

Kojonup



One community, many choices

SHIRE OF KOJONUP

MINUTES

Special Council Meeting

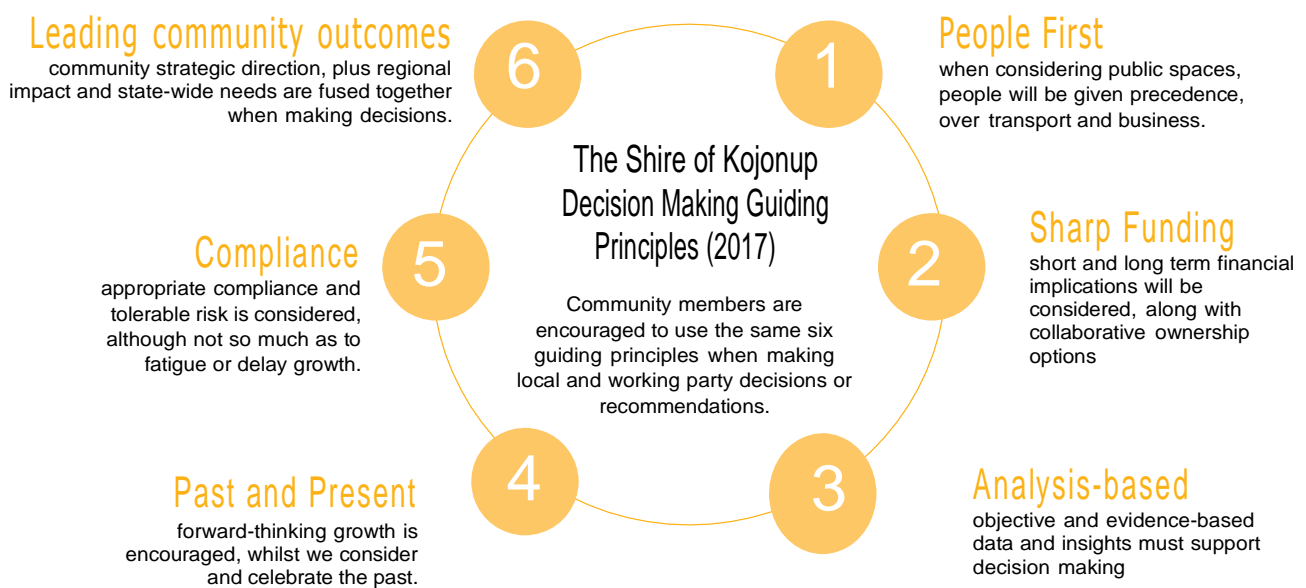
5 November 2019

MINUTES FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 5 NOVEMBER 2019

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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, Cr Benn, declared the meeting open at 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points 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 led by Cr Sandra Pedler

Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elisabeth. 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 ATTENDANCE and APOLOGIES

COUNCILLOR

Cr Benn	Shire President
Cr Radford	Deputy Shire President
Cr Fleay	
Cr Gale	
Cr Pedler	
Cr Singh	
Cr Webb	
Cr Wieringa	

STAFF

Rick Mitchell-Collins	Chief Executive Officer
Anthony Middleton	Manager Corporate and Community Services
Phil Shephard	Town Planner
Lorraine Wyatt	Executive Assistant
Rob Cowie	Payroll/Emergency Services Officer
Judy Stewart	Senior Administration Officer
Michelle Dennis	Development Services Co-ordinator

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

MEMBERS OF THE GALLERY

Denise Berryman
Rob Francis
Digby Stretch
William Harvey
Reno Guidi
Leah Wood
Cathy Ivey
Jenny Matthews
Pam McGregor
Robert Sexton
Peta Zadow
Olivia Thorn

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Please note: Questions must relate to this agenda in accordance with provisions of the *Local Government Act 1995*.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Peta Zadow, President of the Kojonup P&A Society

Mrs Zadow read aloud correspondence which was distributed to the Councillors and the Chief Executive Officer prior to the 2019 Local Government Elections. Mrs Zadow explained that she was making the presentation with the intention of updating the new Councillors regarding the P&A Society's intent to seek Council's "in principle" support for their application for Regional Agricultural Show Development and Grant Program as the showgrounds are situated on Shire owned land.

A copy of the correspondence was tabled and is presented below.

*Kojonup P&A Society PO Box 104
KOJONUP WA 6395*

22 October 2019

*Kojonup Shire Councillors and Staff
Kojonup Shire Council
Albany Highway
KOJONUP WA 6395*

Dear Councillors and Staff

The Federal Australian government has very recently released funding for a Regional Agricultural Show Development Grants Program.

*The Kojonup P& A Society is planning to submit an application for a **Small grants for small shows** - For projects seeking up to \$124,999 in grant funding. A small project may be a single project or be comprised of up to four sub- projects.*

*There is very little time for this to be done - **Dec 13 is closing date** so we are asking Council for in principle support ...the projects we are considering are broad and are yet to be considered in detail and prioritised by the Committee.*

*Horse office
Resurfacing 150th Exhibition Hall
Recarpeting Woolroom
Electrical upgrading
Disabled access upgrading
Pavilion maintenance
Grassed area
Collapsible staging and tiered seating
Display maintenance and upgrading*

Attached is further information re this grant

Yours sincerely

Peta Zadow (President2019)

Response from the Shire President

The Shire President advised Mrs Zadow that Council was still awaiting the outcome of an LGIS (Local Government Insurance Services) Report which required discussion at a Briefing Session however a response would be provided after the 19 November 2019, Council Meeting.

6 **APPLICATIONS FOR LEAVE OF ABSENCE**
Nil

7 **CONFIRMATION OF MINUTES**
Nil

8 **ANNOUNCEMENTS** by the Presiding Member without discussion
Nil

9 **DECLARATIONS OF INTEREST**
Nil

- 10 KEY PILLAR 1 – ‘PLACE’ REPORTS
Nil

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 PROPOSED ACCESS FROM LOT 85 JOHN STREET TO KATANNING ROAD

AUTHOR	Michelle Dennis – Development Services Coordinator
DATE	Monday, 28 October 2019
FILE NO	A7708
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP2 – Connected	2.4 – Have enabled and facilitated improved housing options through public and private partnerships.	2.4.1 - Adopt new Town Planning Scheme to support infill residential growth and private subdivisions and advocate for change in the cost of development headworks at a state level. 2.4.3 – Support the creation of additional residential lots.
KP3 – Performance	3.4 – Be organized and transparent with our financial management.	3.4.5 – Complete a formal assessment of future demand for assets.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider advice from Main Roads regarding access to the proposed grouped housing development on Katanning Road.

BACKGROUND

As part of the Shire of Kojonup’s successful Building Better Regions Fund application, two, four bedroom, two bathroom homes are earmarked for construction adjacent to the existing Shire house on Katanning Road as illustrated on the following plan.



26 & 28 Katanning Road – 2 detached houses
(Approximate position of building sites shown in grey)

Image source - Landgate

As Katanning Road is a Main Roads controlled road, preliminary enquiries were made with Main Roads regarding the preferred location of the proposed new crossovers to assist with the development of tender documents. These enquiries identified that the access for the Doctor's surgery, car park and existing house have not been approved and Main Roads would not support any additional crossovers to this lot from Katanning Road.

Main Roads would instead prefer that the Shire construct the new dwellings with Murby Street frontage. Further, for any future subdivision, access from Katanning Road was to be facilitated via a service road/slip lane to be constructed parallel with Katanning Road (at the Shire's cost).

Council considered this advice at its Ordinary April meeting where it resolved the following:

33/19 Moved Cr Benn seconded Cr Hobbs that Council:

- 1. Note the advice from Main Roads and request their formal approval for the existing driveways from Lot 85 onto Katanning Road;***
- 2. Instruct the Chief Executive Officer to:***
 - a. Request a formal reconsideration from the Commissioner of Main Roads to permit additional crossovers from Katanning Road to facilitate the Shire of Kojonup's grouped housing development.***
 - b. Delay construction at 26 and 28 Katanning Road Kojonup pending crossover approval from Main Roads; and***
- 3. Request the Shire President to meet with the Director General of Transport regarding residential access to Katanning Road.***

COMMENT

A letter for the reconsideration request was forwarded to Main Roads in June. A letter, respectfully declining the Shire's request for a reconsideration, was received in early August. The then Shire President, Councillor Ronnie Fleay, met with the Commissioner of Main Roads/Director General of Transport in late August and held a subsequent teleconference with the Executive Director (Metropolitan and Southern Regions) and the Development Services Co-ordinator in mid-September.

Last week the Shire received the following advice via email from the Executive Director, Metropolitan and Southern Regions, of Main Roads:

“... I confirm that Main Roads considers that the formal sub division of the “superlot” is a positive move by the Shire of Kojonup which will provide a clear view of how the site will be developed.

I also confirm that as part of the sub division process Main Roads will agree to allow residential lots fronting the Kojonup – Katanning Road to have individual access to this road without the need for a service road or slip lane.”

It is considered that both the proposed housing development and the subdivision can now progress with surety of access from Katanning Road.

CONSULTATION

Commissioner of Main Roads/Director General of Transport
Executive Director (Metropolitan and Southern Regions) Main Roads WA
Councillor Ronnie Fleay

STATUTORY REQUIREMENTS

Regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996* contains provisions regarding the local government approval process for the construction of crossovers between a public thoroughfare to private land. Where the public thoroughfare is controlled by Main Roads, as is the case with Katanning Road, Regulation 14 prohibits a local government from approving a crossover, unless the local government has consulted with the Commissioner and the Commissioner has approved in writing the construction of the crossing. Regulation 14(3) states:

If a person –

- a) constructs a crossing to which this regulation applies other than in accordance with approval given by the Commissioner under this regulation; or*
- b) modifies a crossing to which this regulation applies in such a way that it is not in accordance with approval given by the Commissioner under this regulation,*

the Commissioner may, by notice in writing, require the person to bring the crossing into accordance with the approval, if approval was given, or remove the crossing and restore the place where the crossing was to its former condition.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The ability for the new houses, as well as the existing house, Doctor’s Surgery and car park to be accessed from Katanning Road, without the addition of a service road improves the viability of the subdivision of this land.

Preparatory works i.e. sewer extension design and urban storm water management planning is currently being undertaken for this land. The formal subdivision of the land is the subject of a future budget submission.

RISK MANAGEMENT IMPLICATIONS

This activity represented a strategic risk to Council. Failing to address access prior to construction would also represent a political risk to the organisation.

ASSET MANAGEMENT IMPLICATIONS

The proposed new dwellings will be required to be added to the Shire's Asset Management Plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

118/19 Moved Cr Fleay, seconded Cr Pedler

"That Council:

- 1. Note the advice from Main Roads and thank the Commissioner of Main Roads for their favourable reconsideration of the request for direct access from Katanning Road; and*
- 2. Proceed with the dwelling construction at 26 and 28 Katanning Road Kojonup."*

CARRIED 8/0

The Shire President and Deputy Shire President acknowledged and thanked Cr Fleay for her work undertaken to progress this matter.

11.2 LOT 2 SPRING STREET, KOJONUP - DISPOSAL TO THE GEORGE CHURCH COMMUNITY MEDICAL CENTRE INC.

AUTHOR	Phil Shephard – Town Planner Anthony Middleton – Manager Corporate & Community Services
DATE	Tuesday, 29 October 2019
FILE NO	CP.ACD.7; PH.SVP.1
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP2 – Connected	2.2 - Have enhanced our aged care and health provisions by progressing our connections with regional and state-wide groups.	2.2.1 - Work with regional, state and national health providers to develop innovative health services. 2.2.2 - Enhance alliances with state and local health providers to grow a sustainable and modern health system. 2.2.3 - Establish formal networks between all health providers within Kojonup.

DECLARATION OF INTEREST

Nil.

SUMMARY

To undertake the following actions following the discussions held between Councillors and members of The George Church Community Medical Centre Inc. to progress the development of the medical centre:

- Consider the sale of Lot 2 Spring Street, Kojonup which contains the existing car park to the group to enable it to be included within the design of the new building and site.
- Initiate a Town Planning Scheme amendment to change the classification of Lot 2 from ‘Recreation’ to ‘Public Purposes’ Local Scheme Reserve classification so that it matches Lot 3.
- Seek approval from the WA Planning Commission for the amalgamation of Lots 2 and 3 Spring Street, Kojonup.

BACKGROUND

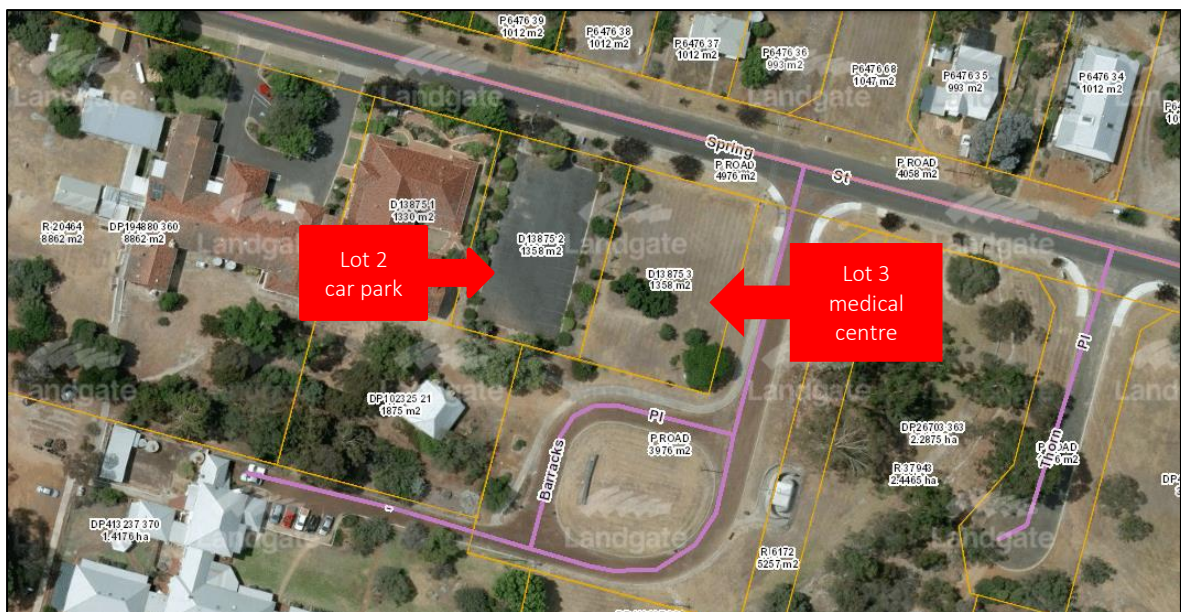
Councillors and members of The George Church Community Medical Centre Inc. met on 28 October 2019 to discuss progressing the development of the medical centre with the goal of amending the initial plan to reduce the visual appearance of the development from The Spring and to improve traffic flows.

COMMENT

These discussions revolved around the design of the new medical centre on Lot 3 Spring Street (known locally as Walker's Block) and the opportunity to include the use of the existing car park on Lot 2 between the hospital and proposed medical centre (see image below).

The meeting discussed the various actions required to be undertaken for The George Church Community Medical Centre Inc. group to secure Lot 2 and the group were supportive of the following outcomes to progress the development of the medical centre:

- Transfer of Lot 2 Spring Street, Kojonup to their ownership to enable it to be included within the design of the new building and site.
- The Shire to undertake a scheme amendment to change the reserve classification of Lot 2 Spring Street, Kojonup to Public Purposes to match Lot 3.
- Seek approval from the WA Planning Commission for the amalgamation of Lots 2 and 3.



To complete these actions, the following decisions are required:

- The Council is required to obtain a sworn valuation and provide local public notice of the disposal of Lot 2 in accordance with s.3.58 of the *Local Government Act 1995* and then consider any submissions received prior to resolving to dispose of the land to The George Church Community Medical Centre Inc. group.

The valuation has been requested by staff and is expected to be available by the time of the Council meeting.

- The Council is required to initiate the proposed scheme amendment under the *Planning and Development Act 2005* and following preparation of the scheme amendment document by staff, it will be advertised for public and government agency comment as required under the Act/Regulations, prior to being submitted to the Minister for Planning for approval. The scheme amendment is a standard amendment, and this requires a 42-days submission period.
- The Council is requested to delegate authority to the Chief Executive Officer to prepare and lodge an application with the WA Planning Commission to amalgamate the 2 lots into 1 lot.

CONSULTATION

Chief Executive Officer

Acting CEO (Manager Corporate and Community Services)

The George Church Community Medical Centre Inc. group

Council Briefing 28 October 2019

STATUTORY REQUIREMENTS

Local Government Act 1995 – The disposal of any land by Council must comply with s.3.58 of the Act as follows:

3.58 Disposing of property Local Government Act 1995

- (2) Except as stated in this section, a local government can only dispose of property to -
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -
- (a) it gives local public notice of the proposed disposition -
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 - The undertaking of a scheme amendment is required to comply with the Act/Regulations which sets out the procedure for completing the amendment and securing approval from the WA Planning Commission/Minister for Planning.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The requested actions will involve the following financial implications:

1. Disposing of the land includes advertising charges, valuation expenses and land administration fees including settlement agent expenses (estimated total \$2,000). The sale of Lot 2 would remove the land from Council's ownership and therefore remove any future maintenance, renewal or replacement costs of the car park (unless some other arrangement was in place) representing a significant future value savings. It was proposed at the recent meeting that the Shire would offer the land to The George Church Community Medical Centre Inc. group for \$1. The public notice required under the *Local Government Act 1995* will include the market valuation for the land determined by a licensed valuer. The valuation may be available for the Council meeting and is expected to obviously exceed the \$1 offered. For comparative purposes, the value received for lot 3 in June 2019 was \$60,000.
2. The required scheme amendment includes document preparation by staff, referral and advertising charges and administration time processing the amendment. The cost of completing the standard amendment is estimated to be \$3,000 - \$3,500.
3. The cost for completing the amalgamation of the lots includes surveyor costs to prepare plan, WA Planning Commission application charges and then costs associated with meeting any subdivision conditions placed by the WA Planning Commission. The surveyor to prepare plan is estimated to cost between \$500 - \$800 and the WA Planning Commission application fee for the amalgamation is \$2,406. As Lot 3 is now owned by The George Church Community Medical Centre Inc. group, they will need to co-sign the application.

The estimated total cost above is \$8,500 which can be funded from account 2072 (consultants – special projects). It is recommended that the costs of completing these actions be shared between the parties.

RISK MANAGEMENT IMPLICATIONS

Risk Management Framework:

Risk Profile 1: Asset Sustainability – as per Financial Implication 1, budgetary impact risk by way of routine maintenance, renewal or replacement costs is avoided by selling the land.

Risk Profile 8: Errors, Omissions and Delays – the following of due process within the planning environment assists in mitigating risk from a planning and development perspective.

ASSET MANAGEMENT IMPLICATIONS

The Shire currently maintains the land and car park at Lot 2 Spring Street, Kojonup. Disposing of the land to The George Church Community Medical Centre Inc. group will remove any future maintenance, asset renewal or replacement costs of the car park (unless some other arrangement was in place) representing a significant future value savings.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority (delegating to the CEO)

Prior to considering the Officer Recommendation the Chief Executive Officer requested clarification on Council's and the GCCMC Inc. previous discussions held 28 October 2019 regarding:

1. That any proposed sale of Lot 2 would require amalgamation with Lot 3 to address possible building footprint extending across existing titled boundary as well as the creation of one Lot of 2716m² not two separate Lots as presently exists.
2. The Officer recommendation makes no mention regarding use of the existing Hospital Car Park on Lot 2 or any additional Car Park area proposed by the GCCMC Inc. being a jointly shared 'Public Car Park' use.
3. A caveat, covenant or similar notation should be included on the title transfer to reflect dual use by Council and GCCMC Inc.

PROCEDURAL MOTION

119/19 Moved Cr Singh, seconded Cr Radford

"That Standing Orders be suspended to permit discussion with Mr. Robert Sexton, Chairman of the GCCMC Inc. regarding use of Lot 2 Spring Street in relation to the Car Park being dual purpose."

CARRIED 8/0

Mr. Sexton advised that whilst the Board has not had an opportunity to formally meet and discuss the points raised by the CEO, he understood that the intention of the group had always been to ensure any car parking provision could be dual use for the Medical Centre as well as public parking serving the Hospital and Barracks areas via a written agreement.

PROCEDURAL MOTION

120/19 Moved Cr Radford, seconded Cr Singh

"That Standing Orders be resumed."

CARRIED 8/0

OFFICER RECOMMENDATION

That the following actions be undertaken to assist The George Church Community Medical Centre Inc. group progress the development of their proposed medical centre:

1. In accordance with s.3.58 of the *Local Government Act 1995*, advertise the proposed sale of Lot 2 (No. 32) Spring Street, Kojonup (Vol: 1112 Folio 734) to The George Church Community Medical Centre Inc. group for \$1.00 subject to the sharing of the estimated \$8,500 fees associated with the sale, rezoning and amalgamation, equally between the two parties;
2. In accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, initiate Town Planning Scheme

- No. 3 – Amendment No. 14 to remove Lot 2 Spring Street from the Recreation local scheme reserve and include it in the Public Purposes local scheme reserve to match Lot 3. The amendment is considered a standard amendment on the basis that it is:
- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - (e) an amendment that would have minimal impact on land in the scheme area that is not subject of the amendment;
 - (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - (g) an amendment that is not a complex or basic amendment; and
3. Delegate authority to the Chief Executive Officer to complete an application in conjunction with The George Church Community Medical Centre Inc. group to the WA Planning Commission to amalgamate Lots 2 and 3 Spring Street, Kojonup.

ALTERNATIVE MOTION

Moved Cr Gale, seconded Cr Webb

That the following actions be undertaken to assist The George Church Community Medical Centre Inc. group progress the development of their proposed medical centre:

1. In accordance with s.3.58 of the *Local Government Act 1995*, advertise the proposed sale of Lot 2 (No. 32) Spring Street, Kojonup (Vol: 1112 Folio 734) to The George Church Community Medical Centre Inc. group for \$1.00 subject to:
 - a) A caveat or similar notation being placed on the title confirming the dual purpose of the carpark being, shared and unrestricted access for both the Medical Centre patients and the general public;
 - b) the sharing of the estimated \$8,500 fees associated with the sale, rezoning and amalgamation, equally between the two parties
2. In accordance with the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015, initiate Town Planning Scheme No. 3 – Amendment No. 14 to remove Lot 2 Spring Street from the Recreation local scheme reserve and include it in the Public Purposes local scheme reserve to match Lot 3. The amendment is considered a standard amendment on the basis that it is:
 - a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - b) an amendment that would have minimal impact on land in the scheme area that is not subject of the amendment;
 - c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - d) an amendment that is not a complex or basic amendment; and
3. Delegate authority to the Chief Executive Officer to complete an application in conjunction with The George Church Community Medical Centre Inc. group to the WA Planning Commission to amalgamate Lots 2 and 3 Spring Street, Kojonup.

ALTERNATIVE MOTION

121/19 Moved Cr Pedler, seconded Cr Fleay
“That the matter lay on the table.”

LOST 3/5

Cr Fleay requested that the motion be put.

COUNCIL DECISION

122 /19 Moved Cr Gale, seconded Cr Webb

“That the following actions be undertaken to assist The George Church Community Medical Centre Inc. group progress the development of their proposed medical centre:

- 1. In accordance with s.3.58 of the Local Government Act 1995, advertise the proposed sale of Lot 2 (No. 32) Spring Street, Kojonup (Vol: 1112 Folio 734) to The George Church Community Medical Centre Inc. group for \$1.00 subject to:*
 - a) A caveat or similar notation being placed on the title confirming the dual purpose of the carpark being, shared and unrestricted access for both the Medical Centre patients and the general public;*
 - b) the sharing of the estimated \$8,500 fees associated with the sale, rezoning and amalgamation, equally between the two parties*
- 2. In accordance with the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015, initiate Town Planning Scheme No. 3 – Amendment No. 14 to remove Lot 2 Spring Street from the Recreation local scheme reserve and include it in the Public Purposes local scheme reserve to match Lot 3. The amendment is considered a standard amendment on the basis that it is:*
 - a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
 - b) an amendment that would have minimal impact on land in the scheme area that is not subject of the amendment;*
 - c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and*
 - d) an amendment that is not a complex or basic amendment; and*
- 3. Delegate authority to the Chief Executive Officer to complete an application in conjunction with The George Church Community Medical Centre Inc. group to the WA Planning Commission to amalgamate Lots 2 and 3 Spring Street, Kojonup.”*

THE MOTION WAS PUT AND CARRIED BY ABSOLUTE MAJORITY 8/0

Reason: The matter had been discussed at a workshop on 28 October however as no decision had been made regarding the car park it had not been included in the officer recommendation.

Phil Shepherd left the meeting at 3.48pm and did not return.

Robert Sexton left the meeting at 3.48pm

Olivia Thorn left the meeting at 3.48pm

AUTHOR	Rob Cowie, Emergency Services and Payroll Officer
DATE	Tuesday 29 October 2019
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.3.1 Kojonup Bush Fire Advisory Committee Minutes 15 October 2019

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the minutes from the Bush Fire Advisory Committee meeting held 15 October 2019.

BACKGROUND

The Bush Fire Advisory Committee (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 of these meetings are presented to Council to consider any recommendations made.

At the BFAC Meeting held 15 October 2019, the following recommendation was made to the Council:

‘That it be recommended to Council that two new Fire Danger Rating Signs be erected on either side of Albany Highway located adjacent to the Kodja Place.’

COMMENT

All matters contained within the minutes are considered in this agenda item, except for Item 11.3 Bush Fire Tower Meeting and the resulting recommendation 8/19 which will be presented as a stand-alone agenda item.

The signage will cost approximately \$1,500 each and the information will be updated by Shire Staff.

CONSULTATION

Members of the Bush Fire Advisory Committee.

STATUTORY REQUIREMENTS

Section 38, 40 & 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

The signage will cost approximately \$1,500 each and the information will be updated by Shire Staff. There is no budget allocation for this item in the 2019/2020 Annual Budget, however the signage could be funded from account 2292 (Fire Hazard Reduction).

RISK MANAGEMENT IMPLICATIONS

The aim of installing the signage is to increase compliance with the Shire's Fire Break Notice and therefore reduce the risk of uncontrolled fire.

ASSET MANAGEMENT IMPLICATIONS

There are no known asset management implications.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

There are no known VROC implications

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

Moved Cr Radford, seconded Cr Fleay

123/19 "That:

1. *The Bush Fire Advisory Committee minutes for the meeting held 15 October 2019 be received; and*
2. *Two new Fire Danger Rating Signs be erected on either side of Albany Highway located adjacent to the Kodja Place."*

CARRIED 8/0

11.4 BUSH FIRE COMMUNICATIONS

AUTHOR	Rob Cowie, Emergency Services & Payroll Officer Anthony Middleton, Manager Corporate & Community Services
DATE	Thursday, 31 October 2019
FILE NO	ES.CIR.2
ATTACHMENT(S)	<p>11.4.1 Radio Shadow Map – Current Samson Road Site</p> <p>11.4.2 Radio Shadow Map – Jingalup/Balgarup Road site</p> <p>11.4.3 Minutes from Radio Communications Meeting held 17th April 2019</p> <p>11.4.4. Unused WAPOL tower – Opus Structural Assessment</p> <p>11.4.5. Unused WAPOL tower – Drawing</p> <p>11.4.6. Unused WAPOL tower – Structure Audit</p> <p>11.4.7. Unused WAPOL tower – Technical Drawing</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.
KP5 – Digital	5.4 – Have used technology to become a smart, safe, collaborative and informed region	5.4.1 - Enable and advocate for public access to NBN for all residents. 5.4.6 - Technology provisions to ensure all residents have instant access to innovative health provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a recommendation made by the Bush Fire Advisory Committee to progress the construction of a new bushfire radio communications tower.

BACKGROUND

At the Bush Fire Advisory Committee (BFAC) meeting held 15 October 2019, the following recommendation was made to the Council:

‘that it be recommended to council that Council urgently commit to building a new communications tower to the maximum height possible on the current midband site, pending an agreement with DFES to move the WAERN repeater to the new tower.’

Up until this point, Shire staff have been researching the construction of the new tower on public land for the installation of the mid-band radio network. The recommendation made

above now includes the moving of the WAERN radio network to a new Council owned tower to be constructed at the privately owned Samson Road Site. This represents a change in direction from previous Council decisions.

Following the 15 October 2019 BFAC meeting, correspondence was provided from Mr Digby Stretch, Kojonup Bush Fire Association President on 24 October 2019 as follows:

'Hi all,

Attached are the radio shadow maps for the current mid-band tower (assuming a new 60m tower) and the Jingalup/Balgarup Rd site at 60m. The Jingalup site looks better overall, although some black spots would be created in the Cherry Tree Pool region. The Chowerup tower has closed out most of the black spots in the SW corner of the shire. For clarity, I'll ask Murray for a map that includes the Chowerup repeater.

I was wrong in my recollection at BFAC last week that the current mid-band site was better on the shadow maps than the Jingalup Rd site. I'm happy for the shire to be considering the Jingalup site despite the motion that I put at BFAC regarding siting the new tower at the current mid-band repeater site.'

The radio shadow maps mentioned above are included as attachment 11.4.1 and 11.4.2.

Other previous motions of relevance to this issue are as follows:

At its meeting held on 21 October 2014, the Council resolved:

'that Kojonup Shire retain the mid band channel 41 radios for bush fire use as high band do not provide total coverage of the Shire on bad day.'

At its meeting held on 21 February 2017, the Council resolved:

'that the attached unconfirmed minutes for the Kojonup Bush Fire Advisory Committee meeting held 13 February 2017 be received and recommendations requiring Council approval as follows be approved by Council:

BUSHFIRE ADVISORY COMMITTEE DECISION 3/17

That the Bushfire Advisory Committee recommends that the Shire of Kojonup establishes a Technical Work Group consisting of the Presiding Member – Bushfire Advisory Committee, Chief Bushfire Control Officer, Manager Corporate Services, Building Maintenance Coordinator, Digby Stretch and Cr Ned Radford to prepare and present a formal report addressing the following terms of reference:

- 1. Assess the current and future communications requirements for fire coverage of the Shire.*
- 2. The communication tower should be so sited that the land the tower stands on is either owned or controlled by the Shire Council.*
- 3. That unrestricted access to the tower must be available at all times. This is necessary for maintenance purposes and for defence of the Tower in a wild fire.*
- 4. The Communications Tower must be a stand-alone system. This may mean a combination of battery/solar/backup generator. It is an advantage in general usage to be connected to the power grid, however in a wildfire it is usual for the power grid to become inoperative and cannot be relied upon. Therefore, a stand-alone system is considered an imperative.*

5. *The tower must be capable of carrying different types of antennae that may be required to operate simultaneously: e.g., The Bushfire Network, Shire Network and possibly Telstra or other users.*
6. *The type of radio, the frequency bands allocated and any alternative means of communications should all be examined. The expectation is; “that as effective a communication system as can be afforded will be in place for the 2017/2018 fire season’.*

Other background relevant to this issue is as follows:

- The Manager Corporate & Community Services and the Emergency Services & Payroll Officer met with the Department of Fire & Emergency Services (DFES) staff in Perth in February 2019 to discuss Shire of Kojonup bush fire communications. Evident from this meeting was the fact that establishing communication chains and sectors are just as vital as the communication networks that are used;
- All testing and work carried out on Fire Radios within the Shire (Radio Operators vehicles, Base Sets etc.) has occurred in recent months ensuring that equipment is at its optimal operating condition;
- A Communications meeting was held 17 April 2019 between DFES, Shire staff and local bush fire representatives that discussed that communication plans for use on fire grounds need to be understood and utilised to ensure that the tower isn’t overloaded with communication at incidents. (minutes are attachment 11.4.3);
- The Shire of Kojonup has been offered a second hand 55m mast that is currently being unused at the WA Police (WAPOL) site.

The issue surrounding the future of the communications tower located on the Samson Road site has a long history and is not an easy one to place in a single document. It can be covered in part by the following copy of Discussion Paper prepared by former Cr Robert Sexton (December 2016) in consultation with Digby Stretch, (retiring CBFCO) and Shire Staff.

“Preamble

The Kojonup Shire Council by the authority of the Local Government Act and the Bushfires Act (1954) creates the Bushfire Brigades, appoints the various officers and FCO’s and most importantly the Chief Bushfire Control Officer (CBFCO). Each Brigade has several radios, both fixed in vehicles and handheld, for the purposes of communicating with one another. The CBFCO has the prime responsibility of field command and through the radio network of forty-four transceivers is in communication with all the Brigades and other senior FCO’s in the carrying out their duties in respect to firefighting or another emergency. This includes communicating with other emergency services (DFES) and the water bombers on occasion.

In the event of wildfire, or other emergency, the radio network is the linchpin through which the CBFCO can control and co-ordinate the emergency response that is appropriate to the situation. If the radio network fails, then the CBFCO and the other officers have their only effective means of communication with one another removed. Coupled with this is that there is an unknown number (more than 100) of monitoring sets in households about the Shire, the use of those sets is also critical to keep the district informed in respect to the fire status of the district. The radio network, to state

the obvious, is the prime and most important tool that CBFCA and the firefighters have in co-ordinating resources to control and contain wildfire and the eventual clean-up operations.

When DFES elected to adopt the WAERN (2011) they supplied the radios and antennae equipment and undertook to carry out any ongoing maintenance. The antennae and associated equipment for this network (channel 234) is located on the Police tower just south of the town, the Council does not have any responsibility for this site or equipment. Whilst the changeover was progressing DFES also undertook to maintain a repeater link to the now superseded mid-band network, the mid-band equipment is located on the Shire Councils tower. At the time of changeover (2011) it was anticipated that the link between the two networks would be removed as soon as the system was operable, Kojonup elected to keep the link as it was judged by the BFAC and the then CBFCA (Stretch) that the mid-band system (channel 41) gave better coverage across the Shire. As a consequence, Kojonup (shire) now holds the licence for channel 41. The Council is responsible for all maintenance of the Tower, its equipment and the mid-band radios.

There is another repeater tower (WAERN 229) in the Chowerup area that services communications in the South-Western part of the Shire this tower is owned and operated by DFES. However, we still have blackspots of poor coverage in the South Eastern and North Western parts of the Shire. In the case of a major incident or potential fire incursion from a neighbouring Shire the WAERN system is critical for the incident controller to keep abreast of developments and deploy firefighters to the best advantage. The ability to communicate with neighbouring Shires is also critical in monitoring very bad fire conditions (Movement of vehicles ban) so that the risk of starting a fire is minimised.

The obvious weakness in the above situation in respect to the WAERN radios is that we (Bushfire network) do not have any input to the siting of the antennae. If the antennae were to be located much higher in the landscape (top of the tower) then it is likely we may have a much better coverage that does not need the link to the ageing mid-band network. The Police Tower operators (WA Government) quite naturally argue that their network takes precedence and place the channel 234 equipment in a position much lower on the tower. The maintaining of the link between the two networks is at the largesse of DFES and can be removed by them, it must be said that it is unlikely that this would happen without prior consultation, however the situation remains as a possibility. There is also the inherent problems with maintaining the link between systems as against one dedicated frequency.

The fact that the Shire Council creates the Bushfire Brigades and appoints the officers means that the Council also has the responsibility of giving those bodies and appointees the means to carry out their tasks, principally firefighting.

The Radios (transceivers)

As far as I am aware there is nothing inherently wrong with VHF or the (ch234) WAERN system. Like most radio networks (mobile phones included) it is the ability to broadcast and receive that is the problem so we always come back to the same place:

the communication tower. One of the issues that may come to a head when dealing with the future of the Mid-band network is; as an organisation, what do we expect the long-term prospect of keeping the ageing radios will be? We have an unknown number of radios capable of accessing the network, at least double the number of the WAERN radios. The physical control, expectation of use and maintenance of the mid-band network should be addressed by the BFAC so that the Bushfire Brigade organisation and the Shire Council have a clear understanding of what needs to be planned for the future use of that mid-band network. Clearly, the use of the WAERN radios and our relationship with DEFS should be discussed from time to time to reinforce what is to our advantage and to eliminate any problems that may emerge.

The Communication Tower

The security of tenure and secure access to the Communications tower (Stacey Williams present landowner) has not been addressed to the satisfaction of all parties. As far as I am aware the Shire Council does not have any legal document like an easement, right-of-way or title to the land on which the tower stands the best we have is a memorandum-of-understanding (MOU). The MOU is seen as a preliminary agreement while a more precise legal document is prepared a MOU is not considered to be a long-term agreement. This can present a real difficulty if the ownership of the land changes and the incoming owners do not wish to have the Tower on their property or indeed denied access to the Tower. At the present moment, there is not a problem although access and the very existence of the tower is at the largesse of the present land owners.

When considering the positioning of an antennae it cannot be over emphasised that the ability of the antennae to function in all conditions is paramount. It is well known that very hot weather, smoke and dust particles will affect the signal quality and signal strength of any type of radio, all of these conditions exist at the time of wildfire. The inference here is that a system that is adequate on a good day may not be readable on a bad day and therefore completely useless on two counts; one, that the system does not provide the communication that is necessary; two, that the radio user has believed and based on their actions on a false premise, a very dangerous practice....”

COMMENT

There have been numerous requests since the Council’s 2017 motion to “get on with building a new tower” from the community and Brigade volunteers. The BFAC recommendation formalises this community sentiment however it is considered that there are many unanswered questions and issues still to be resolved with regard to the construction of a new tower for bush fire radio communications in the Shire of Kojonup. They include:

- Exactly what measurable benefit will be gained from the construction of a new tower or from relocating to a higher site? 10% improvement? 20%?
- What are the issues with the current tower? Structural integrity? Too low? Unable to be climbed for maintenance?
- The focus of the Council’s motion on 21 February 2017 (refer above) surrounded the issue of the tower being located on private land and possible tenure issues that may result from that. Is this still the main priority as the BFAC motion does not address this issue?

- Will new black spots be created by choosing a new site?
- Why has shadow mapping been produced using a hypothetical 60 metre tower? Why not 50 metres or 70 metres?
- Would DFES and/or the Emergency Services Levy (ESL) contribute to the cost of construction?
- Can other services such as internet, community radio, community CB radio and the Shire's works department radio communications be placed onto the tower without interfering with performance?
- Does a new site require new licensing requirements and a change to a different frequency?
- The Shire of Kojonup has been offered a second hand 55m mast that is currently being unused at the WAPOL site. Does this tower offer any advantages over our existing tower? There is no warranty on the structure and all assessments will need to be taken at cost to the Shire, however, a structural report has been provided. Has a structural report ever been sourced for our existing Samson Road tower?

The extract from an email from Allan Brown, Coordinator Radio Communications Services (Support) Operations Capability, Department of Fire and Emergency Services regarding the offer for a second hand 55m mast that is currently being unused at the WAPOL site is as follows:

'Update on the Tower at the Police site Kojonup the structure now belongs to the Shire of Kojonup if you wish to take the Police offer that has been presented. As per all the usual disclaimers there is no warranty on this structure and you will need to employ your own structural engineering company to assess the current state and ensure it can be installed to replace your existing structure or use at a greenfield site your choice. The Police have also provided all of the Technical documentation for the Structure and this will assist with your assessment of the second hand structure.'

Radio Communications are currently working with the Police to look at antenna configuration on the Structure as it stands and we are in the process of arranging a site visit with a Rigger, DFES and Police personnel early next week to sort out the reported issues and look at the antenna configuration to look at improvements to the current situation we will advise time and dates once known.'

Four (4) attachments to this email regarding the current condition of this tower are attached as attachment 11.4.4, 11.4.5, 11.4.6 and 11.4.7. It is considered essential that the Shire source similar information on our existing tower before progressing further with any decision to build a new tower.

There are several options available to the Council to progress this matter:

Option 1 - Do nothing

This is not recommended as the condition of the existing tower is unknown and the WAERN network experiences significant black spots.

Option 2 – Construct a New Tower on the Existing Site

The BFAC recommendation is that Council commit to building a new communications tower to the maximum height possible on the current midband site, pending an agreement with

DFES to move the WAERN repeater to the new tower. This option is not supported at this time as there are too many unanswered questions as outlined above.

Option 3 – Seek Further Qualified Advice

Employ an independent consultant to carry out a comprehensive investigation into the current and future needs and requirements of the Shire of Kojonup' Radio Communications Network including but not limited to:

- a) The Shire's Mid-Band radio network;
- b) The WA Emergency Radio Network (WAERN);
- c) The Shire's works and services department radio network;
- d) CB radio;
- e) Community FM Radio; and
- f) Internet

and the best site within the Shire to locate this infrastructure for full coverage of the Shire of Kojonup.

Option 4 – Lobby for Improved Infrastructure

Lobby DFES to conduct further studies with the view of relocating current WAERN infrastructure to the current Samson Road site under a shared cost arrangement.

Option 5 – Construct a New Tower on a New Site

Construct a new tower on the green field site at the corner of Jinalup and Balgarup Road which will house both the WAERN and the Mid-Band radio network infrastructure.

It is considered that there is currently insufficient information to confidently commit to BFAC's most recent recommendation. In some areas the information available to Shire officers is conflicting. The construction of a new tower could total between \$250,000 and \$350,000 and it is currently very difficult to establish, with any certainty, what advantages or improvements this will tangibly provide. It is therefore recommended that Council pursue Option 3. This option will provide confidence that the placement and operation of communications equipment is in the best interests of the residents within the Shire of Kojonup and surrounding Shires.

CONSULTATION

DFES Staff

- Allan Brown Communications
- Martin Griffiths Communications
- Murray Hatton Regional Office

Kojonup Bush Fire Advisory Committee (BFAC)

Chief Executive Officer

Cr Gale

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Shire of Kojonup currently has an amount of \$110,000 in a cash backed reserve account to be utilized for this project.

A review of recent building permits for communications infrastructure showed the following costs of construction:

Approval Date	Suburb	Comments	Approval Value
18/04/2018	Frankland River	Telecommunications tower and associated equipment shelter, cabling, fencing and equipment	\$279000
22/04/2017	Cranbrook	Telecommunications tower, shelter and fencing (includes removal of existing tower)	\$200000
24/05/2017	Tenterden	Telecommunications tower, shelter and fencing	\$250000
18/10/2016	Frankland River	Telecommunications tower and cabinet	\$300000
28/09/2017	Lumeah	Telecommunications lattice tower, associated equipment and fencing	\$195000
20/09/2017	Mobrup	Telecommunications tower (monopole), associated equipment and fencing	\$150000
22/03/2018	Orchid Valley	Telecommunications tower (guy mast), associated equipment and fencing	\$279000

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1. Asset Sustainability Practices	Inadequate design (not fit for purpose) Outputs not meeting expectations;	Asset Replacement Schedule Asset Register	N/A
6. Engagement Practices	Infrastructure Projects	Advisory committees/groups	N/A
8. Errors, Omissions & Delays	Incorrect planning, development, building, community safety and Emergency Management advice	Policies and procedures	N/A
11. IT & Communications	Failures or disruptions caused by hardware, software or networks	Performance Monitoring	N/A
IMPLICATIONS			
In the absence of a detailed investigation that encompasses all aspects of emergency communications (e.g. coverage, hardware, land tenure/ownership, whole of life costing, advances in communication equipment/technology) by an independent consultant with expertise in this field, the Shire is unnecessarily exposed.			

ASSET MANAGEMENT IMPLICATIONS

The current communications tower is included in our Asset Register.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

As fires do not adhere to shire boundaries, communication is considered a Regional matter and coverage across the Region should be considered with our neighbours.

VOTING REQUIREMENTS

Simple majority

BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION (Motion 8/19)

‘That Council urgently commit to building a new communications tower to the maximum height possible on the current mid-band site, pending an agreement with DFES to move the WAERN repeater to the new tower.’

Prior to considering the Officer Recommendation, Cr Radford indicated his intention to foreshadow an amendment.

PROCEDURAL MOTION

124/19 Moved Cr Fleay, seconded Cr Webb

“That Standing Orders be suspended to allow discussion with the Chair of the Volunteer Bush Fire Brigades, Mr. Digby Stretch, to participate in discussion regarding the Bushfire Advisory Committee Recommendation.”

CARRIED 8/0

PROCEDURAL MOTION

125/19 Moved Cr Fleay, seconded Cr Radford

“That Standing Orders be resumed.”

CARRIED 8/0

OFFICER RECOMMENDATION

1. Defer consideration of the Bush Fire Advisory Committee recommendation (motion 8/19) until further information is available;
2. Source a structural suitability and serviceability assessment of the current communications tower located at Samson Road;
3. Authorise the Chief Executive Officer to engage an independent consultant to carry out a comprehensive investigation into the current and future needs and requirements of the Shire of Kojonup’ Radio Communications Network including but not limited to:
 - a) The Shire’s Mid-Band radio network;
 - b) The WA Emergency Radio Network;
 - c) The Shire’s Works and Services department radio network;
 - d) CB radio;
 - e) Community FM Radio; and
 - f) Internetand the best site within the Shire to locate this infrastructure for full coverage of the Shire of Kojonup.

Robert Sexton returned to the meeting at 3.56pm

Olivia Thorn returned to the meeting at 3.56pm

COUNCIL DECISION

126/19 Moved Cr Radford, seconded Cr Webb

“That Council defer a decision on the Communications Tower replacement until the CEO has undertaken the following actions:

1. *Ascertain DFES Capital funding criteria in respect of the Local Government Grant Scheme (LGGS) for the construction of a new Communications Tower which has the ability to accommodate the Shire of Kojonup’ Radio Communications Network including but not limited to:
 - a) *The Shire’s Mid-Band radio network;*
 - b) *The WA Emergency Radio Network;*
 - c) *The Shire’s Works and Services department radio network;*
 - d) *CB radio;*
 - e) *Community FM Radio; and*
 - f) *Internet;**
2. *Cost to erect a new Communications Tower and associated radio network at the Jingalup Site situated at Jingalup/Balgarup Road given the improved coverage achieved from Shadow Testing undertaken by DFES Communications;*
3. *Land tenure requirements given Jingalup site is currently a road reserve;*
4. *New tower design considerations such as height, structural integrity especially if utilising the tower on offer from WAPOL;*
5. *Costs to relocate the Muradup Shed which permits all weather protection for new batteries and installation of new solar panels to the Jingalup site;*
6. *Costs for security fencing, improved road access to the new tower and costs of shifting/replacing the WAERN system or installation of new aerials to the Jingalup site;*
7. *Costs of dismantling and/or selling the Samson Road Tower and rehabilitating the site;*
8. *Advice to be sourced from DFES Communications as required;*
9. *Lodge an application seeking LGGS Capital Funding based on the above information; and*
10. *Council give due consideration to borrowing the appropriate funds in order for the new Jingalup Tower to be operational by Mid-2020.”*

CARRIED 8/0

Reason for change – Shadow casting trials had indicated Jingalup as a better location for a Communications Tower and bearing this in mind what funding assistance may be available from DFES towards capital works required to erect a new tower at this new location.

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

Nil

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

Nil

14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

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.

Members of the Gallery left the meeting at 3.59pm and did not return.

PROCEDURAL MOTION

127/19 Moved Cr Fleay, seconded Cr Radford

“That the meeting proceed behind closed doors in accordance with Section 5.23(2)(c) and (e) of the Local Government Act 1995 at 4.00pm”

CARRIED 8/0

PROCEDURAL MOTION

128/19 Moved Cr Benn, seconded Cr Singh

“That the meeting be reopened to the public at 4.25pm”.

CARRIED 8/0

- 17.1 REQUEST FOR TENDER 08/2019/20 – KEY WORKER HOUSING – DESIGN AND CONSTRUCT, 26 KATANNING ROAD, KOJONUP
REQUEST FOR TENDER 09/2019/20 – KEY WORKER HOUSING – DESIGN AND CONSTRUCT, 28 KATANNING ROAD, KOJONUP

OFFICER RECOMMENDATION

129/19 Moved Cr Fleay, seconded Cr Radford

“That Council accept:

1. *The tender offer from Pindan Projects WA Pty Ltd for a total of \$484,078.13 (including GST) for the design and construction of a new dwelling at 26 Katanning Road, Kojonup in accordance with Shire of Kojonup tender specification 08/2019/20 subject to the floor and site plan being approved by the Department of Communities ; and*
2. *The tender offer from Pindan Projects WA Pty Ltd for a total of \$494,863.57 (including GST) for the design and construction of a new dwelling at 28 Katanning Road, Kojonup in accordance with Shire of Kojonup tender specification 09/2019/20 subject to the floor and site plan being approved by the Department of Communities”*

CARRIED 8/0

- 17.2 OLD SCOUT HALL, KOJONUP – CONSIDERATION OF TENDERS

OFFICER RECOMMENDATION

130/19 Moved Cr Benn, seconded Cr Wieringa

“That:

1. *No Tender be accepted for Tender 07 of 2019/20; and*
2. *The Chief Executive Officer be authorised to enter into negotiation with Evergreen House Transformers for the purchase and removal of the Old Scout Hall, Kojonup, in accordance with regulation 30 (2a) (b) of the Local Government (Functions and General) Regulations 1996.”*

CARRIED 8/0

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 19 November 2019 commencing at 3.00pm

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.24pm.

20 ATTACHMENTS (SEPARATE)

- Item 11.3 11.3.1 Kojonup Bush Fire Advisory Committee Minutes 15 October 2019

- Item 11.4 11.4.1 Radio Shadow Map – Current Samson Road Site
 11.4.2 Radio Shadow Map – Jingalup/Balgarup Road site
 11.4.3 Minutes from Radio Communications Meeting held 17th April 2019
 11.4.4 Unused WAPOL tower – Opus Structural Assessment
 11.4.5 Unused WAPOL tower – Drawing
 11.4.6 Unused WAPOL tower – Structure Audit
 11.4.7 Unused WAPOL tower – Technical Drawing

- Item 17.1 17.1.1 Request for Tender – Key Worker Housing – Design & Construct
 17.1.2 Request for Tender – Addendum 1
 17.1.3 Request for Tender – Addendum 2
 17.1.4 Request for Tender – Addendum 3
 17.1.5 RFT 26 Katanning Road Preferred Tender
 17.1.6 RFT 28 Katanning Road Preferred Tender

- Item 17.2 17.2.1 Tender 1
 17.2.2 Tender 2
 17.2.3 Quotation (May 2019) for Demolition of Old Scout Hall
 17.2.4 Tender 07 of 2019/20 Information Package
 17.2.5 Tender 07 of 2019/20 Tender Form