

SHIRE OF KOJONUP



Council Minutes

20th July 2010

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 20th July 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 Ian Pedler
Cr Rosemary Hewson
Cr Frank Pritchard
Cr John Benn

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer

APOLOGIES

Cr Michael Baulch	Granted Leave of Absence at Meeting 15 June 2010
Cr Jane Trethowan	Granted Leave of Absence at Meeting 15 June 2010
Cr Greg Marsh	Granted Leave of Absence at Meeting 15 June 2010

3 **PUBLIC QUESTION TIME**

Nil

4 **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 15th June 2010

Corrections:

On Page 5 under Part 7 – The Shire President attended the blessing of the new ambulance at the Kojonup Sub Centre.

COUNCIL DECISION

48/10 MOVED Cr Benn seconded Cr Hewson that the Minutes of the Ordinary Meeting of Council held on 15th June 2010 be confirmed as a true record with the above correction being noted.

CARRIED 5/0

Please note this correction has been changed in the official signed copy of the 15th June 2010 minutes.

7 ANNOUNCEMENTS by the Presiding Member without discussion

2nd June 2010 - A submission was forwarded for the Shire of Kojonup to the Standing Committee on Estimates & Financial Operations, in regard to the removal of Senior School Allocation Funding for Year 11 & 12 Course at our District High School

9th July 2010 – The Community Development Project Officer Terri Neuzerling & I attended a Seminar in Perth on the changes for Citizenship Ceremonies

12th July 2010 – The Chair of the Senior School Advisory Committee in Kojonup, Ms Cathy Wright, Tania Daley (representing a parent of a student at the Kojonup Senior School) and myself, attended a meeting in Perth. The meeting was facilitated by Hon Jim Chown. We met with COS Troy Rutherford, and Kate Caughlan – the Minister for Education Chief Advisor.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MATERIAL VARIANCES

AUTHOR: Kim Dolzadelli
 DATE: Thursday, 15 July 2010
 FILE NO: FM.POL.1
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances for the 2010/11 financial year.

BACKGROUND

Financial Management Regulation 34 (5) states:

“Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.”

The material variance is calculated by comparing budget estimates to the end of the month to actual amounts of expenditure, revenue and income to the end of the month to which the statement relates.

A further requirement is that a detailed budget review must be carried out at the close of the half - year.

Last year Council adopted a “Material” Variance figure of either \$1,000 or 8%, whichever is the greater, for each individual account. It is a requirement for Council to formally adopt its desired level of variance each year.

COMMENT

It is proposed that Council adopt a “Material” Variance figure of either \$1,000 or 8%, whichever is the greater, for each individual account for the 2010/11 financial year – the same level as last year.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 contains provisions setting out the basic information, which must now be included in the monthly reports to Council.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council set a level of above 8%, or a minimum of \$1,000, as its adopted level of Material Variance to be used for its statements of financial activity for the 2010/11 financial year.

COUNCIL DECISION

49/10 MOVED Cr Hewson seconded Cr Pritchard that Council set a level of above 8%, or a minimum of \$1,000, as its adopted level of Material Variance to be used for its statements of financial activity for the 2010/11 financial year.

CARRIED

5/0

10.2 FINANCIAL MANAGEMENT – New Reserve Account “Landfill and Waste Management Reserve”

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, 15 July 2010
 FILE NO: FM.PRO.1 & FM.BUD.2
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being requested to establish a new reserve account for Landfill and Waste Management.

BACKGROUND

The Shire of Kojonup has two (2) waste management facilities, those being the Recycling/Transfer Station and the current Landfill/Tip site located on Albany Hwy. These facilities and in particular the Landfill site is not and does not have an infinite useful life, it is therefore essential that funds are put aside on an ongoing basis in order to ensure the Shire's ability to meet future requirements and conditions of operation and or reclamation as the case may be.

COMMENTS

This Reserve will enable Council to build funds that will be required in the future for the upkeep, maintenance, expansion and or reclamation of the Shire of Kojonup's waste management facilities.

In the 2010/2011 Draft Budget it is proposed that an amount of \$10,000 be transferred into this Reserve. Creation of the Reserve is necessary before any transfers can be affected.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.11 Reserve Accounts subsection (1): Subject to subsection (5), where a Local Government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION**

That Council create a new Reserve Account titled “LANDFILL/WASTE MANAGEMENT RESERVE”

COUNCIL DECISION

50/10 MOVED Cr Hewson seconded Cr Pedler that Council create a new Reserve Account titled “LANDFILL/WASTE MANAGEMENT RESERVE”

CARRIED BY ABSOLUTE MAJORITY

5/0

10.3 **FINANCIAL MANAGEMENT – 2010/2011 BUDGET ADOPTION**

AUTHOR: Mr Kim Dolzadelli – Manager of Corporate Services
DATE: Thursday, 15 July 2010
FILE NO: FM.BUD.2
ATTACHMENT: 2010/2011 Draft Annual Budget

DECLARATION OF INTEREST

Nil

SUMMARY

To consider and adopt Council's 2010/2011 Budget and to set the rates, minimums, discounts and fees and charges.

BACKGROUND

The Local Government Act, 1995, requires each Local Government to prepare a budget for its municipal fund for each financial year. The form, manner and content of the budget are prescribed in the Act and the Financial Management Regulations.

Council must adopt its budget by an Absolute Majority no later than 31st August in the budget year unless the Minister for Local Government has granted an extension.

COMMENT

Council has met previously in workshop forums to consider a draft budget, which has formed the basis of the final document. The Draft Annual Budget for 2010/11 has been prepared in accordance with the Local Government Act 1995 and is attached for consideration and final adoption.

The proposed increase in 2010/11 rates is 4%. Shire of Kojonup rates revenue for 2010/11 has been based on total property values as at 30th June 2010 with an increase of 4% applied. Both Unimproved Value and Gross Rental Valuation based properties have been revalued by the Valuer Generals Office in accordance with relevant statutory legislation. Although the UV and GRV rates in the dollar have been reduced accordingly the impact on individual properties will vary based on the degree to which the new value of the property moves against the average for the Shire.

CONSULTATION

Council has been consulted during budget workshops to assess the priorities of proposed capital works, plant replacement, abnormal operating items, community grant process, reserve transfers and rate increase levels.

The community grants process is in its fifth year, as such conditions are known by all applicants. It was advertised and open to community groups to fund projects or programs of public benefit.

STATUTORY ENVIRONMENT

Section 6.2 Local Government Act 1995

Regulations 22-33 Local Government (Financial Management Regulations) 1996

Section 6.2(1) of the Local Government Act 1995 requires that prior to 31st August 2010, Council adopt a Budget for its municipal fund for the year ending 30th June 2011.

The Annual Budget is to incorporate:

- a) particulars of the estimated expenditure proposed to be incurred by the local government;
- b) detailed information relating to the rates and service charges which will apply to land within the district including:
 - i. the amount it is estimated will be yielded by the general rate; and
 - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.
- c) the fees and charges proposed to be imposed by the local government;
- d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
- f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and such other matters as are prescribed.

POLICY IMPLICATIONS

Applicable policies have been considered in the preparation of the Budget.

FINANCIAL IMPLICATIONS

The Budget is the instrument by which Council sets the financial priorities and is the basis of all financial decisions made by Council and Officers during the budget year.

STRATEGIC IMPLICATIONS

The Budget is the key annual financial document that provides the resources for achieving Council objectives.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY
(Except where otherwise indicated)

OFFICER RECOMMENDATION

- 1 That the proposed budget (as amended, by Council where deemed appropriate) be adopted for the 2010/2011 year and the levels of income and expenditures be authorised.
- 2 That the following rate levels be adopted for the 2010/2011 year:
 - a) For all rateable properties where Gross Rental Valuations are applied a rate of 12.4906 cents in the dollar with a Minimum Rate of \$550 to apply.
 - b) For all rateable properties where Unimproved Valuations are applied, a rate of 0.7117 cents in the dollar with a Minimum Rate of \$550 to apply.
- 3 That where payments are received after the due date, penalty interest at a rate of eleven (11%) per centum per annum, to be calculated on a daily basis will be imposed on all outstanding Rates and Service Charges.

Pensioners who are registered in accordance with the Rates Rebates and Deferments Act 1993 are exempt from this provision.

- 4 That for those ratepayers who pay all their rates and charges and arrears in full within 14 days (5th August 2010) of the date of rate notice issue (23rd July 2010) they be offered a discount of 2.5% on the amount of their current rate charge for the 2010/2011 year.
- 5 That the following Rates Instalment payment Options be adopted:

Option 1 Payment in full

Total amount of rates and charges included on the rate notice to be paid in full by 27th August 2010.

Full payments received on or before 5th August 2010 are eligible for a discount of 2.5% on the amount of their current rate charge for the 2010/2011 year.

Option 2 Payments to be made by two (2) instalments as will be detailed on the Rates Notices with the following dates:

First Instalment	27 th August 2010
Second Instalment	5 th January 2011

Option 3 Payments to be made by four (4) instalments, as will be detailed on the Rate Notices with the following dates:

First Instalment	27 th August 2010
Second Instalment	26 th October 2010
Third Instalment	5 th January 2011
Fourth Instalment	9 th March 2011

- 6 That where payments are made by instalment, an administration charge of \$9 for each instalment after the first instalment shall apply. Interest on instalments shall be 5.5% p.a calculated daily from the date the first instalment is due to the date of each subsequent instalment is due.

- 7 That the following Rubbish/Sanitation charges be imposed for the 2010/2011 year:
- a) For 240 litre bin collection a charge of \$270 per service per annum. In the case that the ratepayer is a registered eligible Pensioner, as determined by the Rates Rebates and Deferments Act 1993, the charge will be \$216.
 - b) That the transfers/movements to and from Reserve Accounts as detailed in Note 6 of the budget document and in accordance with Council's adopted policies, be authorised.
 - c) That the Fees and Charges as listed in Appendix G of the budget document, be imposed for the 2010/2011 year.

COUNCIL DECISION

51/10 MOVED Cr Pedler seconded Cr Benn

- 1 That the proposed budget (as amended, by Council where deemed appropriate) be adopted for the 2010/2011 year and the levels of income and expenditures be authorised.
- 2 That the following rate levels be adopted for the 2010/2011 year:
 - c) For all rateable properties where Gross Rental Valuations are applied a rate of 12.4906 cents in the dollar with a Minimum Rate of \$550 to apply.
 - d) For all rateable properties where Unimproved Valuations are applied, a rate of 0.7117 cents in the dollar with a Minimum Rate of \$550 to apply.
- 3 That where payments are received after the due date, penalty interest at a rate of eleven (11%) per centum per annum, to be calculated on a daily basis will be imposed on all outstanding Rates and Service Charges.

Pensioners who are registered in accordance with the Rates Rebates and Deferments Act 1993 are exempt from this provision.
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- 7** That the following Rubbish/Sanitation charges be imposed for the 2010/2011 year:
- a. For 240 litre bin collection a charge of \$270 per service per annum. In the case that the ratepayer is a registered eligible Pensioner, as determined by the Rates Rebates and Deferments Act 1993, the charge will be \$216.
 - b. That the transfers/movements to and from Reserve Accounts as detailed in Note 6 of the budget document and in accordance with Council's adopted policies, be authorised.
 - c. That the Fees and Charges as listed in Appendix G of the budget document, be imposed for the 2010/2011 year.

CARRIED BY ABSOLUTE MAJORITY

5/0

10.4 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Thursday, July 15, 2010
FILE NO: FM.AUT.1
ATTACHMENT: 10.4 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 RECOMMENDATION

That the Payment Listing from 01/06/2010 to 30/06/2010 comprising of Municipal Cheques 11146 to 11216, EFT's 5707 to 5866 and Internal Payment Vouchers 2280 to 2315 totaling \$1,847,116.86 and as attached to this agenda, be received.

COUNCIL DECISION

52/10 MOVED Cr Hewson seconded Cr Pritchard that the Payment Listing from 01/06/2010 to 30/06/2010 comprising of Municipal Cheques 11146 to 11216, EFT's 5707 to 5866 and Internal Payment Vouchers 2280 to 2315 totaling \$1,847,116.86 and as attached to this agenda, be received.

CARRIED

5/0

3:44pm Mrs Heather Marland left the Chamber.

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**12.1 SUBDIVISION APPLICATION No. 142431 - LOTS 108 & 1 VANZUILECOM STREET, KOJONUP.**

AUTHOR: Phil Shephard – Town Planner
 DATE: 14 July 2010
 FILE NO: LP.SUB.1
 APPLICANT: RAS Machin (Licensed Surveyor)
 OWNER: NK & PE Bilney
 ATTACHMENTS: Plan of Subdivision

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to amalgamate and resubdivide the above property into 2 lots as shown on the plan of subdivision.

It is recommended that the application be supported.

BACKGROUND

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and local government). The WAPC provides forty-two (42) days for comments (closes on 13 August 2010) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The applicants have advised that the purpose of the subdivision is to “amalgamate 2 lots to provide access to new house, then subdivide into 2 new lots”.

Under Council’s adopted Town Planning Scheme Policy No. 11 ‘Applications for Subdivision’ the requirements for subdivisions in townsite areas are:

- That block size, setbacks and septic tank locations be in accordance with the prescribed Residential Planning Codes and Health Act requirements.

The subject land is within an area zoned for residential development purposes and that has a density code R10/20 which allows for a minimum lot size of 500m² if the land was seweraged and 1 hectare under the Department of Health Draft Country Sewerage Policy. The proposed subdivision is therefore consistent with the Shire’s Scheme and adopted Policy requirements.

Following an on-site inspection with the CEO on 14/7/2010 it was clear the use of the residential lot provided access to the new dwelling using an existing crossover point. The use of the existing road reserve available west of the dwelling would require the construction of a lengthy and unnecessary driveway to service lot A.

The access to lot B, via the gazetted road reserve follows the natural slope of the land and raises the possibility of high maintenance cost, due to erosion, if the road and drainage is not adequately constructed. Therefore the section of road on the Shire road reserve will be required to be constructed to the satisfaction of the Shire, and at the developers cost, prior to subdivision clearance.

Further upgrade of the road may be required in the future, if further subdivision of the lots is proposed, in a manner that increases traffic volume, services, or drainage requirements. However, this would be a condition of future subdivision given that the ultimate subdivision may create between 9 lots (@ 1,000m² - R10 code) and 19 lots (@500m² - R20 code).

The objectives for the Residential Development zone (clause 3.2.2) require:

- That Council will not allow development or support subdivision without the preparation and approval of a Guided Development Plan for the area.
- To allow a variety of uses without the need to rezone where minor modifications are required to the Guided Development Plan prior to final subdivision.

It is considered that this requirement could be waived in this instance given the size of the lots to be created (1.2ha & 1.6ha) and the existence of similar applications in the zone that have previously received support from Council.

Any future subdivision of these lots will require the preparation and adoption of a Guided Development Plan in accordance with the scheme requirements and connection of the land to the Water Corporation deep sewer network.

CONSULTATION

There has been no consultation on this matter.

STATUTORY ENVIRONMENT

The land is zoned Residential Development with a density coding of R10/20 under Town Planning Scheme No. 3.

The objectives for the Residential Development zone under the scheme are as follows:

- a) The Council will not allow any development or support subdivision in a Residential Development Zone without the preparation of, and its approval of, a Guided Development Plan for the area.
- b) To allow for a variety of uses in the zone without the need to rezone that area where minor modifications are required to the Guided Development Plan prior to the final subdivision.

POLICY IMPLICATIONS

The proposal complies with Town Planning Scheme Policy No. 11 ‘Applications for Subdivision’.

FINANCIAL IMPLICATIONS

Nil. All costs in completing the subdivision conditions are to be met by the subdivider.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed amalgamation and resubdivision of Lots 1 & 108 Vanzuilecom Street, Kojonup into 2 lots as proposed on WAPC File 142431 and request the following conditions be placed upon the approval:

1. The lots to be provided with a vehicle crossover located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.
2. The lots to be provided with an adequate stormwater drainage system and if necessary drainage easements and/or reserves to convey stormwater from the lots to the roadside drainage system and the maintenance of natural drainage paths to the satisfaction of the Shire of Kojonup at the subdividers cost.
3. The road reserve to be upgraded, formed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost including provision of a roadside stormwater drainage system.
4. The lots to be connected to the Water Corporation reticulated water supply network.
5. The lots to be connected to the Western Power electricity supply.
6. The subdivider advising the prospective purchasers and successors in title in writing that:
 - The land will be required to be filled and/or drained to create suitable building areas prior to construction of any dwellings and associated outbuildings.
 - Any further subdivision of the lots will require the preparation and adoption of a Guided Development Plan for the area to the satisfaction of the Shire of Kojonup.

COUNCIL DECISION

53/10 MOVED Cr Benn seconded Cr Pritchard

That Council advise the Western Australian Planning Commission that it supports the proposed amalgamation and resubdivision of Lots 1 & 108 Vanzuilecom Street, Kojonup into 2 lots as proposed on WAPC File 142431 and request the following conditions be placed upon the approval:

1. **The lots to be provided with a vehicle crossover located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.**
2. **The lots to be provided with an adequate stormwater drainage system and if necessary drainage easements and/or reserves to convey stormwater from the lots to the roadside drainage system and the maintenance of natural drainage paths to the satisfaction of the Shire of Kojonup at the subdividers cost.**
3. **The road reserve to be upgraded, formed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost including provision of a roadside stormwater drainage system.**
4. **The lots to be connected to the Water Corporation reticulated water supply network.**
5. **The lots to be connected to the Western Power electricity supply.**
6. **The subdivider advising the prospective purchasers and successors in title in writing that:**
 - **The land will be required to be filled and/or drained to create suitable building areas prior to construction of any dwellings and associated outbuildings.**
 - **Any further subdivision of the lots will require the preparation and adoption of a Guided Development Plan for the area to the satisfaction of the Shire of Kojonup.**

CARRIED

5/0

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 PROPOSAL TO LEASE A PORTION OF THE RECYCLING / TRANSFER STATION**

AUTHOR: Stephen Gash
DATE: 16 July 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 consider it reasonable for a 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 to 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.

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

Simple Majority

OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to give local public notice of the proposal to dispose a portion of the Shire of Kojonup recycling transfer station by lease 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

54/10 MOVED Cr Hewson seconded Cr Benn that Council authorise the Chief Executive Officer to give local public notice of the proposal to dispose a portion of the Shire of Kojonup recycling transfer station by lease 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

5/0

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 PURCHASE OF EXCAVATOR**

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: Friday, 16 July 2010
 FILE NO: PS.ACQ.1 & PS.ACQ.3
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the summary report on the purchase of a new excavator.

BACKGROUND

The purchase of a new excavator is included in the 2010/11 budget to ensure that tree pruning operations can be undertaken in a cost-effective manner utilising a mulching head attachment.

COMMENT

The use of an excavator with a mulching head attachment, instead of the tree pruning saw, will allow the Shire of Kojonup to reduce its tree pruning budget by \$100,000 in 2010/11 if the purchase can be made in a timely manner.

To assist this purchase the Shire of Kojonup has accessed the WALGA preferred supplier agreement number TPS 0814 and 0816. Utilisation of the service removes the need to tender separately, however, the Shire of Kojonup must comply with its internal purchasing policies and equipment assessment criteria.

Three vendors have been asked to provide quotations under the WALGA preferred supplier agreement and to submit details by close of business 16 July 2010. Officers respectfully request councillors consider this as a late item of which previous notice has been given to ensure that any purchase of an excavator can be accomplished before the tree pruning works are scheduled and therefore ensure that the budget savings can be realised.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 and tender regulations.

POLICY IMPLICATIONS

Shire of Kojonup purchasing policy requiring three written quotations

FINANCIAL IMPLICATIONS

The purchase of the excavator is included within the 2010/11 budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That Council consider the late item for the purchase of an excavator and receive the selection report tabled at the meeting.

COUNCIL DECISION

55/10 MOVED Cr Hewson seconded Cr Pedler that Council consider the late item for the purchase of an excavator.

CARRIED**5/0****COUNCIL DECISION**

56/10 MOVED Cr Benn seconded Cr Pedler that the meeting be closed to the public in accordance with section 5.23 (2)(c) as the discussion related to a contract that may be entered into.

CARRIED**5/0****COUNCIL DECISION**

57/10 MOVED Cr Pedler seconded Cr Pritchard that Council purchase the Cat 320DL excavator from Westrac with the option of turbo timer for an amount of \$269,136 noting agreed delivery time of 4-6 weeks.

CARRIED BY ABSOLUTE MAJORITY**5/0****COUNCIL DECISION**

58/10 MOVED Cr Hewson seconded Cr Benn that Council move out of Camera.

CARRIED**5/0**

The Chief Executive Officer then read aloud the Council Decision.

The Assessment Report was tabled as a confidential report.

16 **NEW BUSINESS**
of an urgent nature, introduced by a decision of the meeting

17 **CONFIDENTIAL REPORTS**

18 **NEXT MEETING**
Tuesday, 17th August 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 4:16 pm.

20 APPENDICES AND TABLED DOCUMENTS

21 ATTACHMENTS

- Item 10.3 Draft Annual Budget 2010/2011
- Item 10.4 Monthly Payment Listing 1 June 2010 to 30 June 2010
- Item 12.1 Plan of Subdivision – NK & PE Bilney

Presiding Member

Date