

**Special Council Minutes Index – 14 September 2017**

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Minutes of the Special Meeting of Council held in the Council Chambers on Thursday 14 September 2017, commencing at 5.33pm, called for the purpose of considering:

- Proposed Use Not Listed – Transient Workforce Accommodation
- Review of the Bridgetown Leisure Centre Business Plan

*The President opened the Meeting at 5.33pm*

**Acknowledgment of Country – Presiding Member**

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

**Attendance, Apologies and Leave of Absence**

|               |                                                      |
|---------------|------------------------------------------------------|
| President     | - Cr J Nicholas                                      |
| Councillors   | - J Boyle                                            |
|               | - S Hodson                                           |
|               | - D Mackman                                          |
|               | - A Pratico                                          |
|               | - P Quinby                                           |
|               | - P Scallan                                          |
|               | - A J Wilson                                         |
| In Attendance | - T Clynch, CEO                                      |
|               | - M Larkworthy, Executive Manager Corporate Services |
|               | - E Denniss, Executive Manager Community Services    |
|               | - S Donaldson, Manager Planning                      |
|               | - T Lockley, Executive Assistant                     |
| Apologies     | - Cr J Moore                                         |

**Attendance of Gallery**

D&D Della Vedova

**Public Question Time** - Nil

**Petitions/Deputations/Presentations** - Nil

**Comments on Agenda Items by Parties with an Interest** - Nil

### **Notification of Disclosures 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 allow a Member to speak, the extent of the interest must also be stated.

|                    |                                                                           |
|--------------------|---------------------------------------------------------------------------|
| Name               | Cr Scallan                                                                |
| Type of Interest   | Financial                                                                 |
| Item No.           | SpC.01/0917 – Proposed Use Not Listed – Transient Workforce Accommodation |
| Nature of Interest | Employee of the company of the proponent                                  |

### **Business Items**

*Cr Scallan declared a Financial Interest in Item SpC.01/0917 as he is an employee of the company of the proponent. Cr Scallan vacated the Meeting at 5.34pm.*

|                       |                                                             |                  |        |
|-----------------------|-------------------------------------------------------------|------------------|--------|
| <b>ITEM NO.</b>       | SpC.01/0917                                                 | <b>FILE REF.</b> | A34225 |
| <b>SUBJECT</b>        | Proposed Use Not Listed – Transient Workforce Accommodation |                  |        |
| <b>PROPONENT</b>      | Resolve Group Pty Ltd on behalf of Talison Lithium Pty Ltd  |                  |        |
| <b>LANDOWNER</b>      | Peter McKay                                                 |                  |        |
| <b>LOCATION</b>       | Lot 3 (RSN 75) Old Mill Road, North Greenbushes             |                  |        |
| <b>OFFICER</b>        | Manager Planning                                            |                  |        |
| <b>DATE OF REPORT</b> | 11 September 2017                                           |                  |        |

Attachment 1 - Location Plan

Attachment 2 - Applicant's Submission (including updated site plan)

Attachment 3 - Draft Bushfire Management Plan (excluding attachments)

**OFFICER RECOMMENDATION:** *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.*

#### Summary/Purpose

To further consider the development application for the proposed temporary camp at Lot 3 (RSN 75) Old Mill Road, North Greenbushes, which is to accommodate transient workers employed for an expansion project at the nearby Talison Lithium Greenbushes mine site.

Noting Council's resolution in July 2017 that the proposed 'Use Not Listed' is consistent with the objectives and policies of the application 'Rural 2 – General Agriculture' zone, and that no public submissions were received during the advertising period, it is recommended that Council give support for the project and grant delegated authority to the Chief Executive Officer to determine the development application subject to appropriate conditions, subject to endorsement of the Bushfire Management Plan by the Department of Fire and Emergency Services.

It is also recommended that support be given for the commencement of preliminary earthworks to facilitate the time critical progression of the development, with delegation granted to the Chief Executive Officer to authorise works subject to appropriate conditions.

#### Background

A report was presented to Council at the Ordinary Meeting on 27 July 2017 whereby Council 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 to Clause 5.2 of Town Planning Scheme No. 4, commencing on 9 August 2017 with the submission period closing on 31 August 2017. Correspondence was forwarded to landowners of three nearby properties plus the Greenbushes Golf Club, a sign erected onsite, a notice published in the Manjimup-Bridgetown Times on 9 August 2017, and notices posted on the Shire's noticeboards and websites on 9 August 2017, inviting written comments up to and including 31 August 2017. No submissions however were received.

The application is now presented to Council for further consideration. The background as presented to Council in July 2017 has not been fully repeated however additional points of discussion are provided below.

#### *Officer Comments*

The applicant submitted a final Bushfire Management Plan (BMP) on 11 September 2017 prepared by RUIC Fire, signed by an accredited Level 3 Bushfire Practitioner.

The BMP includes a detailed assessment of bushfire risk the Bushfire Attack Level (BAL) Contour Map illustrating the potential radiant heat impacts and associated BAL ratings for the proposed development site, measured at a post-development level.

The perimeter of the camp area including car parking and infrastructure areas will be affected by ratings of BAL-40 and BAL-FZ (Flame Zone). The security gatehouse (defined as a habitable building under the planning legislation) will be affected by an acceptable moderate rating of BAL-29, and other accommodation and other amenity buildings affected by an acceptable lowest rating of BAL-12.5.

All vegetation including paddock grasses within the camp site is to be removed to accommodate the development or maintained as 'Low Threat Vegetation', and the row of trees along the northern perimeter of the camp area to be trimmed and also excludable.

As a result of the BMP findings, an updated site plan has also been submitted (see Attachment 2) re-positioning the water tanks, security gatehouse and effluent disposal system.

The content and findings of the BMP are supported with the proposed 'Vulnerable' land use generally compliant with the 'deemed provisions' Planning and Development (Local Planning Schemes) Regulations, State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Bushfire Protection Criteria under the Guidelines for Planning in Bushfire Prone Areas (Guidelines). The BMP also includes a Bushfire Emergency Evacuation Plan, as required under the Guidelines, with the content generally supported.

The BMP has used a Method 2 (Detailed Procedure) for assessment of effective slope of vegetation under Plot 1 (to the east of the camp site), and referral to the Department of Fire and Emergency Services (DFES) is mandatory, with feedback required prior to determination of the application. Similarly, as a vulnerable land use, referral to DFES for feedback is required prior to determination.

The final BMP was received on 11 September 2017 with the application and BMP now referred to DFES. DFES responses to application referrals however are currently taking between 30 to 60 days. A response would not be expected until mid-October 2017 at best, meaning the development application could only be presented to Council in late October 2017 at best or perhaps mid-December at worst.

The proponent has advised the Chief Executive Officer that the timeframe for approvals of the worker's camp is absolutely critical to the commencement of the mine site expansion project, with construction of the camp to occur in early 2018. Servicing agencies such as Telstra, Water Corporation, etc, require evidence of local government approval before authorising connections of services such as NBN, power and water.

This report has therefore been presented to Council to seek further support for the worker's camp, and to grant delegated authority to the CEO, pending of course feedback from DFES.

The proponent has also requested that approval be granted to undertake the preliminary earthworks including removing topsoil, fencing, vegetation, etc, commencement of drainage and car parking; plus levelling of the site and importation of clean fill where required for the accommodation and amenities buildings. The commencement of preliminary works in late 2017 is necessary for occupation of the worker's camp in early 2018, and critical for commencement of the mine site expansion project in early 2018.

Ordinarily earthworks would not commence until a building permit has been formally granted however given the current deadlines facing the project, it is recommended that Council support the preliminary earthworks, with approval to be granted by the Chief Executive Officer. In the unlikely event that development approval is not granted for the overall worker's camp, any preliminary earthworks can be remedied and the land returned to the current state being pasture and graveled area.

#### *Draft Conditions*

The applicant has confirmed that the camp will be decommissioned upon completion of the Talison Lithium expansion project with the camp site to be made good where required. Shire staff consider it imperative that a temporary time period of up to two years maximum is imposed, for use of the camp, with all buildings and service infrastructure being removed with the on-site waste water system decommissioned in a timely fashion after the camp has been vacated.

The provision of landscape screening is not considered necessary given the short timeframe for use, as no detrimental impacts on surrounding land are anticipated given the location of the development site, and to prevent an increase in any bushfire risk issues.

Shire staff has formulated a set of draft conditions below that could reasonably be applied to the proposed transient worker's camp, and have been tabled to Council for information and discussion if necessary.

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.

2. Approval is granted for accommodation of a maximum of 250 workers only at any one time, with these workers engaged specifically on the Talison Lithium mine expansion project. Use of the accommodation and any incidental amenities by the general public or guests is prohibited.
3. The findings and recommendations of the Bushfire Management Plan (dated 11 September 2017) must be implemented for the life of the development including the provision of asset protection zones, vegetation control, firebreaks, vehicular access and water supply.
4. Submission of a final BAL Certificate following completion of bushfire mitigation measures with the building permit application(s), with habitable development to be constructed in accordance with applicable BAL rating standards pursuant to Australian Standard AS3959 Construction of Buildings in Bush-Fire Prone Areas.
5. A section 70A Notification is to be registered on the Certificate of Title, within 28 days of the date of this approval. The notification is to advise any prospective purchasers of the conditions of development approval and the Bushfire Management Plan.
6. All buildings, infrastructure and incidental fixtures including waste disposal facilities, roads, parking and drainage to be removed from the property within three months from the cessation of occupation, and the land returned to a neat and tidy condition commensurate with the current state within a further three month period.
7. All accommodation buildings and ancillary buildings to be setback a minimum of 20 metres from any cadastral boundaries in accordance with Town Planning Scheme No. 4
8. Approval is granted for the use of second hand transportable buildings subject to any external materials and finishes being treated or painted to present a neat appearance.
9. Provision of appropriate footpaths between all accommodation units, amenity buildings and car parking areas prior to occupation.
10. Provision of onsite parking areas including bus parking and pick up/set down areas within the site, internal one-way circulation and any necessary signage to be installed, prior to occupation. In this regard, no offsite parking in the road reserve or adjoining farm paddocks is permitted.
11. The Shire will monitor the condition of the local road network to be used by the proposed development and may require the proponent to repair or upgrade the road, or contribute towards the repair or upgrade of the road, if the Shire consider the development and subsequent additional vehicle movements warrants such action.

12. Provision of three new sealed crossovers to Old Mill Road prior to occupation. In this regard, separate approval is required from the Shire's Executive Manager Works and Services.
13. The lighting of outdoor fires is prohibited other than in appropriate barbecues and in accordance with the Shire of Bridgetown-Greenbushes Firebreak Order and the approved Bushfire Management Plan.
14. The majority of workers to be transported to and from the Greenbushes mine site by coach or bus service.
15. Provision of uniform perimeter security fencing to a height of 1.8 metres around the camp site prior to occupation, with the use of barbed wire or similar barrier not permitted unless specific approval is granted by the Chief Executive Officer.
16. Arrangements being made for the connection of the camp to a reticulated water supply service prior to occupation, including the installation of onsite storage tanks to provide a minimum capacity of 80 litres per person per day. In the event that a reticulated water supply cannot be provided to the land, arrangements are to be made prior to occupation to provide an adequate water supply of potable water.
17. 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 gravelled area to be graded and stabilised.
18. All stormwater from roofed or paved areas to be collected and disposed off onsite, with water discharge from the site during development to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.
19. All ablution facilities including private and communal facilities shall be connected to an approved effluent disposal system prior to occupation
20. Laundry facilities to be provided onsite prior to occupation, in accordance with relevant legislation.
21. Arrangements being made for the onsite collection and offsite disposal of rubbish prior to occupation, with bins to be provided in all common areas. In this regard, the rubbish collection area must contain a bin wash down area and be appropriately setback from adjoining buildings and the road.
22. Appropriate night time security lighting to be provided within the camp site, with light required to adopt shading measures and be directed to avoid unnecessary light spill and impacts on surrounding land.
23. Provision of emergency facilities including fire fighting infrastructure, first aid equipment and evacuation procedures, prior to occupation. In this regard, all emergency services to be adequately located and marked to ensure appropriate access for staff and emergency services.

24. Provision of a camp site information sign of 1.8m x 1.8m dimensions at the entrance to the development site prior to occupation, to indicate information such as owner of the site, manager of the site, specific rules for the site, map of the camp area and emergency contact details.
25. Shire staff shall undertake periodic inspections of the camp and surrounding area and provide written notification to the camp manager of any breaches or problems identified during the inspection. The camp manager shall then rectify any issues in a timeframe agreed to by the Chief Executive Officer.
26. Any on-site provision of liquor will be subject to standards set under relevant legislation with separate approval certificates required from the Shire of Bridgetown-Greenbushes.
27. The keeping of any animals as pets within the camp area is prohibited.

### *Conclusion*

As presented to Council in July 2017, the proposed location, layout and design of the proposed accommodation camp is considered reasonable and consistent with various requirements of TPS4 including building setbacks, amenity, bushfire and applicable planning policies.

A Bushfire Management Plan has been submitted with the findings generally supported, with feedback from the Department of Fire and Emergency Services required prior to determination of the application. Given the critical timeframe facing the worker's camp and related mine site expansion project, further support from Council is being sought, with delegated authority to be granted to the CEO for the overall camp and preliminary earthworks, subject to appropriate conditions.

### Statutory Environment

- Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 Matters to be considered by local government

Pursuant to the 'Deemed provisions' of the Planning Regulations 2015 *"In considering an application for development approval the local government is to have due regard to the following matters to be extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application –"*

| Requirement                                                                                                      | Comment                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area; | The proposed transient worker's camp as a Use Not Listed is consistent with the objectives and policies of the Rural 2- General Agriculture zone under Town Planning Scheme No. 4. |

|                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving; | The proposed transient worker's camp is consistent with the orderly and proper planning of Town Planning Scheme No. 4, well located in a rural area with good proximity to the mine site, good access to the local network. The draft Local Planning Strategy adopted by Council in 2012 has not proceeded to formal advertising, with a new Local Planning Strategy currently being prepared for Council consideration. |
| (c) any approved State planning policy;                                                                                                                                                                                                                                                                                                                      | SPP 3.7 Planning in Bushfire Prone Areas is applicable, see below.                                                                                                                                                                                                                                                                                                                                                       |
| (d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);                                                                                                                                                                                                                                           | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (e) any policy of the Commission;                                                                                                                                                                                                                                                                                                                            | Guidelines for Planning in Bushfire Prone Areas is applicable, see below.                                                                                                                                                                                                                                                                                                                                                |
| (f) any policy of the State;                                                                                                                                                                                                                                                                                                                                 | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (g) any local planning policy for the Scheme area;                                                                                                                                                                                                                                                                                                           | Demountable Buildings Policy TP.16 and Siting of Water Tanks Policy TP.21 are both applicable, see below.                                                                                                                                                                                                                                                                                                                |
| (h) any structure plan, activity centre plan or local development plan that relates to the development;                                                                                                                                                                                                                                                      | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;                                                                                                                                                                                       | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;                                                                                                                                                                                              | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (k) the built heritage conservation of any place that is of cultural significance.                                                                                                                                                                                                                                                                           | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;                                                                                                                                                                                                                                        | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;                                                        | Although the scale of the proposed workers camp is significant, given the proposed location at the southern end of the farm, and separation from other sensitive land uses, there is minimal impact expected upon surrounding properties, the local environment and the local road network.                                                                                                                              |

|                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(n) the amenity of the locality including the following:</p> <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> </ul> | <p>The design, layout and siting of the proposed camp is considered reasonable and is not expected to adversely impact upon the amenity of nearby residents or sites. Notwithstanding the landowner's dwelling to the north-west, the closest dwelling is approximately 670 metres to the east, located to the east of the Greenbushes Golf Club. No detrimental impacts upon the local environment, character of the locality or the social values are anticipated.</p> |
| <p>(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;</p>                                              | <p>No detrimental impacts upon the natural environment or water resources are anticipated, with all stormwater and wastewater to be appropriately controlled onsite.</p>                                                                                                                                                                                                                                                                                                 |
| <p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p>                                                                | <p>The development site is generally devoid of significant vegetation however given the temporary nature of the camp and nature of surrounding land, landscape screening is not considered necessary.</p>                                                                                                                                                                                                                                                                |
| <p>(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</p>                                             | <p>The land is subject only to a moderate to extreme risk of bush fire, with the Bushfire Management Plan demonstrating compliance with SPP 3.7 and associated Guidelines, see above. The land does not appear affected by other factors such as flooding, landslip, etc.</p>                                                                                                                                                                                            |
| <p>(r) the suitability of the land for the development taking into account the possible risk to human health or safety.</p>                                                                                                                                    | <p>No detrimental impacts upon human health or safety are anticipated.</p>                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>(s) the adequacy of:</p> <ul style="list-style-type: none"> <li>(i) the proposed means of access to and egress from the site, and</li> <li>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</li> </ul>                    | <p>The three proposed crossovers to Old Mill Road appear reasonably located, with detailed assessment to be made at the time of application. Sufficient onsite manoeuvring is to be provided for domestic vehicles and coaches.</p>                                                                                                                                                                                                                                      |
| <p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>                                                    | <p>The development site will generate a significant increase in traffic during the construction phase of the camp and ongoing use, however access via Old Mill Road, Greenbushes-Boyup Brook Road to South Western Highway is considered suitable, with the majority of workers to be transported to the mine site via coach.</p>                                                                                                                                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(u) the availability and adequacy for the development of the following:</p> <ul style="list-style-type: none"> <li>(i) public transport services;</li> <li>(ii) public utility services;</li> <li>(iii) storage, management and collection of waste;</li> <li>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</li> <li>(v) access by older people and people with a disability;</li> </ul> | <p>The majority of workers will be transported to and from the site via coach, including long regional travel to the camp site. Water, power and telecommunications infrastructure require significant upgrades to cater for the camp facility. Onsite facilities including for persons with a disability are to be provided, however access by older people is not considered necessary.</p> |
| <p>(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p>                                                                                                                                                                                                                                             | <p>Nil.</p>                                                                                                                                                                                                                                                                                                                                                                                   |

- Town Planning Scheme No. 4

### Part III - Zones

#### Clause 3.2.5 Zoning Table

In relation to a 'Use Not Listed', Clause 3.2.5 of TPS4 states that *"If the land use for a particular purpose is not specifically referred to in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes shown, Council may:*

- (i) *determine that the use is not consistent with the objectives and purposes of the particular zone, and is therefore not permitted; or*
- (ii) *determine by absolute majority that the proposed use is consistent with the objectives and purposes of the Zones and thereafter follow the 'SA' procedures of **Clause 5.2** in considering an application for Planning Consent."*

### Part IV – Objectives, Policies and Development Requirements

#### Clause 4.1 General Objectives and Policies

Clause 4.1 of TPS4 sets the General Objectives and Policies being *"Council's general objective is to ensure that the Scheme protects the District's present economic base, whilst allowing where appropriate, for development of more intensive forms of agriculture, for growth of the District's tourist potential, and for increased settlement within certain areas of the District.*

*Council's General Policies will therefore be to (inter alia):*

- (c) *provide for reasonable expansion of residential, industrial and associated uses based on the District's established settlement structure.*
- (d) *permit, subject to adequate control, uses which add to and facilitate the District's potential for Tourism and recreational use;*

- (e) *require development, under a Planning Consent procedure, to achieve and maintain satisfactory standards of amenity;*
- (f) *protect, wherever possible and consistent with the General Objective, the District's landscape and rural character."*

#### *Clause 4.3.2 Rural 2 Zone – General Agriculture*

*In regard to the 'Rural 2 – General Agriculture' zone Clause 4.3.2 states that "Council's objective, recognising that land within the Zone is by reason of its physical characteristics and location suited to the development of a wide range of uses appropriate to the growth of the District's economy and activity generally, will be to retain as far as possible, an agricultural base whilst assisting desirable changes in land use and activity through Planning Policies and Controls."*

*Furthermore, "Council's Policies will therefore be to:*

- (a) support and assist in studies of land use and management which may be desirable and appropriate;*
- (b) promote the introduction of new and/or improved agricultural practices;*
- (c) permit, subject to adequate location and controls, establishment or uses of a tourist or recreational nature, and where appropriate, additional residential settlement;*
- (d) consider the establishment of Special Rural Zones within the defined Policy Areas."*

Council in July 2017 resolved by Absolute Majority that the proposed 'Use Not Listed – Transient Workforce Accommodation' is consistent with the general and specific objectives of TPS4 and the 'Rural 2 – General Agriculture' zone and that development approval may be considered.

#### *Clause 4.6 Building Setbacks in Rural Zones*

Under Clause 4.6 buildings are to be setback 20 metres from 'Other' roads and boundaries, except that where in the opinion of Council, special circumstances exist, Council may permit relaxation of the above standards. The applicant has advised that the proposed camp buildings will be setback a minimum of 30 metres from Old Mill Road and 42 metres from the eastern boundary, to achieve appropriate bushfire separation and therefore consistency with TPS4 requirements.

#### *Clause 4.10 Amenity and Development*

Under Clause 4.10 of TPS4, *"Council's objective will be to ensure that the overall amenity of the district is retained and enhanced for the benefit of residents and in the interest of the District's tourist potential, and that the landscape values of the environment are maintained."*

The design, layout and siting of the proposed camp is considered reasonable and is not expected to adversely impact upon the amenity of nearby residents or sites. Notwithstanding the landowner's dwelling to the north-west, the closest dwelling is approximately 670 metres to the east, located to the east of the Greenbushes Golf Club. The club house itself is approximately 600 metres south of the proposed camp. The development is to retain the existing windbreak on the northern side of the camp, however no additional vegetation is considered necessary along the

frontage to Old Mill Road given the site is directly opposite the unused railway line and State Forest bushland.

### *Part V – Planning Consent*

#### *Clause 5.2 Advertising of Applications*

Pursuant to Clause 5.2.1 of TPS4, development approval cannot be granted for an application unless notice of the application is first given in accordance with the provisions applicable to an 'SA' Special Approval use. Pursuant to Clause 5.2.3 the Shire has already formally advertised the proposal however no submissions were received.

Council in July 2017 resolved by Absolute Majority that the proposed 'Use Not Listed – Transient Workforce Accommodation' is consistent with the general and specific objectives of TPS4 and the 'Rural 2 – General Agriculture' zone and that development approval may be considered.

Although the scale of the proposed workers camp is significant, given the proposed location at the southern end of the farm, and separation from other sensitive land uses, there is minimal impact expected upon surrounding properties, the local environment and the local road network.

It is therefore recommended that Council give final support to the proposal as a 'Use Not Listed', and grant delegated authority to the Chief Executive Officer to determine the application pending advice from DFES and endorsement of the BMP.

#### *Clause 5.3 Determination of Application*

Pursuant to Clause 5.3.2, Council having regard to any matter required by the Scheme, may either refuse to grant approval, or grant approval subject to conditions or nil conditions as Council thinks fit. Under Clause 5.3.3, where Council approves an application, a time limit may be imposed for which that consents remains valid.

The applicant has advised verbally that the camp is to be commenced by January 2018 at the latest and remain in place for 12 to 18 months, potentially up to mid-2019. Subject to project delays a further six months may be required up to late 2019. Overall approval for two years from the date of occupation is considered a reasonable maximum timeframe, with the workers camp to then be decommissioned within a three month timeframe.

It is recommended that Council give support for the proposal and grant delegated authority to the Chief Executive Officer to determine the application following feedback being received from DFES and endorsement of the BMP, and application of appropriate conditions including a maximum temporary time period for the development. It is also recommended that support be granted for undertaking preliminary earthworks with delegation granted to the Chief Executive Officer to issue approval subject to appropriate conditions.

## Policy

- State Planning Policy 3.7 Planning in Bushfire Prone Areas

As discussed above, a Bushfire Management Plan (BMP) has been prepared by consultants RUC demonstrating compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas. The proposed development is also compliant with the bushfire protection criteria of location, siting and design, vehicular access and water elements of the Guidelines for Planning in Bushfire Prone Areas.

Under s.5.5 of the Guidelines a ‘Vulnerable’ land use typically means a land use where persons may be less able to respond in a bushfire emergency, with one category defined as *“short stay accommodation or visitation uses that involved people who are unaware of their surroundings and who may require assistance or direction in the event of a bushfire, such as bed and breakfast, caravan park and camping ground, holiday house, holiday accommodation, home bushes, service (short stay) apartment, tourist development and worker’s accommodation.”* (author’s emphasis)

The occupiers of the proposed worker’s camp may be unfamiliar with the surroundings, and most will be without private vehicles, therefore needing assistance and transportation offsite in the event of a bushfire or other emergency.

- Shire’s Demountable Buildings Policy TP.16

As reported to Council in July 2017, under the Demountable Buildings Policy a ‘Demountable Building’ includes a skid mounted transportable unit, single men’s quarters, donga and light weight pre-fabricated buildings, as proposed for all accommodation and amenities buildings.

Under the Policy *“the relocation of demountable buildings often results in substandard buildings being produced and that they can be detrimental to the amenity of the area in which it is located. Buildings should only be permitted in locations which are not easily visible from adjoining property (including the road) and also from frequented vantage points of a reasonably visible distance without effective screening.”*

The Policy allows for the use of demountable buildings in the ‘Rural 2’ zone applicable to the land, where the Shire can ensure that the buildings are not visually intrusive on surrounding properties. The Policy allows for the Shire to consider whether adequate screening (ie. vegetation) exists to screen the development from adjacent properties, and whether the appearance is adequate.

Noting that the proposed buildings are simple in design, and notwithstanding the scale of development, the proposed development site does not directly front any other adjoining rural properties, and no detrimental impact upon local rural amenity is anticipated. Given the development is only to be in place for a two year maximum the planting of screen vegetation is not considered practical or necessary.

- Siting of Water Tanks Policy TP.21

Under the Relocation of Building Envelopes Policy, no intrusion into the setback area is permitted. This restriction will be relaxed, if justifiable circumstances exist, for the

siting of water tanks. The proposed tanks are to be adequately setback to comply with the minimum 20 metre setback.

#### Strategic Plan Implications

- Strategic Community Plan

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

The proposed worker’s camp will facilitate the Talison Lithium mine site expansion project, providing employment opportunities for local construction workers and support services and industries, then ongoing employment opportunities needed for the large mine workforce and supporting industries. The proposed camp is not expected to have any detrimental impacts upon the local environment or rural amenity. The proposed development has been advertised and no submissions were received.

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

#### Budget Implications

The required development application fee has been paid to consider the proposal.

Fiscal Equity – Not applicable

#### Whole of Life Accounting

A significant volume of traffic is anticipated during the construction and demobilisation of the camp, with moderate traffic volumes expected during the life of the site. The Shire will need to monitor the quality of the public road network and liaise with the proponents should any unreasonable damage be identified attributable to the development, and enforce repairs in a practicable manner.

#### Social Equity

The proposed development is not expected to create any social or amenity issues.

#### Ecological Equity

The proposed development is not expected to create any environmental issues.

#### Cultural Equity – Not applicable

#### Risk Management

Three new crossovers to the development site will be required from Old Mill Road, and each crossover will need to be located and constructed to the Shire's satisfaction in accordance with the Shire's Crossover Policy. Given the gentle topography, open sightlines and quality of the sealed roads fronting the development site and connection to South Western Highway, no additional traffic risks are anticipated.

The applicant has offered to provide slip lanes on Old Mill Road however given the expected modest traffic volumes these are not considered necessary at this time. The Shire will monitor the situation and liaise with the proponent to address any traffic issues that may arise.

#### Continuous Improvement – Not applicable

#### Delegated Authority

Council has previously resolved that the proposal is generally consistent with the objectives and policies of the applicable Rural 2 zone, and that development approval can be considered. It is recommended that delegated authority be granted by Council to the Chief Executive Officer to determine the application pending feedback from DFES and endorsement of the BMP, plus the approval of preliminary earthworks.

#### Voting Requirements – Simple Majority

#### **Council Decision Moved Cr Pratico, Seconded Cr Quinby**

##### **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.**

**Carried 7/0**

5.35pm – Cr Scallan returned to the Meeting

|                       |                                                       |                  |  |
|-----------------------|-------------------------------------------------------|------------------|--|
| <b>ITEM NO.</b>       | SpC.02/0917                                           | <b>FILE REF.</b> |  |
| <b>SUBJECT</b>        | Review of the Bridgetown Leisure Centre Business Plan |                  |  |
| <b>PROPONENT</b>      | Council                                               |                  |  |
| <b>OFFICER</b>        | Executive Manager Community Services                  |                  |  |
| <b>DATE OF REPORT</b> | September 2017                                        |                  |  |

Attachment 4 - Draft Bridgetown Leisure Centre Business Plan

*OFFICER RECOMMENDATION that Council adopts the Draft Bridgetown Leisure Centre Business Plan as per Attachment 4.*

Summary/Purpose

This recommendation seeks Council endorsement of the revised Bridgetown Leisure Centre (BLC) Business Plan. This plan will provide the information required for the officer to complete a Community Sport and Recreation Facilities Fund grant application (due date 30 September 2017).

Background

At the June 2016 meeting, Council resolved (C.06/1216) as follows:

- 1. Commence the process of investigating the suitability and cost of extending the current gym facilities of the Bridgetown Leisure Centre.*
- 2. Approves unbudgeted expenditure of \$8,000 to enable appointment of an architect to prepare a scope of works and concept plans for the possible extension of the gym at the Bridgetown Leisure Centre with this expenditure to be funded by the transfer of \$8,000 from the Strategic Projects Reserve.*
- 3. That upon completion of the concept planning phase consider in its next review of the Corporate Business Plan the prioritization and funding of proceeding to the detailed design phase of the project, including a review of the Bridgetown Leisure Centre Business Plan in order to fully cost the construction, fit out and operating costs of an enlarged gym facility.*

Workshops with Councillors during the intervening period have addressed:

- Identification of a preferred concept for the proposed gym expansion
- Finalization of the concept designs and preliminary cost assessment
- Appointment of the architect to develop the engineering and as constructed designs required to progress the construction tender process
- Consideration of Virtual Fitness health and fitness within the Centre
- Whole of lifecycle costings for the proposed gym expansion
- Assumptions informing the whole of lifecycle costings within the Draft Business Plan

#### Officer Comment

The Draft Business Plan focuses on 3 key areas as follows:

1. Capital improvements which focuses on the proposed gym expansion.
2. Service delivery improvements which includes the proposal to invest in Virtual Fitness as a primary way to delivery health and fitness programs.
3. Whole of lifecycle costings for the entire facility (based on the inclusion of points 1 and 2).

This review of the BLC Business Plan has been brought forward approximately 10 months due to Council's decision to expand the gym. The original review date of the Plan would have commenced in May 2018, concluding in June 2018 as this allowed for 2 years' worth of 'integrations impacts' to be assessed in the performance of the Centre. This shift in timeline primarily affects projections regarding income as there has not yet been a full year to assess the new management structure and changes in programs to determine the impact on income forecasts. The officer has reflected Council's direction with regard to the setting of high income targets as discussed at the Budget Adoption Council Meeting held on 17 August 2017 and the Councillor Workshop held on the 30 August 2017.

The Business Plan includes 10 year projected financials (whole of life cycle costings). These have been developed within a specific contextual framework based on industry studies (referenced by Parks & Leisure Australia WA and Fitness Australia: The Health & Fitness Industry Association 2015). These studies demonstrate that 10% of the Australian population is currently a gym member/user and statistics reflect regional center membership numbers are approximately 5% - 10% of the local population. This figure has been used in setting targets for membership sales and to indicate the successful operation of a gym is within a community.

These studies also indicate that once these target percentages are achieved a 'retention ceiling' has been met. That is, the percentage of population that can be converted to members is maximized - regardless of what else is done or offered. Once a 'retention ceiling' has been met, memberships and income will not increase substantially. Considering Bridgetown and Greenbushes population is 4,660 the range of membership increase potential is between 233 (5%) and 466 (10%).

The BLC 10 year projected financials (whole of life cycle costings) are based on the following assumptions

1. Unless specifically stated, all projected increases in income (fees and charges) and expenditure are based on 1% per annum population growth and in alignment with relevant percentages in Council's Long Term Financial Plan with the following exceptions:
  - Loan repayments included are as per the repayment schedule provided by the Western Australian Treasury Corporation.
  - Kidsport expenditure remains at \$15,000 for the duration of the grant funded program.
2. The population statistic for the Shire of Bridgetown-Greenbushes, as per the 2016 Community Census Profile is 4,660. In 2015/2016, gym memberships at the BLC fluctuated between 2% and 3% of this population statistic. Following the introduction of the 24 hour gym in 2016/2017 memberships increased to almost 5% of the population (231 gym members).
3. There will be a 10% increase in gym income in the 2017/2018 financial year based on historical data (2 years demonstrating 10% increase per annum) which will correlate with an increase in membership numbers to 256 members (5.5% of the population).
4. Gym *membership* numbers are projected to increase by 30% in the first 12 - 18 months following the proposed gym expansion. This correlates to an increase in membership numbers to 333 which is 7.15% of the population. This will result in a projected 17% increase in *income* in the correlating time frame (2018-2019).
5. Based on the existing annual gymnasium income growth recorded over a consecutive 2 year time frame (2015/2016 and 2016/2017 financial years) of approximately 10%. It is estimated this annual percentage will continue beyond the projected 17% increase at point 4 above (2019/2020 onwards).
6. Virtual Fitness Company 'Fitness on Demand' indicated that in an independent survey, centres with Virtual Fitness sold 49% more memberships than those without. This Business Plan demonstrates a more moderate forecast of approximately 20% increase in memberships (generating a 36% increase in membership income). The 36% increase in income equates to 20 Health & Fitness membership sales valued at approximately \$9,500 per annum in the first year after implementing Virtual Fitness and then sustaining these membership numbers through retention strategies.
7. That the Shire of Bridgetown-Greenbushes' will continue to fund the operating profit/loss of facility.
8. That the Shire of Bridgetown-Greenbushes' in operating the facility, will monitor income, expenditure, service delivery and explore potential new income streams in order to continue to improve the financial viability of service delivery;

9. That due to the depreciation value applied incorporated in the operating expenditure there are no allocations for equipment replacement except for the leased gym equipment.
10. That the State Government will not continue to provide \$30,000 per annum swimming pool operational subsidy beyond the 2017-2018 financial year.
11. That the State Government continues to provide \$15,000 per annum Kidsport funding.
12. That the lease of new gym equipment will incur annual CPI increase in alignment with Long Term Financial Plan assumptions that will apply at renewal of each lease term.
13. The supply charge per unit will increase following the expansion of the gym increasing consumption by approximately 25% and a total estimated cost of \$2880 per annum.
14. That the procurement of relevant food license to enable sales of food items such as hot chips at BLC café will generate a line item profit of \$2,860 per annum on café income.
15. That according to research findings there is a 'retention ceiling' to membership sales at gyms and recreation centers throughout Australia as referenced in Section 5.3. The national average for gym membership numbers is estimated at 5% - 10% of the community population and once this number is achieved the focus should then be on member retention with regard to performance targets as numbers will only increase in line with per population growth.

In preparing the whole of lifecycle costings based on these assumptions, the operating subsidy over the first 8 years gradually decreases each year and by Year 9 starts to move in the opposite direction, that is the operating subsidy for the shows a reduction of \$648 in Year 9 and \$2,883 in Year 10.

Once adopted, the Business Plan will inform the annual budget and will also form the basis of the application to the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund seeking one third of the construction costs for the proposed gym expansion.

Statutory Environment – Not applicable

Integrated Planning

Strategic Community Plan

- Objective 3.2.1 – Outdoor spaces, places and buildings are fit for purpose.
  - Strategy 3.2.1 Community spaces and buildings accommodate a wide range of interests and activities.
  - Strategy 3.2.6 Develop new facilities that provide for the identifiable needs of the community.

- Objective 4.2.1 – Encourage events, activities, programs and services relevant to and accessible for local youth
  - Strategy 4.2.1.7 – Implement a supervised gym/weights program for young people at the BLC

#### Corporate Business Plan

- Action 3.2.1.4 – Review car parking and traffic flow requirements at the BLC
- Action 3.2.6.1 – Expand the gym at the BLC

#### Long Term Financial Plan –Not Applicable

#### Asset Management Plans

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

#### Workforce Plan – not applicable

#### Other Integrated Planning

- Sport & Recreation Strategy Outcome 1.6 – Review car parking and traffic flow requirements at the Centre.
- Sport & Recreation Strategy Outcome 2.2 – Continue to support local clubs via Kidsport.
- Youth Plan Strategy P1; Action P2.3 – Implement a supervised gym/weights program for young people at the Centre

#### Budget Implications

The 2017/2018 annual budget demonstrates expenditure of \$190,000 with one third funding from Department Sport and Recreation as income towards this project.

#### Fiscal Equity – Not Applicable

#### Whole of Life Accounting

These principles are extensively addressed in the Officer Comment.

#### Social Equity

The recommendation achieves social equity principles as facility memberships is open to whole of community, without discrimination.

#### Ecological Equity – Not Applicable

#### Cultural Equity – Not Applicable

#### Risk Management

A risk assessment has been included within the Draft Business Plan. Two key risks facing Council in relation to this Business Plan are:

1. Department of Sport & Recreation (CSRFF) funding is not secured for the project. Council will need to revisit how the project will be funded should the grant application not be successful.

2. The non-reduction in operating subsidy contained within the Whole of Life Cost Analysis until Year 9 of the life of the Business Plan (based on the assumptions contained in the Plan as outlined in the Officer Comment).

In adopting the Business Plan Council is reflecting a commitment to fund an increasing subsidy for the next 8 years (based on the assumptions contained in the Plan as outlined in the Officer Comment).

Continuous Improvement – Not Applicable

The expansion of the gym will allow for continuous improvement by enhancing the existing facility to provide more space and equipment for gym members.

Voting Requirements – Simple Majority

**Council Decision** *Moved Cr Mackman, Seconded Cr Pratico*  
***SpC.02/0917 That Council adopts the Draft Bridgetown Leisure Centre Business Plan as per Attachment 4.***

***Carried 8/0***

**Closure**

*The President closed the Meeting 5.36pm*

**List of Attachments**

| Attachment | Item No.    | Details                                                |
|------------|-------------|--------------------------------------------------------|
| 1          | SpC.01/0917 | Location Plan                                          |
| 2          | SpC.01/0917 | Applicant's Submission (including updated site plan)   |
| 3          | SpC.01/0917 | Draft Bushfire Management Plan (excluding attachments) |
| 4          | SpC.02/0917 | Draft Bridgetown Leisure Centre Business Plan          |

|                                                         |                                                                                     |         |
|---------------------------------------------------------|-------------------------------------------------------------------------------------|---------|
| Minutes checked and authorised by<br>CEO, Mr T P Clynch |  | 15.9.17 |
|---------------------------------------------------------|-------------------------------------------------------------------------------------|---------|

**CERTIFICATION OF MINUTES**

As Presiding Member, I certify that the Minutes of the Special Council Meeting held 14 September 2017 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 28 September 2017.

.....28 September 2017