



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
7.30pm Wednesday 26 April 2006

Delma Baesjou
ACTING CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

7.37pm The Presiding Member declared the meeting open.

The Acting Chief Executive Officer, Ms Delma Baesjou, read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President – East Ward
Cr M Skinner	East Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenup Ward (Arrived 7.47pm)
Ms D Baesjou	Acting Chief Executive Officer
Mr J Byrne	Executive Director Corporate and Community Services
Mr I Bartlett	Manager Works
Mr D Blurton	Accountant
Mrs K Skinner	Executive Secretary
Miss C Delmage	Administration Officer – Minutes and Agenda

Two (2) members of the public were present.

One (1) member of the media was present.

Apologies

Cr J Cameron Rocky Gully / West Ward

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONSSue Etherington & Jenny Smith

Sue Etherington made a statement that they wanted to support the Council at its first meeting in the new Council Chambers.

The Shire President thanked them for their attendance.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr B Hollingworth:

That the Minutes of the Ordinary Meeting of the Council held 11 April 2006 be confirmed.

CARRIED (7/0)

No. 117/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 12 April 2006 – Cr K Forbes, Cr J Cameron and Ms D Beasjou attended a Lower Great Southern Plantation Fire Advisory Committee meeting in Mount Barker with representatives from four (4) local governments to discuss proposed changes to fire breaks with Fire and Emergency Services Authority (FESA). FESA has committed to addressing some of our concerns and presenting a draft document for discussion in June 2006.
- 19 April 2006 – Cr K Forbes, Cr D Williss, Cr B Hollingworth and Mr I Bartlett attended a Timber Industry Road Evaluation Strategy (TIRES) meeting in Mount Barker. The final application for Federal Auslink Project Based Grants was discussed and considerable work has been done since to update the application to current road improvement standards.

An application for 2006 / 2007 funding will be submitted for further works on the middle section of Spencer Road.

- 20 April 2006 – Cr K Forbes attended the FESA Emergency Services Levy (ESL) Capital Grants Committee meeting in Perth. A reasonably satisfactory result was achieved for Plantagenet and the Great Southern this year.
- 25 April 2006 – The ANZAC day was well attended by Councillors and the community and managed to fit in with weather conditions perfectly.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES

Location / Address: N / A
Attachments: (3) Committee Minutes
Name of Applicant: N / A
File Reference: CA/103/1; RO/103/6
Author: Cherie Delmage - Administration Officer
Authorised By: John Byrne - Executive Director Corporate and Community Services
Date of Report: 19 April 2006

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Great Southern Regional Cattle Saleyards – 14 March 2006
- Great Southern Regional Cattle Saleyards – 11 April 2006
- Heavy Haulage Advisory Committee – 11 April 2006

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Any issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Clements:

That the following Committee Minutes be received:

- **Great Southern Regional Cattle Saleyards – 14 March 2006**
- **Great Southern Regional Cattle Saleyards – 11 April 2006**
- **Heavy Haulage Advisory Committee – 11 April 2006**

CARRIED (7/0)

No. 118/06

9.2 CORPORATE SERVICES REPORTS

9.2.1 FINANCIAL STATEMENTS - MARCH 2006

Location / Address:	N / A
Attachments:	Financial Statements - March 2006
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	David Blurton - Accountant
Authorised By:	John Byrne – Executive Director Corporate and Community Services
Date of Report:	12 April 2006

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 March 2006.

Statutory Environment

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amounts of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (ie: surplus / (deficit) position).

The statement is to be accompanied by: (a) explanation of the composition of net current assets, less committed assets and restricted assets; (b) explanation of the material variances; and (c) such other information considered relevant by the local government.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr M Skinner:

That the financial statements for the month ending 31 March 2006 be received.

CARRIED (7/0)

No. 119/06

9.2.2 STRATA TITLE TREE FARMS – OUTSTANDING RATES

Location / Address:	Location 1422, Lot 101 Albany Highway, Mount Barker - Valley Views Tree Farm Location 4634, Lot 51 Porongurup Road, Mount Barker – Hambley Tree Farm.
Attachments: (1)	Letter – Chalmers & Partners
Name of Applicant:	Various
File Reference:	RV/134/1
Author:	David Blurton - Accountant
Authorised By:	John Byrne – Executive Director Corporate and Community Services
Date of Report:	18 April 2006

Purpose

The purpose of this report is present legal advice received in relation to outstanding rates by owners of the Valley View and Hambley Tree Farms.

Background

The Council will recall that substantial rates are outstanding on the above assessments and that standard debt collection attempts have thus far proved unsuccessful.

The tree crop managers, Integrated Tree Cropping (ITC), proposed to reimburse outstanding rates moneys from the proceeds of sale upon harvest in 2006 / 2007. However, legal advice received recommended against forming an agreement with ITC as agreement would have to be sought from all owners involved and ITC did not have the authority to act on the owners' behalf.

Additional legal advice failed to recommend a definitive course of action that the Council should follow and at its Ordinary Council meeting held on 14 March 2006 the Council resolved:

'That specialised strata title and land administration legal advice be sought in relation to the recovery of rates from the owners of Location 1422, Lot 101 Albany Highway, Mount Barker known as Valley View Tree Farm and on Location 4634, Lot 51 Porongurup Road, Mount Barker known as Hambley Tree Farm.' Carried 8/0

Legal advice has subsequently been attained from Chalmers & Partners and is included as an attachment to this report.

Statutory Environment

Section 6.64 of the Local Government Act 1995 states:

'Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
-

Strata Title Tree Farms – Outstanding Rates (Cont.)

- (a) *from time to time lease the land;*
 - (b) *sell the land;*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.'*

Section 6.68 of the Local Government Act 1995 states:

'Exercise of power to sell land

- (1) *Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the "power of sale") in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land.*
- (3) *Schedule 6.3 has effect in relation to the exercise of the power of sale.'*

Sections 30 and 31 of the Strata Titles Act refer to the termination of Strata schemes.

Consultation

Consultation has occurred with John Byrne - Executive Director of Corporate and Community Services, Rob Stewart – Chief Executive Officer and Lynton Chalmers – Chalmers & Partners Solicitors.

Policy Implications

There are no policy implications for this report.

Financial Implications

As at 18 April 2006, the rates outstanding (inclusive of charges) for the Hambley Tree Farm total \$12,273.00 and the rates outstanding (inclusive of charges) for the Valley View Farm total \$110,525.00.

Outstanding rates on The Valley View Tree Farm represents 30.5% of total outstanding rates as at 18 April 2006 and outstanding rates on The Hambley Tree Farm represents approximately 3.4% of total outstanding rates as at 18 April 2006.

Costs associated with lodging an application to terminate a strata scheme under section 31 of the Strata Titles Act and relevant legal representation are likely to cost in the vicinity of \$20,000.00. This cost will be more accurately known once the Council's lawyers have been authorised to provide a litigation advice letter. A

Strata Title Tree Farms – Outstanding Rates (Cont.)

litigation advice letter will also provide the Council with its likely chance of success should it decide to proceed.

Costs associated with exercising powers under Section 6.68 of the Local Government Act 1995 are estimated to be in the vicinity of \$20,000.00 according to Mr Chalmers.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The legal advice received outlines two courses of action available to the Council.

Option 1 – *Lodge an application under section 31 of the Strata Titles Act to terminate the Strata Scheme.* In the opinion of Mr Chalmers, the Shire would arguably be considered a registered mortgagee for the purposes of section 31, and as such would have a right to lodge an application for termination.

If successful under this option, the entire strata subdivision would revert back to a single parcel of land. This would allow for the sale of the whole of the land and consequently the recovery of outstanding rates.

Option 2 – *Proceed to sale of land provisions under section 6.68 of the Local Government Act (1995).* This option will involve disposing of 27 individual lots which could prove time consuming and costly. Given the lack of market interest in these lots it is considered that the sale of one amalgamated piece of land will have more chance of success than attempting to sell the parcels individually.

Although not guaranteed to succeed, it is considered the best course of action to attempt to lodge an application to terminate the Strata scheme under section 31 of the Strata Titles Act. Given the circumstances and the unusual nature of the case it is hoped that the District Court would look favourably upon such an application.

The recommendation to obtain a litigation advice letter is the next step in identifying the exact costs associated with lodging an application to terminate the Strata Scheme under section 31 of the Strata Titles Act against the Valley View Farm should the Council choose to proceed.

With regard to Hambley Tree Farm, it is recommended that sale of land provisions under section 6.68 of the Local Government Act 1995 be enacted against the owners of Lot 1 Porongurup Road, Mount Barker and Lot 12 Porongurup Road, Mount Barker as there is now a market for this land. Of the thirty assessments that comprise the Hambley Tree Farm, only these properties satisfy the sale of property criteria as outlined under section 6.64 of the Local Government Act 1995. The Chief Executive proposes that this be done pursuant to his delegated authority.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

THAT:

- (1) Chalmers and Partners (Solicitors) be engaged to issue a litigation advice letter preparatory to making an application under Section 31 of the Strata Titles Act to terminate the Strata Scheme referred to as Strata Plan 31689, Valley View Farm, Lot 101 of Plantagenet Locations 406, 1421, 1422, 3137 and part Location 443 Albany Highway, Mount Barker.
- (2) The intention of the Chief Executive Officer to take action under delegated authority pursuant to Section 6.64 of the Local Government Act 1995 to sell Lot 1 Porongurup Road, Mount Barker and Lot 12 Porongurup Road, Mount Barker (Hambley Tree Farm) be noted.

COUNCIL DECISION**Moved Cr K Clements, seconded Cr J Mark:****That action regarding debt recovery from the Valley View and Hambley Strata Title Tree Farms, be deferred until further legal advice is obtained from Chalmers and Partners (Solicitors).****CARRIED (7/0)****No. 120/06**

7.47pm Cr K Hart entered the meeting.

9.2.3 LIST OF PAYMENTS - MARCH 2006

Location / Address: N / A
Name of Applicant: N / A
File Reference: FM/65/3
Author: Rayona Evans - Accounts Officer
Authorised By: John Byrne - Executive Director Corporate and Community Services
Date of Report: 18 April 2006

Purpose

The purpose of this report is to present the list of payments that were made during the month of March 2006 and the credit card payments for the months of January and February 2006.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the list of accounts.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, seconded Cr B Hollingworth:

That the payment of accounts for the month of March 2006 covering electronic payments, cheques 35072 to 35190 totalling \$1,401,580.01, the payment of trust cheques 116 to 120 totalling \$1,500.00 and the Credit Card transactions for the months of January and February 2006 totalling \$2,361.91, be noted.

CARRIED (7/0)

No. 121/06

9.2.4 RSPCA ISSUE – STAFF SUPPORT

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.4

Extent of Interest: Cattle Producer - 340 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 9.2.4

Extent of Interest: Cattle Producer – 400 head of cattle

A Financial Interest was disclosed by Cr J Moir for Items 9.2.4

Extent Of Interest: Financial

A Proximity Interest was disclosed by Cr B Hollingworth for Item 9.2.4

Extent Of Interest: Adjoining Landowner

7.49pm Cr J Moir withdrew from the meeting.

Authority To Participate Pursuant Section 5.62 (E) Local Government Act 1995

Approval has been received from the Department of Local Government and Regional Development via letter dated 18 November 2005, giving permission for Cr K Forbes, Cr M Skinner, Cr J Cameron, Cr J Moir and Cr B Hollingworth to participate in matters relating to the Great Southern Regional Cattle Saleyards until 31 December 2006.

The Acting Chief Executive Officer – Ms Delma Baesjou, read aloud the attached letter.

Location / Address: N / A

Name of Applicant: N / A

File Reference: CA/126/1

Author: John Byrne - Executive Director Corporate and Community Services

Authorised By: Rob Stewart - Chief Executive Officer

Date of Report: 19 April 2006

Purpose

The purpose of this report is to note support for the Saleyards Manager – Mr Warren Lloyd for action taken regarding a recent issue involving the Royal Society for Prevention of Cruelty to Animals (RSPCA) at the Great Southern Regional Cattle Saleyards (the Saleyards) and the report provided to the RSPCA.

Background

The Saleyards Advisory Committee was advised of a recent issue involving the death of a number of cattle during a dispersal sale held at the Saleyards. As a result, the RSPCA conducted an investigation which involved the taking of a statement from the Saleyards Manager – Mr Warren Lloyd. That statement was tabled at the Saleyards Advisory Committee meeting held on 11 April 2006.

The Committee considered the statement made by the Saleyards Manager and recommended as follows:

‘That it be a recommendation to the Council:

RSPCA Issue – Staff Support (Cont.)

That it be noted that the Great Southern Regional Cattle Saleyards Advisory Committee supports the Saleyards Manager – Mr Warren Lloyd for action taken regarding the RSPCA issue and the report provided to the RSPCA.'

Statutory Environment

There are no statutory implications for this report.

Consultation

There was no consultation undertaken for this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

That it be noted that the Great Southern Regional Cattle Saleyards Advisory Committee supports the Saleyards Manager – Mr Warren Lloyd for action taken regarding the Royal Society for Prevention of Cruelty to Animals (RSPCA) issue and the report provided to the RSPCA.

CARRIED (7/0)

No. 122/06

9.2.5 TENDER - CANTEEN LEASE 06/S1 - GREAT SOUTHERN REGIONAL CATTLE SALEYARDS CANTEEN

A Financial Interest was disclosed by Cr K Forbes for Item 9.2.5
Extent of Interest: Cattle Producer - 340 head of mixed cattle

A Financial Interest was disclosed by Cr M Skinner for Item 9.2.5
Extent of Interest: Cattle Producer – 400 head of cattle

A Financial Interest was disclosed by Cr J Moir for Item 9.2.5
Extent Of Interest: Financial

A Proximity Interest was disclosed by Cr B Hollingworth for Item 9.2.5
Extent Of Interest: Adjoining Landowner

Location / Address: N / A
Name of Applicant: N / A
File Reference: CA/126/1
Author: John Byrne - Executive Director Corporate and Community Services
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 19 April 2006

Purpose

The purpose of this report is to consider a recommendation of the Great Southern Regional Cattle Saleyards Advisory Committee (the Committee) in relation to the tenders received for the lease of the Canteen at the Great Southern Regional Cattle Saleyards (the Saleyards).

Background

The Saleyards canteen was leased to Mr Robert Laidler for a period of three (3) years commencing 10 March 2003. During that time, the lease was re-assigned to Mr Peter Williams and Ms Bernadette Grundy. The lease was further re-assigned to Mrs Sofica Vulcan on 31 January 2005 for the remainder of the term.

The matter was raised at a meeting of the Saleyards Advisory Committee at its meeting held on 14 February 2006. At that meeting the Committee recommended:

'That the lease of the Great Southern Regional Cattle Saleyards canteen be advertised.'

At the next Ordinary Meeting of the Council held on 28 February 2006, the Council considered the Committee's recommendation and resolved:

'THAT:

- (1) The lease of the Great Southern Regional Cattle Saleyards Canteen be advertised.*
- (2) A further report be presented to the Council following the closure of advertising recommending a preferred lessee, determined in accordance with the following criteria:*

Tender – Canteen Lease O6/S1 – Great Southern Regional Cattle Saleyards Canteen (Cont.)

- *Ability to operate such a facility, including skills of staff / operators;*
- *Previous Experience of staff / operators and business success; and*
- *Price offered to lease and operate the premises.'*

The request for tender was advertised accordingly with tenders closing at 4.00pm Friday 31 March 2006. Two (2) tenders were received: one (1) from Mrs Sofica Vulcan of Three Star Petrol and one (1) from Mrs Pauline Stevens of Tellrex Pty Ltd T/A BP Mt Barker Roadhouse. Tenders were opened by Donna Stevens – Senior Administration / Human Resources Officer and John Byrne – Executive Director Corporate and Community Services.

Both tenders were deemed to be eligible tenders, satisfying the selection criteria. Following assessment of the received tenders and in consultation with the Saleyards Manager and the Acting Chief Executive Officer, the following recommendation to the Committee was made:

'That it be a recommendation to the Council that:

- (1) *The tender from Mrs Sofica Vulcan for the lease of the Canteen at the Great Southern Regional Cattle Saleyards at a rate of \$56.44 per sale day (plus GST) and subject to annual consumer price index (CPI) increases, be accepted.*
- (2) *Authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease of the Canteen at the Great Southern Regional Cattle Saleyards on Portion of Lot 3 Albany Highway, Mount Barker to Mrs Sofica Vulcan.*
- (3) *Mrs Pauline Stevens be given notice in writing of the Council's decision to award the lease of the Canteen at the Great Southern Regional Cattle Saleyards to Mrs Sofica Vulcan, in accordance with Regulation 19 of the Local Government (Functions and General) Regulations 1996.'*

The Committee subsequently formed the following recommendation:

'That it be a recommendation to the Council:

That no tender be accepted for the Canteen Lease O6/S1 of the Great Southern Regional Cattle Saleyards.'

Reason For Change

The tenders submitted were not considered to be in the best interest of the Council's Saleyards operations.'

Statutory Environment

Section 3.58 of the Local Government Act 1995 and assorted regulations within the Local Government (Functions and General) Regulations 1996.

Consultation

Consultation has occurred with Rob Stewart – Chief Executive Officer.

Policy Implications

There are no policy implications for this report.

Financial Implications

Income for the lease of the Canteen at the Saleyards forms part of the adopted budget.

Strategic Implications

The management of the saleyards canteen to a high standard is very important in the overall marketing and presentation of the saleyards. The provision of quality foodstuffs in a clean and friendly environment is a critical factor to retaining and encouraging repeat business.

This is consistent with Key Result Area 4 – Marketing of the Great Southern Regional Cattle Saleyards Strategic Plan as adopted by the Saleyards Advisory Committee.

Officer Comment

Both tenderers indicated their ability to operate the canteen and previous experience of staff and business success. Mrs Stevens' tender was more comprehensive and indicates she has operated the BP Mt Barker Roadhouse for the past seventeen (17) years. Mrs Vulcan has operated the Three Star Petrol roadhouse for the past three (3) years.

The tender from Mrs Sofica Vulcan seeks to continue her existing lease on the same terms and conditions with Mrs Vulcan offering to pay \$56.44 (plus GST) per sale day and acknowledges annual Consumer Price Index (CPI) reviews.

The tender from Mrs Pauline Stevens offers \$45.00 per sale day. Mrs Stevens is prepared to negotiate a higher price, subject to the Council replacing the Baine Marie, oven, fridge and freezer, installing a weather shelter over the rear entry door, new stainless steel kitchen benches and installing a door and roller grille to enable the kitchen to be secured. Mrs Stevens also seeks additional approval to use the kitchen to conduct commercial baking of fine foods, marketed under the name of 'Vanilla Pods'. Mrs Stevens would install the necessary additional kitchen equipment to enable the commercial baking to take place.

She anticipates additional use of the kitchen for the commercial baking would be in the order of three to four (3 – 4) days per month.

While this would result in additional income from the lease of the Canteen above that currently budgeted, estimated costs of the requested capital items is likely to negate any 'return on investment' or additional income for the saleyards for up to two (2) years.

It is considered that the Committee's recommendation does not provide direction in regard to the future lease of the canteen of the Saleyards. Given that only two (2) tenders were received and neither were considered to be in the best interest of the Saleyards' operations, it is also recommended that the Saleyards Advisory Committee review the tender selection criteria with a view to re-tendering the canteen lease.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Williss:

THAT:

- (1) No tender be accepted for Canteen Lease O6/S1 of the Great Southern Regional Cattle Saleyards.
- (2) The tender selection criteria be reviewed by the Great Southern Regional Cattle Saleyards Advisory Committee with a view to re-tendering the Canteen Lease of the Great Southern Regional Cattle Saleyards.

CARRIED (7/0)

No. 123/06

7.53pm Cr J Moir returned to the meeting.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Moir had previously given notice pursuant to Clause 3.7 of Standing Orders that he intended to move:

'That with regard to the Chillinup Landfill Site, it is the opinion of the Shire of Plantagenet that the property should be retained until at least 2010 or until such time as the Council has a waste management plan adopted and implemented, whichever comes first.'

Moved Cr J Moir, seconded Cr K Clements:

That with regard to the Chillinup Landfill Site, it is the opinion of the Shire of Plantagenet that the property should be retained until at least 2010 or until such time as the Council has a waste management plan adopted and implemented, whichever comes first.

LOST (3/5)

Moved Cr K Hart, seconded Cr B Hollingworth:

That with regard to the Chillinup Landfill Site, it is the opinion of the Shire of Plantagenet that the property should be retained and leased on an annual basis until a decision to sell is made.

CARRIED (8/0)

No. 124/06

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING**

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

8.06pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE:/...../.....