technical Services Advisory Committee (required to meet a minimum quarterly)
- Muradup Community Advisory Committee (required to meet a minimum biannually [twice a year])

Based on the minimum number of meetings required it is proposed that:

- The Audit, Risk and Improvement Committee schedules its meetings to be held on 3 March, 2 June, 1 September and 2 December for the 2026 calendar year.
- The NRM meetings be held on 4 February, 6 May, 2 September for the 2026 calendar year.
- The Noongar Advisory Committee schedule its meetings to be held on 3 March, 4 August and 3 November for the 2026 calendar year.
- The Bush Fire Advisory Committee (BFAC) schedule its meetings to be held on 3 February and 5 August for the 2026 calendar year.
- The Historical, Tourism and Cultural Committee schedules its meetings to be held on 3 March, 4 August, 3 November for the 2026 calendar year.
- The Kojonup Aging, Disability, Access, Inclusion and Health Committee schedules its meetings to be held on 3 March, 2 June, 1 September and 2 December for the 2026 calendar year.
- The Roads and Technical Services Advisory Committee schedule its meetings to be held on 3 February, 5 May, 3 June, 5 August and 4 November for the 2026 calendar year.
- The Muradup Community Advisory Committee schedule its meetings to be held on 4 February, 6 May and 2 September for the 2026 calendar year.

Any re-scheduling or new meeting dates will be advertised to the public.

Please refer to [attachment 9.4.3.1 - Calendar of meetings 2026](#) for detailed scheduling of date and time of the specific committee meetings and the optimal alignment of the dates.

## CONSULTATION

Briefing Session – 18 November 2025

## STATUTORY REQUIREMENTS

Section 5.25 (1) (g) - *Local Government Act 1995*:

### ***5.25.Regulations about council and committee meetings and committees***

(1) *Without limiting the generality of s. 9.59, regulations may make provision in relation to—*

- (g) *the giving of public notice of the date and agenda for council or committee meetings;*

Regulation 12 - *Local Government (Administration) Regulations 1996 –*

### ***12. Publication of meeting details [Act s. 5.25(1) (g)]***

(1) *In this regulation —*

***meeting details***, for a meeting, means the date and time when, and the place where, the meeting is to be held.

- (2) *The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held—*
- (a) *ordinary council meetings;*
  - (b) *committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*
- (3) *Any change to the meeting details for a meeting referred to in sub-regulation (2) must be published on the local government’s official website as soon as practicable after the change is made.*
- (4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.*

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC/CORPORATE IMPLICATIONS

Nil

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.	Councillor/Staff Induction Process  Councillor/Staff training	Nil
6 - Engagement Practices	Failure to maintain effective working relationships with the Community (including local Media), Stakeholders, Key	Policies and Procedures	Nil

	Private Sector Companies, Government Agencies and/or Elected Members.		
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Allows compliance with s. 5.25 (1) (g) of the Local Government Act 1995 and r. 12 – Local Government (Administration) Regulations 1996 - publication of meeting details.			

#### ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

#### GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

135/25 Moved Cr Mathwin

Seconded Cr Mitchell

That Council:

1. Approve dates for the 2026 calendar year for the respective Committees of Council as follows:
  - The Audit, Risk and Improvement (ARIC) Committee schedules its meetings to be held on 3 March, 2 June, 1 September and 2 December for the 2026 calendar year.
  - The Natural Resource Management Advisory Committee (NRMAC) meetings be held on 4 February, 6 May, 2 September for the 2026 calendar year.
  - The Noongar Advisory Committee schedule its meetings to be held on 3 March, 4 August and 3 November for the 2026 calendar year.
  - The Bush Fire Advisory Committee (BFAC) schedule its meetings to be held on 3 February and 5 August for the 2026 calendar year.
  - The Historical, Tourism and Cultural Committee schedules its meetings to be held on 3 March, 4 August, 3 November for the 2026 calendar year.
  - The Kojonup Aging, Disability, Access, Inclusion and Health Committee schedules its meetings to be held on 3 March, 2 June, 1 September and 2 December for the 2026 calendar year.
  - The Roads and Technical Services Advisory Committee schedule its meetings to be held on 3 February, 5 May, 3 June, 5 August and 4 November for the 2026 calendar year.
  - The Muradup Community Advisory Committee schedule its meetings to be held on 4 February, 6 May and 2 September for the 2026 calendar year.
2. Direct the CEO to publish the Council Committee Meetings schedule, as presented, on the Shire of Kojonup website and local public notice given.

AMENDMENT TO MOTION

135/25 Moved Cr Wieringa Seconded Cr Mickle

That Council amend and publish times for the following committees:

- a) Audit, Risk and Improvement (ARIC) committee to 10:00 am and the Kojonup Aging, Disability, Access, Inclusion and Health Committee to 1:00 pm;
- b) Road Technical Services Committee to 9:00 am;
- c) Muradup Community Committee to 2:00 pm.
- d) Other committee times as presented.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

AMENDMENT BECOMES THE MOTION

135/25 Moved Cr Mathwin

Seconded Cr Mitchell

That Council:

1. Approve dates and times for the 2026 calendar year for the respective Committees of Council as follows:

- The Audit, Risk and Improvement (ARIC) Committee schedules its meetings to be held on 3 March, 2 June, 1 September and 2 December for the 2026 calendar year and meet time be established as 10:00 am.
- The Natural Resource Management Advisory Committee (NRMAC) meetings be held on 4 February, 6 May, 2 September for the 2026 calendar year, times as presented.
- The Noongar Advisory Committee schedule its meetings to be held on 3 March, 4 August and 3 November for the 2026 calendar year, times as presented.
- The Bush Fire Advisory Committee (BFAC) schedule its meetings to be held on 3 February and 5 August for the 2026 calendar year, times as presented.
- The Historical, Tourism and Cultural Committee schedules its meetings to be held on 3 March, 4 August, 3 November for the 2026 calendar year, times as presented.
- The Kojonup Aging, Disability, Access, Inclusion and Health Committee schedules its meetings to be held on 3 March, 2 June, 1 September and 2 December for the 2026 calendar year and meet time be established as 10:00 am.
- The Roads and Technical Services Advisory Committee schedule its meetings to be held on 3 February, 5 May, 3 June, 5 August and 4 November for the 2026 calendar year and meet time be established as 9:00 am.
- The Muradup Community Advisory Committee schedule its meetings to be held on 4 February, 6 May and 2 September for the 2026 calendar year and meet time be established as 2:00 pm.

2. Direct the CEO to publish the Council Committee Meetings schedule, as presented, on the Shire of Kojonup website and local public notice given.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

#### 9.4.4 BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING MINUTES – 11 NOVEMBER 2025

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Wednesday, 19 November 2025
FILE NO	
ATTACHMENT	9.4.4.1 – BFAC Unconfirmed Meeting Minutes – 11 November 2025

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>"The Cultural Experience Centre of the Great Southern"</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is to receive the unconfirmed minutes of a BFAC meeting held 11 November 2025.

#### BACKGROUND

The BFAC is established under Section 67 of the Bush Fires Act 1954 and plays an important role in the Council's decision-making process. Minutes are required to be noted by Council.

#### COMMENT

Unconfirmed minutes of a BFAC meeting held 11 November 2025, [attachment 9.4.4.1 –BFAC Unconfirmed Meeting Minutes – 11 November 2025](#), for Council noting.

#### CONSULTATION

Community Emergency Services Manager  
Regulatory Services Manager

#### STATUTORY REQUIREMENTS

Section 67 of the Bush Fires Act 1954

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC/CORPORATE IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Under legislation, the Shire of Kojonup (Shire) may establish and maintain a BFAC. The risk of not creating a BFAC is that the Shire supports the knowledge and capability in the Shire to manage bush fires. The Shire is reliant on the BFAC to be able to provide this knowledge and to support volunteer bush fire efforts, training and resourcing requirements in protecting community safety and assets.			

## ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

## GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION

136/25 Moved Cr Radford Cr Michael

That Council receives and notes the unconfirmed minutes of a Bush Fire Advisory Committee meeting held 7 May 2025.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

RECOMMENDATION TO COUNCIL FROM BUSHFIRE ADVISORY COMMITTEE

137/25 Moved Cr Radford    Cr Wieringa

That Council appoint the Community Emergency Services Manager to a Fire Control Officer (FCO) in the Shire of Kojonup without the power to write permits.

AMENDMENT TO MOTION

138/25 Moved Cr Mathwin    Cr Mitchell

That Council appoint the Community Emergency Services Manager to a Fire Control Officer (FCO) in the Shire of Kojonup without the power to write permits for the 2025/26 bushfire season.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

AMENDMENT BECOMES THE MOTION

137/25 Moved Cr Radford    Cr Wieringa

That Council appoint the Community Emergency Services Manager to a Fire Control Officer (FCO) in the Shire of Kojonup without the power to write permits for the 2025/26 bushfire season.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

#### 9.4.5 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (SEPTEMBER & OCTOBER 2025)

AUTHOR	Jill Johnson – Manager Financial, Corporate & Community
DATE	Thursday, 20th November 2025
FILE NO	FM.FNR.2
ATTACHMENT	9.4.5.1 – Monthly Financial Statements to 1 September 2025 9.4.5.2 - Monthly Financial Statements to 31 October 2025

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>"The Cultural Experience Centre of the Great Southern"</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is to note the Monthly Financial Statement for the months ending 30 September & 31 October 2025.

#### BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

#### COMMENT

The attached Statements of Financial Activity for the period 1 September 2025 to 31 October 2025 represents four (4) months, or 33% of the year **attachments 9.4.5.1 – Monthly Financial Statements to 1 September 2025, and 9.4.5.2 - Monthly Financial Statements to 31 October 2025.**

The following items are worthy of noting:

- Closing surplus position of \$6,312,894m.
- Capital expenditure achieved 15.8% of budgeted projects.
- Cash holdings of \$5,849 of which \$1,137m is held in cash backed reserve accounts and \$4,712m is unrestricted cash.
- Rates debtors outstanding equate to 31% of total rates raised for 2025/2026
- Page 11 of the statements detail major variations comparing year to date (amended) budgets to year-to-date actuals in accordance with Council Policy 2.1.6.

#### CONSULTATION

Nil

#### STATUTORY REQUIREMENTS

Regulation 34 of the Local Government (Financial Management) Regulations 1996 sets out the basic information which must be included in the monthly reports to Council.

#### POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

#### FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire of Kojonup. The recommendation does not in itself have a financial implication.

#### STRATEGIC/CORPORATE IMPLICATIONS

Nil

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
16) Financial Sustainability	Failure or reduction in controls associated with financial management, accounting standards, purchasing to pay, order to cash, plant, equipment or machinery lease or purchase, Treasury Functions, bank reconciliations, budget etc. These include processes and controls that are end to end in external and internal to the organisation.	Budget Controls	Cash Flow Budget and reporting to be implemented
Risk rating: Adequate			
IMPLICATIONS			
Financial reporting is required to create transparency.			

#### ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

#### GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

139/25 Moved Cr Michael                      Cr Mickle

That the monthly financial statements for the periods ending 30 September & 31 October 2025, as attached, be noted.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

#### 9.4.6 MONTHLY PAYMENTS LISTING – SEPTEMBER 2025

<b>AUTHOR</b>	Rachael Egerton-Warburton – Finance Officer
<b>DATE</b>	Thursday, 20th November 2025
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT</b>	<a href="#">9.4.6.1 - Monthly Payment Listing September 2025</a>

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> To be <i>“The Cultural Experience Centre of the Great Southern”</i> <b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>Key Strategic Pillar/s</b>	<b>Community Goal/s</b>	<b>Corporate Objective/s</b>
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

To receive the list of payments covering the month of September 2025.

#### BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

#### COMMENT

The attached list of payments is submitted for receipt by the Council.

Any queries regarding the list of payments should be directed to the Chief Executive Officer prior to the meeting.

#### CONSULTATION

Manager Finance Corporate Community

#### STATUTORY REQUIREMENTS

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

#### POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

#### FINANCIAL IMPLICATIONS

Payments are made in line with Council Policy.

#### STRATEGIC/CORPORATE IMPLICATIONS

Nil

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
16) <i>Financial Sustainability</i>	Failure or reduction in controls associated with financial management, accounting standards, purchasing to pay, order to cash, plant, equipment or machinery lease or purchase, Treasury Functions, bank reconciliations, budget etc. These include processes and controls that are end to end in external and internal to the organisation.	<i>Budget Controls</i>	Cash Flow Budget and reporting to be implemented
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Financial reporting is required to create transparency.			

#### ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

#### GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

140/25 Moved Cr Wieringa Cr Mickle

That, in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 1 September 2025		TO - 30 September 2025
Municipal Cheques	14408	\$17,733.08
EFTs	36688-36840	\$402,787.35
Direct Debits		\$401,551.52
Total		\$822,071.95

be received.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

10 APPLICATIONS FOR LEAVE OF ABSENCE

REQUEST FOR LEAVE – CR NED RADFORD

141/25 Moved Cr Mathwin                      Cr Michael

That a Leave of Absence be approved for Cr. Ned Radford for 16 December Ordinary Council Meeting.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM ELECTED MEMBERS WITHOUT NOTICE

Nil

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

Urgent Item

This item needs to be received and a decision to be reached

Vote Required

Absolute Majority

OFFICER RECOMMENDATION

142/25 Moved Cr Mickle                      Cr Wieringa

That Council approves the late matter “13.1. REQUEST TO REVOKE PENALTY FEE (UNAUTHORISED DEVELOPMENT – KOJONUP FEEDS PTY LTD & VAUDAN HOLDINGS PTY LTD)” to be considered in the standing orders of this Ordinary Council Agenda dated 25 November 2025.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

**13.1. REQUEST TO REVOKE PENALTY FEE (UNAUTHORISED DEVELOPMENT – KOJONUP FEEDS PTY LTD & VAUDAN HOLDINGS PTY LTD)**

<b>AUTHOR</b>	Estelle Lottering – Manager Regulatory Services
<b>DATE</b>	24/11/2025
<b>ATTACHMENT(S)</b>	13.1.1 – Letter from Aaron Pontifex 13.1.2 – Extract from Shire of Kojonup 2025/2026 Fees and Charges

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN 2023 – 2033</b> To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS		
<b>Key Strategic Pillar/s</b>	<b>Community Goal/s</b>	<b>Corporate Objective/s</b>
Lifestyle Economics Performance	2. Proactive Community Spirit 5. Assisted New Business 12. A High Performing Council	2.6 Wellbeing advancement 5.1 Industrial land release

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

For Council to consider a request from the applicant to revoke the penalty fee associated with the retrospective development application submitted for a grain handling facility commenced without approval.

**BACKGROUND**

On 12 September 2025, the Shire identified earthworks and construction activity occurring on the site without a Development Application (DA), contrary to the *Planning and Development Act 2005* and Shire of Kojonup Town Planning Scheme No. 3 (TPS3).

A retrospective DA was later submitted (24 September 2025). The penalty fee was applied consistent with Council’s Fees & Charges Schedule. The applicant has written to the Shire President and Council (received 14 November 2025) requesting revocation of the penalty.

**COMMENT**

**Applicant’s claims & Officer Responses**

**Claim:** The use is “Industry – Rural”, which is a permitted (P) use in Rural Zone.

**Officer Response:**

Permitted (‘P’) use status does not remove the requirement for a DA. Under TPS3 and Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, development approval is required unless explicitly exempt. Bulk grain handling, large-scale storage pads, augers, conveyors and earthworks on this scale are not exempt.

**Claim:** They relied on advice from two contractors that no DA was needed.

**Officer Response:**

Contractors are not authorised to give planning advice. The responsibility to obtain correct approvals lies solely with the landowner (*Planning and Development Act s.174* )  
Incorrect third-party advice does not create grounds to waive a statutory penalty.

**Claim: Similar facilities in other Shires did not require a DA.**

**Officer Response:**

Planning requirements differ between local governments. Kojonup has consistently required DAs for grain handling facilities, pads, storage infrastructure and bulk commodity operations. Other LG decisions do not override Kojonup's Scheme.

**Claim: Other Shires (Wagin, Wandering) supported similar operations.**

**Officer Response:**

Support by another LG is irrelevant to Kojonup's statutory obligations. Compliance with the Shire of Kojonup TPS3 is mandatory regardless of regional practice.

**Claim: They cooperated once informed.**

**Officer Response:**

Cooperation is noted and appreciated. However, cooperation after works have commenced does not negate the breach nor the Shire's compliance costs (assessment, site inspection, enforcement).

**Claim: Jingalup Road title complications contributed to delays.**

**Officer Response:**

This matter is unrelated to the unauthorised earthworks already underway. Road access/title issues do not provide legal justification for bypassing approvals.

**Claim: The penalty is "unreasonable" and lacks precedent.**

**Officer Response:**

The penalty is applied consistently with other unauthorised developments in Kojonup. The Shire has applied retrospective penalty fees to multiple applicants over the years. There is established precedent for strict enforcement to support compliance.

**Claim: The decision was influenced by "one or two individuals."**

**Officer Response:**

This is incorrect. The penalty arises directly from Council-adopted **Fees & Charges** and standard enforcement of unauthorised development under the Planning Act. **Attachment 13.1.2 – Extract from Shire of Kojonup 2025/2026 Fees and Charges**  
No personal discretion was exercised.

**Claim: The project benefits the district and should not be penalised.**

**Officer Response:**

Economic benefit does not remove the requirement to follow statutory planning processes. Approval pathways and penalties apply equally to all applicants regardless of project scale.

## CONSULTATION

Steve Thompson – Edge Planning

Grant Thompson – Chief Executive Officer

## STATUTORY REQUIREMENTS

*Planning and Development Act 2005*

*Planning and Development Regulations 2009 (Regulation 52)*

*Local Government Act 1995 (s6.16)*

*Shire of Kojonup Town Planning Scheme No. 3 (TPS3)*

Shire of Kojonup Delegation Register (Dec 2023)

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Shire would absorb compliance and administrative costs.

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Impulsive decision making  Ineffective monitoring of changes to legislation	Professional accreditation / certification maintained	Compliance Risk High: Waiving the fee risks incentivising unauthorised development
6 – Engagement	Inadequate documentation or procedures	Public notices / local papers / website communication	Nil
7 – Environment	Inadequate local laws / planning schemes	Environmental management compliance	Nil
8 – Errors, Omissions and Delays	Complex legislation  Incorrect information	Development Approval performance report	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Applicants need to ensure that Development Applications accord with the intent of the Shire of Kojonup Planning Scheme. Council in assessing applications needs to adopt a similar approach that reflects present and future requirements without compromising amenity or establishing precedents.			

## ASSET MANAGEMENT IMPLICATIONS

Nil.

## SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

#### VOTING REQUIREMENTS

Simple Majority.

#### OFFICER RECOMMENDATION

143/25 Moved Cr Mathwin                      Cr Radford

That Council:

- A) Does not support the revocation of the penalty as the fee was correctly issued under the Planning and Development Act 2005 and approved in the Shire's Fees & Charges Schedule as per Council decision and there has been no clear justification to waive or revoke the charge.
- B) Writes to the applicant advising that, whilst Council respects the right of the applicant to raise these matters, the request to revoke the penalty for the Kojonup Feeds Pty Ltd & Vaudan Holdings Pty Ltd retrospective development application at Lot 23368 is not supported, as the fee was correctly issued under the Planning and Development Act 2005 and the Shire's Fees & Charges Schedule as per Council decision.

Carried 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Mathwin, Cr Mickle, Cr Michael, Cr Mitchell

14 **MEETING CLOSED TO THE PUBLIC**

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

NIL

**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**

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

**PROCEDURAL MOTION**

**That the meeting be reopened to the public at \_\_\_\_\_ pm.**

14.2 PUBLIC READING RESOLUTIONS THAT MAY BE MADE PUBLIC


15 CLOSURE

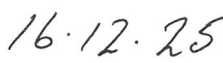
There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:06pm.

**16 ATTACHMENTS (SEPARATE)**

- 6.1.1. Unconfirmed Minutes of an Ordinary Council Meeting held 29 July 2025
- 6.2.1. Unconfirmed Minutes of an Ordinary Council Meeting held 23 September 2025
- 6.3.1. Unconfirmed Minutes of an Ordinary Council Meeting held 28 October 2025
- 6.4.1. Unconfirmed Minutes of an Ordinary Council Meeting held 3 November 2025
- 9.1.1.1 Hall & Prior - 2025 Group Refinancing - Right of Entry (Business and Goods) - Kojonup Lease
- 9.4.1.1 Shutdown Schedule
- 9.4.3.1 Calendar of meetings 2026
- 9.4.4.1 BFAC Unconfirmed Meeting Minutes – 11 November 2025
- 9.4.5.1 Monthly Financial Statements to 1 September 2025
- 9.4.5.2 Monthly Financial Statements to 31 October 2025
- 9.4.6.1 Monthly Payment Listing September 2025
- Late Item Attachments
- 13.1.1 Letter from Aaron Pontifex
- 13.1.2 Extract from Shire of Kojonup 2025.2026 Fees and Charges

Confirmed as a true record –

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

  
\_\_\_\_\_  
Date