



ORDINARY MINUTES

DATE: Tuesday, 11 August 2020

TIME: 3:00pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

Paul Sheedy
ACTING CHIEF EXECUTIVE OFFICER

Resolution numbers: 218/20 to 229/20

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm The Presiding Member declared the meeting open.

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

Members Present:

Cr C Pavlovich	Shire President
Cr J Oldfield	Deputy Shire President
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr K Woltering	Councillor

In Attendance:

Mr Paul Sheedy	Acting Chief Executive Officer
Mr Andrus Budrikis	Executive Manager Strategic Development
Mr John Fathers	Executive Manager Corporate Services
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

Apologies:

Nil

Members of the Public Present:

There were five members of the public present.

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr Paul Sheedy – Acting Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Sheedy then 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.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 PRESENTATION – MRS WENDY DILETTI – MOUNT BARKER VISITOR CENTRE STEERING COMMITTEE

Mrs Diletti addressed the Council in support of Item 9.4.1. Mount Barker Visitor Centre – Assignment of Lease (attached).

4.2 PRESENTATION – MRS BEV GILBERT – WINE INDUSTRY REPRESENTATIVE

Mrs Gilbert addressed the Council in support of Item 9.4.1 Mount Barker Visitor Centre – Assignment of Lease, from a wine industry perspective on the Visitor Centre and its importance to the economy of Mount Barker.

4.3 PRESENTATION MR BOB DOUGLAS – MOUNT BARKER VISITOR CENTRE STEERING COMMITTEE

Mr Douglas addressed the Council in support of Item 9.4.1 Mount Barker Visitor Centre – Assignment of Lease.

4.4 PRESENTATION MR JOHN FLETCHER – MOUNT BARKER WINE PRODUCERS ASSOCIATION

Mr Fletcher addressed the Council in support of Item 9.4.1 Mount Barker Visitor Centre and to recognise the support of the many volunteers.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

Item: 9.3.5
Type: Proximity (Section 5.60 (B) LGA)
Nature: Part-owner of adjoining lot
Extent: N/A

Cr M O'Dea

Item: 9.4.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)
Nature: Brother-in-law is Chair of the Porongurup Promotions Association
Extent: N/A

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr J Oldfield:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 14 July 2020 as circulated, be taken as read and adopted as a correct record, subject to the following corrections:

That:

- 1. Resolution No. 195/20 be amended by inserting the words ‘and Mount Barker Community College Oval’ after the words Frost Park Oval.**
- 2. Resolution 210/20 and 211/20 both be amended as ‘CARRIED (7/1)’ with ‘Cr Moir voted against the motion’ being noted under.**

CARRIED (9/0)

NO. 218/20

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President welcomed the Acting Chief Executive Officer Paul Sheedy to his first Council meeting of the Shire of Plantagenet.

The Shire President further noted:

- 1. The recent launch of the Shire of Plantagenet Community Directory and recommended that Councillors download the app.**
- 2. The Tourism Futures Forum Business Sundowner held on 28 July 2020 was very productive for the community.**
- 3. Three Councillors have completed three of the five units of ‘Council Member Essentials’ training for newly elected members.**

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 STRATEGIC DEVELOPMENT REPORTS

9.1.1 PLANTAGENET BUSINESS DEVELOPMENT CENTRE

File Ref:	N52251
Responsible Officer:	Andrus Budrikis Executive Manager Strategic Development
Author:	Laura Adams Economic Development Officer
Proposed Meeting Date:	11 August 2020

PURPOSE

The purpose of this report is to provide an update to the concept of the Plantagenet Business Development Centre, an initiative to help local businesses recover from losses sustained as a result of the COVID-19 restrictions.

BACKGROUND

In April 2020, a business survey was promoted on the Shire's Facebook page and sent to various businesses within the Shire of Plantagenet to inform our response to economic setbacks resulting from COVID-19 restrictions. A key finding from the data received was that businesses have been impacted in disparate ways across various aspects of their operations, and that any resulting support package would have to be multi-agency in order to provide the coverage required.

On May 2020, the CEO, Executive Manager Strategic Development and Economic Development Officer met with Tracey Bridges, Executive Officer of Business Great Southern to discuss possibilities for assisting with economic recovery in our Shire. Business Great Southern provides free business counselling, and also incorporates the Albany Business Centre, an 'incubator' that provides an affordable location to host businesses that are starting out. As a result of this discussion the idea of hosting a physical Business Development Centre was formed, and Business Great Southern pledged its support of the initiative. They have written to the Shire of Plantagenet to offer free one-on-one consultations, to run at least two events a month, and to facilitate networking ideas for the community which comply with social distancing.

At a workshop on 14 July 2020, the Council provided direction on a draft Business Plan for the Plantagenet Business Centre. It was advised that Shire officers should investigate alternate venues and provide an update to the August Council meeting.

STATUTORY ENVIRONMENT

Insurance implications would need to be properly investigated. Initial enquiries have indicated that the impact on premiums and liability would be minimal.

EXTERNAL CONSULTATION

The Plantagenet Business Survey was followed up by phone conversations with business owners to offer tailored support and explore these issues further. External agencies with expertise in providing business support services have also been consulted, as have stakeholders providing similar services locally.

FINANCIAL IMPLICATIONS

Based on the projected payment towards utilities for 25 Lowood Road and a small allowance for other expenses such as internet services, an upper estimate of the total spend over six months is \$6,000.00. This would be funded from Other Expenses – Economic Development 21811.0572.

BUDGET IMPLICATIONS

The Financial Year 20219-2020 budget line Economic Development 21811.0572 has sufficient funds to cover the expenditure.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

LEGAL IMPLICATIONS

There are no immediate legal implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2020 - 2021 provides at Outcome 3 (Prosperous and sustainable local economy) the following Strategies:

Strategy 3.1.3 - Support the promotion and marketing of local businesses

Strategy 3.2.2 - Promote and support local industry development initiatives

Strategy 3.3.1 - Develop, maintain and strengthen relationships with local businesses

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

REGIONAL IMPLICATIONS

This concept has been developed in consultation with regional business agencies such as Business Great Southern, and contact has been made with the Albany Chamber of Commerce and the Mount Barker Community Resource Centre (CRC). If this concept is taken forward other relevant agencies will be invited to participate.

OFFICER COMMENT

The initial concept was based around occupying the vacant shop next to the chemist at 25 Lowood Road. The building's manager is willing to let the shop out to the Shire of Plantagenet for a token payment of \$150.00 a week to cover use of utilities.

Alternate locations have since been explored:

- The Mt Barker Visitor Centre; is currently occupied and subject to a lease with the Amazing South Coast (ASC) until 30 November 2020. Following the withdrawal of ASC from Visitor Centres, the Porongurup Promotions Association (PPA) is supporting the Visitor Centre on an interim basis. There are ongoing negotiations between the PPA-sponsored Visitor Centre steering committee and the ASC for longer-term arrangements. It is not recommended that this option be pursued until the management of the Visitor Centre is confirmed.
- Mt Barker CRC; the concept was discussed with Martina Meinen, CRC Manager, and Jono Wesley, CRC Management Committee. If the CRC were to be involved it would develop into a collaborative project to value-add to their existing Business Forums. This would involve referring the agencies we've lined up to provide business counselling services to CRC users, and then providing Shire officers where appropriate to host clinics at the CRC.

Additional research has been reviewed to shape the direction of the proposal. The Albany Chamber of Commerce has been conducting monthly surveys of businesses in the Great Southern relating to the impact of COVID-19 and its attendant restrictions. Their July 2020 survey indicated that:

- Nearly 65% of respondents have been able to adapt their business quickly to respond to the pandemic environment and consumer demand/expectations.
- 53% of respondents were entitled to some sort of government financial support/stimulus package, but almost 21% of respondents did not know what they were entitled to.
- 35% of respondents were totally satisfied with their local government's response to the pandemic, 18% were satisfied, 28% were ambivalent, 9% were unsatisfied and 10% extremely unsatisfied.
- Almost 8% of respondents stated that local governments needed to improve their communication regarding the support packages available.

A conclusion from these responses is that some local business owners require tailored assistance with understanding the relief packages available, and that there is a perception that local governments are not doing enough to assist with this. A suitable response could be an in-person clinic to go through options with the business owner based on the nature of their business. This is similar to the concept of a 'business concierge service', which is already carried out by Shire Strategic Development officers on an informal basis. A recent example is the successful retention of a Plantagenet small business seeking to relocate and expand. Through tailored support by Shire staff, the business owner was able to source a suitable site in Mount Barker and tie the construction and development process to GSDC grant milestones.

Additionally, at the Tourism Futures Forum held on 28 July 2020, feedback was received that the Shire of Plantagenet is not effectively communicating its projects to stakeholders. This ties in to the concept of a physical display space for the community to view concept plans and strategic documents.

If the CRC option were to be pursued, this initiative would develop into a collaborative venture which would reduce the operational cost to staff time only. The

same services could still be provided, but with less of an input from the Shire. The additional support of CRC staff and volunteers would bolster the project and increase public confidence that the Shire is working collaboratively with other public service providers in Plantagenet. However, the impact of hosting the initiative in a prominent location would be lost, as would the PR aspect of reducing the number of vacant shopfronts on the high street.

It may be that an independent Business Development Centre that cooperates with the CRC is the better model. The initial establishment of the Business Development Centre would preferably be located at 25 Lowood Road, but activities would be coordinated with the CRC. Negotiations to co-locate with the Visitor Centre could take place while the group establishes itself.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr M O'Dea:

That:

- 1. The Council endorses the trial of a Business Development Centre at 25 Lowood Road.**
- 2. The Executive Manager Strategic Development works with the Mount Barker Community Resource Centre to provide business activities and services.**
- 3. The Executive Manager Strategic Development negotiates future cooperation and possible co-location with the Mount Barker Visitor Centre.**

Cr J Moir requested that each item of the motion be dealt with separately. The Presiding Member agreed with permission from the Mover: Cr K Clements and Seconder: Cr M O'Dea.

Moved Cr K Clements, seconded Cr M O'Dea:

That:

- 1. The Council endorses the trial of a Business Development Centre at 25 Lowood Road.**

AMENDMENT

Moved Cr J Oldfield, seconded Cr L Handasyde:

That in part 1. of the motion the words 'to the 28 February 2021' be inserted after the words Lowood Road.

CARRIED (8/1)

NO. 219/20

Cr Bell voted against the motion

COUNCIL DECISION

That the Council endorses the trial of a Business Development Centre at 25 Lowood Road to the 28 February 2021.

CARRIED (5/4)

NO. 220//20

Crs Bell, Etherington, Moir and Woltering voted against the motion

COUNCIL DECISION

Moved Cr K Clements, seconded Cr L Handasyde:

That the Executive Manager Strategic Development works with the Mount Barker Community Resource Centre to provide business activities and services.

CARRIED (9/0)

NO. 221/20

COUNCIL DECISION

Moved Cr K Clements, seconded Cr M O'Dea:

That the Executive Manager Strategic Development negotiates future cooperation and possible co-location with the Mount Barker Visitor Centre.

CARRIED (8/1)

NO. 222/20

Cr Moir voted against the motion

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 CORPORATE SERVICES REPORTS

9.3.1 BUDGET REVIEW - JULY 2020

File Ref:	N46373
Responsible Officer:	Paul Sheedy Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	11 August 2020

PURPOSE

The purpose of this report is to review and adjust the adopted 2020/2021 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2020/2021 annual budget was adopted by the Council at a special meeting on 7 July 2020. This is the first review of the budget, which is considered to be prudent following some end of year adjustments and subsequent Council deliberations.

STATUTORY ENVIRONMENT

Local Government Act 1995

There is no specific section of the Act that deals with the reallocation of funds however Section 6.2(1) governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996

Regulation 33A states:

- '(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.'*
-

FINANCIAL IMPLICATIONS

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. The overall recommended effect on the budget is \$nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

‘Provide a full range of financial services to support Shire’s operations and to meet planning, reporting and accountability requirements’.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

Following the adoption of the budget, a number of issues have arisen that are worthy of a budget amendment and the following action is recommended:

- The following adjustments are sought due to differences between estimates of end of year expenditure and actual expenditure, mainly due to accrued expenditure invoices which were unknown at the time of preparing the budget. The estimated balance carried forward position (net current assets) should be adjusted accordingly.

Description	Account	Budget Estimated Actual 2019/2020	Actual 2019/2020	Original Budget 2020/2021	New Budget 2020/2021
Net Current Assets - End of Year				1,507,093	\$1,439,559
Plantagenet Medical Centre Upgrade	51771.0252	(\$78,644)	(\$139,839)	(\$385,221)	(\$324,026)
Frost Park - Pavilion Upgrade	51691.0251	(\$45,952)	(\$52,291)	(\$124,484)	(\$118,145)

- The adopted 2020/2021 budget included the following two projects with the respective funding allocations as noted:
 - Mount Barker Infrastructure: \$580,000; LRCIP (\$200k), REDS (\$100k), Drought Communities Programme (\$250k), Municipal (\$30k); and
 - Albany Highway Beautification: \$330,000; LRCIP (\$100k), Drought Communities Programme (\$150k), Municipal (\$80k).

Councillors were recently advised that investigations into the conditions of the Local Roads Community Infrastructure Program (LRCIP) grant indicated that the projects submitted for funding could not be co-funded from other State or Federal Grants.

Further, the conditions for the Drought Communities Programme grant require an Adverse Events Plan to be completed, for which there was no provision in the budget.

At its meeting held on 14 July 2020, the Council resolved as follows in regard to the Drought Communities Programme – Extension:

'That the following projects and grant fund allocations for the Drought Communities Programme – Extension grant application be endorsed:

1. *Mount Barker Infrastructure Projects - \$375,000.000.*
2. *Mount Barker Swimming Pool Redevelopment - \$600,000.00.*
3. *Adverse Event Plan and audit - \$25,000.00.'*

The adjusted budget for Mount Barker Infrastructure and funding mix for the two projects will therefore be as follows:

- Mount Barker Infrastructure: \$555,000.00; REDS (\$100k), Drought Communities Programme (\$375k), Municipal (\$80k); and
- Albany Highway Beautification: \$330,000.00; LRCIP (\$300k), Municipal (\$30k).

The recommendation includes the appropriate budget changes to formalise this decision.

- At its meeting held on 14 July 2020, the Council endorsed a recommendation from the Mount Barker Hill Advisory Committee that sufficient funds be allocated in the 2020/2021 budget to enable the lighting of the tower on Mount Barker Hill project to progress to design and testing.

The Advisory Committee's recommendation requires an amount of \$15,600.00 (Excluding GST) to enable the lighting of the tower on Mount Barker Hill project to progress to the design and testing stage. It was noted that this amount had not been allocated in the adopted budget and would need attention at this budget review. It is recommended that part of the savings identified above be allocated to this project.

- The Council allocated a sum of \$50,000.00 in the 2020/2021 budget for footpath and bike construction (Budget Item 51203.0250). The Shire has been successful in an application for grant funding towards a shared path extension in Lowood Road, between Marion Street and Mondurup Street.

The budget for footpath construction was established on the assumption that this grant would not be forthcoming, so the \$25,000.00 can be seen as a saving which can be allocated elsewhere in part or total. It is recommended that \$15,600.00 be re-allocated to the Mount Barker Hill project for the purpose mentioned above. The remainder could be retained with the footpath construction program.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the budget review for the period 1 July 2020 to 31 July 2020 be adopted and the 2020/2021 Annual Budget be amended as follows:

Description	Account	Original Budget	New Budget	Net Cash Amount
Net Current Assets at End of Financial Year		1,507,093	\$1,439,559	(\$67,534)
Plantagenet Medical Centre Upgrade	51771.0252	(\$385,221)	(\$324,026)	\$61,195
Frost Park - Pavilion Upgrade	51691.0251	(\$124,484)	(\$118,145)	\$6,339
Mount Barker Infrastructure	51840.0252	(\$580,000)	(\$555,000)	\$25,000
Adverse Event Plan and Audit	21311.0375	\$0	(\$25,000)	(\$25,000)
Total		\$417,388	\$417,388	\$0

ALTERNATIVE OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That the budget review for the period 1 July 2020 to 31 July 2020 be adopted and the 2020/2021 Annual Budget be amended as follows:

Description	Account	Original Budget	New Budget	Net Cash Amount
Net Current Assets at End of Financial Year		1,507,093	\$1,439,559	(\$67,534)
Plantagenet Medical Centre Upgrade	51771.0252	(\$385,221)	(\$324,026)	\$61,195
Frost Park - Pavilion Upgrade	51691.0251	(\$124,484)	(\$118,145)	\$6,339
Mount Barker Infrastructure	51840.0252	(\$580,000)	(\$555,000)	\$25,000
Adverse Event Plan and Audit	21311.0375	\$0	(\$25,000)	(\$25,000)
Mount Barker Hill – Lighting concept plan	20221.0575	(\$4,400)	(\$20,000)	(\$15,600)
Lowood Road Footpath Grant	41201.0208	\$0	\$25,000	\$25,000
Footpath and Bike Path Construction	51203.0250	(\$50,000)	(\$59,400)	(\$9,400)
Total		\$362,988	\$362,988	\$0

AMENDMENT

Moved Cr J Moir, seconded Cr B Bell:

That the motion be amended by deleting the row relating to the Mount Barker Hill – Lighting Concept plan at a cost of \$15,600.00, resulting in a cash surplus of that amount.

LOST (2/7)

Crs Pavlovich, Oldfield, Clements, Etherington, Handasyde, O’Dea and Woltering voted against the motion

COUNCIL DECISION

That the budget review for the period 1 July 2020 to 31 July 2020 be adopted and the 2020/2021 Annual Budget be amended as follows:

Description	Account	Original Budget	New Budget	Net Cash Amount
Net Current Assets at End of Financial Year		1,507,093	\$1,439,559	(\$67,534)
Plantagenet Medical Centre Upgrade	51771.0252	(\$385,221)	(\$324,026)	\$61,195
Frost Park - Pavilion Upgrade	51691.0251	(\$124,484)	(\$118,145)	\$6,339
Mount Barker Infrastructure	51840.0252	(\$580,000)	(\$555,000)	\$25,000
Adverse Event Plan and Audit	21311.0375	\$0	(\$25,000)	(\$25,000)
Mount Barker Hill – Lighting concept plan	20221.0575	(\$4,400)	(\$20,000)	(\$15,600)
Lowood Road Footpath Grant	41201.0208	\$0	\$25,000	\$25,000
Footpath and Bike Path Construction	51203.0250	(\$50,000)	(\$59,400)	(\$9,400)
Total		\$362,988	\$362,988	\$0

CARRIED (9/0)

NO. 223/20

Absolute Majority

9.3.2 FINANCIAL STATEMENTS – JULY 2020

File Ref:	N52238
Attachment:	<u>Financial Statements</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	11 August 2020

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 July 2020.

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 amount 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 (i.e.: 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.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the Financial Statements for the period ending 31 July 2020 be received.

CARRIED (9/0)

NO. 224/20

9.3.3 LIST OF ACCOUNTS – JULY 2020

File Ref:	N52296
Attachment:	<u>List of Accounts – July 2020</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	11 August 2020

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 2020.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (19 May 2020). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr K Woltering:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 July 2020 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$1,070,997.60.
2. Municipal Cheques 46885 to 46896 and 46898 to 46912 totalling \$56,033.31.
3. Cancelled Cheque 46897.

CARRIED (9/0)

NO. 225/20

9.3.4 POLICY REVIEW - RATING OF COUNCIL OWNED LAND - SPORTING AND COMMUNITY ORGANISATIONS

File Ref:	N51605
Attachments:	<u>Policy with amendments</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Human Resources Coordinator
Proposed Meeting Date:	14 July 2020

PURPOSE

The purpose of this report is to review Council Policy No A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 22 May 2018.

At its meeting held on 14 July 2020, the Council resolved that the question be adjourned to further investigate the rating status of the Kendenup Golf Course and Country Club and the matter be referred back to the Council on or before the Ordinary Meeting of the Council scheduled for 6 October 2020.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.26 refers to the rateability of land. Section 6.26(2)(b) provides that land is not rateable where it is the property of the Crown and is being used or held for a public purpose. There is no definition of ‘public purpose’ in the Act.

FINANCIAL IMPLICATIONS

Since the implementation of the Policy, the Council has raised rates on its leasehold properties, but pays those rates itself. This is a ‘zero sum game’, although the Council would have the right to impose rates on a number of these lessees when the leases are renewed.

In regard to the accounting treatment of such transactions, the Shire’s auditors identified in the 2020 mid year audit that recognising both the rates income and donation expenditure is not in accordance with AASB 101 – Presentation of Financial Statements and has the effect of overstating that revenue and expenditure.

A record can be kept of the transactions for internal management purposes in order to keep track of the cost of the donations. However, for financial reporting purposes, the entries need to be eliminated.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

LEGAL IMPLICATIONS

The Shire received some legal advice in 2014 when it renewed its standard lease for community groups, as follows:

‘The general position is that land occupied by a private club would not be described as being used for “public purpose”. See Swan Yacht Club Inc v Town of East Fremantle [2005] WASCA99 – which is a decision of the Court of Appeal of the WA Supreme Court.

As you would be aware, a local government Council is authorised under section 6.47 of the Act to waive a rate but that would be a decision taken by the Council from year to year.

Consequently, I think that it is appropriate for the lease to provide that the lessee must pay rates (if there are rates to be paid and they have not been waived).’

Section 6.47 of the Act allows a local government, at the time of imposing a rate or at a later date, to waive a rate or grant other concessions in relation to a rate (An absolute majority is required).

The Council may also donate back to the ratepayer a value equivalent to rates (or part thereof). This is an ‘ex gratia’ payment, rather than done in accordance with any statutory provision.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017–2026 provides at Outcome 1.3 (A cohesive and supportive community) the following strategy:

Strategy 1.3.4:

‘Actively promote and assist community groups and clubs.’

Further, at Outcome 4.6 (Effective and efficient corporate and administrative services) the following strategies:

Strategy 4.6.3:

‘Maintain, develop and monitor rating and property strategies’

and

Strategy 4.6.7:

‘Ensure the Shire’s property, administration and records systems are managed effectively and efficiently’.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The Council adopted the current policy position to address anomalies regarding the rating status of sporting and community associations occupying Council land through leasing arrangements.

The policy has been amended as follows. Several leases have been deleted from Part 2 as these have now been renewed. The lease to WA Country Health Service has been deleted as the lease was terminated in 2019.

Several leases which have come into effect since the policy was last reviewed have been added to Part 3d. and 3e. The Mount Barker Community Resource Centre now has separate leases for the upper and lower floor of the premises. This has been noted in the respective leases.

Also, the Council has agreed that the following arrangements shall apply to leases and these can be noted in the policy where applicable:

Facility	Lessee	Waiver	Meeting Date
Training Track, Lot 81 McDonald Ave	Mount Barker Turf Club Inc	50%	14/8/2018
Lot 7 Marmion Street, Mount Barker	Wanslea	100%	29/1/2019
portion of Reserve 16271, Lot 504 Porongurup Road, Mount Barker	Mount Barker Speedway Club Inc	100%	26/2/2019
Lot 150 Beverley Road Kendenup	Kendenup Community Grounds Committee Inc	100%	26/2/2019
Kendenup Tennis Courts	Kendenup Tennis Club	100%	21/5/2019
Part Lot 250 Memorial Road Mount Barker (former HACC building)	Plantagenet News	100%	10/9/2019
Portion of Mount Barker Railway Station	Amazing South Coast Inc	N/A. Decision to transfer	8/10/2019
Portion of Mount Barker Railway Station	Wilson Inlet Catchment Committee Inc	100%	3/12/2019
Portion of Mount Barker Railway Station	Oyster Harbour Catchment Group	100%	3/12/2019
Part of Lot 250 Memorial Road, Mount Barker (Lesser Hall)	Empowering Plantagenet Seniors Inc	100%	16/6/2020

In regard to the Kendenup Golf Course and Country Club, the current lease (for a period of 21 years) became effective on 1 July 2013. This was prior to the adoption of the current policy, so there has been no specific decision about the Kendenup Country Club's rateability. Therefore, reference to the Club has been included in Clause 2 and in Clause 3d, the specific Council decision regarding a waiver has been left blank.

VOTING REQUIREMENTS

Simple Majority

ADJOURNED QUESTION

Moved Cr M O'Dea, seconded Cr K Clements:

That amended Council Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability, as follows:

'OBJECTIVE:

To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.

POLICY:

1. Any organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.
2. The Shire will be responsible for paying the applicable Shire rates on properties leased to the following until the expiry of the respective leases:

Facility	Lessee
Narpanup Golf Course	Narpanup Golf Club
Mount Barker Communications Tower	Bevan Lang
Mount Barker Railway Station	Amazing South Coast Inc
Arts Centre (Mitchell House)	Plantagenet Arts Council
Lower Floor - Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA

3. Following the expiry and renewal of the leases in Part 2 above, the leased properties will be categorised as follows:

a) Charitable Status – 100% Waiver

Annual declaration required to exempt from rates due to charitable or public purpose status.

Facility	Lessee
Kendenup First Responders Building Hall	St John Ambulance
Mount Barker Child Care Centre	Wanslea Early Learning and Development Inc
Cattle Saleyards - Shed	Albany Cattle Association

b) State Government Service or Purpose – 100% Waiver

Annual declaration required to exempt from rates due to charitable or public purpose status.

c) Service to the public on behalf of the Shire – 100% Waiver

Facility	Lessee
Mount Barker Historic Museum	Plantagenet Historical Society
Woogenellup Hall	Woogenellup Progress Association Inc
Porongurup Hall	Porongurup Community Association Inc

d) Other Service Organisation/Sporting Club

Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community benefit provided. The decision is to be made by the Council when the respective leases are renewed.

The degree to which rates should be waived for each of these is considered on a case by case basis, but as a guide the following factors are to be considered:

- Benefits to the Shire as a whole of activities being provided.
- Number of active participants or people benefitting.

- Structure of organisation (ie: not for profit or other, membership fees payable, base of operations).
- Ability to recoup costs, such as commercial kitchen, bar or fee for service.
- Exclusion/inclusion of sections of the community.

Facility	Lessee	Waiver
Mount Barker Speedway	Mount Barker Speedway Club	100%
West Plantagenet Pony Club Grounds	West Plantagenet Pony Club	100%
Mount Barker Men's Shed	Plantagenet Men's Shed	100%
Narpanup Golf Course	Narpanup Golf Club	
Mount Barker Communications Tower	Bevan Lang	
Kendenup Golf Course and Country Club	Kendenup Country Club	
Portion of Mount Barker Railway Station	Amazing South Coast Tourism Inc	
Mount Barker Tennis Courts	Mount Barker Tennis Club	100%
Arts Centre (Mitchell House)	Plantagenet Arts Council	
Kendenup Tennis Courts	Kendenup Tennis Club	100%
Lower Floor - Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA	
Lot 150 Beverley Road Kendenup	Kendenup Community Grounds Committee Inc	100%
Sounness Park Clubrooms	Plantagenet Sporting Club	100%
Plantagenet District Hall	Plantagenet Players	100%
Upper Floor – Mount Barker Community Resource Centre	Department of Training and Workforce Development – South Regional TAFE	
Frost Park Training Track	Mount Barker Turf Club Inc.	50%
Part Lot 250 Memorial Road Mount Barker (former HACC building)	Plantagenet News	100%
Part of Lot 250 Memorial Road, Mount Barker (Lesser Hall)	Empowering Plantagenet Seniors Inc	100%
Portion of Mount Barker Railway Station	Wilson Inlet Catchment Committee Inc	100%
Portion of Mount Barker Railway Station	Oyster Harbour Catchment Group	100%

- e) Commercial entities or persons running a profit making business – Lessee responsible for rates

Facility	Lessee
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Plantagenet Medical Centre	Prima Stella Pty Ltd trading as Pioneer Health

4. Future leases with sporting and community groups or other persons/organisations will include provision for the lessee to be responsible for paying the applicable Shire rates, however a decision is to be made regarding any waiver applicable in accordance with Clause 3 of this policy.

5. All lessees are responsible for fees and charges otherwise applicable, such as rubbish collection charges and the Emergency Services Levy.
6. Lessees responsible for paying Shire rates are not eligible to apply for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process.'

be endorsed.

Note: The adjourned question was not voted on as the Officer Recommendation has proposed changes to the original motion.

OFFICER RECOMMENDATION/COUNCIL DECISION

That amended Council Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability, as follows:

'OBJECTIVE:

To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.

POLICY:

1. **Any organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.**
2. **The Shire will be responsible for paying the applicable Shire rates on properties leased to the following until the expiry of the respective leases:**

Facility	Lessee
Narpanup Golf Course	Narpanup Golf Club
Kendenup Golf Course and Country Club	Kendenup Country Club
Mount Barker Communications Tower	Bevan Lang
Mount Barker Railway Station	Amazing South Coast Inc
Arts Centre (Mitchell House)	Plantagenet Arts Council
Lower Floor - Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA
Upper Floor – Mount Barker Community Resource Centre	Department of Training and Workforce Development – South Regional TAFE

3. **Following the expiry and renewal of the leases in Part 2 above, the leased properties will be categorised as follows:**

a) Charitable Status – 100% Waiver

Annual declaration required to exempt from rates due to charitable or public purpose status.

Facility	Lessee
Kendenup First Responders Building Hall	St John Ambulance
Mount Barker Child Care Centre	Wanslea Early Learning and Development Inc

Cattle Saleyards - Shed	Albany Cattle Association
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b) State Government Service or Purpose – 100% Waiver

Annual declaration required to exempt from rates due to charitable or public purpose status.

c) Service to the public on behalf of the Shire – 100% Waiver

Facility	Lessee
Mount Barker Historic Museum	Plantagenet Historical Society
Woogenellup Hall	Woogenellup Progress Association
Porongurup Hall	Porongurup Community Association Inc

d) Other Service Organisation/Sporting Club

Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community benefit provided. The decision is to be made by the Council when the respective leases are renewed.

The degree to which rates should be waived for each of these is considered on a case by case basis, but as a guide the following factors are to be considered:

- Benefits to the Shire as a whole of activities being provided;
- Number of active participants or people benefitting;
- Structure of organisation (ie: not for profit or other, membership fees payable, base of operations);
- Ability to recoup costs, such as commercial kitchen, bar or fee for service.
- Exclusion/inclusion of sections of the community.

Facility	Lessee	Specific Council decision regarding a waiver
Mount Barker Speedway	Mount Barker Speedway Club	100%
West Plantagenet Pony Club Grounds	West Plantagenet Pony Club	100%
Mount Barker Men's Shed	Plantagenet Men's Shed	100%
Narpanup Golf Course	Narpanup Golf Club	
Mount Barker Communications Tower	Bevan Lang	
Kendenup Golf Course and Country Club	Kendenup Country Club	
Portion of Mount Barker Railway Station	Amazing South Coast Tourism Inc	
Mount Barker Tennis Courts	Mount Barker Tennis Club	100%
Arts Centre (Mitchell House)	Plantagenet Arts Council	
Kendenup Tennis Courts	Kendenup Tennis Club	100%

Lower Floor - Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA	
Lot 150 Beverley Road Kendenup	Kendenup Community Grounds Committee Inc	100%
Sounness Park Clubrooms	Plantagenet Sporting Club	100%
Plantagenet District Hall	Plantagenet Players	100%
Upper Floor – Mount Barker Community Resource Centre	Department of Training and Workforce Development – South Regional TAFE	
Frost Park Training Track	Mount Barker Turf Club Inc.	50%
Part Lot 250 Memorial Road Mount Barker (former HACC building)	Plantagenet News	100%
Part of Lot 250 Memorial Road, Mount Barker (Lesser Hall)	Empowering Plantagenet Seniors Inc	100%
Portion of Mount Barker Railway Station	Wilson Inlet Catchment Committee Inc	100%
Portion of Mount Barker Railway Station	Oyster Harbour Catchment Group	100%

e) **Commercial entities or persons running a profit making business – Lessee responsible for rates**

Facility	Lessee
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Plantagenet Medical Centre	Prima Stella Pty Ltd trading as Pioneer Health

4. **Future leases with sporting and community groups or other persons/organisations will include provision for the lessee to be responsible for paying the applicable Shire rates, however a decision is to be made regarding any waiver applicable in accordance with Clause 3 of this policy.**
5. **All lessees are responsible for fees and charges otherwise applicable, such as rubbish collection charges and the Emergency Services Levy.**
6. **Lessees responsible for paying Shire rates are not eligible to apply for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process.'**

be endorsed.

CARRIED (9/0)

NO. 226/20

9.3.5 STRATA LOT 30, 215 PORONGURUP ROAD, MOUNT BARKER – WITHDRAWAL OF CAVEAT

Cr C Pavlovich

Item: 9.3.5
Type: Proximity (Section 5.60 (B) LGA)
Nature: Part-owner of adjoining lot
Extent: N/A

4:13pm Cr Chris Pavlovich withdrew from the meeting and Cr J Oldfield assumed the Chair

File Ref: N51973
Attachments: Withdrawal of Caveat Document
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Pam Chambers
Rates Officer
Proposed Meeting Date: 11 August 2020

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to a Withdrawal of Caveat document relating to Strata Lot 30 on Strata Plan 30200, 215 Porongurup Road, Mount Barker.

BACKGROUND

As part of the Council's debt collection procedures, caveats are sometimes lodged against titles of properties where rates have remained outstanding for a number of years. In June 2007 a number of caveats were lodged against properties with outstanding rates. One of those was the subject property.

The owner of the property has cleared all arrears and has only the current financial year's rates to pay. His intention is to sell the property. As part of the settlement process, any lodged caveats will need to be withdrawn. All outstanding balances will be paid at settlement or before settlement by the current owner.

STATUTORY ENVIRONMENT

Local Government Act (1995)

Local Government (Financial Management) Regulations 1996

Sections 6.63 to 6.75 of the Act and Regulations 72 to 78 govern the actions to be taken against landowners of rateable land to which rates have remain unpaid for more than three years

EXTERNAL CONSULTATION

Consultation has taken place with the owner via a telephone conversation.

FINANCIAL IMPLICATIONS

There are currently no outstanding rates for this property (Assessment 140137), other than the current year's rates. The cost charged by Landgate for withdrawing the caveat is \$178.20. This will be met by the Council as only the cost of debt recovery can be charged to the landowner.

POLICY IMPLICATIONS

Clause 1.5(b) of Council Policy F/FM/15 – Debt Collection indicates that other courses of action may be taken to collect debts which include lodging a caveat on the property under S6.64 of the Local Government Act 1995 in accordance with Delegation 2.11.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

Strata Lot 30 is a vacant lot comprising 1.0661 hectares. The property owner has paid all arrears on the property and requested that the caveat lodged in June 2007 be withdrawn in order that he may sell the property. The withdrawal will allow for the sale of the land. This action is considered appropriate.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Withdrawal of Caveat document on the certificate of title of Lot 30 on Strata Plan 30200, otherwise known as 30/215 Porongurup Road, Mount Barker (Rates Assessment 140137).

CARRIED (8/0)

NO. 227/20

4:14pm Cr Pavlovich returned to the meeting and resumed the Chair

9.3.6 POLICY REVIEW - TELECOMMUNICATIONS - COUNCILLORS AND STAFF

File Ref: N52239
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Fawcett
Human Resources Coordinator
Proposed Meeting Date: 11 August 2020

The Acting Chief Executive Officer advised that this matter was withdrawn from the Agenda due to further changes required to the policy.

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 MOUNT BARKER VISITOR CENTRE - ASSIGNMENT OF LEASE

Cr M O'Dea

Item: 9.4.1

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Brother-in-law is Chair of the Porongurup Promotions Association

Extent: N/A

File Ref: N51961

Attachment: Porongurup Promotions Association letter.

Responsible Officer: Paul Sheedy
Acting Chief Executive Officer

Author: Rob Stewart / Paul Sheedy (Acting)
Chief Executive Officer

Proposed Meeting Date: 11 August 2020

PURPOSE

The purpose of this report is to present a proposal for the current lease for Mount Barker Visitor Centre to be assigned to the 'Amazing South Coast Events Inc.', and for the Council to meet the utilities and maintenance costs associated with the Visitor Centre and the Visitor Centre Coordinator's weekly salary and on-costs until the expiry of the lease at 30 November 2020, to allow for the visitor servicing to continue from the Visitor Centre.

Further, this report will recommend the formation of a Council Tourism Advisory Committee and the commitment of some funds towards the cost of a Visitor Centre Coordinator.

BACKGROUND

By letter dated 10 September 2019, the Amazing South Coast Tourism (Inc) (ASCT) advised that the Board had resolved to divest itself of the Denmark Visitor Centre and the Mount Barker Visitor Centre on or before 30 June 2020.

The Council at its meeting on 8 October 2019 resolved:

'That the lease between the former Mount Barker Tourist Bureau (Inc.) and the Shire of Plantagenet be transferred to Amazing South Coast Tourism (Inc.) subject to the deletion of the extension clause.'

Although a funding offer was made to the ASCT, that offer was rejected. In any case, the Visitor Centre closed for the duration of the Covid-19 pandemic whilst Stage 1 restrictions were in place.

The Porongurup Promotions Association (PPA) has now appointed a Steering Committee, the membership of which includes members of the PPA, Mount Barker Wine Producers Association, Visitor Centre volunteers and tourism industry

participants. This Steering Committee is both managing the Visitor Centre and is investigating the inception of a new incorporated body to run the Visitor Centre on an ongoing basis.

A Memorandum of Understanding (MOU) between the ASCT and the Shire of Plantagenet expired on 30 June 2020. Notwithstanding such expiry, (this MOU effectively assigned the lease of the Visitor Centre from the Mount Barker Tourist Bureau Inc to the ASCT), that lease still has a period until 30 November 2020 to run, at which time an extension may be exercised for a further five years.

Further, a Tourism Futures Forum was held on 28 July 2020. At that Forum the general consensus was that action be taken to form what could be called a Tourism Reference Group or Tourism Action Group.

STATUTORY ENVIRONMENT

The original lease to the Mount Barker Tourist Bureau Inc (MBTB) and the subsequent assignment by virtue of the MOU was undertaken pursuant to Section 3.58 of the Local Government Act (1995).

EXTERNAL CONSULTATION

Consultation has occurred with Mr Scott Drummond, President of the PPA and Mr Peter Grigg, representing the ASCT. The CEO attended the meeting of ASCT held on 8 July 2020. It was at that meeting that the ASCT Board advised that the sub-lease was in fact with Amazing South Coast (Special Events) Inc.

FINANCIAL IMPLICATIONS

The PPA is also seeking financial assistance from the Council to enable the Visitor Centre to remain open. Such assistance is for the remuneration of the paid officer. At 15 hours per week @ \$450.00/week, this is equivalent to (from 01/7/20 to 30/11/20 – 21 weeks) approximately \$9,450.00.

Should the Council agree to extend the lease after the current expiry date of 30 November 2020 (under similar conditions to the proposed initial arrangement), there would be an additional cost to the 30 June 2021 of \$13,950.00 for the Coordinator, plus the utilities and maintenance costs of the Visitor Centre. Electricity costs are not known at this time as the account has been going direct to the previous operator of the Centre.

Should the Council agree to a new lease from 1 December 2020, under similar arrangement conditions that have been requested now, the annual cost would be \$23,400.00 for the Coordinator (based on 15hrs/week) plus utilities and maintenance costs.

BUDGET IMPLICATIONS

There are no budget implications for this report. Funds have been made available in the current budget to assist the Visitor Centre to remain operational.

POLICY IMPLICATIONS

The Council's Tourism Policy CE/ED/1 applies. The objectives of that policy are:

'The Council will in relation to tourism in the Shire of Plantagenet:

- a) *Recognise tourism as a social and economic force and as a major or potential major employer within the diverse economy of the Shire of Plantagenet and the Great Southern.*
- b) *Foster and create community awareness of the benefits of tourism within the Plantagenet district.*
- c) *Guide and influence the development of tourism in the Plantagenet district and on a regional level.*
- d) *Provide the infrastructure sufficient to encourage development.*
- e) *Ensure that facilities within the Plantagenet area are adequate to cater for visitors.'*

ASSET MANAGEMENT IMPLICATIONS

The building which is the subject of the proposed assignment is listed on the Council's Asset Register and Heritage Inventory (LGA Place No. 33).

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 3.4 (A strong tourism Region) and is underpinned by the four strategies listed hereunder:

Strategy 3.4.1:

'Promote and support local and regional tourism initiatives'

Strategy 3.4.2:

'Provide infrastructure and services to support tourism'

Strategy 3.4.3:

'With the Lower Great Southern Alliance to develop a Regional Economic and Tourism Strategy and Destination Marketing Strategy'

Strategy 3.4.4:

'Work with the Lower Great Southern Alliance in promoting sustainable tourism investment within the region'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

REGIONAL IMPLICATIONS

The MOU with the ASCT also included the City of Albany and the Shire of Denmark. It is now understood that the City of Albany and the Shire of Denmark are making separate funding arrangements with the ASCT.

OFFICER COMMENT

Since this report was completed by the previous CEO, the PPA have since written to the Council (letter attached), advising that whilst the PPA has taken the initiative to operate the Visitor Centre in the interim, the plan is for a special general meeting to be called to fill the vacant positions and will operate under the banner of the 'Amazing South Coast Events Inc.' until the expiry of the lease at 30 November 2020. At this time, a new constitution and incorporation will be finalised to allow a

new lease to be progressed, potentially under the banner of 'Mount Barker Tourist Bureau Inc.'

There has also been an assumption that the previous transfer of the lease of the building was to the 'Amazing South Coasts Events Inc.' but clearly from the decision of the Council in October 2019, this is not the case. The Officer Recommendations include provision to undertake this transfer for the balance of the lease period to 30 November 2020.

Nevertheless, Councillors should note that a Tourism Industry Forum in Plantagenet was held at the Community Resource Centre on 28 July 2020.

It should also be noted that the Visitor Centre is in fact remaining open pursuant to the lease, notwithstanding that the MOU has expired.

A suggested direction could be:

1. Seek:
 - a) A formal assignment of the sub-lease of the Visitor Centre from the Amazing South Coast Tourism Inc to the Amazing South Coast Events Inc.
 - b) A formal request for the lease to be terminated on 30 November 2020.
2. Subject to agreement from PPA to accept the assignment grant consent for such assignment.
3. Establish a committee pursuant to S5.9(d) of the LGA (Council members and other persons) and appoint those people who expressed an interest in becoming a member of a Tourism Reference Group.
4. Agree to fund the salary and on-costs to employ a part-time Visitor Centre Coordinator from 1 July 2020 to 30 November 2020 and the utilities and maintenance costs of the Visitor Centre building.

VOTING REQUIREMENTS

Simple and Absolute Majority

OFFICER RECOMMENDATIONS

That:

1. Formal assignment of the sub-lease between the Amazing South Coast Tourism (Inc.), the Shire of Plantagenet and the Public Transport Authority of WA to the Amazing South Coast Events (Inc.) for that part of PTAWA Plan Number 439(1) being the portion of the former Mount Barker Railway Station being used as a Visitor Centre be sought, subject to any extension for the sub-lease to extend the term beyond 30 November 2020 not being exercised.
2. Subject to the assignment of the sub-lease referred to in part 1, the Council agree to meet the salary and on-costs of the Visitor Centre Coordinator until 30 November 2020, backdated from 1 July 2020, and the utilities and maintenance costs of the Visitor Centre until 30 November 2020.

That:

1. A committee be formed pursuant to Section 5.9(2)(d) of the Local Government Act, such committee to be known as the Tourism Advisory Committee.
2. The duties of the committee shall be to make recommendations to the Council with the strategic direction of tourism within the Shire of Plantagenet having regard to the roles of:
 - a) Mount Barker Visitor Centre and its operations.
 - b) Amazing South Coast Tourism (Inc.).
 - c) South Coast Alliance (Inc.).
 - d) Great Southern Treasures.
 - e) Tourism Western Australia.
 - f) Australia's South West.
3. The membership of the Committee shall be the Shire President and six community members to be nominated.
4. The outcome of creating this committee will be to develop a Plantagenet Tourism Strategy considering all aspects of tourism within the Shire of Plantagenet including:
 - a) The makeup of the Tourism industry.
 - b) Tourism organisations.
 - c) The potential for tourism growth and strategies to achieve such growth.

ALTERNATIVE OFFICER RECOMMENDATION

That the Council agrees to meet the salary and on-costs of the Visitor Centre Coordinator until 30 November 2020, at \$450.00/week, backdated from 1 July 2020/ or from ... 2020 and the utilities and building maintenance costs of the Visitor Centre until 30 November 2020.

That:

1. A committee be formed pursuant to Section 5.9(2)(d) of the Local Government Act, such committee to be known as the Tourism Advisory Committee.
 2. The duties of the committee shall be to make recommendations to the Council with the strategic direction of tourism within the Shire of Plantagenet having regard to the roles of:
 - g) Mount Barker Visitor Centre and its operations.
 - h) Amazing South Coast Tourism (Inc.).
 - i) South Coast Alliance (Inc.).
 - j) Great Southern Treasures.
 - k) Tourism Western Australia.
 - l) Australia's South West.
 3. The membership of the Committee shall be the Shire President and six community members to be nominated.
-

4. The outcome of creating this committee will be to develop a Plantagenet Tourism Strategy considering all aspects of tourism within the Shire of Plantagenet including:
- d) The makeup of the Tourism industry.
 - e) Tourism organisations.
 - f) The potential for tourism growth and strategies to achieve such growth.

Reason for Change:

As the Amazing South Coast Tourism Inc. have relinquished the lease of the Visitor Centre it reverts to the original sub-lease, Mount Barker Tourist Bureau, so there is no requirement to initiate a further transfer/assign of the balance of the lease term to 30 November 2020.

ALTERNATIVE RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr B Bell:

That:

- 1. The Shire of Plantagenet agrees to compensate the lessee of the Mount Barker Visitor Centre for the salary and on-costs of the Mount Barker Visitor Centre Coordinator for the term of the current lease, up to a maximum cost of \$450.00 per week, paid monthly in advance, backdated to 1 July 2020.**
- 2. The Shire of Plantagenet agrees to compensate the lessee of the Mount Barker Visitor Centre for the term of the current lease, the costs of utilities and building maintenance for the Mount Barker Visitor Centre, backdated to 1 July 2020.**
- 3. Parts 1 and 2 of this motion will only be triggered following a Special Meeting of Amazing South Cost Events to be held on 31 August 2020.**
- 4. If for any reason the Mount Barker Visitor Centre was to close and no longer be operating, the funding agreed to in parts 1 and 2 of this motion would cease.**

CARRIED (9/0)

NO. 228/20

Reason for Change:

As the Amazing South Coast Tourism Inc. have relinquished the lease of the Mount Barker Visitor Centre it reverts to the original sub-lease, Mount Barker Tourist Bureau, so there is no requirement to initiate a further transfer/assign of the balance of the lease term to 30 November 2020 and it is up to the tourism industry to request the Council to form a Committee of Council if they feel it is necessary.

**9.4.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT AGM / BREAKFAST /
POLITICAL FORUM 2020 - COUNCILLOR ATTENDANCE**

File Ref: N52309
Attachment: Program Information
Responsible Officer: Paul Sheedy
Chief Executive Officer
Author: Nolene Wake
Executive Officer
Proposed Meeting Date: 11 August 2020

PURPOSE

The purpose of this report is to consider Councillors' attendance at the Western Australian Local Government Association (WALGA) AGM / Breakfast / Political Forum to be held on Friday 25 September and authorise the attendance of Shire President Cr Chris Pavlovich and Deputy Shire President Cr Jon Oldfield at the WALGA Annual General Meeting as Voting Delegates.

BACKGROUND

At the Ordinary Meeting of the Council on 21 May 2019, the Council resolved:

'That all Councillors be authorised to attend the WALGA Local Government Convention 7 August 2019 to 9 August 2019 and that the associated costs be charged to account 20026.0032 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation).'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Registration Fees for the Special Guest Breakfast with Paul Hasleby will be \$90.00 per delegate with the Political Forum (open to Mayors, Presidents and Local Government CEOs) and WALGA AGM being at no cost.

Approximate cost per delegate (Including 2 nights' accommodation but not including meals) is estimated at \$410.00.

Budget Item 20026-0032 (Local Government Convention) has a current budget allocation of \$10,000.00.

POLICY IMPLICATIONS

Policy No. CE/CS/1 'Elected Members Expenses to be Reimbursed' applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

REGIONAL IMPLICATIONS

The Southern Link VROC Strategic Directions 2015-2020 identifies under Governance at Goal Two (*Provide sub regional leadership through the VROC*) the following action:

'Continue to develop and discuss options for reform and best practice in local government.'

OFFICER COMMENT

Due to the cancellation of the WA Local Government Convention and Trade Exhibition, WALGA will be holding a number of events alongside this year's AGM, including a breakfast event with special guest speaker Paul Hasleby, a political forum available to Mayors, Presidents and CEOs and a sundowner at the end of the day's proceedings.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Bell:

That all Councillors be authorised to attend the Western Australian Local Government Association AGM / Breakfast / Political Forum on 25 September and that the associated costs be charged to account 20026.0032 (Local Government Convention).

CARRIED (9/0)

NO. 229/20

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4:35pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____