



## MINUTES

### Ordinary Council Meeting

15 August 2023

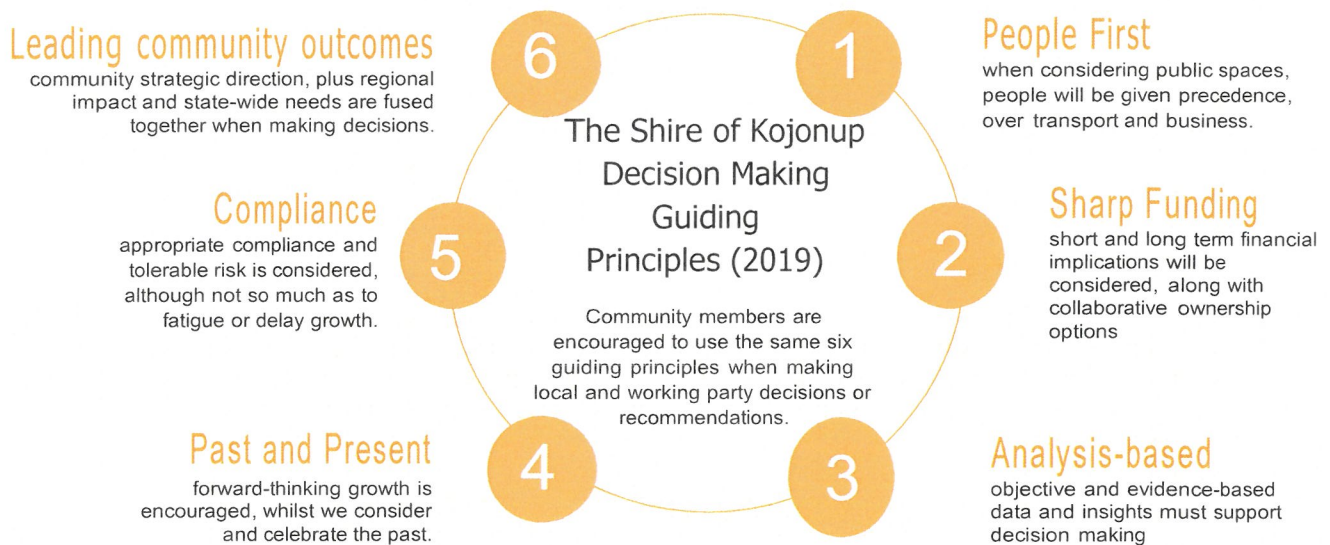
MINUTES OF AN ORDINARY COUNCIL MEETING TO BE HELD ON 15 AUGUST 2023

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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 declared the meeting open at 3.00pm and drew the meeting's attention to the disclaimer below:

**Disclaimer**

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

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

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

**Acknowledgement of Country**

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

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

**Prayer**

*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 N Radford

Shire President

Cr P Webb

Deputy Shire President

Cr F Webb

Cr Singh

Cr R Bilney

Cr A Egerton-Warburton

Cr Wieringa

**STAFF**

Grant Thompson

Chief Executive Officer

Judy Stewart

Manager Governance & Administration

Jill Johnson

Manager Financial & Corporate Services

Robert Jehu

Manager Regulatory Services

**MEMBERS OF THE PUBLIC**

Cathy Wright

Prue Batchelor

3.1 **APOLOGIES**

Cr Gale

3.2 **APPROVED LEAVE OF ABSENCE**

Nil

4 **DECLARATION OF INTEREST**

9.4.2 – REVOCATION OF CLAUSE 2 OF COUNCIL MOTION 44/23 AND CHANGE OF LOCATION FOR THE CONSTRUCTION OF A BUSH FIRE COMMUNICATIONS TOWER

Cr P Webb, Cr F Webb – Proximity Interest

5 **PUBLIC QUESTION TIME**

Nil

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

Not applicable

5.2 **PUBLIC QUESTION TIME**

Nil

## 6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING 19 JULY 2023

Unconfirmed Minutes of an Ordinary Council Meeting held 19 July 2023 are at [attachment 6.1.1.](#)

## OFFICER RECOMMENDATION/COUNCIL DECISION

86/23 Moved Cr Singh

## Seconded Cr Egerton-Warburton

That the Minutes of an Ordinary Council Meeting held 19 July 2023 be confirmed as a true record.

CARRIED 7/0

## 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

There were nil changes to the order of business.

## 9 REPORTS

## 9.1 KEY PILLAR 'LIFESTYLE' REPORTS

Nil

## 9.2 KEY PILLAR 'ECONOMICS' REPORTS

Nil

9.3 KEY PILLAR ‘VISITATION’ REPORTS

9.3.1 KODJA PLACE ROSE MAZE ENTRANCE – SECOND PHASE CONCEPT DESIGN

<b>AUTHOR</b>	Jill Watkin – Manager Kodja Place Cultural Centre, Tourism and Marketing
<b>DATE</b>	Tuesday, 8 August 2023
<b>FILE NO</b>	CP.DAC.09
<b>ATTACHMENT(S)</b>	9.3.1.1 – Good Batch Co – Kodja Place Rose Maze Entrance Concept Design, inclusive of drainage plan, to create a new entrance into the Rose Maze from the Broomehill-Kojonup Road

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 TO BE:  <i>“The Cultural Experience Centre of the Great Southern”</i>                      STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>Key Strategic Pillar/s</b>	<b>Community Goal/s</b>	<b>Corporate Objective/s</b>
Visitation	7 - Experience Kojonup Anytime Adventures	7.2 – Experience Kojonup Attraction Upscale

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is for Council to consider approving the second phase of the Kodja Place Rose Maze Entrance Concept Design (Plan) to attract additional visitors into the Rose Maze (Maze) from Broomehill-Kojonup Road.

**BACKGROUND**

The first phase of this Plan was brought before Council at a meeting held on 21 June 2022 when permission was sort and granted to create a new entrance directly into the Maze from the Kodja Place Precinct. At its June 2022 Ordinary Meeting Council resolved as follows:

*“That Council approves the Schematic Concept Plan and Design from Realm Studios, as attached, for an additional entrance to the Rose Maze, at The Kodja Place precinct, to enable Kodja Place Community Fund Inc volunteers to complete the works required, at no cost to Council.”*

The initial phase of this Plan substantially increased both foot traffic into the centre of the Maze, by opening the line of sight from the Kodja Place Precinct and enabling better access, and the ability to hold large events within the Maze whilst maintaining the integrity of the Maze.

#### **COMMENT**

The second phase concept is to provide a direct line of sight, attracting additional visitors from Broomehill-Kojonup Road to explore the Maze, Kodja Place and the Black Cockatoo Café.

The integrity of the Maze and the stories of the Three Women will be maintained.

New plantings, in seven failed rose beds, will include native plantings which will result in less maintenance, more efficient water use and additional shade during summer months to encourage more people into the Maze.

Phase 2 grant funding of \$40,000 (overall total) will be provided by Enel Green Power to the Kodja Place Community Fund Inc.

#### **CONSULTATION**

The Kodja Place Community Fund Inc. (KPCFI) engaged the community on the second phase which commenced February 2023 with announcements in Kojonup News and social media. A committee inclusive of members from the community, Kodja Place Community Fund Inc. and Shire of Kojonup officers was established. The KPCFI engaged Prue Batchelor, formally of Realmstudios and now Good Batch Co., to produce this Plan.

#### **STATUTORY REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The Shire of Kojonup (Shire) will receive income from the grant to undertake the hard landscaping - estimated at between \$10,000 and \$15,000.

The Shire Horticultural Department will continue to maintain the Maze in conjunction with volunteers. Costs will be reduced in both maintenance and water usage by use of water wise plantings.

All capital expenses are expected to be met by the afore-mentioned grant funding.

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1. Asset Sustainability Practices	Inadequate Design	Routine maintenance schedule: Other infrastructure (Parks, reserves & play equipment)	Nil
Risk rating – <i>Adequate</i>			
IMPLICATIONS			
Prue Batchelor of Good Batch Co. is a fully qualified landscape architect with 3 years of experience post-graduation, thus mitigating risk associated with poor design or lack of knowledge and experience.			

#### ASSET MANAGEMENT IMPLICATIONS

Any future maintenance required of the new entrance.

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

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

87/23 Moved Cr Singh

Seconded Cr Egerton-Warburton

That the Council approves the grant funded Kodja Place Rose Maze Entrance – Second Phase Concept Design from Good Batch Co., as presented, for an additional entrance to be constructed on the north east elevation of the Kodja Place Rose Maze.

CARRIED 7/0

*Cathy Wright and Prue Batchelor left the meeting at 3.05pm.*

9.4 KEY PILLAR ‘PERFORMANCE’ REPORTS

9.4.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (JUNE 2023)

<b>AUTHOR</b>	Jill Johnson – Manager Financial and Corporate Services
<b>DATE</b>	Friday, 4 August 2023
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	9.4.1.1 – Monthly Financial Statements - 1 to 30 June 2023

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 TO BE:</b> <i>“The Cultural Experience Centre of the Great Southern”</i> <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**

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 June 2023.

**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 Statement of Financial Activity for the period 1 July 2022 to 30 June 2023 represents twelve (12) months, or 100% of the year.

The following items are worthy of noting:

- Closing surplus position of \$2,362,536.
- Capital expenditure achieved 75.6% of budgeted projects.
- Cash holdings of \$5.7m of which \$3.0m is held in cash backed reserve accounts and \$2.7m is unrestricted cash.
- Rates debtors outstanding equate to 7% of total rates raised for 2022/2023.
- 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.

#### **RISK MANAGEMENT IMPLICATIONS**

Nil

#### **ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

88/23 Moved Cr F Webb

Seconded Cr S Singh

That the monthly financial statements for the period ending 30 June 2023, as attached, be noted.

CARRIED 7/0

Cr P Webb and Cr F Webb declared a proximity interest and left the meeting at 3.06pm.

#### 9.4.2 REVOCATION OF CLAUSE 2 OF COUNCIL MOTION 44/23 AND CHANGE OF LOCATION FOR THE CONSTRUCTION OF A BUSH FIRE COMMUNICATIONS TOWER

<b>AUTHOR</b>	Judy Stewart – Manager Governance & Administration
<b>DATE</b>	Friday, 14 July 2023
<b>FILE NO</b>	GO.CNM.2/ ES.CIR.2/ES.COM.1
<b>ATTACHMENT(S)</b>	9.4.2.1 – Notice of Motion – revocation of Council Motion 44/23 9.4.2.2 – Map - Lot 8745, Jingalup Road

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 TO BE:</b> <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	12.6 SoK asset management

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Council, following a Notice of Motion pursuant to the *Local Government (Administration) Regulations 1996*, to consider the revocation of clause 2 of Council Motion 44/23 and an alternative location for the construction of a Bush Fire Communications Tower.

#### BACKGROUND

After researching the construction and location for the installation of a new bush fire communications tower and receiving an offer from Paul and Felicity Webb to allow the Shire of Kojonup (Shire) to site the proposed Communications Tower on their property on Jingalup Road, Council resolved as follows at its 18 April 2023 Ordinary Meeting:

*“That Council:*

- 1. authorises the Chief Executive Officer (CEO) to call for tender, in accordance with s. 3.58 of the Local Government Act 1995, to construct new communications infrastructure, using the Request for Tender as presented (attachment 9.2.3.5);*
- 2. delegates authority to the CEO to negotiate the required access and use of the proposed site on Jingalup Road, Kojonup with Paul and Felicity Webb for construction of the new communications tower;*
- 3. authorises the CEO to call for tender, in accordance with s. 3.58 of the Local Government Act 1995, to deconstruct the existing communications tower on Samson Road, Kojonup, using the Request for Tender as presented (attachment 9.2.3.6); and*
- 4. proposes to dispose of the communications building (in an empty state) located on Samson Road, Kojonup, that is associated with the current housing of communication tower equipment, to the landowner whose land the building is situated on, for nil cost, in accordance with s.3.58 of the Local Government Act*

*1995, upon the completion of the new communications tower to be located at Jingalup Road, Kojonup.”*

Tenders have subsequently been called and received for the construction of the new bush fire communications tower and deconstruction of the existing Samson Road bush fire communications tower and are for consideration by Council elsewhere in this agenda.

#### COMMENT

Since Council’s 18 April 2023 Ordinary Meeting, the Shire President has been in contact with Craig Heggarton regarding the potential use of a portion of Mr Heggarton’s land, also located on Jingalup Road but more elevated (between 20 and 30 metres) than the land previously offered.

The Shire President and Manager Regulatory Services met on the potential site (Lot 8745 Jingalup Road) with Craig Heggarton on 7 July 2023. Mr Heggarton, at this site meeting, verbally agreed to allow access to the above mentioned site for the purpose of constructing a bush fire communications tower, on a perpetual basis at no cost to the Shire. An access and use of land agreement would be required and would need to be finalised with Mr Heggarton prior to construction.

Shire officers concur this parcel of land has less constraints and would be better suited for a bush fire communications tower. The Manager Regulatory Services has advised that the tender process will not be affected by a decision to change the location as the site was a generic site located on Jingalup Road.

To enable an agreement to be entered into for the construction of a bush fire communications tower on a different location to that specified in Council Motion 44/23, Council is required to revoke clause 2 of Council Motion 44/23 before resolving to enter into an agreement with land owner Craig Heggarton. In order to revoke any part of a Council Motion, a Notice of Motion is required containing the signatures of three councillors who propose the revocation; the relevant Notice of Motion is at attachment 9.4.2.1.

#### CONSULTATION

Shire President

Chief Executive Officer

Manager Regulatory Services

#### STATUTORY REQUIREMENTS

*Local Government Act 1995 (Act) – s. 5.25 (1) (e) and (f):*

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

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

*(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and*

*(f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;*

*Local Government (Administration ) Regulations 1996 – r.10 provides:*

**10. *Revoking or changing decisions (Act s. 5.25(1)(e))***

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) *in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

**11. *Minutes, content of (Act s. 5.25(1)(f))***

*The content of minutes of a meeting of a council or a committee is to include —*

- (c) *details of each motion moved at the meeting, the mover and the outcome of the motion;*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

It is estimated that there may be an immaterial cost saving at the new location due to access to cleared land but Shire Officers do not believe it is significant.

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1 – Asset Sustainability Practices	Failure or reduction in service of infrastructure assets, plant, equipment or machinery	Asset Replacement schedule	Nil
Risk rating – <i>Adequate</i>			
IMPLICATIONS			
Choice of a more suitable location for a bush fire communications tower assists in mitigating the risk associated with less effective communication technology.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

89/23 Moved Cr Bilney (in Cr Gale's absence) Seconded Cr Egerton-Warburton  
Third Cr Radford

That Council:

1. following a Notice of Motion pursuant to r.10 of the *Local Government (Administration) Regulations 1996*, revokes clause 2 only of Council Motion 44/23 as follows:

"That Council delegates authority to the CEO to negotiate the required access and use of the proposed site on Jingalup Road, Kojonup with Paul and Felicity Webb for construction of a new communications tower";

2. delegates authority to the Chief Executive Officer to negotiate the required access and use of a portion of Lot 8745, Jingalup Road, with Craig Heggart, to construct a bush fire communications tower and associated infrastructure to house communications equipment; and  
3. expresses its gratitude to Paul and Felicity Webb for their previous offer of land for the construction of a bush fire communications tower.

CARRIED BY ABSOLUTE MAJORITY 5/0

Cr P Webb and Cr F Webb returned to the meeting at 3.08pm.

9.4.3 FINANCIAL MANAGEMENT – ACCRUED RATE INTEREST CREDITS (AUGUST 2023)

AUTHOR	Jill Johnson – Manager Financial & Corporate Services
DATE	Tuesday, 8 August 2023
FILE NO	
ATTACHMENT(S)	9.4.3.1 – Accrued Interest Rate Credits – Various Properties

‘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	12.1 SoK finances and funding

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is for Council to consider credits of interest on rates that were raised against properties during the time the Shire of Kojonup (Shire) reviewed rate issues in respect to the properties listed.

**BACKGROUND**

Interest accrues daily in the rate system.

**COMMENT**

The requested rate interest credits (as of the date of this report) have accrued whilst the Shire has been dealing with discrepancies relating to the listed properties’ rates and are, therefore, deemed not valid charges. As stated above, the charges have occurred automatically due to the rates system accruing interest on a daily basis.

The Author requests that all the interest rates accrued on the documented properties are credited to the respective property.

Please note that the attachment data highlights the interest rate at the point in time of writing this report and may not reflect the actual credited amount as interest accrues daily.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

Section 6.25 to 6.82 of the *Local Government Act 1995*

Sections 52 to 78 of the Local Government (Financial Management) Regulations 1996 relate to property rating requirements and procedures.



**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The credit of the interest, as listed, will result in these charges no longer being owed to the Shire and, therefore, no longer being represented as outstanding revenue.

**RISK MANAGEMENT IMPLICATIONS**

Nil

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

90/23 Moved Cr Wieringa

Seconded Cr F Webb

That the total accrued interest rate amounts against the attached listed properties be credited prior to raising rates for the 2023-2024 financial year.

CARRIED BY ABSOLUTE MAJORITY 7/0



10 APPLICATIONS FOR LEAVE OF ABSENCE

10.1 CR RADFORD – SPECIAL COUNCIL MEETING – 23 AUGUST 2023

COUNCIL DECISION

91/23 Moved Cr F Webb

Seconded Cr Wieringa

That Cr Radford be granted Leave of Absence for Council's 23 August 2023 Special Council Meeting.

CARRIED 7/0

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

## 14 MEETING CLOSED TO THE PUBLIC

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

14.1.1 AWARDING OF TENDER 03 OF 2022/2023 – CONSTRUCTION OF COMMUNICATIONS TOWER – JINGALUP ROAD, KOJONUP AND TENDER 2 OF 2022-2023 – DECONSTRUCTION OF COMMUNICATIONS TOWER – SAMSON ROAD, KOJONUP

AUTHOR	Robert Jehu – Manager Regulatory Services
DATE	Thursday, 10 August 2023
FILE NO	FM.TND.15
ATTACHMENT(S)	14.1.1.1 – Tender application – RFT 03-2022/2023 Construction of Tower – Jingalup Road, Kojonup 14.1.1.2 – Tender application – RFT 02-2022/2023 Deconstruction of Tower – Samson Road, Jingalup

### 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/COUNCIL DECISION

92/23 Moved Cr Bilney

Seconded Cr Singh

That the meeting proceed behind closed doors in accordance with Section 5.23(2) (e) of the Local Government Act 1995 at 3.10pm.

CARRIED 7/0

*The Manager Financial and Corporate Services left the meeting at 3.10pm.*

COUNCIL DECISION

93/23 Moved Cr F Webb

Seconded Cr Wieringa

That the meeting adjourn at 3.11pm to obtain a hard copy of Confidential Agenda Item 14.1.1.

CARRIED 7/0

COUNCIL DECISION

94/23 Moved Cr F Webb

Seconded Cr Bilney

That the meeting re-convene at 3.16pm.

CARRIED 7/0

*Cr P Webb and Cr F Webb left the meeting at 3.16pm.*

PROCEDURAL MOTION/COUNCIL DECISION

96/23 Moved Cr Wieringa

Seconded Cr Bilney

That the meeting be reopened to the public at 3.23pm.

CARRIED 7/0

*Cr P Webb and Cr F Webb returned to the meeting at 3.23pm.*

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14.2.1 AWARDING OF TENDER 03 OF 2022/2023 – CONSTRUCTION OF COMMUNICATIONS TOWER – JINGALUP ROAD, KOJONUP AND TENDER 2 OF 2022-2023 – DECONSTRUCTION OF COMMUNICATIONS TOWER – SAMSON ROAD, KOJONUP

OFFICER RECOMMENDATION/COUNCIL DECISION

95/23 Moved Cr Singh

Seconded Cr Egerton-Warburton

That Council:

1. Accepts the Tender from Digital Radio Systems for \$230,858.10, as presented, for the construction of a Bush Fire Communications Tower in Jingalup Road, Kojonup; Accepts the Tender from Digital Radio Systems for \$16,478.00, as presented, for the decommissioning, dismantling, removal and remediation of the old Bush Fire Communications Tower at Samson Road, Jingalup; and
2. Authorises the Chief Executive Officer (CEO) to:
  - a) conduct due diligence on the successful proponent to satisfy the CEO of the proponent's ability to deliver the works on-time, within budget and to the quality standards required; and
  - b) if the CEO is satisfied with the due diligence, proceed to contract the successful proponents for construction of a new Bush Fire Communications Tower and decommissioning of the current tower based on the submitted tenders.

CARRIED 5/0

*The Manager Regulatory Services left the meeting at 3.27pm.*


15 CLOSURE

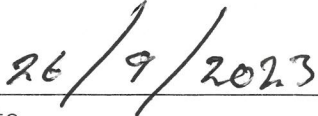
There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.28pm.

16 ATTACHMENTS (SEPARATE)

6.1	6.1.1	Unconfirmed Minutes of an Ordinary Council Meeting held on 19 July 2023
9.3.1	9.3.1.1	Good Batch Co – Kodja Place Rose Maze Entrance Concept Design, inclusive of drainage plan, to create a new entrance into the Rose Maze from the Broomehill-Kojonup Road
9.4.1	9.4.1.1	Monthly Financial Statements – 1 to 30 June 2023
9.4.2	9.4.2.1	Notice of Motion – revocation of Council Motion 44/23
	9.4.2.2	Map - Lot 8745, Jingalup Road
9.4.3	9.4.3.1	Accrued Rate Interest Credits – Various Properties

Confirmed on 26 September 2023 as a true record –

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

  
\_\_\_\_\_  
Date