# SHIRE OF KOJONUP



**Council Minutes** 

16<sup>th</sup> March 2010

# SHIRE OF KOJONUP

# MINUTES FOR THE COUNCIL MEETING HELD ON 16th March 2010

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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 John Benn

Cr Ian Pedler

Cr Michael Baulch

Cr Rosemary Hewson

Cr Frank Pritchard

Mr Stephen Gash Chief Executive Officer

Mr Kim Dolzadelli Manager of Corporate Services

Mrs Heather Marland Senior Finance Officer

#### **APOLOGIES**

Cr Marsh applying for a Leave of Absence for the Council meeting.

### 3 PUBLIC QUESTION TIME

Nil

### 4 <u>SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</u>

Nil

### 5 APPLICATIONS FOR LEAVE OF ABSENCE

# **COUNCIL DECISION**

9/10 MOVED Cr Benn seconded Cr Hewson that Cr Marsh be granted Leave of Absence for the Council meeting held 16th March 2010.

**CARRIED 7/0** 

# **COUNCIL DECISION**

10/10 MOVED Cr Hewson seconded Cr Pritchard that Cr Benn be granted Leave of Absence for the Council Meeting to be held 20<sup>th</sup> April 2010.

**CARRIED 7/0** 

#### 6 CONFIRMATION OF MINUTES

ORDINARY MEETING 16<sup>th</sup> February 2010

Corrections:

In Item 12.1 on Page 11 the word Principals be changed to Principles.

#### **COUNCIL DECISION**

11/10 MOVED Cr Pritchard seconded Cr Hewson that the Minutes of the Ordinary Meeting of Council held on 16<sup>th</sup> February 2010 be confirmed as a true record.

CARRIED 7/0

Please note this correction has been changed in the official signed copy of the 16<sup>th</sup> February 2010 minutes.

- 7 ANNOUNCEMENTS by the Presiding Member without discussion
  - Tim Fowler from the Department of Local Government Visited for discussions with respect to Regional Transition Groups
  - 16 February 2010 was the opening of the new RV Friendly Town and was attended by the Hon Terry Waldron MLA

#### 8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

### 9 <u>DECLARATIONS OF INTEREST</u>

Nil

### 10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT - MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Thursday, March 11, 2010

FILE NO: FM.FNR.2

ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July to 28<sup>th</sup> February 2010

### **DECLARATION OF INTEREST**

Nil

# SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1<sup>st</sup> July to 28<sup>th</sup> February 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 1<sup>st</sup> July 2005.

#### **COMMENTS**

The attached Statements of Financial Activity for the period 1<sup>st</sup> July to 28<sup>th</sup> February 2010 show a solid position with 91.65% of rates collected to 28<sup>th</sup> February 2010 and a total amount of cash holdings of \$4,800,786 of which \$2,019,788 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 <u>not</u> 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**

12/10 MOVED Cr Benn seconded Cr Baulch that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 7/0

#### 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Wednesday, March 10, 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 RECOMMENDATION

That the Payment Listing from 01/02/2010 to 28/02/2010 comprising of Municipal Cheques 10903 to 10955, EFT's 5277 to 5356 and Internal Payment Vouchers 2141 to 2172 totaling \$451,735.62 and as attached to this agenda, be received.

### **COUNCIL DECISION**

13/10 MOVED Cr Hewson seconded Cr Trethowan that the Payment Listing from 01/02/2010 to 28/02/2010 comprising of Municipal Cheques 10903 to 10955, EFT's 5277 to 5356 and Internal Payment Vouchers 2141 to 2172 totaling \$451,735.62 and as attached to this agenda, be received.

CARRIED 7/0

### 11 ENGINEERING & WORKS REPORTS

Nil

### 12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

Nil

3:24pm Mrs Heather Marland left the Chamber.

### 13 CORPORATE & COMMUNITY SERVICES REPORTS

### 13.1 DRAFT AMENDED RECORD KEEPING PLAN RKP FEB. 2010

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Wednesday, March 10, 2010

FILE NO: FM.AUT.1

ATTACHMENT: Shire of Kojonup Amended Recordkeeping Plan RKP Feb. 2010

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To receive the Shire of Kojonup Draft Amended Recordkeeping Plan RKP Feb. 2010.

#### **BACKGROUND**

Section 28 (5) of the *State Records Act 2000* (the Act) requires that no more than 5 years must elapse between approval of a government organisation's Recordkeeping Plan and a review of it.

Council's original Recordkeeping Plan RKP 2004217 was endorsed by the State Records Commission in 2004 making it due for review in 2009. Given the extensive changes in systems such as the introduction of the SynergySoft Records Management module and the introduction of the Keywords for Councils thesaurus structure an extension was sought and granted by the Commission and a complete review has now been undertaken

The attached Amended Recordkeeping Plan RKP Feb. 2010 was originally submitted to the State Records Commission in accordance with Section 28 of the Act on Friday 26<sup>th</sup> February 2010 and then again on 11<sup>th</sup> March 2010 following minor amendments incorporated into the document as suggested by the Commission.

#### COMMENT

The exercise of reviewing the Shire of Kojonup's Recordkeeping Plan has proven to be of great value, the Shire of Kojonup now has a well documented plan that addresses all requirements of the State Records Act 2000. Furthermore the document provides a clear picture of where areas have been identified for improvement and timelines in which these are to be achieved.

Feedback on the Amended Recordkeeping Plan, from the Commission, has been very positive and it is this Officers opinion that the attached Plan will be endorsed without requirement for any further amendment.

The attached Amended Recordkeeping Plan RKP Feb. 2010, once endorsed by the Commission, will supersede the Shire's former Recordkeeping Plan RKP 2004217.

#### CONSULTATION

No consultation was required.

#### STATUTORY ENVIRONMENT

Section 28 of the State Records Act 2000.

#### **POLICY IMPLICATIONS**

The Amended Recordkeeping Plan includes current Council Policies relating to Records Management practices.

#### FINANCIAL IMPLICATIONS

There are no financial implications.

### STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the Draft Amended Recordkeeping Plan.

### **VOTING REQUIREMENTS**

Simple Majority

#### OFFICER RECOMMENDATION

- 1. That the Shire of Kojonup Draft Amended Recordkeeping Plan RKP Feb. 2010 as attached to this agenda be received, and
- That when the Amended Recordkeeping Plan RKP Feb. 2010 has been endorsed by the State Records Commission, the endorsed document will be put before Council for its endorsement.

#### **COUNCIL DECISION**

#### 14/10 MOVED Cr Hewson seconded Cr Pritchard

- 1. That the Shire of Kojonup Draft Amended Recordkeeping Plan RKP Feb. 2010 as attached to this agenda be received, and
- 2. That when the Amended Recordkeeping Plan RKP Feb. 2010 has been endorsed by the State Records Commission, the endorsed document will be put before Council for its endorsement.

CARRIED 7/0

#### 13.2 CONSIDERATION OF REGIONAL TRANSITION GROUP

AUTHOR: Stephen Gash – Chief Executive Officer

DATE: Wednesday, March 10, 2010

FILE NO:

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

Council to advise the Minister for Local Government of its decision on whether or not it will participate in a Regional Transition Group (RTG).

### **BACKGROUND**

In early February 2010 Council received correspondence from the Minister for Local Government, the Hon John Castrilli, asking Council to consider participating in a Regional Transition Group. A draft of an agreement was included with the Ministers letter which advised that the core elements of the agreement were

- The State will provide funding to assist each group develop a regional business plan.
- The amount to be provided will be advised following Cabinet consideration of the Ministers funding proposal.
- The content of the regional business plan is outlined in the schedule to the agreement. A
  detailed template will be developed by the Department of Local Government to assist
  Councils in the preparation of their plan.
- Any participant can withdraw from the group once the regional business plan is finalised.
  The Minister stated that he believes this is reasonable as development of the plan requires
  input from all participants in each group. He anticipates up to nine months would be
  required to prepare the plan.
- Even after local governments have resolved to participate, the RTG can be terminated if the majority of the group decides that this is the best course of action. The Minister anticipates efforts will be made to resolve concerns before such a decision is made.
- The Local Government Advisory Board statutory processes, including the poll provision, apply once the RTG proposal to amalgamate is received by the Board.

Kojonup representatives attended a briefing session in Kojonup on 19 February 2010 presented by representatives from the Department of Local Government. The following further information was provided.

- Regional Collaborative Groups are applicable to those geographically large areas of the state (Councils in the north west and northern parts of the goldfields)
- Regional Transition Groups apply to the remainder of the state. We cannot form a regional collaborative group.
- Changes to the draft agreement can be requested, however the Department of Local Government will also have to agree and sign off on any changes before they can be effected.
- Funds are available to an RTG to prepare a regional business plan. The business plan is to be developed within 9 months after the agreement has been signed. It is unknown the extent of the funds as it will require a Cabinet submission.

- The RTG SHALL make any amendments to the regional business plan as suggested by the Department of Local Government.
- Half the administrative costs of the RTG would have to be met by the member Councils
- State Government funding is available to implement the regional business plan
- One Council will be required to act as the secretariat and banker

#### COMMENT

In reading the Draft agreement, Councils that sign up and enter into a Regional Transition Group are agreeing to implement common service arrangements and move towards amalgamation. The amalgamation date as per the draft agreement is to be 1 July 2013. The agreement also includes the structure of the RTG, financial contributions and the development and content of a regional business plan.

In discussing what options it should pursue Council may wish to consider the following

- Council has previously advised the Minister for Local Government in its Reform Submission that after consultation with the Kojonup community, it did not wish to pursue a further amalgamation at this time
- The Minister was advised in our submission that our preferred regional partners were the members of the Southern Link VROC – Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet Shires

The key objection the community and Council raised previously was that there was not enough information to assess the value of the proposal or potential costs.

The proposal of Regional Transition Groups by the Minister is an attempt to allow Councils to commit to the business plan to assess the cost/benefit analysis and have an opportunity to withdraw if it doesn't identify value. However:

- The business plan must be to the satisfaction of the Department of Local Government (DLG), and the Shire of Kojonup is concerned about the capability of the DLG to carry out the required economic and community value assessment;
- The Councils in the RTG must commit to matching funding under the agreement, yet the amount provided by the DLG has not been confirmed an may not be adequate to undertake a sufficiently detailed due diligence;

The following concerns are also expressed regarding the draft RTG agreements:

- There may be governance/liability issues if an individual Shire that is nominated banker takes on the risk of expenditure and decisions made by the RTG board;
- There is uncertainty regarding the DLG role under the agreement;
- DLG Officers advised that the RTG agreements can be further negotiated between individual RTG's, which will incur added expense and will not meet the proposed timeframes;
- The agreement binds (without a cap) having to match the State costs to administer the transition, without knowing what these costs will be;
- While requests for further funding may be made to the State for implementation, this is AFTER the business plan is endorsed. At this point we interpret that the exit opportunity may have passed and if there is no agreement that these implementation costs will be covered by the State then the burden could rest with ratepayers.

The Minister requires a response from all Councils by 26<sup>th</sup> March 2010. It is understood from the briefing session on 19 February 2010 that the Minister will be briefing Cabinet in early April with the feedback and findings. It is expected that Cabinet will then give further guidance on the next steps in Local Government Reform.

The key point arising from the 19 February 2010 briefing was that if the Minister is convinced that an RTG would add value then the business plan should be funded by the State to enable the communities to assess the value of possible amalgamations BEFORE Councils had to commit to legally binding agreements.

The Shire of Kojonup has spent \$52,000 in that last twelve months following the Ministers requests. This constitutes 2% of rates, however, the bigger issue is the opportunity cost of issues, tasks, and projects deferred due to the process requiring key personnel resources. The result of the previous

submission process was a proforma style letter regarding the requirement to progress a RTG, and to this date there has been no further feedback on the extensive submission undertaken by the Shire.

The Shire of Kojonup wrote to the Minister to request feedback regarding the legislative barriers relating to appointment of Chief Fire Control Officers critical to our community safety, and we were advised that they had not considered the matter, or approached FESA, and this would be done by the RTG.

Based on the information regarding the RTG process the Shire is being asked to commit to a legally binding arrangement to amalgamate, with little control over the business plan (as it SHALL include any amendments suggested by the DLG), and uncertain ongoing costs for ratepayers. Considering the resources spent on the previous submission and apparent disregard of the community views, there is concern that this next process could be undertaken and disregarded again by the DLG or Minister if it does not reach the conclusions that they want.

#### CONSULTATION

Various meetings and briefings

#### STATUTORY ENVIRONMENT

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Niil

#### FINANCIAL IMPLICATIONS

The State Government is making funding available to Councils who form an RTG. There is a legally binding requirement that Councils will contribute equally with the state towards the cost of administration of the RTG. State Government funding may also be available for the creation of the Regional Business Plan and the implementation of the Regional Business Plan.

### STRATEGIC IMPLICATIONS

Nil

# **VOTING REQUIREMENTS**

Simple Majority

### OFFICER RECOMMENDATION

That the Minister for Local Government be advised that the Shire of Kojonup elects not to participate in a Regional Transition Group on the basis of the information provided and will continue to work regionally within the Southern Link VROC.

### **COUNCIL DECISION**

15/10 MOVED Cr Benn seconded Cr Hewson that the Minister for Local Government be advised that the Shire of Kojonup elects not to participate in a Regional Transition Group on the basis of the information provided and will continue to work regionally within the Southern Link VROC.

CARRIED

7/0

#### 14 COMMITTEES OF COUNCIL

Nil

### 15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice has been given, signed by the required number of Councillors:

That Council revoke Decision 03/10 "to 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 footbridge, and also other Shire land with event organizer permission and approval of the Environmental Health Officer", in order to reconsider the original application and any further conditions that may be relevant to the decision following consultation with representatives from affected local businesses.

### **COUNCIL DECISION**

/10 MOVED Cr

Item Lapsed.

seconded Cr

CARRIED/LOST

Item 15 was removed by agreement of all signatories of the notice. As there was no mover or seconder the

#### **COUNCIL DECISION**

16/10 MOVED Cr Trethowan seconded Cr Hewson that Council revoke decisions 02/10 and 03/10 and 04/10 in regard to the itinerant and stallholders permit to operate a soft serve ice cream van in the Shire of Kojonup in order to reconsider the application and develop a policy.

CARRIED BY ABSOLUTE MAJORITY

7/0

The Chief Executive Officer then tabled a copy of Item 12.1 from 16 February 2010 meeting including additional information.

### **COUNCIL DECISION**

17/10 MOVED Cr Trethowan seconded Cr Baulch 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.

CARRIED 7/0

#### 16 NEW BUSINESS

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

### 17 CONFIDENTIAL REPORTS

Nil

#### 18 NEXT MEETING

Tuesday, 20<sup>th</sup> April 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 4:14pm.

### 20 APPENDICES AND TABLED DOCUMENTS

- 1 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS
- 12.1 APPLICATION FOR TRADERS & STALLHOLDERS LICENSE; TEMBY & VICKI WHITE

AUTHOR: Stephen Gash – Chief Executive Officer

DATE: 16 March 2010 FILE: LE.REG.11

ATTACHMENTS: Nil

### **DECLARATION OF INTEREST**

Nil

#### SUMMARY

To reconsider an application from Temby and Vicki White to operate a "Mr Whippy" 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**

Nil

#### **COMMENTS**

This proposed activity is controlled under the Shire of Kojonup's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law". As it is the intention of the applicant to conduct street to street sales with the "Mr Whippy" van as well as set down in the Apex Park precinct, two permits are required:

Traders Permit: for selling goods, street to street, throughout the Kojonup townsite.
 Stallholders Permit: for setting down in a nominated place (Apex Park precinct) for a designated period of time, to sell goods.

Council's Schedule of Fees and Charges provides for an annual fee of \$250.00 for a permit to trade in public places.

In determining the application, especially the stallholders permit which may impact on nearby established commercial businesses, Council need to have regard for:

- (a) any relevant policies of the Shire of Kojonup;
- (b) the desirability of the proposed activity;
- (c) the location of the proposed activity;
- (d) the principles set out in the Competition Principles Agreement; and
- (e) such other matters as the local government may consider to be relevant in the circumstances of the case.

With regard to item (d) above, a letter was been sent to the operators of three commercial businesses who sell similar food items to the proponent of the "Mr Whippy" operation, and whose premises are located in close proximity to the Apex Park precinct where a stall (Mr Whippy Van) is proposed to be operated. The three businesses were:

Black Cockatoo Café Highway Sales & Services VMAX Café & Deli

The purpose of the letter was to advise those premises of the proposal for the establishment of the Mr Whippy business and to provide an opportunity for them to comment on the proposal, having regard for the proximity of the operation to their commercial business.

Comments received from the relevant premises were considered at the February 2010 meeting and also one submission from the Hillview Roadhouse.

Since the Council meeting of February 2010 the following information has been sought following recision motion signed by the required number of Councillors.

A briefing session was held on 9<sup>th</sup> March 2010 where interested or affected parties were given the opportunity to further convey the perceived impact and issues of the proposal.

The Council asked for further information regarding process precedents, liability, and link to policies and local laws.

- i) **Liability**. Section 6.6 (1)(I) of the Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 states that Council may require public risk/liability insurance. An amount of at least \$5 million is recommended.
- ii) Link to Policies. There is no Shire of Kojonup policy but National Competition Policy Principles apply. It is recommended that a Policy should be developed to support the relevant local law, and that this involves broader consultation with the community regarding the stall holder permits on Shire land.
- iii) **Precedent**. The decision of Council, in the absence of policy will set a precedent on use of Shire property by traders. At the briefing of 9<sup>th</sup> March 2010 several businesses asked whether an itinerant trader could operate on private property without the need for approval or a permit from Council.

In the definition of 6.1 of the Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law a "public place" includes any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property.

Councillors wanted to know precedents from other local governments. Mr Neil Douglas from McLeods Barristers and Solicitors highlighted best practice for a transparent expression of interest process to ensure all businesses had the opportunity to apply for use of designated public areas, subject to commercial lease type arrangements to support the permit. The Council is urged to consider the designated space and support a transparent public advertising process, rather than make a decision on a single application without an underlying policy.

- iv) Conditions under Section 6.6 of Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. The Council may impose the following conditions on any permit;
  - a) the place, the part of the district, or the thoroughfare to which the permit applies;
  - b) the days and hours during which a permit holder may conduct a stall or trade;
  - c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
  - d) the goods or services in respect of which a permit holder may conduct a stall or trade;
  - e) the number of persons and the names of persons permitted to conduct a stall or trade;
  - f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
  - g) whether and under what terms the permit is transferable;
  - h) any prohibitions or restrictions concerning the
    - i. causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
    - ii. the use of amplifiers, sound equipment and sound instruments;
    - iii. the use of signs; and
    - iv. the use of any lighting apparatus or device;
  - i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
  - j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
  - k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
  - I) the acquisition by the stallholder or trader of public risk insurance;
  - m) the period for which the permit is valid; and

n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.

Discussions with the applicant suggested that they understood conditions may be imposed regarding the proximity to Albany Highway or use of other Shire property without invitation by the club/organisation hiring the venue.

### **CONSULTATION**

As per the report of 8<sup>th</sup> February 2010 and briefings outlined in the comments section.

#### STATUTORY ENVIRONMENT

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

### **POLICY IMPLICATIONS**

Nil

### FINANCIAL IMPLICATIONS

An annual fee of \$250.00 per annum applies for the issue of a Traders Permit to the applicant.

### STRATEGIC IMPLICATIONS

There are no known strategic implications

# **VOTING REQUIREMENTS**

Simple Majority

### 21 ATTACHMENTS

Item 10.1 Item 10.2 Item 13.1	Monthly Statement of Financial Activity 01 July 2009 to Monthly Payment Listing 1 February 2010 to 28 Febru Draft Amended Recordkeeping Plan RKP Feb. 2010	•
Presiding Mem	 ber	 Date