

Planning, Development & Environment Committee	
Mtg Date: 06.06.06	OAR: YES
<i>Authorisation:</i> Gary White	
Committee to prepare letter: No	
Program No: 02	

31 May 2006

MEMORANDUM

TO: PLANNING & DEVELOPMENT MANAGER - GARY WHITE

FROM: DEVELOPMENT MANAGER – BRENDAN NELSON

RE: LOCAL ENVIRONMENT IMPROVEMENTS CONTRIBUTION BY
COLLEX PTY LTD
DIVISION 10

INTRODUCTION:

This is a report by the Development Manager dated 31 May 2006 concerning the payments by Collex Ti Tree Bio-Energy Waste Facility in accordance with Condition 8.4 of the Consent Order, for the waste disposal facility at Willowbank.

BACKGROUND:

On 29 May 2002 a Court Order was handed down by the Planning and Environment Court in respect of a development application for a Waste Disposal Operation and Ancillary Activities at the Collex Ti Tree site at Willowbank. Condition 8 (Contributions for Local Environmental Improvements - embedded), of that Court Order sets out the requirements for the payment of certain contributions towards the mitigation of any and all 'perceived' or 'real' social and environmental impacts that may arise from the development.



"Condition 8 -
Collex.doc"

The initial contribution of \$320,000 was paid to Council on 6 January 2003. Future contributions are to be made based on the tonnage of waste received at the site or \$100,000.00, whichever is the greater. The contributions are to be made on an annual basis commencing 12 months from the date of commencement of the use, and calculated as specified within Condition 8 for use on roads or environmentally sensitive areas of the City.

The date of commencement of the use was 23 June 2003. The first payment for the period 23 June 2003 to 30 June 2004 was paid in part on 30 December 2004 in the amount of \$63,136.52 based on the tonnage received at the facility. However, this contribution did not fulfil the minimum contribution amount of \$100,000.00. The outstanding amount of

\$36,863.48 was received on 28 October 2005 after negotiations with Collex regarding interpretation of the condition.

The second payment of \$100,000.00 for the period 1 July 2004 to 30 June 2005 was paid in full on 29 December 2005. Based on the tonnage, the calculated contribution amount would have been \$99,304.28, being only \$695.72 short of the minimum amount payable.

The next and subsequent payments are to be for the period 1 July to 30 June each year

Once payment has been received, the contribution is managed by the Community Services Branch in accordance with Procedure 09/04 Allocation of Community Donations.

CONCLUSIONS:

The calculation of subsequent contribution amounts will be required to be undertaken for the period 1 July to 30 June annually. As the annual payment is linked to the volume of waste received at the facility, a review of the details of the actual volume of waste received for the period 1 July to 30 June each year will be required. This review is to be undertaken based upon the records provided by Collex Pty Ltd to Council's Health and Environmental Protection Department on a monthly basis. Collex Pty Ltd will also be requested to supply an annual summary to Council following 30 June each year.

In August 2004, Council adopted the utilisation of Procedure 09/04 (Allocation of Community Donations) to effect the distribution of the annual payment of the Local Environmental Improvements Contribution by Collex Pty Ltd. In accordance with this procedure, the annual payment (min \$ 100 000.00) is to be distributed equally as follows:

- Each of the ten (10) Divisions;
- Citywide; and
- Willowbank Area Support Group.

As this is an on-going contribution requirement that is ultimately managed and distributed by the Community Services Branch of the Economic and Community Development Department, the annual calculation and subsequent invoicing of this annual contribution is to be undertaken by the Community Services Branch in consultation with the Finance Department, to ensure that the process is completed annually.

RECOMMENDATION:

- A. That the Community Services Branch of the Economic and Community Development Department in consultation with the Finance Department assume control of the annual Local Environment Improvements Contribution by Collex Pty Ltd in relation to the Ti Tree Bio-Energy Waste Facility, and that they calculate the annual contribution in accordance with Condition 8 of Court Order D2686 of 2001, and the subsequent invoicing of the required contribution to Collex Pty Ltd.
- B. That any contributions collected in accordance with this requirement continue to be distributed in accordance with Council Procedure 09/04 (Allocation of Community Donations).

Brendan Nelson
DEVELOPMENT MANAGER

I concur with the recommendations contained in this report.

Gary White
**PLANNING & DEVELOPMENT
MANAGER**