

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Bridgetown-Greenbushes will be held on **Thursday, 28 March 2019** in the Council Chambers, commencing at 5.30pm

T Clynch, CEO



Date

21 March 2019

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AGENDA

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 28 March 2019 commencing at 5.30pm

Meeting to be opened by the Presiding Member

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay my respects to their Elders past, present and emerging.

Attendance, Apologies and Leave of Absence

President	- Cr A Pratico
Councillors	- J Bookless
	- J Boyle
	- D Mackman
	- J Moore
	- J Nicholas
	- P Scallan
	- A Wilson
In Attendance	- T Clynch, Chief Executive Officer
	- M Larkworthy, Executive Manager Corporate Services
	- E Denniss, Executive Manager Community Services
	- T Lockley, Executive Assistant

Attendance of Gallery

Responses to Previous Questions Taken on Notice

Public Question Time

Petitions/Deputations/Presentations

Comments on Agenda Items by Parties with an Interest

Applications for Leave of Absence

C.01/0319 Leave of Absence – Cr Moore

A motion is required to grant Leave of Absence to Cr Moore for both the May and June 2019 Council Meetings.

Confirmation of Minutes

C.02/0319 Ordinary Meeting held 28 February 2019

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 28 February 2019 as a true and correct record.

Announcements by the Presiding Member Without Discussion

Notification of Disclosure of Interest

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allows a Member to speak, the extent of the interest must also be stated.

Questions on Agenda Items by Elected Members

Consideration of Motions of which Previous Notice has been Given

C.03/0319 Kingston Fauna Habitat Zone

Submitted by Cr Mackman

Attachment 1 – Location Plan Kingston Fauna Habitat Zone

Motion

That Council support the proposal by Bridgetown-Greenbushes Friends of the Forest, Blackwood Environment Society and the Friends of Greater Kingston, via the Department of Biodiversity Conservation and Attractions that the Kingston Fauna Habitat Zone be included in the Premier's 'Plan for our Parks' and be incorporated into the Greater Kingston National Park.

Background/Reasons

The McGowan Government plans to leave a lasting legacy for future generations by significantly increasing Western Australia's conservation estate. Their "Plan for Our Parks" will secure a further five million hectares of new national parks, marine parks and other conservation reserves over the next five years, increasing the Conservation Estate by over 20%.

Consultation with stakeholders is currently occurring and as a result some variations or additions to national parks may be considered.

Bridgetown-Greenbushes Friends of the Forest, Blackwood Environment Society and the Friends of Greater Kingston are seeking to include the incorporation of the Kingston Fauna Habitat Zone into the Greater Kingston National Park under the Premier's 'Plan for our Parks'.

In 2004 approximately 41,000 hectares of forest was set aside as the Kingston Fauna Habitat Zone. As it is this area could be released for logging by a change in the Forest Management Plan. The best way to prevent the logging of this area is to incorporate it into the Greater Kingston National Park. The Government's "Plan for Our Parks" scheme offers an opportunity to achieve this.

Officer Comment

Historically Council has been cautious about taking a formal position on logging however in May 2017 it resolved:

C.02/0517 That Council provides in-principle support to the request from the Bridgetown Greenbushes Friends of the Forest, the Blackwood Environment Society, Friends of Greater Kingston and the WA Forest Alliance to preserve the Kingston Fauna Habitat Zone on a permanent basis by amalgamating it into the adjacent Greater Kingston National Park.

Although there isn't any current suggestion that logging of this forest is being proposed, its amalgamation into the adjacent National Park would ensure its protection in perpetuity.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan 2017
Objective 2 - Our natural environment is valued, conserved and enjoyed
Objective 2.1 - Value, protect and enhance our natural environment
Strategy 2.1.1 - Support and promote sound environmental management practices
Strategy 2.1.2 - Support local and regional environmental initiatives
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not Applicable
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity

The motion proposes the permanent protection of the Kingston Fauna Habitat Zone that is considered by the Bridgetown Greenbushes Friends of the Forest and other kindred groups to have high ecological value.

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Reports of Officers

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Finance & Administration
- Planning & Environmental Services
- Works & Services
- Community Services

CEO's Office

ITEM NO.	C.04/0319	FILE REF.	101.3
SUBJECT	2018 Compliance Audit Return		
PROPONENT	Department of Local Government, Sport & Cultural Industries		
OFFICER	Chief Executive Officer		
DATE OF REPORT	25 January 2019		

Attachment 2 2018 Compliance Audit Return

OFFICER RECOMMENDATION that Council adopt the Compliance Audit Return for the 2018 calendar year (Attachment 2) prior to it being submitted to the Department of Local Government, Sport & Cultural Industries.

Summary/Purpose

Each year local governments are required to complete a mandatory Compliance Audit Return (CAR) which must be submitted to Council for adoption prior to being forwarded to the Department of Local Government, Sport & Cultural Industries.

A statutory requirement was introduced in 2011 whereby the Return is to be reviewed by the Audit Committee prior to its presentation to Council.

Background

The Compliance Audit Return is completed for the previous calendar year and is one of the tools that allow Council to monitor how its organisation is functioning.

The Department of Local Government, Sport & Cultural Industries requires the Compliance Audit Return to be:

- a) Presented to Council at a meeting of the Council prior to 31st March;
- b) Adopted by the Council; and
- c) The adoption recorded in the Minutes of the meeting at which it is adopted.

Each year the Compliance Audit Return covers various categories and for the 2018 Return, the areas covered are:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosures of Interest
- Disposal of Property
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services

After completing the responses to the questions contained in the 2018 Compliance Audit Return it should be noted that compliance was achieved in all areas.

The 2018 Compliance Audit Return was considered by the Audit Committee at its meeting held 18 March 2019 where the following recommendation was carried:

Committee Decision *Moved Cr Moore, Seconded Cr Bookless*
AC.02/0319 That the Compliance Audit Return for the 2018 calendar year (Attachment 2) be endorsed by the Audit Committee and presented to Council for adoption prior to being submitted to the Department of Local Government, Sport & Cultural Industries. Carried 3/0

Statutory Environment – Clauses 13 and 14 of the Local Government (Audit) Amendment Regulations 1999 apply.

Policy Implications – Nil

Integrated Planning

- Strategic Community Plan
Objective 5.2 – We maintain high standards of governance, accountability and transparency
Strategy 5.2.8 – Ensure compliance with relevant legislation
- Corporate Business Plan
Strategy 5.2.2 – Staff work in an ethical manner
Action 5.2.2.1 – Achieve full compliance in annual Compliance Audit Return
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Budget Implications – Nil

Fiscal Equity - Nil

Whole of Life Accounting - Nil

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Completion of the annual compliance return is essential for ensuring that the organization meets its statutory obligations in performing its functions.

Continuous Improvement

The contents of the compliance return are reviewed by the Department of Local Government, Sport and Cultural Industries each year.

Voting Requirements – Absolute Majority

ITEM NO.	C.05/0319	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	21 March 2019		

Attachment 3 Rolling Action Sheet

OFFICER RECOMMENDATION that the information contained in the Rolling Action Sheet be noted.

Summary/Purpose

The presentation of the Rolling Action Sheet allows Councillors to be aware of the current status of Items/Projects that have not been finalised.

Background

The Rolling Action Sheet has been reviewed and forms an Attachment to this Agenda.

Statutory Environment – Nil

Policy/Strategic Plan Implications – Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Corporate Services

ITEM NO.	C.06/0319	FILE REF.	133
SUBJECT	Adoption of the 2018/2019 Budget Review		
OFFICER	Chief Executive Officer Executive Manager Corporate Services		
DATE OF REPORT	19 March 2019		

Attachment 4 2018/2019 Budget Review

Attachment 5 Minutes of Audit Committee Meeting held 18 March 2019

OFFICER RECOMMENDATION That Council:

- 1. Adopt the budget review with the variations detailed at Note 2 of the Budget Review document (Attachment 4) for the period 1 July 2018 to 31 January 2019 and amend the budget accordingly.*
- 2. Notes the budget review for the period 1 July 2018 to 31 January 2019 generates a budgeted surplus of \$52,873.*
- 3. That the surplus of \$52,873 be allocated to the following reserves:*
\$25,000 – Land & Building Reserve
\$22,873 – Strategic Projects Reserve
\$5,000 – Bushfire Reserve

Summary/Purpose

To consider and adopt the Budget Review as presented in the Statement of Financial Activity (Budget Review) for the period 1 July 2018 to 31 January 2019 and accompanying notes.

The budget review was presented to the Audit Committee on 18 March 2019 for review and a summary of the main findings of the budget review is provided in this report.

Background

A Statement of Financial Activity (Budget Review) incorporating year to date budget variations and forecasts to 30 June 2019 for the period ending 31 January 2019 is presented for Council consideration. The Local Government (*Financial Management*) Regulations 1996, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries within 30 days of the adoption of the review.

Officer Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (*Financial Management*) Regulations 1996 and Australian Accounting Standards. A budget review is a detailed comparison of the year to date (31 January 2019) actual results with the adopted or amended budget. The review process establishes whether a Local Government expects to meet its budget commitments i.e. is in receipt of income and incurs expenditure in accordance with the adopted budget.

Council's '*F.7 Reporting Forecast Budget Variations Policy*' sets a minimum reportable variance of \$1,000. In determining items to be included in the budget review this limit has been used as a general guide. As a result of the proposed adjustments presented in Note 2 of the Budget Review document the estimated closing funds have increased from \$0 to \$52,873.

In summary the estimated surplus is represented as follows:

Decrease in Operating Revenues (excluding non-cash items)	(\$174,175)
Decrease in Operating Expenses (excluding non-cash items)	\$ 6,035
Decrease in Capital Revenues	(\$ 68,636)
Decrease in Capital Expenses	\$580,377
Decrease in Transfers from Reserves	(\$277,366)
Increased Transfers to Reserves	(\$ 32,886)
 Increase in Opening Funds as at 1 July 2018	 \$ 19,524
 Closing Surplus as at 30 June 2019	 \$ 52,873

Set out below is a list of significant variations included in the budget review:

Works & Services

- Numerous movements between works and services jobs for wages, plant, overheads and materials/contracts that result in an overall increase in cash requirements of \$48,365 for the works program. This has been offset by additional Main Roads Direct Grant revenue of \$58,178.
- A reduction in contractor expenditure (\$240,112) for the Maranup Ford Road project following a successful tender process. This reduced expenditure requirement will be offset by a reduction in the contribution being received towards the project from Talison Lithium Australia Pty Ltd.
- Savings of \$60,886 for the Blackbutt Road bridge works undertaken by Main Roads WA has resulted in corresponding unspent federal grant funds. The unspent grant funds will be transferred to Reserve pending further advice on how these additional funds may be utilised.
- An increase in the cost to provide waste management services of \$49,899. This increase is made up of the following:
 - decrease in user pay charges for waste site \$46,000
 - increase in net cost to provide refuse recycling services \$8,908
 - decrease in net costs for general refuse collection service and site management costs \$5,009

The significant drop in revenue for user pay charges at the waste site is due to skip bin hire companies no longer utilising the Shire's waste site (\$36,000) and a reduction in revenue estimates for disposal of inert waste (\$10,000).

- It is proposed to defer the change over of the waste site traxcavator following additional repairs and the receipt of a full condition report on this plant item. The reduction in net change over cost originally budgeted will be offset by a reduction in the transfer of funds from the Plant Reserve.
- Savings in net change over costs of \$7,508 for light fleet vehicles, these savings are offset by a reduction in the transfer of funds from the Light Fleet Reserve
- Estimated savings totalling \$20,625 in relation to waste construction projects will be offset by a reduction in the transfer of funds from the Sanitation Reserve.
- Vehicle/plant parts and repairs increased by \$21,450 primarily due to major repairs to the waste site traxcavator (\$12,000) and road roller (\$11,000).
- The budgeted capital project to construct a dam that secures a new water source for the Bridgetown Sportsground (\$18,000) has been removed. An amount of \$5,000 has been allocated to the operational budget for preliminary survey and legal document drafting only. The balance of funds will not be expended in 2018/19. The full project of a new dam and reticulation of the Bridgetown Sportsground is to be reviewed in the Corporate Business Plan.

Community Services

- Operation of the Bridgetown Leisure Centre is predicted to result in a net operating subsidy increase of \$12,113. 2018/19 has seen a significant drop in estimated revenue for the gym facility of \$18,400 due to lower than expected take up of gym memberships.
- Reduction in expenditure and grant revenue of \$41,912 included for the Bridgetown Art Trail. The revised amount reflects actual grant funds received.

CEO/Corporate Services/Planning & Environmental Services

- The estimate for General Rate revenue has been reduced by \$10,000 in recognition of a reduction in rates being paid in advance.
- Reduced expenditure and grant revenue of \$151,780 included for approved fire mitigation works being fully funded by the Office of Emergency Management. The reduction reflects the deletion of the unspent/unclaimed 2017/18 allocation previously included.
- Additional Fire Prevention expenditure of \$11,441 to be reimbursed by DFES.
- Reduced income estimates for planning development applications and building approvals totalling \$25,000.

- A number of reallocations in material and contractor expenses throughout the building maintenance and capital program have been included. All increased allocations have been offset by reductions across the program.
- An overall decrease in building control contractor costs (\$12,500) due to a reduction in building applications being received.
- An overall increase in gross salaries and wages of \$36,500 is offset by reductions in contractor costs. Additional staff hours have been utilised in the Bushfire Mitigation Activity in lieu of contractors and a casual building surveyor has been employed rather than utilising his services as a contractor.
- An increase of \$10,000 for professional services in relation to human resource matters.

The report presented to the Audit Committee recommended that the estimated surplus of \$52,873 be allocated to various reserves, being \$25,000 to the Land & Building Reserve, \$22,873 to the Strategic Projects Reserve and \$5,000 to the Bushfire Reserve.

The mid-year budget review was considered by the Audit Committee at its meeting held 18 March 2019 where the following recommendation was carried:

“Committee Decision

Moved Cr Bookless, Seconded Cr Moore

AC.03/0319 That the Audit Committee:

- 1. Endorses the budget review for the period 1 July 2018 to 31 January 2019 as presented in Attachment 3 of the Committee agenda.*
- 2. Notes the budget review for the period 1 July 2018 to 31 January 2019 generates a budgeted surplus of \$52,873.*
- 3. Recommends to Council that the surplus of \$52,873 be allocated to the following reserves:*
 - \$25,000 – Land & Building Reserve*
 - \$22,873 – Strategic Projects Reserve*
 - \$5,000 – Bushfire Reserve*

Carried 3/0”

Notwithstanding the wording of Part 1 of the above Committee recommendation a slight amendment to the wording of Part 1 of the recommendation to Council has occurred to ensure that the statutory wording requiring “adoption of a budget review with the variations detailed at Note 2 of the Budget Review document for the period 1 July 2018 to 31 January 2019 and amend the budget accordingly” is contained in the Council resolution.

Statutory Environment

Regulation 33A of the Local Government (*Financial Management*) Regulations 1996 requires:

- (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.*
- (2) Consideration and review is to be given to a local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.*

(3) *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.*

(4) *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.*

(5) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Integrated Planning

- Strategic Community Plan

Key Goal 5: Our leadership will be visionary, collaborative and accountable

Objective 5.2: We maintain high standards of governance, accountability and transparency

Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met

- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy – Not applicable

Budget Implications

Specific financial implications are as outlined in Note 2 to the Budget Review document.

Fiscal Equity

The budget has been reviewed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for Council and the community.

Whole of Life Accounting – Not applicable

Social Equity

The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement – Not applicable

Delegated Authority - Not applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.07/0319	FILE REF.	131
SUBJECT	February 2019 Financial Activity Statements and List of Accounts Paid in February 2019		
OFFICER	Senior Finance Officer		
DATE OF REPORT	18 March 2019		

Attachment 6 February 2019 Financial Activity Statements
Attachment 7 List of Accounts Paid in February 2019

OFFICER RECOMMENDATIONS

1. *That Council receives the February 2019 Financial Activity Statements as presented in Attachment 6.*
2. *That Council receives the List of Accounts Paid in February 2019 as presented in Attachment 7.*

Summary/Purpose

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

Background

In its monthly Financial Activity Statement a local government is to provide the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act;
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

Each of the Financial Activity Statements is to be accompanied by documents containing:

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the Local Government.

The information in a statement of financial activity may be shown:

- (a) according to nature and type classification;
- (b) by program; or

- (c) by business unit.

The Financial Activity Statement and accompanying documents referred to in sub-regulation 34(2) are to be:

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

Statutory Environment

Section 6.4 (Financial Report) and Section 6.8 (Expenditure from municipal fund not included in annual budget) of the Local Government Act 1995, and Regulations 13 (List of Accounts) and 34 (Financial activity statement report) of the Local Government (*Financial Management*) Regulations 1996 apply.

Integrated Planning

- Strategic Community Plan
 - Key Goal 5: Our leadership will be visionary, collaborative and accountable
 - Objective 5.2: We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy

F.6. Purchasing Policy - To ensure purchasing is undertaken in an efficient, effective, economical and sustainable manner that provides transparency and accountability.

F.7. Reporting Forecast Budget Variations Policy - To set a level of reporting detail (in Financial Activity Statement) that ensures that the council is satisfied with the implementation of its annual budget.

Budget Implications

Expenditure incurred in February 2019 and presented in the list of accounts paid, was allocated in the 2018/19 Budget as amended.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

Planning & Environmental Services

ITEM NO.	C.08/0319	FILE REF.	A34225
SUBJECT	Amended Proposal - Transient Workers Accommodation		
PROPONENT	Resolve Group Pty Ltd on behalf of MSP Engineering		
LANDOWNER	Peter McKay		
LOCATION	Lot 3 (RSN 103) Old Mill Road, North Greenbushes		
OFFICER	Manager Planning		
DATE OF REPORT	14 March 2019		

Attachment 8 Location Plan/Photographs
Attachment 9 Public Submissions
Attachment 10 Amended Plan/Applicant's Submission

OFFICER RECOMMENDATION: That in relation to the transient workers accommodation at Lot 3 (RSN 103) Old Mill Road, North Greenbushes, Council notes the public submissions as per Attachment 9, and supports the amended proposal as per Attachment 10, specifically approving temporary occupancy up to 22 January 2022, building modifications, and expansion of the camp area for additional parking and relocation of the diesel generator and fuel tank.

Summary/Purpose

To seek Council support for an amended proposal for the transient workers accommodation camp site at Lot 3 (RSN 103) Old Mill Road, North Greenbushes, for an extended period of temporary occupancy, building modifications and expansion of the camp area for additional parking and relocation of a power generator.

Background

As background, an application for a temporary transient workers accommodation camp was presented to Council at the Ordinary Meeting on 27 July 2017 whereby resolved:

"C.07/0717 That Council:

- 1. Pursuant to Clause 3.2.5 and Clause 4.3.3 of Town Planning Scheme No. 4, determines that the proposed 'Use Not Listed – Transient Workforce Accommodation' is consistent with the objectives and purposes of the 'Rural 2 – General Agriculture' zone and may be considered for development approval subject to public consultation and detailed assessment.*
- 2. Directs the Chief Executive Officer to undertake necessary public consultation in relation to Point 1 above."*

The application was advertised for public comment pursuant in August 2017 however no submissions were received. The application was then presented to Council at a Special Meeting held on 14 September 2017, whereby Council resolved:

“SpC.01/0917 That Council:

- 1. Noting that no submissions were received, and pursuant to Clause 3.2.5 and Clause 4.3.3 of Town Planning Scheme No. 4, gives support for the proposed temporary transient workforce accommodation as a Use Not Listed at Lot 3 (RSN 75) Old Mill Road, North Greenbushes, as per Attachments 2 and 3, and grants delegated authority to the Chief Executive Officer to determine the application subject to appropriate conditions including a maximum two year timeframe, subject to endorsement of the Bushfire Management Plan by the Department of Fire and Emergency Services.*
- 2. Further to Point 1 above, grants support for commencement of preliminary earthworks for the proposed transient worker’s camp, and grants delegated authority to the Chief Executive Officer to authorise the works subject to appropriate conditions. In the event that development approval is not granted for the overall development the land is to be returned to a neat and tidy condition commensurate with the current state within a three month period, at the direction of the Chief Executive Officer.”*

In relation to Point 2 above, the Chief Executive Officer granted written approval on 22 September 2017 for commencement of preliminary site investigations; stripping and removal of rubbish; earthworks and drainage, trenching and installation of underground services; erection of temporary construction facilities, internal roads and car parking, and fencing and gates.

In relation to Point 1 above, the Department of Fire and Emergency Services forwarded correspondence to the Shire on 16 October 2017 supporting the proposed Bushfire Management Plan (BMP) and draft Emergency Evacuation Plan (EPP) subject to minor changes. The final BMP was received on 17 October 2017, with the EPP later finalised in early 2018.

Development approval was granted by the Chief Executive Officer on 18 October 2017 including Condition 1 which stated:

“1. Approval is granted for the transient workers accommodation for a maximum period of two years from the commencement of occupation, with these dates to be confirmed in writing by the Chief Executive Officer prior to occupation.”

Shire staff liaised with MSP Engineering (as the manager of the camp site) regarding the conditions of approval, with Stage One Occupancy granted in February 2018 back dated to 22 January 2018, and Stage Two Occupancy granted in August 2018. The two years occupancy of the camp is therefore scheduled to end on 22 January 2020, with the camp to be vacated, infrastructure removed, and land returned for farming purposes.

Council is again asked to note that a secondary Rural Street Address of RSN 103 Old Mill Road, North Greenbushes has been allocated for the camp site. The property address in the recommendation and report therefore differs from the earlier resolutions of Council and granted development approval.

The applicant, Resolve Group Pty Ltd, submitted a report to the Shire in July 2017 as part of the original development application for the proposed camp. The report specifically stated that a temporary accommodation facility was needed for up to 250 transient construction workers from outside the local area associated with the

Chemical Grade Plant (CGP2) project, including the crushing circuit. MSP Engineering supervisory and administrative direct employees (approximately 20 people) were to be housed in local accommodation. Furthermore, the report stated that MSP Engineering identified that a purpose built transient workers accommodation facility will be required within a 10 kilometre radius of the CGP2 Project construction site.

Noting some ambiguity and public concerns regarding occupancy of the camp, the applicant was invited to lodge a submission, with a subsequent report presented to Council in August 2018 for clarification on camp occupancy, whereby Council resolved:

“C.11/0818 That in relation the transient workers accommodation at Lot 3 (RSN 103) Old Mill Road, North Greenbushes, Council supports occupation of the camp by employees and contractors involved in overall expansion projects at the Greenbushes mine, as detailed in the applicant’s correspondence as per Attachment 10, specifically excluding occupation by any Talison Lithium mine operations staff.

Council therefore gave support for occupancy of the camp for a variety of employees and contractors involved in the overall expansion projects at the Greenbushes mine, still for a maximum period of two years.

The applicant has now submitted an amended proposal (see Attachment 10) requesting Council support the following:

1. Amend Condition 1 of the development approval to extend the temporary occupancy of the camp by an additional two years up to 22 January 2022 for ongoing expansion of the Greenbushes mine site.
2. Two new laundries, a bus shelter, beer garden, covered sports court and two new accommodation units; relocation of eight existing buildings; and expansion of the gymnasium and kitchen/diner, to improve the living conditions and amenity of the camp, with no increase in total occupancy.
3. Three additional bus bays, and 75 light vehicle parking bays for visiting and locally based mine workers domestic vehicles, for bus transportation to and from the mine site.
4. A small 0.09 Hectare expansion on the northern side of the camp area to accommodate a relocated diesel generator and fuel tank.

Shire staff responses to these four matters are discussed further below. A revised Bushfire Management Plan (BMP) has been submitted in support of the amended proposal, however referral to DFES is not considered necessary as the proposed changes are considered compliant with the intent of the original approved BMP and the Guidelines for Planning in Bushfire Prone Areas. A copy of the revised BMP has not been attached due to its size (over 100 pages in length) however a copy can be made available to Council if needed.

Public Consultation

The amended proposal application was advertised for public comment commencing on 30 January 2019. Correspondence was forwarded to landowners of four nearby properties plus the Greenbushes Golf Club, a notice published in the Manjimup-Bridgetown Times and notices posted on the Shire's noticeboards and website on 30 January 2019. Written comments were invited up to and including 21 February 2019, with two submissions received from adjoining landowners (see Attachment 9), discussed below:

Submitter One

A submission was received from Mr Domenic Gangemi, owner of Lot 100 Greenbushes-Boyup Brook Road to the east of the subject property. The submitter raised concerns regarding the visual amenity of the rock stockpile along the eastern boundary, and the population of snakes living in it, and has requested that the stockpile be removed as the submitter may wish to build a dwelling nearby.

The applicant has advised that there are no planning and or building approvals applicable to the earth fill/rock berm on the eastern side of the site, however the constructed berm was considered a good use of excess excavated material to provide a visual and acoustic buffer to the neighbouring property and better bushfire protection for the camp. Talison Lithium has indicated a willingness to liaise with the concerned neighbour and discuss potential relocation of the berm.

The rock stockpile is approximately 180 metres long, 2 to 3 metres in height, and setback from the eastern fencing boundary by 3 to 4 metres, and directly facing a previously treed section of the adjoining Lot 100. A similar sized stockpile of topsoil is located nearby, setback approximately 30 metres from the dividing boundary.

The original development application did not nominate the location of an earth or rock stockpile in this area, however Condition 18 required *"Topsoil is to be stripped separately and stockpiled on site, to be re-spread during post development rehabilitation of the pasture area, with stock proof fencing installed where required, with the existing graveled area to be graded and stabilised."*

The submitter could apply for development of a single house on the adjoining property subject to a minimum 20 metre setback to the dividing boundary in full knowledge of the camp and rock stockpile being in place.

Both the rock and topsoil stockpiles are considered well located within the asset protection zone as identified in the Bushfire Management Plan and Shire staff do not consider it necessary to remove the rock stockpile now or into the future, with the topsoil to be re-spread post removal of the camp.

Submission Two

A submission was received from Mrs Vicky Henderson, joint owner of Lot 101 Smith Street to the north of the subject property, raising concerns regarding noise impacts and potential pollution of surface or ground water systems from the current and proposed sites of the generator and fuel supply. The submitter states she understood the generator was only temporary pending reticulated power connection

by Western Power and has requested that if the generator is to remain onsite that a suitable buffer be installed.

The applicant has advised that informal noise monitoring conducted by MSP Engineering in the vicinity of the generators indicates noise levels are below legislative requirements and that the nearby timber mill remains the dominant source of noise in the area. Talison Lithium as previously indicated that if camp occupancy was extended, a Western Power connection would be considered, with a feasibility study for high voltage power supply completed in December 2018. Talison Lithium are in the process of submitting information to enable Western Power to commence detailed design of the high voltage extension and prepare a detailed cost estimate for the works. If power supply is progressed, the generators would then only be used in the event of a power outage.

The applicant has advised that the risk of contamination to groundwater has been mitigated by storing fuel in a self-bunded tank, positioned on a concrete slab, compliant with the Department of Mines, Industry Regulation and Safety Code of Practice 'Storage & Handling of Dangerous Goods and AS 1940 'The Storage & Handling of Flammable & Combustible Liquids'.

The current generator is separated from the submitter's dwelling by approximately 960 metres with the proposed generator location to be separated by approximately 920 metres. Whilst the Shire acknowledges the generator may create ambient levels of noise not previously experienced by surrounding neighbours, the current and proposed separation distances and type of equipment to be used does not warrant additional noise mitigation measures. It is suggested however that the proponent consider a landscaped earthen noise bund of around 3 metres in height, particularly on the northern and eastern sides of the proposed generator site, to help alleviate any neighbour concerns.

Officer Comments

Camp Occupancy Timeframe

The original application presented to Council in July and September 2017 stated that *"The proposed camp is to be used to accommodate a transient workforce for a large expansion project at the nearby Talison Lithium Greenbushes mine, which is expected to be a 12 to 18 month project. The camp will therefore be required only for a temporary period of 12 to 18 months, and a maximum tenure of 24 months (two years) if required."*

Following preliminary support from Council in July 2017 and subsequent public consultation the application was presented Council for further consideration on the applied need and timeframe for the camp. It could be clearly argued that the expectation of the community and of Council was that the temporary camp was needed for only twelve to eighteen months, or possibly two years maximum for the single CGP2 project, as stated in the application.

The applicant in August 2018 then argued for a broader interpretation of employees and contractors eligible to stay at the camp with Council, as stated above, resolving to support workers associated with mine expansion projects. The applicant has now requested an additional two year timeframe for occupancy of the camp up to January 2020. Noting that no objections have been received, Shire staff generally support

the additional two year temporary occupation, as upcoming construction and mine expansion works are expected to continue beyond the approved January 2020 occupancy deadline.

Importantly, Condition 1 imposed by the Chief Executive Officer (with the draft condition presented to Council in September 2017) stated use of the camp was valid for two years from the date of occupancy. It is evident now that a longer and temporary timeframe is required to accommodate workers needed for the overall mine expansion activities including exploration drilling activities, crushing plant, water treatment and dam construction, tailings treatment plant, mining services and infrastructure expansion.

Support from Council is therefore sought for the Chief Executive Officer to vary Condition 1 of the approval to allow a further two year occupancy up to 22 January 2022, being a total temporary occupancy of four years.

Building Modifications

The amended proposal seeks approval for a variety of new, relocated and modified buildings, all to be contained within the existing camp area, and habitable buildings to be within the acceptable Bushfire Attack Level rating of BAL-29, as demonstrated in the revised Bushfire Management Plan dated 28 February 2019 prepared by RUIC.

The additional amenities and accommodation buildings will not increase the approved occupancy beyond the maximum 250 persons, with the proposed changes considered appropriate to improve the function of the camp, particularly given the proposed extended two year time frame up to January 2022.

Support from Council is therefore sought for the Chief Executive Officer to approve the amended plan for development of the new, relocated or building additions as shown, with separate building permits to be obtained where required.

Parking Expansion

Three additional bus bays are proposed adjacent to the main entrance to Old Mill Road and within the current compound. An additional 75 sealed parking bays are proposed for light vehicles (ie. private cars), some within the current compound plus others within an expansion area to the north-western corner of the site.

Whilst it would be ideal for locally based workers, particularly Talison Lithium operational staff, to drive to and from the mine site each day, Shire staff are mindful of the site constraints at the mine during very large scale expansion activities. Shire staff are also mindful of some operational and contract staff parking outside of the camp compound, and on adjoining property, which may create potential safety and amenity issues. The Chief Executive Officer therefore supports expansion of the camp compound and provision of three additional bus bays plus 75 additional parking bays for light vehicles, to accommodate mine expansion and operational staff on a temporary basis.

Importantly, it is appropriate that once the accommodation camp has been closed that alternative arrangements will be made for operational staff to access the mine site, with parking at the camp site and transportation to and from the mine site to

also cease. Furthermore, as per the conditions of approval no operational staff are to be accommodated at the camp unless involved in direct mine expansion activities.

Support from Council is therefore sought for the Chief Executive Officer to approve the amended plan for development of the additional parking areas for use by operational and mine expansion staff vehicles as required.

Generator Location

The amended proposal is seeking approval for an additional 900m² area on the northern side of the camp area for relocation of a diesel power generator and fuel tank, subject to provision of appropriate safety measures to protect the local environment. The proposed 0.09 ha additional area is minor compared to the current 5.69 ha area of the camp.

Although noting the noise concerns raised by one adjoining landowner Shire staff are generally satisfied with the proposed location and minor expansion of the approved camp area.

Support from Council is therefore sought for the Chief Executive Officer to approve the amended plan for relocation of the diesel generator and fuel tank on the northern side of the camp area.

Conclusion

Noting previous approvals from Council for a two year temporary time frame for occupancy of the camp, and the two submissions received regarding the rock stockpile and generator issues with no objections raised to the additional occupancy period, support from Council is sought for the Chief Executive Officer to approve the amended proposal for the additional two year time frame, additional and modified buildings, additional parking area and expanded area for relocation of the generator and fuel tank subject to reasonable conditions.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4

Development approval for the 'Use Not Listed – Transient Workers Accommodation' was granted by the Chief Executive Officer under delegated authority as resolved by Council, pursuant to Clause 3.2.5 and Clause 4.3.3 of Town Planning Scheme No. 4.

Policy

State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas

A revised Bushfire Management Plan dated 28 February 2019 and prepared by RUIC has been submitted demonstrating that the amended proposal is compliant with SPP 3.7 and the bushfire protection criteria contained in Appendix Four of the Guidelines.

Strategic Plan Implications

- Strategic Community Plan 2017

Key Goal 1: Our economy will be strong, diverse and resilient

- *Objective 2.1 A diverse economy that provides a range of business and employment opportunities*
- *Strategy 1.1.1 Encourage long term growth in the district in order to retain and enhance services*
- *Objective 2.1.2 a proactive approach to business development*
- *Strategy 1.2.1 embrace a “can do” approach to development*

Key Goal 2: Our natural environment is valued, conserved and enjoyed

- *Objective 2.1 Value, protect and enhance our natural environment*
- *Objective 2.6 Development is sympathetic to the landscape*
- *Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities*

Key Goal 5: Our leadership will be visionary, collaborative and accountable

- *Objective 5.1 Our community actively participates in civic life*
- *Strategy 5.1.1 The community is involved in local decision making*
- *Strategy 5.1.4 People receive Shire information, services and opportunities according to their needs*

An additional two year temporary timeframe for the workers camp will assist Talison Lithium mine site expansion works, providing opportunities for locally based employees and support services and industries, then ongoing employment opportunities needed for the large mine workforce and supporting industries.

- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Budget Implications

The fees for the amended plan and further public consultation has been received.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity - Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management

The additional timeframe for occupation of the approved camp site by staff involved in overall mine expansion works is not considered to raise any additional risks.

Continuous Improvement

The content of submissions received and responses from the applicant has assisted consideration of this matter.

Delegated Authority

Council resolved in September 2017 to grant delegated authority to the Chief Executive Officer to issue development approval, however given the background to and importance of this matter, formal clarification and support from Council is sought for the amended proposal.

Voting Requirements – Simple Majority

Works & Services - Nil

Community Services

ITEM NO.	C.09/0319	FILE REF.	
SUBJECT	Proposed Gym Expansion		
PROPONENT	Council		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	13 March 2019		

Attachment 11 Gym Floor Plans and External Concepts

OFFICER RECOMMENDATION that Council:

- 1. Approves unbudgeted expenditure of \$332,615 for expansion of the gym at the Bridgetown Leisure Centre.*
- 2. Accepts receipt of \$108,205 income from the Australian Sports Commission as a grant towards the gym expansion project.*
- 3. Transfers an amount of \$224,410 from reserve, comprising \$174,410 from the Land and Building Reserve and \$50,000 from the Bridgetown Leisure Centre Reserve, as its contribution towards the gym expansion project.*
- 4. Authorises the CEO to prepare tender documentation and call tenders for the construction of the gym extension.*

Summary/Purpose

The Shire of Bridgetown-Greenbushes has been successful in securing Federal Government funding (via the Australian Sport Commission Grant) of \$108,205 to contribute towards the proposed gym expansion project. The recommendation seeks to confirm Councils acceptance of this grant funding and to proceed with the project, with the remaining two thirds of the project being funded via reserve transfers from the Land & Building Reserve and the Bridgetown Leisure Centre Reserve in the current financial year.

Background

Council endorsed the Bridgetown Leisure Centre Business Plan Version 1.4 in September 2018. This version of the Business Plan identifies the proposed gym expansion as a

key focus for the ongoing development of the Centre. The Plan identifies seeking one third project funding from the State Government via the Community Sport and Recreation Facilities Fund. This funding application was submitted but was not successful.

A separate funding application for 1/3 of the project costs was submitted to the Australian Sports Commission and has been approved. A condition of this grant is that the project must commence prior to 30 June 2019.

Officer Comment

The proposed expansion of the Gym will allow for an additional 85m² (which will double the current floor space). The proposed expansion will achieve a greater integration of the aquatic and leisure facilities by extending the existing gym in a westerly direction (into the old, now disused playground area) towards the aquatics complex. The architectural designs and costings have been developed in alignment with Council's relevant Policy (F.23 Asset Management – Project Management Framework) and will inform the development of a construction tender. The project also includes the installation of two 30kW photo voltaic systems (one for the aquatics complex and one on the leisure centre) in alignment with the recommendations contained in the Energy Audit and Recommendations Report conducted by H² Energy Consultants.

The CEO and EMCS have held discussions with representatives from WALGA Procurement to undertake the development of a Request for Tender, lodge public advertisement, run the tender period, conduct the evaluation, process develop a tender evaluation report and preparation of contract and notification letters. The result of the tender will be brought back to Council as soon as the tender process has been completed, prior to the appointment of the preferred tenderer, for endorsement. The \$332,615 project budget includes an allocation of \$8,000 for assistance in preparing and evaluating tenders.

There will be some impact on the continuity of business at the Leisure Centre with regard to the gym during the construction period. Until a preferred tenderer is appointed, the exact time frame required for construction is not known; however it is estimated to be approximately 3 months. The degree to which the existing gym (and therefore gym users/members) will be impacted by this project will be assessed in due course and considered by Council at the time the preferred tenderer is presented for endorsement. It is anticipated that there will be a period of time where existing members/users will not have access to the gym and equipment. Therefore an extension of all existing memberships, by the equivalent time period, will be applied to ensure users are not adversely affected in relation to the term of their paid membership. That is to say if the gym is not available for 3 months of a 12 month paid membership, the membership term will extend for 3 months beyond the original cessation date. Staff will work closely with the builder (once appointed) to minimize the time period where the gym is closed, without adversely affecting the construction time line.

The Business Plan (and therefore Corporate Business Plan and Long Term Financial Plan) also identifies that commencing 1 July 2019 the equipment in the existing gym will be upgraded to new, leased equipment. This was originally going to be done in 2 stages (due to the original timeline to extend the gym in the 2019-2020 financial year), being a fit out of the existing gym area with new, leased equipment at the start

of the 2019-2020 financial year and an extension of that equipment lease leading into 2020-2021 for the new gym area. Instead, the 2019-2020 budget will be informed by the lease costs to fully equip the entire new gym area with new leased equipment following the gym expansion project (estimated to be from 1 November 2019). This will ensure that when the gym reopens the entire gym facility will be equipped with new, leased equipment designed to maximize the full use of the space while keeping equipment operating to a higher standard than previously achieved and minimizing costs associated with equipment. Costings obtained in 2018 for a 48 month lease of cardio equipment was \$47,651 and for a 72 month lease of strength gym equipment \$59,327. These quotes (and financing options) will be reviewed in order to inform the development of the 2019-2020 budget.

The current balances of the Land and Buildings Reserve and the Bridgetown Leisure Centre Reserve are \$722,269 and \$106,428 respectively.

Statutory Environment – Not applicable

Integrated Planning

➤ Strategic Community Plan

Objective 3.2.6 – Develop new facilities that provide for the identifiable needs of the community

➤ Corporate Business Plan

Action Item 3.2.6.1 – Expand the gym at the Bridgetown Leisure Centre

➤ Long Term Financial Plan

Grant funding 33% total project cost; balance funded from Land & Building Reserve

➤ Asset Management Plans

Infrastructure developments and equipment purchases will be included within relevant Council's asset management plans.

➤ Workforce Plan – Not Applicable

➤ Other Integrated Planning - Nil

Budget Implications

The recommendation seeks approval to incur unbudgeted expenditure which is partially offset by approximately 1/3 of grant funding. Because the Budget Review is also being presented March Council Meeting, and given this project has been identified in Council's Corporate Business Plan, the budget review process has included the unbudgeted income and expenditure associated with this project for the 2018-2019 financial year, noting that there will be expenditure carried forward into the 2019-2020 financial year as the works will not be completed by 30 June 2019.

Fiscal Equity – Not Applicable

Whole of Life Accounting

The Bridgetown Leisure Centre Business Plan contains 10 year whole of life costings for the operations of the facility. This plan is reviewed annually and the 2019 review

will reflect adjustments to the lease of equipment as outlined in the officer comment section of this report.

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The principles of risk management are being met by undertaking a comprehensive and robust planning process with regards to the BLC's operations and infrastructure projects that align with Council's strategic objectives and policies.

Continuous Improvement

The principles of continuous improvement are being achieved by the recommendation by ensuring that well utilised services and facilities are maintained and enhanced in alignment with community aspirations and Council's strategic objectives.

Voting Requirements - Absolute Majority

ITEM NO.	C.10/0319	FILE REF.	494
SUBJECT	Exclusive Leasing Agreement – Bridgetown Leisure Centre Health & Fitness Room		
PROPONENT	Health on Hampton		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	18 March 2019		

Attachment 12 Public submissions x 2
Attachment 13 Draft Lease Agreement

OFFICER RECOMMENDATION *That Council:*

- 1. Note the 2 public submissions responding to the proposal to lease the Health & Fitness Room at the Bridgetown Leisure Centre exclusively to Health on Hampton.*
- 2. Direct the CEO to enter into a 3 year lease agreement of the Health & Fitness Room at the Bridgetown Leisure Centre to Health on Hampton.*
- 3. Authorise the CEO to seek legal review of the proposed lease agreement at Attachment 13 prior to finalizing and signing the document with the CEO authorised to modify the lease agreement in accordance with the legal advice received.*

Summary/Purpose

The recommendation seeks to progress and finalize the lease of the Health & Fitness Room at the Bridgetown Leisure Centre (BLC) to the private health services provider 'Health on Hampton' in accordance with previous direction from Council to explore this arrangement.

The proposed lease represents a disposition of property under section 3.58 of the Local Government Act and accordingly the proposal has been advertised for public consultation. Accordingly this agenda report also provides the detail of the feedback received during the public consultation period.

Background

The issue of leasing the Health & Fitness Room was first brought to Council's attention at the November 2018 Concept Forum where officers were directed to investigate the viability of leasing the Mezzanine Level Health & Fitness Room at the BLC to private service provider Health on Hampton. Following additional meetings with the proponent, an agenda report was prepared for the January 2019 Council meeting where it was determined that Council (C.14/0119):

- 1. Approves in principle the leasing of the Health & Fitness Room at the Bridgetown Leisure Centre to Health on Hampton for its exclusive use for a period of 3 years for an annual lease payment of \$16,320 in year 1 increasing by either 1.5% or CPI per annum, whichever is the lesser amount.*
- 2. Notes that the proposed lease represents a disposition of property under section 3.58 of the Local Government Act and accordingly the proposal is to be advertised for public consultation.*
- 3. Endorses a 28 day public consultation period for the proposal.*
- 4. Directs the CEO to report back to Council's March 2019 meeting with any submissions received on the proposal and a draft lease for council's final considerations on whether to enter into the proposed lease.*

Officer Comment

The consultation period closed on Friday 15 March with two submissions being received, one supporting the proposal to lease the Health & Fitness Room and one not supporting the proposal. The following table summarizes the content of the two submissions, which are at Attachment 12.

Submitter Comment	Officer Comment
High quality centre that is currently underutilised	The findings and usage statistics identified in the BLC Business Plan identifies the opportunity to increase service delivery to the community by leasing out the Health & Fitness Room to private instructors/providers.
I believe the proposal will bring another dimension to the current fitness offerings and increase foot-traffic with the facility; further showcasing the services offered by the Centre	Noted
Lack of suitable venue for Health and Fitness classes (other than this room) is impacting on number of fitness classes offered at the BLC	Council determined in 2018 to cease offering health and fitness memberships due to the lack of take up of classes/memberships that resulted in health and fitness classes/memberships not being a financially viable product.

	<p>Exceptions to this determination are gym based programs (Fit 50's; KidFit; TeenFit and LLLS).</p> <p>Currently the Health & Fitness Room is only utilised for 7 classes per week being Fit 50 classes which can be relocated to Court 1 (3 circuit classes; 2 Pilates classes and 2 yoga classes noting that the Pilates classes are grant funded during a pilot program and not guaranteed to continue).</p> <p>The BLC Leisure Plan identifies the opportunity to provide more health and fitness classes to the community/members by leasing out the room to private service providers.</p>
Senior citizen classes would have to use the courts for their classes.	<p>LLLS classes are held in the gym. Prior to the gym relocating to the ground floor from the mezzanine level, some seniors classes were held on the courts.</p> <p>Discussions with fitness instructors of the programs indicates that Fit 50 classes can be relocated to Court 1 (these are currently 3 circuit classes; 2 Pilates classes and 2 yoga classes noting that the Pilates classes are grant funded during a pilot program and not guaranteed to continue).</p> <p>LLLS will continue to operate in the gym.</p>
There is no provision for Health on Hampton to pay for utilities.	<p>A rental valuation report prepared by LMW South West identifies the current market value of \$15,000 per annum for the Health & Fitness Room. In determining that value the valuer was aware of the fact that no separate fee was being included in the proposal and therefore the valuer assessment has taken this into account. Further, the proponent has agreed to an annual lease payment of \$16,320 which is \$1,320 above the value of the professionally determined lease value.</p>
It is odd that a commercial gym would be housed together with the BLC gym.	<p>The BLC gym is a 24 hour service that provides for unsupervised gym activities which is a different business model to Health on Hampton which has a focus on</p>

	gym based classes (not seniors focused) and health and fitness classes.
The annual lease payment is low and hardly justifies the loss of amenity and wear and tear.	A rental valuation report prepared by LMW South West identifies the current market value of \$15,000 per annum for the Health & Fitness Room. The proponent has agreed to an annual lease payment of \$16,320 which is \$1,320 above the value of the professionally determined lease value.
Generation of significant noise from Health on Hampton classes – the room is open on both sides	The room is not open on both sides; it has glass windows and walls and is fully enclosed.
Will clients of Health on Hampton have after-hours access and how will this be managed?	All after hour access by Health on Hampton clients or sublet instructor classes will be fully supervised by Health on Hampton staff or sublet instructors. There will be no unsupervised access to the BLC.
Has the load bearing of the fitness room been assessed, because this is why the gym was relocated?	The gym was relocated to allow 24 hour access which could not be accommodated when the gym was on the mezzanine level (due to access and egress/safety requirements). The load bearing of the room was assessed prior to the BLC gym occupying the space. There have been recent discussions with an engineer about the load impact of the proposed health and fitness activities and a verbal response has been received advising that the structural integrity of the floor will not be impacted by the proposed use. This is to be confirmed in writing.
The BLC is a high quality centre that is currently underutilised	The findings and usage statistics identified in the BLC Business Plan identifies the opportunity to increase service delivery to the community by leasing out the Health & Fitness Room to private instructors/providers.
I believe the proposal will bring another dimension to the current fitness offerings and increase foot-traffic with the facility; further showcasing the services offered by the Centre	The BLC Business Plan identifies the opportunity to increase café sales and to a degree BLC membership/product sales due to increased foot-traffic.

In progressing this matter, the officer has met with the proponent and with current BLC instructors to determine the impact on the operations of the BLC should the Health & Fitness Room be leased exclusively to Health on Hampton.

Exclusive use was identified as the preference for both Health on Hampton and BLC

staff from an operational perspective. This creates clear delineation between the operations of the BLC and private operation of Health on Hampton.

In 2018 Council determined the cessation of BLC based Health & Fitness memberships after extensive financial analysis and monitoring of classes. The BLC focus is now primarily on 'gym and swim' memberships as well as programs for seniors and youth (Living Longer Living Stronger, Fit 50's, Teen Fit and Kid Fit). Health on Hampton is focused on providing a range of health and fitness classes which do not conflict with the programs and focus of the BLC.

The main impact on the preferred exclusive use will be additional time (and salary spend) of approximately 3 hours per week for BLC staff to set up and set down the Fit 50's Circuit Class on the courts (based on the current class roster). The Circuit Class is currently held in the Health & Fitness Room, with the circuit set up and ready to go (without staff time set up and set down each class). The circuit cannot be set up anywhere else in the facility on a 'permanent' basis as the courts are required for the court based activities such as basketball, netball etc. This means there could be an increase in salary expenditure of up to \$5,000 per annum (for Recreation Officers to set up and set down 3 classes per week; being salaries plus superannuation costs for casual officers). Due to rostering limitations there are not always two Recreation Officers on duty at the time a class would need to be set up and set down and officers would look at rostering of class times and staff times to minimize this expenditure, however it is a consideration in the financial impact of the proposal.

The proponent has proposed an annual lease payment figure of \$16,320 with an annual increase over the term of the proposed lease of 1.5% or the December Perth CPI Index (whichever is the lower figure). This is to be reflected in the lease agreement, which will also reflect the requirement for monthly rental payments on invoice, an annual review of the terms of the lease and the possibility of a 3 year extension to the lease to be determined 12 months prior to the lease expiration date.

A rental valuation report prepared by LMW South West identifies the current market value of \$15,000 per annum for the Health & Fitness Room. In determining that value, the LMW representative was advised that a separate charge for utilities would not be required, therefore while the proponent's proposed figure is higher than the valuation report figure, it is considered a fair and equitable rate of payment as the additional income will offset the additional electricity usage and other on-costs. The proponent currently sublets existing Health on Hampton space to other instructors and service providers in town, and would like to continue to do this. Because the use of the space is also for the provision of Health & Fitness classes this is seen as acceptable to continue within the proposed exclusive lease agreement.

The main additional on-cost would be the installation of a new keypad and security code access alarm at the BLC. This would allow for the provision of each staff member to have a designated access code (BLC and Health on Hampton) to ensure monitoring of who is in the BLC and when. This will be required due to the shared access of the main facility (noting that Health on Hampton will be operating outside of the BLC standard operating hours, particularly in winter when the aquatics complex is not open and winter hours of the indoor facility are subsequently reduced). It is anticipated that the cost of installing the new keypad and security code access alarm at the BLC will be approximately \$1,000.

Approximately 8 years ago a legal firm created a lease template for use by the Shire when entering into agreements with tenants. Due to the considerable time gap between the creation of the template it is considered prudent that the draft lease agreement be reviewed to mitigate Council's exposure to risk in entering into an agreement to exclusively lease the Health & Fitness Room.

Statutory Environment – N/A

Integrated Planning

➤ Strategic Community Plan 2017

Goal 4.1 – A cohesive community with a sense of pride

Strategy 4.1.2 – Deliver programs that encourage community participation and interaction

➤ Corporate Business Plan 2018

Action 4.1.2.2 – Deliver programs at the BLC that cater for the community's demographic needs

➤ Long Term Financial Plan

Should the project progress, the cost estimates prepared including the income and any expenditure would be inserted into the Long Term Financial Plan at the relevant annual review of the document.

➤ Asset Management Plans – Nil

➤ Workforce Plan - Nil

➤ Other Integrated Planning

The BLC Business Plan identifies the capacity to maximize the use and rental income of the Health & Fitness room through private rental and/or leasing and the benefit of having increased patronage on BLC programs and Café sales that may result.

Policy/Strategic Implications - Nil

Budget Implications

Provision for the purchase of the new keypad and security code access alarm at the BLC will be finalized and expended from existing budget allocations for building maintenance.

Fiscal Equity – Not Applicable

Whole of Life Accounting

Whole of life accounting principles are achieved by the consideration of the current and future use of the entire facility, accessing potential income streams (direct and indirect) resulting from exclusive leasing of the Health & Fitness Room to a private service provider. The ability to generate additional income and provide greater services to the community that enhance the capital investments already made in the facility will service to reduce the annual operating subsidy.

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Risk management principles are being achieved by the adherence to relevant Council Policy's, Informing Strategies and Statutory requirements to ensure the agreement, should it proceed, is transparent and equitable. Ensuring that the draft lease agreement is reviewed by the legal firm who created it will further mitigate Council's exposure to risk.

Continuous Improvement

The principles of continuous improvement are being achieved exploring the opportunities to maximize use of Council's facilities to generate income and provide services to the community.

Voting Requirements - Simple Majority

Receival of Minutes from Management Committees – Nil

Urgent Business Approved by Decision

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice

Notice of Motions for Consideration at the Next Meeting

Matters Behind Closed Doors (Confidential Items)

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this Item be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

ITEM NO.	C.11/0319	FILE REF.	A35065
SUBJECT	Proposed Land Purchase – Lot 60 (33) Hester Street, Bridgetown		
PROPONENT	Shire of Bridgetown-Greenbushes		
LANDOWNER	Commissioner of Main Roads		
OFFICER	Manager Planning		
DATE OF REPORT	13 March 2019		

Attachment 14 Location Plan

*OFFICER RECOMMENDATION that Council go behind closed doors at ****pm.*

OFFICER RECOMMENDATION: That Council resolves to purchase Lot 60 (33) Hester Street (on Deposited Plan 94008, Volume 2125/Folio 227) for the sum of \$20,000, as shown in Attachment 14, with the unbudgeted expenditure funded by withdrawal of an amount of \$20,000 from the Land & Buildings Reserve.

Closure

The Presiding Member to close the Meeting

List of Attachments

Attachment	Item No.	Details
1	C.03/0319	Location Plan Kingston Fauna Habitat Zone
2	C.04/0319	2018 Compliance Audit Return
3	C.05/0319	Rolling Action Sheet
4	C.06/0319	2018/2019 Budget Review
5	C.06/0319	Minutes of Audit Committee Meeting held 18 March 2019
6	C.07/0319	February 2019 Financial Activity Statements
7	C.07/0319	List of Accounts Paid in February 2019
8	C.08/0319	Location Plan/Photographs
9	C.08/0319	Public Submissions
10	C.08/0319	Amended Plan/Applicant's Submission
11	C.09/0319	Gym Floor Plans and External Concepts
12	C.10/0319	Public submissions x 2
13	C.10/0319	Draft Lease Agreement
14	C.11/0319	Location Plan

Agenda Papers checked and authorised by T Clynnch, CEO		21.3.19
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