

Shire of Denmark

Special Council Meeting **AGENDA**

1 December 2020



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 1 DECEMBER 2020, COMMENCING AT 4.00PM.

For the purpose of considering a short-term proposal from the Denmark Chamber of Commerce to address visitor servicing for the Summer and Autumn seasons.



Contact Us

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Strategic Community Plan (snapshot)

E1.0

Our Economy

We are an attractive location to live, invest, study, visit and work

- E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

N2.0

Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

B3.0

Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

C4.0

Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

L5.0

Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency
- L5.6 To seek two-way communication that is open and effective

Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....	4
3. DECLARATIONS OF INTEREST.....	4
4. ANNOUNCEMENT BY THE PERSON PRESIDING	4
5. PUBLIC QUESTION TIME.....	4
4.1 PUBLIC QUESTIONS.....	4
6. REPORTS OF OFFICERS.....	5
6.1 PROPOSAL FROM DENMARK CHAMBER OF COMMERCE TO OCCUPY THE DENMARK VISITOR CENTRE AND PROVIDE SHORT-TERM VISITOR SERVICING.....	5
7. CLOSURE OF MEETING	13

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**MEMBERS:

Cr Ceinwen Gearon (Shire President)
 Cr Mark Allen (Deputy Shire President)
 Cr Geoff Bowley
 Cr Kingsley Gibson
 Cr Steve Jones
 Cr Jan Lewis
 Cr Ian Osborne
 Cr Janine Phillips
 Cr Roger Seeney

STAFF:

Mr David Schober (Acting Chief Executive Officer)
 Mr David King (Director Assets and Sustainable Development)
 Mr Lee Sounness (Acting Director Community and Corporate Services)
 Ms Claire Thompson (Governance Coordinator)

APOLOGIES:ON LEAVE OF ABSENCE:ABSENT:VISITORS:**3. DECLARATIONS OF INTEREST**

Name	Item No	Interest	Nature

4. ANNOUNCEMENT BY THE PERSON PRESIDING**5. PUBLIC QUESTION TIME****4.1 PUBLIC QUESTIONS**

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council.

For a Special Meeting of Council, such as this, **they must however relate to the item(s) on the Agenda.**

Questions from the public are invited and welcomed at this point of the Agenda.

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

Questions from the Public

6. REPORTS OF OFFICERS

6.1 PROPOSAL FROM DENMARK CHAMBER OF COMMERCE TO OCCUPY THE DENMARK VISITOR CENTRE AND PROVIDE SHORT-TERM VISITOR SERVICING

File Ref:	A3186 & PLN.55
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 November 2020
Authors:	David Schober, Acting CEO Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Acting CEO
Attachments:	6.1 - Service Level Agreement

Summary:

This report recommends that Council grant the Denmark Chamber of Commerce use of the Denmark Visitor Centre, along with a cash contribution of \$40,000, for the purposes of visitor servicing from 2 December 2020 through to 30 April 2021.

Council are also requested to rescind part of a resolution from its October Ordinary Council Meeting (Res. 061020), which provided a lease opportunity to Denmark Tourism Incorporated, along with cash and in-kind contributions.

Background:

The Amazing South Coast Tourism Inc. (ASCTI) divested itself of visitor servicing in Denmark and Plantagenet and proposed to close the Denmark Visitor Centre on 30 June 2020. In consultation with the Shire the ASCTI agreed to operate the centre until 31 July 2020.

At its Ordinary Council Meeting on 21 July 2020 Council resolved (Res. 210720) to provide "in-principle" support to the Denmark Chamber of Commerce (DCC) to further develop an industry supported visitor servicing model and provided permission to utilise the 'Discover Denmark' trademark up until 1 November 2020. Council further resolved to request a presentation from the DCC on feedback obtained from industry and the community regarding its visitor servicing proposal.

Following consultation interested parties sought further information. The Shire, along with the ASCTI and the DCC hosted a community information session on 12 August 2020. Following this consultation, a new group was formed, called Denmark Tourism Inc. (DTI), who advocated for the re-opening of the Denmark Visitor Centre.

On Tuesday 8 September 2020 Councillors received presentations from Greenskills, DCC and the newly formed DTI. Each presentation offered different opportunities for consideration regarding visitor servicing and support for tourism.

Following the emergence of the DTI and Greenskills proposals, the DCC withdrew their proposal, noting that this is in keeping with their organisational values of supporting businesses, rather than competing.

At its Ordinary Council Meeting on 20 October 2020 Council subsequently resolved to:

1. Develop a Tourism Strategy;
2. Issue a Notice of Termination to the Amazing South Coast Tourism Inc. regarding the lease of the Denmark Visitors Centre;
3. Issue a new lease to Denmark Tourism Inc. from 1 November 2020 to 30 June 2021, along with a cash contribution of \$50,000 and in-kind expenses, subject to Ministerial approval;
4. Issue a new lease to Denmark Woodturners for the remainder of the financial year;
5. Issue a 90 day lease only to Dark Side Chocolates.

On 6 November 2020 a media statement was released by Denmark Tourism Inc. announcing it had rejected the Shire's offer, citing the terms Council resolved were insufficient to progress their proposal.

On 23 November 2020 the Shire received a proposal from the DCC titled "Temporary Emergency Visitor Service from the Denmark Visitor Centre".

In direct response to the expressed need of it's membership, the DCC proposal aims to support local businesses and the community in regards to visitor servicing for the upcoming 2020/21 tourist season.

This proposal has been created as a temporary service and would be operated by DCC utilising the Denmark Visitor Centre.

There are two components to the proposal:

1. visitor servicing, and
2. the creation of a "Market Place"

1. Visitor servicing

DCC propose to provide a temporary visitor service at the Denmark Visitor Centre (DVC) from December 2020 until 30 April 2021. Hours of operation of the DVC are proposed to be Wednesday to Sunday, 10:00am to 2:00pm.

Volunteers

DVC operations are proposed to be serviced by volunteers and supported by a paid Volunteer Coordinator. The Volunteer Coordinator, along with DCC staff, is to be responsible for the attraction, induction, management and supervision of the volunteer roster.

The service would require a minimum of two volunteers, two hours per day. Public holidays may require more volunteers.

Volunteer satisfaction is noted as critical for the DVC to deliver a quality visitor service experience. DCC aims to make the volunteer experience rewarding by offering consistent support from the employed Coordinator, a friendly and supportive culture, short shifts and expert training.

Volunteer training and development

Great Southern Centre for Outdoor Recreation Excellence (GSCORE), in partnership with DCC, have agreed to offer training for volunteers. Two separate training sessions will be held in December, followed by additional sessions in February and/or March. These sessions are to be recorded and used to induct new volunteers in between specific training sessions.

Distributed model/Volunteer Ambassadors

DCC continue to advocate for a distributed information model, as per their previous submissions. Whilst the current short-term proposal does not address a decentralised model it is seen as a transition should the Tourism Strategy support such principles. This may involve purchasing shirts for volunteers to become ambassadors around the Shire. Due to the initial cost, and time delay in ordering merchandise prior to Christmas, this has been delayed and will be reviewed in early 2021.

2. Market place

Given the large floor space available within the Denmark Visitors Centre, DCC propose to offer an additional “market place” service. The market place concept would provide access to any business in Denmark, not just DCC members, with an opportunity to access retail space, either on commission or alternative arrangements. Given the commercial conflicts of interest that could arise, it is suggested that Shire staff work with the DCC to develop a process of transparency before coming back to Council for endorsement at the February 2021 Ordinary Council Meeting.

Opening hours for the “Market Place” are proposed to be Wednesday to Sunday from 10:00am to 2:00pm, in line with visitor servicing operations. In addition to the Market Place concept, DCC propose a further Monday “Night Market” from 5:00pm to 8:30pm, where the Market Place expands to the front lawn, weather permitting.

DCC will be submitting a Trading in Public Places application to the Shire in order to obtain the necessary approvals. DCC have liaised with the Denmark Community Resource Centre, who were previously granted a trial permit, and existing market operators, to collaborate with the desire to create a sustainable night market model.

The “Night Market” proposal will see the “Market Place” Coordinator support the operations and management of market stallholders. The stallholders will pay a fee to set up and sell their product at the Visitor Centre, subject to any approvals or licences required by the local government.

KEY CONSIDERATIONS

DCC have identified the following challenges associated with the proposal, as well as solutions, to mitigate the risks and opportunities identified.

Low volunteer numbers

In order to offer a service at the Visitor Centre, DCC would require at least two volunteers per day, and ideally more on busier days such as public holidays. If DCC is unable to recruit and train enough volunteers this presents a significant risk.

DCC would employ the following strategies to mitigate this risk:

- partner with GSCORE for training and development;
- link with other not for profit volunteer groups to access volunteer data bases for cross promotion purposes;
- conduct a strong and sustained community engagement and promotional campaign to recruit; and
- develop a service commitment and retention strategy.

Low volunteer satisfaction

DCC note a commitment to volunteer satisfaction in order to create a positive and “belonging” culture. Peak service periods may see large numbers of visitors which could place stress on volunteer satisfaction.

DCC aim to mitigate such stress on volunteers by:

- consistent support from the Volunteer Coordinator;
- large volunteer pool to draw upon;

- regular breaks with morning and afternoon tea;
- short shifts; and
- expert training.

Lead time available

DCC note that the lead time to establish a service is challenging, but remain committed to offering a service by 26 December 2020.

DCC's strategy to address the short lead time is to:

- partner with other not for profits;
- invest DCC resources into the proposal, including the CEO's time;
- work with its membership to achieve efficiencies; and
- utilise resources, experiences and learnings from the Amazing South Coast Inc and other visitor centres.

Opening hours

There is potential risk of visitor and community dissatisfaction with the limited opening hours of the DVC. DCC acknowledge that when the centre is closed, being Monday and Tuesday, and outside of the 10:00am to 2:00pm opening times, visitors may become agitated.

DCC have assessed this possibility and propose to:

- provide clear and consistent signage at the DVC;
- provide clear and consistent signage around Denmark;
- utilise website and social media;
- inform DCC members and business; and
- provide frequent public messaging through media releases, newspaper and radio interviews.

Growth of the service

DCC have identified there is the potential to expand the proposed opening hours, depending upon volunteer availability. To achieve this DCC have:

- produced a model that can be scaled up, without the need for additional resources;
- committed to create volunteer management systems that are transferrable and capable of growth; and
- identified the resources of other not for profits with strong volunteer management and capacity.

ACCOUNTABILITY AND REPORTING

DCC have a strong governance framework and have been incorporated since 1989. The Board has eight members and offers a comprehensive and diverse skill set in business, financial and administrative management.

DCC has almost 400 registered members (businesses) with a clearly articulated charter, constitution, strategic and financial plans to underpin their operations. It is widely recognised that the DCC is the best performing Chamber of Commerce in the region.

DCC have agreed to provide monthly reporting, against agreed key performance indicators, to the Shire that can be received at Council's Strategic Briefing every third Tuesday of each month.

DCC believe the flexibility of the proposal allows both the Shire and DCC to adjust to the changing requirements faced by Covid19 and the evolving tourism market.

Consultation:Community Information Session – 12 August 2020

The Shire of Denmark, Amazing South Coast Tourism Inc. and the Denmark Chamber of Commerce held a community information session outlining each agency's respective positions as well as answering questions from the floor. Forty-eight (48) people were in attendance.

Council Briefing (informal)

- Denmark Chamber of Commerce presented three times
- Greenskills presented once
- Denmark Tourism Incorporated presented once and answered further questions relating to their proposal following the briefing

Correspondence

There have been approximately thirty-five (35) correspondents who have provided feedback to the Shire in respect to the Denmark Visitors Centre. Most correspondents advocated for the re-opening of the centre.

Social Media

Numerous posts, press releases and information have been posted by the Shire, businesses or the community. Most participants advocated for the Visitor Centre to re-open.

Ordinary Council Meeting – 20 October 2020

The release of the agenda, public question time and subsequent media reports after the Council meeting further served to inform the community on visitor servicing and the closure of the DVC. Denmark Tourism Incorporated's public statement also led to further media coverage.

Statutory Obligations:

The Shire of Denmark has management order for Reserve 48198 for community purposes. The Order provides the Shire power to lease for up to 21 years.

Local Government Act 1995

- Section 3.58 enables a local government to dispose of property (includes leasing).
- Section 6.47 allows a local government to grant a concession or waive a rate or service charge. (Absolute majority required for waiver).

Local Government (Functions & General) Regulations 1996

Regulation 30 (b) provides exemption from disposal provisions if the land is disposed to a body;

... (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Local Government (Administration) Regulations 1996

Regulation 10 (1) (b) relates to rescinding a Council decision and, in this circumstance, requires that the rescission motion be supported by one third (3) Councillors prior to one of those Councillors moving the motion.

Land Administration Act 1997

Section 18 requires that Ministerial Approval is required to lease crown land.

Policy Implications:

The Shire is currently seeking quotations from suitably qualified consultants to develop a comprehensive tourism strategy for Denmark.

Budget / Financial Implications:

The tourism budget allocation for the 2020/21 financial year is \$95,000. Council has committed \$45,000 to the development of a draft Tourism Strategy, leaving \$50,000 available. The Officer Recommendation suggests providing an allocation of \$40,000 to DCC for the operation of the temporary DVC service until 30 April 2021. This would provide an ability for Council to contribute a further \$10,000 to DCC, if it chooses. This could provide the DCC the ability to:

1. purchase shirts for volunteer ambassadors;
2. continue operations of the DVC for the remainder of the financial year, and/or
3. trial strategies that are mutually agreeable to the Shire and DCC.

All of the above would be dependent upon progress reports and the satisfaction of both the Shire and DCC.

DCC note this proposal relies primarily on the Shire of Denmark financial and in-kind support. DCC maintains that the "Discover Denmark Visitor Service" model previously presented to the Shire of Denmark is the most cost-effective way to serve visitors in the future and welcome the Tourism Strategy recommendations to provide a longer term and sustainable model on the best way forward. The current proposal centres only on a temporary solution, to an expressed need of the DCC members and community.

It is proposed that other income in this proposal will come from the "Market Place" retailers. This income is yet to be determined and will be used to support and increase the capacity of this proposal.

In addition to the requested cash contribution of \$40,000, DCC request that the Shire provide:

1. use of the DVC building, with any lease fees waived;
2. cleaning of the DVC toilets; and
3. a commitment to being responsible for any major repairs or maintenance required

Note

The Officer has also recommended that the Council waive the rates (provide 100% concession) for DCC. This is consistent with the current practice for community groups who occupy Council buildings or land. The rates would be generated following the execution of a lease and a valuation. It is therefore unknown at this point in time what the value of the concession would be.

Council resolved (Res. 061020) to clean the DVC toilets for the remainder of this financial year. The approximate cost assigned was \$8,000, and has been considered as part of the current budget allocation.

Under the terms of a standard lease, the Shire is responsible for any structural building repairs when leasing Shire owned assets.

It should also be noted that in addition to the tourism budget, the Shire has committed \$10,000 to the Amazing South Coast Tourism Incorporated for the 2020/21 financial year to support destination marketing activity. This commitment is separate from the Tourism budget, where Council have resolved, through the budget adoption, to provide an allocation of \$50,000 for the purposes of supporting the South Coast Alliance Inc.

Strategic & Corporate Plan Implications:

The report and officer recommendations are consistent with Council’s adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Strategic Community Plan

E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.

Corporate Business Plan

Within the economic development component of the Corporate Business Plan a Tourism Development Strategy is listed. This is not a specific reference to the DVC and refers to the partnership with the South Coast Alliance Inc. member local governments and the ASCTI. The Shire is currently requesting quotations for the development of a Tourism Strategy, as it had previously deferred this responsibility to the ASCTI.

The development of a Tourism Strategy is now acknowledged as a high priority and the responsibility has fallen back onto the Shire to create a strategy specific to Denmark.

Workforce Plan

Tourism, including oversight of the DVC, currently sits in the CEO/Governance team with no dedicated staff resources assigned to it.

Sustainability Implications:

➤ **Governance:**

The aim of this report is to address the proposal by the DCC which results from a desire to provide a temporary level of visitor servicing to meet community and business expectations. Continuing face-to-face visitor servicing, temporarily, until a tourism strategy is developed, particularly over the next six months when tourist and visitor numbers are typically at their peak is seen as important by the DCC. The short-term nature of any lease or agreement provides some time for the Shire to develop a comprehensive tourism strategy to guide future decision making, including visitor servicing and use of the Visitor Centre building and land.

➤ **Environmental:**

There are no known significant environmental implications relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic implications relating to the report or officer recommendation other than that listed under budget / financial implications.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputational: Decide not support the DCC proposal (perception Shire does not support tourism)	Rare (1)	Moderate (3)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Pursuant to Council's resolution in October 2020, Dark Side Chocolates have been provided with a short-term agreement to occupy the site for 90 days and vacate the premises by 1 February 2021.

The Shire is currently working to construct a temporary 90 day lease with Dark Side Chocolates which would conclude on 1 February 2021.

This report and officer recommendation recognises this commitment and have informed DCC of such obligations. DCC have acknowledged the 90 day agreement and indicated that it does not restrict their proposal or objectives. Once Dark Side Chocolates vacate the premises DCC plan to utilise all available space as outlined in this report.

Officers recognise the governance and due diligence provided by DCC, both in previous submissions and discussions, as well as the current proposal. The adaptable nature of the proposal, along with strong community sentiment could serve to address community expectations with respect to the re-opening of the Denmark Visitor Centre. DCC's strong membership base serves as an advocacy and reference point for the business community more broadly. DCC have also indicated strong support for a tourism strategy. For these reasons, officers recommend supporting a temporary visitor service provided by the DCC which utilises the Denmark Visitor Centre premises.

Voting Requirements:

Simple majority.

Absolute majority required for Recommendation 6.1 c).

In accordance with Regulation 10 (1) (b) of the Local Government (Administration) Regulations 1996, to rescind Resolution No. 061020, there must be a minimum of one third (3) Elected Members show their support prior to one of those members moving the recommendation to create a motion.

OFFICER RECOMMENDATION

ITEM 6.1 a)

That Council RESCIND Resolution 061020, Item 8.3.5 b), parts 1b, 2 and 3 which read;

“Execute a new lease to Denmark Tourism Inc., subject to Ministerial Approval, for the occupation of the Denmark Visitor Centre for the purpose of visitor servicing, based on the following conditions;

- i. the term of the lease will be from 1 November 2020 to 30 June 2021; and*
- ii. the general terms of the lease shall be consistent with the Shire of Denmark's standard community group lease; and*
- iii. an annual rent of \$1.00 per annum; and*
- iv. the requirement for the Lessee to adhere to a Service Agreement (as per Attachment 8.3.5a)*

and

ALLOCATE \$50,000 from account GL1327802 for the purpose of supporting Denmark Tourism Incorporated (DTI) to deliver visitor servicing from 1 November 2020 through to 30 June 2021 as per the Service Agreement.

and

APPROVE additional expenditure of \$8,000 the purpose of cleaning the Denmark Visitor Centre toilets each weekday for the length of the lease term, noting that the over-expenditure will be included in the mid-year budget review.”

OFFICER RECOMMENDATION

ITEM 6.1 b)

That Council AUTHORISE the CEO to;

1. EXECUTE a new lease to the Denmark Chamber of Commerce., subject to Ministerial Approval, for the occupation of the Denmark Visitor Centre for the purpose of visitor servicing, based on the following conditions;
 - a) the term of the lease will be from 7 December 2020 to 30 April 2021; and
 - b) the general terms of the lease shall be consistent with the Shire of Denmark's standard community group lease; and
 - c) an annual rent of \$1.00 per annum; and
 - d) the requirement for the Lessee to adhere to a Service Agreement with the Shire.
2. REQUEST the Chief Executive Officer to work the Denmark Chamber of Commerce regarding the "market place" element of the proposal, prior to the matter being brought back to Council for consideration;
3. ALLOCATE \$40,000 from account GL1327802 for the purpose of supporting the Denmark Chamber of Commerce to deliver visitor servicing from 7 December 2020 through to 30 April 2021 as per the Service Agreement.
4. APPROVE additional expenditure of \$8,000 the purpose of cleaning the Denmark Visitor Centre toilets each Tuesday, Wednesday, Thursday, Friday and Saturday for the length of the lease term, noting that the over-expenditure will be included in the mid-year budget review.

OFFICER RECOMMENDATION

ITEM 6.1 c)

That with respect to the lease for the Denmark Chamber of Commerce, Council GRANT a 100% concession of the rates payable for 2020/2021 financial year, pursuant to section 6.47 of the Local Government Act 1995.

** Absolute majority required*

7. CLOSURE OF MEETING