

SHIRE OF KOJONUP



Council Minutes

17th August 2010

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 17th August 2010****TABLE OF CONTENTS**

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SHIRE OF KOJONUP

MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 3:04pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings 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.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin
Cr Jane Trethowan
Cr Ian Pedler
Cr Rosemary Hewson
Cr Frank Pritchard
Cr John Benn
Cr Michael Baulch
Cr Greg Marsh

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer
Mrs Mellissa Haynes	Finance Officer
Miss Cindy Westbrook	Executive Assistant

APOLOGIES

Nil

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION**

59/10 MOVED Cr Trethowan seconded Cr Benn that Cr Hewson be granted leave of absence for the Council meetings to be held on 21st September 2010 & 19th October 2010.

CARRIED 8/0

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 20th July 2010

Corrections:

COUNCIL DECISION

60/10 MOVED Cr Hewson seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 20th July 2010 be confirmed as a true record.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

The Shire President & the Chief Executive Officer attended Local Government Week beginning on the 6th August 2010. Also the same day Cr Trethowan, Cr Hewson & Cr Benn attended the Kojonup Historical Society Book Launch. This book has since been donated to the Kojonup Public Library and is titled 'Give them Wings – Schools of the Kojonup District 1863 – 2009'.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, August 12, 2010
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2009 to 30th June 2010

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July 2009 to 30th June 2010.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1st July 2005.

COMMENTS

The attached Statement of Financial Activity for the period 1 July 2009 to 30 June 2010 shows that the projected opening balance used for the 2010/2011 Budget will be extremely close to the final figure to be disclosed in the Annual Financial report for the 2009/2010 financial year.

Much work continues with respect to non cash end of year adjustments for preparation of the Annual Financial Statements; however these entries will not have any impact on the 2010/2011 opening balance position.

The Statements of Financial Activity for the period 1st July 2010 to 30th June 2010 show a solid position with 94.18% of rates collected to 30th June 2010 and a total amount of cash holdings of \$3,042,095 of which \$2,157,594 is held in fully cash backed Reserves.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Monthly Statement of Financial Activity, as attached, be accepted.

COUNCIL DECISION

61/10 MOVED Cr Marsh seconded Cr Pedler that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Monday, August 9, 2010
 FILE NO: FM.AUT.1
 ATTACHMENT: 10.2 Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive a list of payments made since the last similar list was received.

BACKGROUND

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be “presented” whenever payments have been made under a delegated authority. (Reference Delegation #18).

POLICY IMPLICATIONS

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the list of payments.

VOTING REQUIREMENTS

Simple Majority

OFFICER ORIGINAL RECOMMENDATION

That the Payment Listing from 01/07/2010 to 31/07/2010 comprising of Municipal Cheques 11217 to 11250, EFT's 5867 to 5936 and Internal Payment Vouchers 2316 to 2354 totaling \$1,068,419.20 and as attached to this agenda, be received.

AMENDED OFFICERS RECOMMENDATION

The Manager of Corporate Services foreshadowed a correction to the officer's recommendation with respect to item 10.2 Monthly Payments Listing.

The following change was required as the amount shown in the original recommendation of \$1,068,419.20 was incorrect and the amount should be \$651,490.16.

Attachment 10.2 to the Agenda also required correction to the last page to note the following correction:

SUMMARY OF ACCOUNTS	
Cheques 11217 - 11250	-267104.80
EFT's 5867 - 5936	-138274.21
IPV's 2316 - 2354	-246111.15
Total	\$651,490.16

The Manager of Corporate Services noted that the content of the attachment was correct however the Summarised totaling was not.

A new report and copy of the last page of attachment 10.2 was handed out to all present at the meeting:

The Manager of Corporate Services apologised for this error.

The following Amended Officers Recommendation was put to the meeting:

AMENDED OFFICER RECOMMENDATION

That the Payment Listing from 1/7/2010 to 31/7/2010 comprising of Municipal Cheques 11217 to 11250, EFT's 5867 to 5936 and Internal Payment Vouchers 2316 to 2354 totaling \$651,490.16 and as attached to this agenda, be received.

COUNCIL DECISION

62/10 MOVED Cr Trethowan seconded Cr Marsh that the Payment Listing from 1/7/2010 to 31/7/2010 comprising of Municipal Cheques 11217 to 11250, EFT's 5867 to 5936 and Internal Payment Vouchers 2316 to 2354 totaling \$651,490.16 and as attached to this agenda as amended, be received.

CARRIED

8/0

3:16pm Mrs Heather Marland & Mrs Mellissa Haynes left the Chamber.

3:21pm Mrs Mellissa Haynes returned to the Chamber.

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

12.1 PROPOSED WASTE OIL RECYCLING PLANT – RODERICK BOWEY, KCM INDUSTRIES

AUTHOR: Mort Wignall- Manager Regulatory & Community Services
 DATE: 13th August 2010
 FILE: DB.BDA.8
 ATTACHMENTS: 12.1 - Letter of Application

DECLARATION OF INTEREST

Nil

SUMMARY

Council approval is being sought for development of a waste oil recycling plant on Lot 57 Thornbury Close, Kojonup, which is land owned by Council.

Oil recycling is a permitted use within the Shire of Kojonup gazetted industrial estate subject to compliance with Department of Environment & Conservation (DEC) requirements as part of the overall development application approval process.

BACKGROUND

A previous application was received from KCM Industries to establish a waste oil recycling facility on Lot 3, Location 7 Albany Highway, and at the March 2010 Briefing Session of Council where the proposal was discussed, it was decided that use of the proposed land for such purpose was inappropriate.

However, at that time Council conducted a site visit of the Kojonup industrial estate for the purpose of determining whether there may be land there that would be a suitable alternate site for

establishment of the proposed waste oil recycling facility, including land owned by Council which could be acquired by KCM Industries under the relevant provisions of the Local Government Act.

Council was of the view that land in the industrial estate, namely Lot 57 Thornbury Close (owned by Council) may well be suitable for the KCM Industries proposed development and this information including details relating to acquisition of the land from Council, was subsequently conveyed to Mr Bowey by the Chief Executive Officer.

Mr Bowey has since decided to proceed with the proposed development on Lot 57 Thornbury Close, subject to him acquiring the land from Council. He is now seeking "Approval in Principle" from Council for the development which is required by DEC prior to them issuing a "Scheduled Premises" Category 39 Licence to KCM Industries for the proposed waste oil recycling facility which is a prerequisite of DEC prior to development of the project.

COMMENT

The Chief Executive Officer has arranged for a valuation of Lot 57 Thornbury Close following which he will negotiate with Mr Bowey for his acquisition of the lot.

I have undertaken a preliminary assessment of the proposed development in consultation with the Chief Executive Officer, Consultant Planner and Principal Building Surveyor and no objections are raised against the issue of "Approval in Principle" for the proposed development which will then enable consideration of the issue of the "Controlled Waste" licence by DEC and commencement of negotiations for acquisition of the land by KCM Industries from Council.

Following this process detailed plans and specifications of the proposed development will be submitted by KCM Industries for further assessment by the Principal Building Surveyor and Environmental Health Officer, prior to the issue of a Building Licence and approval to construct the septic tank and onsite effluent disposal system respectively.

CONSULTATION

Council considered a previous application from KCM Industries at the March 2010 Briefing Session and also conducted a site visit to the Kojonup industrial estate at that time where they were further briefed by the Chief Executive Officer regarding the proposed development.

A scoping meeting between the applicant and officers of the Bunbury DEC office has also taken place.

STATUTORY REQUIREMENTS

Local Government Act
Environmental Protection Act

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Chief Executive Officer will obtain a valuation of Lot 57 Thornbury Close to determine the current market value of the land which will be used as the benchmark for negotiating the sale of the lot to KCM Industries.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve in principle an application from Rodney Bowey of KCM Industries for the proposed development of a Waste Oil Recycling Plant on Lot 57 Thornbury Close, Kojonup subject to their:

- a) Acquisition of Lot 57 Thornbury Close from Council.
- b) Compliance with any Department of Environment & Conservation requirements including obtaining a “Scheduled Premises” Category 39 Licence under Schedule 1 of the Environmental Protection Regulations 1987.
- c) Compliance with any other government or regulatory authority requirements pertaining to storage of dangerous goods, storage and handling of flammable and combustible liquids and storage and handling of non explosives, as appropriate.
- d) Submission of a copy of the Environmental Management Plan for the proposed development.
- e) Submission of detailed plans and specifications for the buildings and septic tank and onsite effluent disposal system proposed to be erected/installed on the land for assessment and issue of a Building License and Environmental Health approval respectively.

COUNCIL DECISION

63/10 MOVED Cr Hewson seconded Cr Marsh that Council approve in principle an application from Rodney Bowey of KCM Industries for the proposed development of a Waste Oil Recycling Plant on Lot 57 Thornbury Close, Kojonup subject to their:

- a) Acquisition of Lot 57 Thornbury Close from Council.**
- b) Compliance with any Department of Environment & Conservation requirements including obtaining a “Scheduled Premises” Category 39 Licence under Schedule 1 of the Environmental Protection Regulations 1987.**
- c) Compliance with any other government or regulatory authority requirements pertaining to storage of dangerous goods, storage and handling of flammable and combustible liquids and storage and handling of non explosives, as appropriate.**
- d) Submission of a copy of the Environmental Management Plan for the proposed development.**
- e) Submission of detailed plans and specifications for the buildings and septic tank and onsite effluent disposal system proposed to be erected/installed on the land for assessment and issue of a Building License and Environmental Health approval respectively.**

CARRIED

8/0

Item 13.3 was discussed next and after Item 13.3 was completed Item 12.2 was next discuss

12.2 APPLICATION FOR TRADERS & STALLHOLDERS LICENSE; TEMBY & VICKI WHITE

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 13 August 2010
 FILE: LE.REG.11
 ATTACHMENTS: Nil (A copy of previous items and application will be provided at the meeting if required)

DECLARATION OF INTEREST

Nil

SUMMARY

To consider an application from Temby and Vicki White to operate an ice cream van for vending soft serve ice cream, drinks and confectionary around the streets of Kojonup as well as setting down and trading as a stallholder on the southern aspect of Spencer Street near the RSL Hall, and/or the southern end of Honner Street, in the Apex Park precinct.

BACKGROUND

The item was previously considered on 8 February 2010 after Council approached affected businesses for comment. At this meeting Council resolved:

“...that Council approve the issue of a Traders Permit to Vicki & Temby White for the vending of soft serve ice-cream, drinks and confectionary, around the residential streets of Kojonup. “

And

“...that Council approve the issue of a stallholders permit to set down and operate their “Mr Whippy” van in the Apex Park precinct, located at the southern end of Honner Street and eastern side of the foot bridge and also other Shire land with event organiser permission and approval of the Environmental Health Officer”.

Council received further deputations from local businesses which highlighted concern regarding the impact of potential competition. In response to fears that there could be uncontrolled use of Council and public land after the precedent of the approval Council sought legal advice that regarding appropriate control measures.

On 16 March 2010 Council rescinded the previous motions above and subsequently resolved:

“...that in the absence of a policy regarding Traders and Stallholder licences and their use on Shire land and the absence of a precedent, this licence application from, T & V White, be deferred pending development of a policy and establishment (review) of fees and charges to cater for these circumstances.”

COMMENTS

The ‘Mobile & Itinerant Vendors’, and ‘Commercial Recreational Tourism Activity On Crown Land’ policies have been considered by Council within the agenda. If approved by Council they provide an appropriate framework to progress this application.

The policies allow for Council to apply any other relevant conditions, including hours of operation, proximity to businesses and roads, and type of produce sold. Council is urged to Consider any additional conditions to the officers recommendation.

The fee is proposed as the equivalent annual minimum rates to take into account the feedback from commercial premises regarding fixed overhead structure.

CONSULTATION

Council undertook a significant consultation process previously. Given the currency of the public notice and request for submissions on the relevant planning policies, and that the decision was a deferment rather than a new application, the consultation with other businesses was not redone.

STATUTORY ENVIRONMENT

Shire of Kojonup – Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The setting of the fee amount will create a precedent for this type of activity that will then included in the Councils fees and charges after advertising in accordance with the Local Government Act 1995.

STRATEGIC IMPLICATIONS

There are no known strategic implications

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve the issue of a permit to Vicki & Temby White for the itinerant trading of soft serve ice-cream, drinks and confectionary, around the residential streets of Kojonup subject to the following conditions:

The permit is valid until 30 June 2011

Unless otherwise stated by Council below conditions are as per the Mobile & Itinerant Vendors policy

- (insert other conditions)

Note: Cr Pritchard tabled map showing 200 Metre (200m) exclusion zone from existing shops.

ORIGINAL MOTION

MOVED Cr Benn seconded Cr Pritchard that Council approve the issue of a permit to Vicki & Temby White for the itinerant trading of soft serve ice-cream, drinks and confectionary, around the residential streets of Kojonup subject to the following conditions:

The permit is valid until 30 June 2011

Unless otherwise stated by Council below conditions are as per the Mobile & Itinerant Vendors policy

- 1) That operating on Albany Highway is not permitted.

CARRIED/LOST /

AMENDMENT TO THE MOTION

Cr Benn with Cr Pritchard's agreeance, accepted the following amendment to the original motion that the word 'sealed' be added to the Officer Recommendation.

The Presiding Member put the amended motion to the meeting as follows:

COUNCIL DECISION

65/10 MOVED Cr Benn seconded Cr Pritchard that Council approve the issue of a permit to Vicki & Temby White for the itinerant trading of soft serve ice-cream, drinks and confectionary, around the residential sealed streets of Kojonup subject to the following conditions:

- The permit is valid until 30 June 2011
- Unless otherwise stated by Council below conditions are as per the Mobile & Itinerant Vendors policy:

- 1) That operating on Albany Highway is not permitted.

CARRIED

8/0

REASON FOR CHANGE

Councillors felt that trading on unsealed roads may present an issue with dust and food handling

OFFICER RECOMMENDATION

That Council approve the issue of a permit for mobile vending to set down and operate a soft serve ice cream van in the Apex Park precinct subject to the following conditions:

The permit is valid until 30 June 2011

Unless otherwise stated by Council below conditions are as per the Mobile & Itinerant Vendors policy;

- *(insert other conditions)*

-

COUNCIL DECISION

66/10 MOVED Cr Trethowan seconded Cr Benn that Council approve the issue of a permit for mobile vending to set down and operate a soft serve ice cream van in the Apex Park precinct subject to the following conditions:

- **The permit is valid until 30 June 2011**
- **Unless otherwise stated by Council below conditions are as per the Mobile & Itinerant Vendors policy;**

- 1) In the site approved by the Environmental Health Officer (Manager of Regulatory & Community Services)**

CARRIED

5/3

OFFICER RECOMMENDATION

That Council determine a fee for the permit for the designated area at Apex Park at \$550, being the equivalent minimum rate, and authorise the Chief Executive Officer to advertise this new charge in accordance with the Local Government Act 1995.

COUNCIL DECISION

67/10 MOVED Cr Benn seconded Cr Hewson that Council determine a fee for the permit for the designated area at Apex Park at \$550, being the equivalent minimum rate, and authorise the Chief Executive Officer to advertise this new charge in accordance with the Local Government Act 1995.

CARRIED

7/1

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 CSRFF- SMALL GRANT APPLICATION**

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
DATE: 13th August 2010
FILE NO: GS.PRG.16 & CR.SPN.1
Attachment: 13.1 CSRFF SMALL GRANT APPLICATION FORM – KOJONUP CLAY TARGET CLUB
APPLICANT: Kojonup Clay Target Club
OWNER: Shire of Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a request for funding through the CSRFF program for a new trap machine with voice activated release system for the Clay Target facility.

BACKGROUND

The Kojonup Clay Target Club has requested funding to obtain a new trap machine with voice activated release system.

Council provided funding to the Club in 2009/2010 for construction of a new trap house, site works and trenching associated with the project.

The funding was as follows:

	Cost ex GST
Construction trap house	4,300.00
Site works & trenching (In kind)	2,262.57
TOTALS	6,562.57

COMMENT

The club had 15 members in 2008/2009 and has increased its membership to now be 20 active members who shoot on a fortnightly basis. Additionally, there are two major events per year, attracting upwards of 50 competitors from all over the region.

In their application the Clay Target Club state that their existing trap machine does not meet the Health and Safety Regulations for Double Rise competitions – the new machine will meet these regulations.

The shooting facilities are on a Shire reserve and require Council approval for the improvements. These will be undertaken in accordance with a building licence.

The Shire is required to support applications put forward under the Community Sport and Recreation Facilities Fund (CSRFF). The small grant round needs to be submitted by the end of August 2010 with confirmation of at least a 1/3 contribution by the Shire.

Under the CSRFF small grant process the grant needs to be acquitted by 15 June 2011.

The source and application of funds is proposed as follows (excl GST):

Club Cash	\$1363.63
Club Loan/Donations	\$1626.37
Shire Cash	\$2,990.00
CSRFF grant	<u>\$2,990.00</u>
Total Project	\$8,970.00

Shire officers have verified that the Clay Target Club projected Budget for the 2010/2011 year are in a position to fund their 1/3 contribution towards the project. The requested Shire contribution is \$2,990.00 which includes cash and in kind works such as trenching.

The request is within budget as the Shire has \$20,000 allocated towards the CSRFF small grants or recreation projects this year.

CONSULTATION

The Clay Target Club has consulted with the Regional Manager of the Department of Sport and Recreation, as required for the grant application and has been assisted by Sharon Miniter *Sport and Recreation Club Development Officer (Regional)*, to complete the application.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost to the Shire is \$2,990 which is within the approved budget.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That Council confirms its support for the Kojonup Clay Target Club application for small grant funding through the Community Sport and Recreation Facilities Fund, August 2010 round, with a Shire of Kojonup contribution of \$2,990 exclusive of GST, and
2. That Council advise the Kojonup Clay Target Club that neither the existing or new machine is not under any circumstances to be operated under such conditions that it does not meet the full requirements with respect to Health and Safety Regulations.

COUNCIL DECISION**68/10 MOVED Cr Marsh seconded Cr Benn**

1. That Council confirms its support for the Kojonup Clay Target Club application for small grant funding through the Community Sport and Recreation Facilities Fund, August 2010 round, with a Shire of Kojonup contribution of \$2,990 exclusive of GST, and
2. That Council advise the Kojonup Clay Target Club that neither the existing or new machine is not under any circumstances to be operated under such conditions that it does not meet the full requirements with respect to Health and Safety Regulations.

CARRIED**8/0****13.2 PROPOSAL TO LEASE A PORTION OF THE RECYCLING / TRANSFER STATION**

AUTHOR: Stephen Gash
 DATE: 13 August 2010
 FILE NO: CP.LEA.1 & CP.USA.2
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To consider an approach from Warren Blackwood Waste to lease a portion of the recycling transfer station for the purpose of a recycling depot.

BACKGROUND

Warren Blackwood Waste commenced waste services for the Shire of Kojonup in July 2009 after being identified as the preferred proponent through a tender process for verge side waste pickup, verge recycling pickup for the Kojonup town, and operation of the Shire of Kojonup recycling/transfer station.

The operation has run successfully over the past year with all terms and conditions as stated and agreed in the tender process. In addition Warren Blackwood Waste has assisted the Shire of Kojonup with the management of the Shire landfill site for no net additional cost to ratepayers, to ensure appropriate security of the site is maintained and the site complies with any environmental regulations.

COMMENTS

Given the size of the new Shire of Kojonup recycling/transfer station, Warren Blackwood Waste approached the Shire to allow them to construct a shed on a portion of the recycling/transfer station premises that could further assist the local recycling operations, and have the ability to assist regional recycling.

Warren Blackwood Waste propose to provide the shed and the costs of any services to the shed and are requesting a lease on the portion of land occupied by the proposed shed to provide some security of tenure. At the expiration of the lease, or in the event of any default, Warren Blackwood Waste would remove the shed, however it would be unable to remove the concrete pad.

Shire of Kojonup officers see advantages in maintaining a large concrete pad for the effective separation and handling of materials, even if the shed is removed and consider it reasonable for the fixed pad asset to remain with the Shire as it is affixed to Shire land. There are also advantages in the Shire being involved in the planning and construction given it will abut the existing Shire owned shed.

Given the land is controlled by the Shire of Kojonup any proposal to lease part of the property needs to comply with section 3.58 of the local government act 1995, specifically requiring local public notice to be given, inviting submissions to be made for a two-week period, and then considering any submissions prior to agreeing to the lease.

The proposed lease has no adverse impact on the existing waste service arrangements, awarded under the tender in May 2009, therefore there is no requirement to re-tender for the existing services. Discussion has been held with the Shire of Kojonup legal advisers regarding the process and form of lease that may be required, and to better finalise the contract for the existing service arrangements.

Officer feedback to our legal advisers is that documenting the existing waste service arrangements under three separate contracts provides the most flexibility, especially considering the separation of areas at the recycling / transfer station that will be required under the proposed lease for a recycling depot. Given the terms of the waste pickup, recycling pickup, and transfer station management are the same, this arrangement would also not preclude "packaging" or realising potential cost savings from being undertaken by a sole provider as all components would be tendered at the same time.

The proposed area will be mapped and clearly identified for the purpose of the public notice, if approved by Council, and this area is separate to the existing entrance and ramp facilities / bunkers. The requested lease term is 5 years, with a 5 year option, to justify the capital expenditure by the applicant, and this separation of areas provides the ability if required to separate the transfer station operations if another vendor was successful in winning the tender at the next renewal.

The lease would be conditional on it only being for the purpose of a recycling depot and any changes in operation or assignment needing approval by Council.

In considering any submissions Council should have regard for:

- The purpose of the land
- The benefit to the community
- The consideration received; and
- Whether other proponents are prepared to invest the same level and at the same terms as the applicant (noting that such investment from another proponent would be without access

to the existing waste pickup, recycling pickup, and recycling station operations awarded under the previous tender).

As a final advantage of the proposal Warren Blackwood Waste have indicated that they would man the recycling station 7 days a week, rather than the existing 5 days, at no additional cost to the Shire if they were awarded the lease. This type of voluntary extension of service needs documenting so that if the service reverted to agreed days there is appropriate documentation of arrangement, and this is why officers are also seeking the formalise the waste service contracts at this point in time.

The officer proposes to work with legal advisers to finalise the form of waste contract agreements over the next month and will re-present the item to Council for endorsement for the common seal to be placed and documents duly executed. At that time Council will also consider submissions on the proposed lease.

The proposal was advertised as required under the Local Government Act 1995 on 30 July 2010 with closing date for submissions of 13 August 2010. At 12 noon on 13 August no submissions had been received and any received prior to 4pm will be forwarded to Councillors and presented to the meeting as a late attachment.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Approximately \$15,000 has been set aside for site works / pad construction undertaken by the Shire in 2010/11. The consideration of the lease is proposed at \$2,000 pa the cost of which may offset the payment to the contractor to manage the site, while they have the current service agreement.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer and Shire President to execute a lease to Warren Blackwood Waste over the nominated portion of the recycling station for a 5 year term and 5 year option, at applicants discretion, and consideration of \$2,000 per annum (excl GST) indexed to consumer price index.

COUNCIL DECISION

69/10 MOVED Cr Pritchard seconded Cr Marsh that Council authorise the Chief Executive Officer and Shire President to execute a lease under Common Seal to Warren Blackwood Waste over the nominated portion of the recycling station for a 5 year term and 5 year option, at applicants discretion, and consideration of \$2,000 per annum (excl GST) indexed to consumer price index.

CARRIED

8/0

13.3 TOWN PLANNING SCHEME No. 3 POLICIES

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 13 August 2010
 FILE: LE.REG.11
 ATTACHMENTS: 13.3.1 Mobile & Itinerant Vendors Draft Policy
 13.3.2 Commercial Recreational Tourism Activity On Crown Land Draft Policy

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the draft 'Mobile & Itinerant Vendors Draft Policy' and 'Commercial Recreational Tourism Activity On Crown Land Draft Policy'

BACKGROUND

The draft policies listed above were identified by Councils legal advisors as relevant during discussions surrounding previous trading permit applications. Council had two workshops to assist the policy development and guide officers in the preparation of the drafts.

COMMENTS

Council resolved to advertise the draft 'Mobile & Itinerant Vendors', and 'Commercial Recreational Tourism Activity On Crown Land' policies on 15 June 2010. The policies have been advertised for a period of 28 days and no submissions have been received.

Council is now asked to consider final approval and adoption of the Town Planning Policies.

CONSULTATION

The draft policies have been on the website and available from the Shire. After 28 days no submissions have been received. Any submissions received prior to the Council meeting will still be tabled for Councils information and consideration.

STATUTORY ENVIRONMENT

Shire of Kojonup Town Planning Scheme No.3, and Planning and Development legislation.
 Shire of Kojonup– Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Identified mechanism for strategic governance

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council endorse the 'Mobile & Itinerant Vendors Draft Policy' and 'Commercial Recreational Tourism Activity On Crown Land Draft Policy' as attached to the agenda and authorise the Chief Executive Officer to carry out all requirements for inclusion within the Shire of Kojonup-Town Planning Scheme No.3 Policies.

COUNCIL DECISION

64/10 MOVED Cr Pritchard seconded Cr Marsh that Council endorse the 'Mobile & Itinerant Vendors Draft Policy' and 'Commercial Recreational Tourism Activity On Crown Land Draft Policy' as attached to the agenda and authorise the Chief Executive

Officer to carry out all requirements for inclusion within the Shire of Kojonup-Town Planning Scheme No.3 Policies.
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CARRIED

8/0

The order of the meeting then returned to Item 12.2, which was next discussed followed by Item 13.1 and so on.

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

of an urgent nature, introduced by a decision of the meeting

Nil

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 21st September 2010 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 4:37pm.

20 APPENDICES AND TABLED DOCUMENTS

Cr Pritchard tabled map showing 200 Metre (200m) exclusion zone from existing shops.

21 ATTACHMENTS

Item 10.1	Monthly Statement of Financial Activity 1 st July to 30 th June 2010
Item 10.2	Monthly Payment Listing 1 July 2010 to 31 July 2010
Item 12.1	Letter of Application
Item 13.1	CSRFF Small Grant Application Form – Kojonup Clay Target Club
Item 13.3.1	Mobile & Itinerant Vendors Draft Policy
Item 13.3.2	Commercial Recreational Tourism Activity On Crown Land Draft Policy

Presiding Member

Date