

Special Council Minutes Index – 6 April 2020

Subject	Page No
Acknowledgment of Country	2
Attendance, Apologies & Leave of Absence	2
Attendance of Gallery	2
Public Question Time	3
Petitions/Deputations/Presentations	5
Comments on Agenda Items by Parties with an Interest	5
Notification of Disclosures of Interest	5
Business Items	6
SpC.01/0420 COVID-19 Community Response Plan and 2020/21 Budget Framework.....	6
SpC.02/0420 Request for Variation of Conditions – Transient Workers Accommodation.....	16
Matters Behind Closed Doors	21
Closure	21
List of Attachments	22

Minutes of a Special Council Meeting of the Shire of Bridgetown-Greenbushes held at **5.30pm on Monday 6 April 2020**. In response to COVID-19 social distancing requirements, the Special Council Meeting was attended remotely (electronically) by Councillors and Shire staff.

The purpose of the meeting was to:

1. Consider the adoption of a COVID-19 Community Response Plan including the establishment of a framework for the 2020/21 budget.
2. Consider necessary changes to current Council policies and delegations to facilitate effective response and support to the community and ensure organisational capability.
3. Considers a request from Talison Lithium Pty Ltd for a temporary lifting of occupancy restrictions at its workers accommodation camp site on Old Mill Road, North Greenbushes.

Prior to commencement of this, electronic attendee connections were tested and confirmed.

The Presiding Member opened the Meeting at 5.37pm

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 J Nicholas
Councillors	- J Bookless
	- J Boyle
	- B Johnson
	- J Moore
	- J Mountford
	- A Pratico
	- P Quinby
	- A Wilson
In Attendance	- T Clynch, Chief Executive Officer
	- M Larkworthy, Executive Manager Corporate Services
	- E Denniss, Executive Manager Community Services
	- G Arlandoo, Executive Manager Development & Infrastructure
	- D Wilson, Corporate Services Coordinator

Attendance of Gallery – Nil (note due to meeting being held electronically no members of the public were able to attend).

Public Question Time

Note: Members of the public were unable to attend the meeting in-person. However members of the public were able to submit public questions for the Special Council Meeting, such questions must relate to the items on the Agenda.

Public questions were to be submitted by email to btnshire@bridgetown.wa.gov.au before 4pm on Monday 6 April 2020. Two members of the public submitted questions – details below.

The CEO read out the following questions and responses:

Mr B Bebbington

- 1) In relation to the statement about the shortage of rental accommodation in the shire. What is the average rental in the shire and has it increased disproportionately to the rest of the South West of WA in the last month and 12 months?

Response – those statistics are not known.

- 2) What is the average number or rentable dwellings available in the shire over the last five years and has this changed in recent weeks, warranting urgent action?

Response – unknown.

- 3) The schemes refer to Holiday accommodation as including motels, caravan parks, but provides a different interpretation at the end of the document. Specifically to what types of accommodation does the shire intend the modified policy will apply to?

Response – the definition of holiday accommodation is “buildings constructed in accordance with council policy and used for the short term accommodation of tourists and holiday makers and includes convention centres , halls and other buildings but does not include a hotel or motel. Under council’s holiday accommodation policy only two forms of accommodation are listed – cabins or chalets.

- 4) What conditions would be placed on any holiday accommodation, as to the length of the lease permissible?

Response – this would be determined based on a specific application. Currently the policy allows Council to approve applications for occupation of holiday accommodation (as per the response to the previous question this applies to cabins or chalets only) for an aggregate period of more than 3 months in any consecutive 12 months. The officer recommendation tonight is to amend that policy to allow such applications to be dealt with under delegated authority instead of having to be presented to Council.

- 5) As holiday accommodation is permitted to allow a person to stay for up to 3 months aggregate, where is the urgency in relaxing this requirement without going to a normal council meeting?

Response – the purpose of the meeting is for Council to determine its response to COVID-19 including how it can assist businesses affected. There is a need for Council to act decisively noting that further initiatives can be considered at future council meetings as and when they arise.

- 6) The Premier's letter to the President of WALGA asked for a 'unilateral freeze on all local government household rates' (17 March 2020 as per attachment 1). This does not seek a freeze on non household rates. Why is the shire foregoing the proposed increase for mining rating (total rates 19/20 of \$81,549) when the rise would generate an additional \$3343 in rate revenue and still be consistent with the Premier's request? In particular I refer to the budget comments in relation to the need to recover costs to the shire from the mining sector.

Response – impacts are likely to be felt across the community and business will be particularly affected. The officer recommendation is for the zero rate increase for 2020/21 (as contained in the draft Community Response Plan) to be across all rating categories. Council however could elect to amend that proposal and only provide it to specific rating categories.

Mr J Bingham

Under current arrangements the Exchange Hotel in Greenbushes has been providing accommodation in the past for persons involved in various aspects of work activities at the Talison Lithium Mine.

The Exchange Hotel employs local people in all areas of the industry, be it cooks, kitchen hands, wait staff, housemaids, laundry staff and bar staff.

The Exchange Hotel has 25 individual en-suited units.

As a result of the COVID-19 issue some staff have had to be laid off. However the hotel can still provide accommodation; meals delivered to rooms; take away alcohol and take away food thus allowing some locally based staff members to maintain employment in these difficult times.

Why would the Shire not be encouraging Talison to support local businesses and local jobs?

Response

The approach from Talison Lithium Pty Ltd ("Talison") was for them to be allowed to accommodate at the camp site during the duration of the COVID-19 prohibition on regional travel directions the following types of persons that aren't normally allowed to use the camp:

- *Employees that reside outside the south west region; and*
- *Contractors not specifically engaged for work on the expansion project (interpreted to mean contractors engaged on operational matters outside of the expansion project).*

In support of its application Talison advises that a number of its contractors utilising hotel and motel accommodation have not been provided meals due to kitchen and restaurant closures.

Talison wishes to temporarily use the transient workers camp for accommodation of these persons. A risk plan for the camp has been prepared and sets strict conditions of occupancy and stringent cleaning protocols so that the safety of all persons at the camp and on the mine site can be enhanced during the COVID-19 period. The cleaning protocols include multiple cleaning schedules, room rotation and staggered meal times.

Talison is of the view that private accommodation providers would be unable to apply the same stringent cleaning and risk management arrangements.

Talison has a long history of supporting local businesses. It is also working with the Shire to ensure that its workforce is locally based rather than it ending up as a “drive in – drive out” workforce. This is the fundamental reason behind the Shire’s growth strategy which seeks to maximise the opportunities provided by the mine’s recent and projected expansion including the creation of local jobs and local economic activity.

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 Johnson
Type of Interest	Financial
Item No.	SpC.02/0420 – Request for Variation of Conditions – Transient Workers Accommodation
Nature of Interest	I am employed by the owner of the Exchange Hotel, Greenbushes, and this establishment currently accommodates Talison personnel

Business Items

Prior to debate on Item Spc.01/0420 commencing the CEO advised of an error in the table contained in the agenda report (listing proposed “initiatives”) and Attachment 4 – being that the wording for Initiative No. 10 should read “Refund of 2019/20 alfresco dining fees from 1 April 2020 to 30 June 2020”. This wording will be corrected in the Minutes.

ITEM NO.	SpC.01/0420	FILE REF.	806.1
SUBJECT	COVID-19 Community Response Plan and 2020/21 Budget Framework		
PROPONENT	Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	3 April 2020		

Attachment 1	Correspondence from Premier of Western Australian to WALGA President
Attachment 2	Minutes of a Special Meeting of WALGA State Council held 27 March 2020
Attachment 3	Correspondence from Minister for Local Government; Heritage; Culture & the Arts
Attachment 4	Draft Community Response Plan and 2020/21 Budget Framework

OFFICER RECOMMENDATION

1. That Council formally acknowledges the impacts both economically and socially that COVID-19 is having on its community.
2. That Council endorses the Community Response Plan and 2020/21 Budget Framework document as shown in Attachment 4.
3. That the CEO presents a draft COVID-19 Financial Hardship Policy to the April 2020 ordinary meeting of Council.
4. That Council amends Policy F.6 – Purchasing to recognise an increase of the tender threshold to \$250,000 pending gazettal of proposed amendments to the Local Government (Functions and General) Regulations.
5. That Council amends Delegation F.5 – Tenders for Providing Goods & Services and Delegation F.9 – Acceptance of Tenders by changing the tender threshold of \$150,000 to \$250,000 (pending gazettal of proposed amendments to the Local Government (Functions and General) Regulations).
[Absolute Majority required]
6. That Council amends Part 10 of Policy P.2 – Holiday Accommodation by changing the word “Council” to “local government” so that under existing delegated authority the CEO can determine applications under this part of the policy.

7. *That Council suspends until 31 December 2020 activation of Policy F.11 – Collection of Outstanding Rates and Policy A.22 – Accrual of Annual Leave.*
8. *That in its imminent review of its Long Term Financial Plan and Corporate Business Plan Council consider bringing forward capital projects that drive economic stimulus, job creation and community benefit.*

Summary/Purpose

The coronavirus COVID-19 pandemic has escalated world-wide over the last few weeks and has resulted in considerable and serious economic and social impacts on communities. The serious impact this pandemic is having on the whole community is recognised and a Community Response Plan has been developed in response to the current situation and for the period up until 30 June 2021 at least as even once the COVID-19 pandemic is resolved there will remain a considerable period where economic and community recovery will be vital.

Background

The Western Australian Government is urging the local government sector to respond to COVID-19. On 17 March 2020 the Premier wrote to the WALGA President requesting that all Local Governments freeze rates, fees and charges, in order to provide much needed financial support to households and businesses during the COVID-19 crisis (refer Attachment 1).

The WALGA President replied to the Premier on 23 March 2020 and informed him that:

- The Local Government sector is acutely aware of the added financial pressure and uncertainty facing households, small businesses and the self-employed as a result of COVID-19.
- In order to realise a net zero rates, fees and charges increase, the sector needs support from the State Government in relation to a range of financial, regulatory and governance considerations.

On 24 March 2020, a State and Local Government Partnership Agreement meeting was held. At this meeting, the Premier informed attendees that the COVID-19 situation had escalated, with expectations that the economic impact would be without precedent. The Premier urged the sector to consider the immediate implementation of any initiatives that would provide relief and economic stimulus for local economies, including the provision of financial support and relief to households and businesses.

WALGA State Council met on 27 March 2020 to discuss the local government sector's response to the COVID-19 Pandemic (refer Attachment 2 for minutes). State Council resolved:

That WALGA:

1. *Notes the significant contribution of Local Governments in supporting their communities through the COVID-19 pandemic from a financial, economic, community and social perspective.*

2. *Requests each Local Government give consideration to the following suite of actions, for Local Governments with the capacity to do so, to provide a coordinated and consistent response to the COVID-19 pandemic:*
 - a. *Consider not increasing rates for the 2020-21 financial year.*
 - b. *Adoption of the WALGA template rates hardship policy by Local Governments that do not currently have a policy.*
 - c. *Consider rate relief options to support small businesses affected by the COVID-19 pandemic.*
 - d. *Review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic.*
 - e. *Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing.*
 - f. *Prioritise Local Government spending with businesses and contractors located within the Local Government.*
 - g. *Implement business friendly payment terms to support business cash flow.*
 - h. *Consider supporting Community sporting and cultural groups by either establishing grant programs or waiving fees and charges.*
 - i. *Redeploy staff affected by facility closures to tasks that support the community.*
3. *Notes the State Government is urgently drafting legislative and regulatory amendments to support the actions outlined in point 2 above.*
4. *Notes the advocacy for the following:*
 - a. *An increase in Local Government borrowing capacity beyond current Western Australian Treasury Corporation borrowing limits.*
 - b. *Suspension of the Western Australian Treasury Corporation's borrowing guarantee charge of 0.7 percent on top of the loan interest rate for the 2020-2021 financial year.*
 - c. *No increase to street lighting and utility tariffs in 2020-2021.*
 - d. *Deferral of revaluations for the 2020-2021 financial year.*
 - e. *Request the Office of the Auditor General to cease performance audits for the 2020-2021 financial year*
 - f. *Freezing of the waste levy for the 2020-2021 financial year*

On 31 March 2020 the Minister for Local Government; Heritage; Culture & the Arts wrote to all Local Governments advising of the critical role the sector has in responding to COVID-19, particularly in community recovery (refer Attachment 3). The Minister is encouraging local governments to look at their capacity, be innovative and step up and demonstrate an understanding of the challenges that households are facing in all communities.

Officer Comment

The response to the COVID-19 pandemic is placing unprecedented financial uncertainty on Government, businesses, not-for-profit organisations and wider community. It is increasingly likely that restrictions may increase and will impact for a number of months. Emergency situations provide unique opportunities for Council to demonstrate community leadership.

The general function of a local government is to provide for the good government of persons in its district. As always, but critically in the current pandemic, the Council needs to balance its financial sustainability against the needs and wants of individuals, not-for-profits and businesses within its community.

The purpose of this report is to:

1. To consider a Community Response Plan that incorporates key actions and initiatives for the provision of support to residents, businesses and community groups. This Plan will also determine the framework of Council's 2020/21 budget with respect to rating, fees and charges and other own source revenue;
2. To identify temporary changes to or suspension of Council policies for the purpose of assisting community (including business) recovery;
3. To review existing delegations to the CEO that can facilitate timely decision-making; and
4. Consideration of other relevant matters

These matters are further discussed below and inform the relevant parts of the officer recommendation.

COVID-19 Community Response Plan and 2020/21 Budget Framework

A number of initiatives can be implemented for both the balance of 2019/20 and part/all of 2020/21 dependent upon how long it will take until the COVID-19 pandemic comes under control and community recovery is well established. For the purpose of this report it has been assumed that many of the current restrictions for use of facilities and public gatherings will have eased by 1 October 2020.

A draft 'COVID-19 Community Response Plan and 2020/21 Budget Framework' has been prepared – refer Attachment 4. Set out below is an extract from the Plan detailing the proposed initiatives. Contained in the Plan itself (refer Attachment 4) is an estimate of the costs (typically foregone revenue) to deliver each initiative.

	Initiative
1.	Zero rate increases for 2020/21. Note this doesn't factor in changes to GRV values occurring due to development of land. Also there is a UV revaluation scheduled and if this proceeds it could affect a change in rates for individual properties even if the rate in the dollar set by Council remains unchanged from 219/20. Note under the Long Term Financial Plan implementing a zero rate increase for 2020/21 will forego a forecast 4.1% rates increase.
2.	Waive all penalty interest for late payment of current rates arrears from 1 April 2020 to 30 June 2020.
3.	Encourage flexible payment plans for current rates arrears and future 2020/21 rates subject to such plan showing rates paid in full by 30 June 2021. No administration fees to be applied for duration of payment plans entered into from 1 April 2020 to 31 December 2020.
4.	Reduce penalty interest charge for late payment of 2020/21 rates from 11% to 5.5%, subject to the ratepayer entering into an approved payment plan for full payment of rates by 30 June 2021. Note if no payment plan is entered into by 31 December 2020 then interest of 11% is to apply.
5.	No administration fees and reduce interest from 5.55 to 2.75% on the statutory 4 rate instalment option for payment of 2020/21 rates
6.	Where approved rates payment plans don't provide for full payment of outstanding rates by 30 June 2021 11% interest will be applicable from 1 July 2021.

7.	Consider adoption of a COVID-19 Financial Hardship Policy. The objectives of the draft policy are to be: <ul style="list-style-type: none"> To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Bridgetown-Greenbushes recognises that these challenges will result in financial hardship for our ratepayers. To ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.
8.	Suspend debt recovery for unpaid rates not on instalments or approved payment plans until 31.12.20. Note this doesn't mean a write off of debt.
9.	Zero increase to fees and charges for 2020/21.
10.	Refund of 2019/20 alfresco dining fees from 1 April 2020 to 30 June 2020.
11.	Waiving of 2020/21 alfresco dining fees.
12.	Refund of annual health food premises registration and surveillance fees for 2019/20 (note doesn't include event stallholders).
13.	Waiving of annual health food premises registration and surveillance fees for 2020/21 (note doesn't include event stallholders).
14.	Waiving of visitor centre administration fee for cancelled accommodation bookings.
15.	Refund of 50% of 2019/20 temporary caravan park (linked to events) licence fees as 2 of the 4 special events linked to this licence were cancelled due to COVID-19.
16.	Waive lease fee for Leisure Centre health & fitness room from 1 April 2020 with assumption that use of fitness room will be able to recommence 1 October 2020.
17.	Extend existing Leisure Centre membership periods by the period of time the facility is unable to be accessed.
18.	Discount 2020/21 Visitor Centre Membership Fees by 50%.
19.	Waiving of fees for extension of planning approvals and building permits until 30 June 2021 in acknowledgement that construction times will likely be drawn out.
20.	Refund of unused fees/charges for sporting clubs (assumes no football or soccer in 2020/21 but cricket and harness racing will proceed).
21.	Where community grants, service agreements or other donations have been earmarked in 2019/20 budget for delivery of events subsequently cancelled due to COVID-19 the grant recipients are able to claim for cash expenses incurred in planning for the event up to the amount of the grant.

Temporary Changes to or Suspension of Council Policies for the Purpose of Assisting Community (Including Business) Recovery

- Policy F.6 – Purchasing
The Department of Local Government, Sport and Cultural Industries advises it is working on a range of regulatory amendments to facilitate Council business during the COVID-19 pandemic. One of these amendments is to the Local Government (Functions and General) Regulations where it is proposed to raise the tender threshold to \$250,000; introduce a new tender exemption for purchases required during a state of emergency declaration; and permit the extension or renewal of existing contracts which are due to expire (at the Local Government's discretion). The Department believes that these amendments will permit a wider range of procurement activities to be

conducted under Purchasing Policies and assist local governments in their response and recovery activities.

Currently Policy F.6 recognises the current tender threshold of \$150,000. It is recommended that Council amend Policy F.6 conditional on the regulatory amendments being gazetted. Under this wording of the officer recommendation if the gazettal doesn't occur the policy modification wouldn't apply.

- **Policy F.11 – Collection of Outstanding Rates**
The policy contains guidelines to ensure rates and/or service charges owing to the Shire of Bridgetown-Greenbushes are collected in a consistent and timely manner. With the earlier recommendation to suspend debt recovery for unpaid rates until 1 July 2020 it is recommended that Council temporarily suspend activation of this policy until that date.
- **Policy A.22 – Accrual of Annual Leave**
The policy currently allows staff to accrue up to 8 weeks annual leave at any given time. It is recommendation that Council temporarily suspend this policy until 31 December 2020 so that the CEO can direct staff members to take leave (in accordance with applicable employment award) where deemed necessary. Directing staff to take leave in the event of a reduction in work tasks (such as temporary closure of a Shire service or facility) may be necessary to achieve budget targets.
- **Policy P.2 – Holiday Accommodation**
Part 10 (maximum length of occupancy) of this Policy states:

Except with the prior approval in writing of the Council:

- (a) *A person shall not occupy a unit of holiday accommodation, or more than one unit in the same approved development; and*
- (b) *The proprietor shall not permit any one unit, or units of holiday accommodation to be occupied by the same person;*

for an aggregate period of more than three months in any consecutive twelve months.

Recent discussion with local real estate agents indicates there exists a shortage of rental accommodation. The local tourist accommodation industry has been decimated by the almost total loss of tourists due to COVID-19 restrictions. A temporary measure to assist both of these problems would be to encourage use of vacant chalets and other forms of holiday accommodation for semi-permanent residential occupation. Currently the policy states that the approval of "Council" is required for occupation of a unit of holiday accommodation by a person for an aggregate period of three months or more in a 12 months period. It is recommended that Council amend Part 10 of this policy by changing "council" to "local government" that will allow the CEO under an existing delegation to determine such applications.

Review Existing Delegations to the CEO that can Facilitate Timely Decision-Making

- F.5 - Tenders for Providing Goods & Services and F.9 – Acceptance of Tenders
Subject to proposed amendments to the Local Government (Functions and General) Regulations being finalized these delegations are to be amended to substitute the tender threshold of \$150,000 with \$250,000. If the regulatory amendment is only to be applicable temporarily (such as for the COVID-19 pandemic and specified recovery period or for a declared State of Emergency) then the wording of the delegations is to reflect that limitation.

Consider other relevant matters

- Budget Timetable
The initiatives listed in the Community Response Plan and 2020/21 Budget Framework will have a significant impact upon the development of Council's budget. This may trigger a later budget adoption date. A budget timetable will be developed and presented to councillors.
- Long Term Financial Plan (LTFP)
The LTFP guides the development of the annual budget. Currently the parameters of the 2020/21 budget are set by the LTFP with a rate increase of 2.5% + CPI (total 4.1%). The 0% rates and fees/charges increases proposed earlier will have a significant impact on revenue collection and will require a commensurate review of expenditure, particularly operating expenditure. Executive had already commenced the annual review of the LTFP prior to presentation to Council but there is a need to go back and revisit the LTFP in light of decisions made at this special meeting.
- Capital Works Plans
Various capital works plans (i.e. 10 year roads program, 5 year building capital works plan, plant replacement plan, fleet replacement plan) are contained within the LTFP. All of these have already been presented to councillors at recent Concept Forums for informing of the LTFP. It is proposed to revisit these various capital works plans for 2020/21 taking into account our objective of keeping all our permanent staff employed as well as providing local economic stimulus.
- Corporate Business Plan
The LTFP identifies the amount of funds for discretionary projects or initiatives. With the reduction of revenue (both for balance of 2019/20 and in 2020/21) the amount of expenditure for discretionary projects or initiatives will be less. It was intended to present a review of the Corporate Business Plan to Council in May 2020 but due to the above this is now expected to occur in June.
- Strategic Community Plan
A comprehensive review of the Strategic Community Plan is scheduled for 2020/21. The timing of community engagement for this review will likely be affected by the timeliness of the COVID-19 pandemic and the community recovery process. A report on this matter will be presented to Council by June 2020.

- Talison Lithium Workers Camp
On 2 April 2020 the following request was received from Talison Lithium Pty Ltd:

Talison Lithium Pty Ltd (Talison) is seeking an amendment to the existing arrangement to relax the need for only “construction workers” to occupy the camp during this declared ‘State of Emergency’ which came into effect on 16th March 2020 in respect of the pandemic caused by COVID -19.

Talison requests permission to use the facility to house employees and contractors during this crisis period until the situation improves and the ‘State of Emergency’ is rescinded.

It has become increasingly challenging to find suitable accommodation in the region pursuant to the recent amendments to the Emergency Management Act 2005 (WA), Section 67, which has declared a ‘Prohibition on Regional Travel Directions’ which came into operation at 11:59 pm on 31st March 2020.

Relaxing this requirement for only ‘construction workers’ to occupy the camp will assist Talison to continue functioning as an “Essential Service” in this time of national crisis.

A separate report (agenda item) has been prepared to address this request – refer Item SpC.02/0420.

Statutory Environment

Local Government Act 1995 and associated regulations

Integrated Planning

➤ Strategic Community Plan

Key Goal 1 – our economy will be strong, diverse and resilient

Objective 1.1 – A diverse economy that provides a range of business and employment opportunities

Strategy 1.1. – encourage long term growth in the district in order to retain and enhance services

Strategy 1.1.2 – develop and implement strategic plans and actions that attract economic development

Objective 1.2 – a proactive approach to business development

Strategy 1.2.2 – design and implement business retention strategies and initiatives for support of existing and potential new businesses

Strategy 1.2.3 – communicate and engage with the business community

Key Goal 5 – our leadership will be visionary, collaborative and accountable

Objective 5.1 – our community actively participates in civic life

Strategy 5.1.3 – monitor, maintain and enhance the way we communicate with the community

Strategy 5.1.4 – people receive Shire information, services and opportunities according to their needs

Objective 5.2 – we maintain high standards of governance, accountability and transparency

Strategy 5.2.1 – councillors provide strong and ethical leadership

Strategy 5.2.3 – ensure organisational capability

Strategy 5.2.4 – maintain a strong customer focus

Strategy 5.2.6 – ensure the financial sustainability of the organisation

Strategy 5.2.7 – Council’s policies and local laws are responsive to community needs

Strategy 5.2.8 – ensure all legislative responsibilities and requirements are met

- Corporate Business Plan - refer comments earlier in this report
- Long Term Financial Plan – refer comments earlier in this report
- Asset Management Plans - Nil
- Workforce Plan
At this point in time there aren’t specific implications for the Workforce Plan. If necessary a review of the Plan can occur if significant long-term impact on operations occurs
- Other Integrated Planning - Nil

Policy Implications

As detailed in the body of the report.

Budget Implications

There has been an immediate impact on the current budget as revenue streams are already affected, mainly brought about by closure of facilities, a reduction in rate receipts and a slowdown in development/building applications. Up to the end of the financial year the executive will closely monitor expenditure, particularly discretionary expenditure, to ensure that the end of year position is manageable.

The initiatives contained in the Community Response Plan will have significant impact upon the development of the 2020/21 budget (guided by an updated Long Term Financial Plan).

The following advice has been conveyed to the sector by WALGA:

In planning for the 2020/2021 budget, Local Governments will be faced with a large proportion of their community that remain subject to pandemic control restrictions and as a result, are unemployed or substantially under employed. Forecasts indicate there will be widespread economic hardship for families and businesses extending over at least an 18-month horizon.

The economic impacts of Covid-19 will require Local Governments to review and reprioritise Strategic Community Plan objectives and reprioritise and rationalise budget allocations now in the current budget to ensure essential services are available to respond to the emergency, and there will be budget and strategic priority implications for several years to come in order to reduce the economic burden and support our communities in the recovery phase.

Reserve Accounts may be required to be repurposed and drawn down from to ensure Local Governments are able to meet the challenges of responding to Covid-19 and in leading recovery for the community and local businesses.

Whole of Life Accounting - Nil

Risk Management

Business continuity planning is occurring across the Shire. Risk assessments are being conducted across the range of services and facilities taking into account directions from Commonwealth and State Governments.

Voting Requirements – as detailed within the officer recommendation

**Council Decision Moved Cr Boyle, Seconded Cr Pratico
SpC.01/0420 That Council invokes clause 18.1 of the Standing Orders to allow for informal discussion at 5.57pm. Carried 9/0**

**Council Decision Moved Cr Pratico, Seconded Cr Moore
SpC.01/0420a That application of clause 18.1 of the Standing Orders cease at 6.23pm. Carried 9/0**

**Council Decision Moved Cr Pratico, Seconded Cr Moore
SpC.01/0420b**

- 1. That Council formally acknowledges the impacts both economically and socially that COVID-19 is having on its community.**
- 2. That Council endorses the Community Response Plan and 2020/21 Budget Framework document as shown in Attachment 4.**
- 3. That the CEO presents a draft COVID-19 Financial Hardship Policy to the April 2020 ordinary meeting of Council.**
- 4. That Council amends Policy F.6 – Purchasing to recognise an increase of the tender threshold to \$250,000 pending gazettal of proposed amendments to the Local Government (Functions and General) Regulations.**
- 5. That Council amends Delegation F.5 – Tenders for Providing Goods & Services and Delegation F.9 – Acceptance of Tenders by changing the tender threshold of \$150,000 to \$250,000 (pending gazettal of proposed amendments to the Local Government (Functions and General) Regulations). [Absolute Majority required]**
- 6. That Council amends Part 10 of Policy P.2 – Holiday Accommodation by changing the word “Council” to “local government” so that under existing delegated authority the CEO can determine applications under this part of the policy.**

7. That Council suspends until 31 December 2020 activation of Policy F.11 – Collection of Outstanding Rates and Policy A.22 – Accrual of Annual Leave.

8. That in its imminent review of its Long Term Financial Plan and Corporate Business Plan Council consider bringing forward capital projects that drive economic stimulus, job creation and community benefit.

Absolute Majority 9/0

Cr Johnson declared a financial interest in Item SpC.02/0420 as she is employed by the owner of the Exchange Hotel, Greenbushes, and this establishment currently accommodates Talison personnel.
Cr Johnson vacated the meeting at 6.25pm.

ITEM NO.	SpC.02/0420	FILE REF.	A34225
SUBJECT	Request for Variation of Conditions - Transient Workers Accommodation		
PROPONENT	Talison Lithium Australia Pty Ltd		
LANDOWNER	Peter McKay		
LOCATION	Lot 3 (RSN 103) Old Mill Road, North Greenbushes		
OFFICER	Manager Planning		
DATE OF REPORT	2 April 2020		

OFFICER RECOMMENDATION

Council approves a temporary variation to the conditions applicable for the transient workers accommodation at Lot 3 (RSN 103) Old Mill Road, North Greenbushes, to allow the accommodation of Talison's operational staff. This variation is to apply for the duration of the 'Prohibition on Regional Travel Directions' in Western Australia and one month following the cessation of those directions.

Summary/Purpose

To seek Council's urgent support to also allow Talison Lithium operational staff including employees and contractors working at the Greenbushes mine to be accommodated at the transient workers accommodation camp site at Lot 3 (RSN 103) Old Mill Road, North Greenbushes, due to and during the recently declared 'Prohibition on Regional Travel Directions' in Western Australia.

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.”*

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.”

Stage One Occupancy was 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 was therefore scheduled to end on 22 January 2020.

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 above resolution is key to the issue now presented to Council, discussed further below.

The Resolve Group Pty Ltd in January 2019 then sought Council support to extend the temporary occupancy for another two years up to 22 January 2022, for additional or relocation of buildings, expanded parking area slightly expanded camp area for a generator site. Council at the Ordinary Meeting held on 28 March 2019 resolved:

*“C.08/0319 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, subject to the following condition:
a) That an approximate 3m bund wall be built along the northern and eastern sides of the proposed generator site.”*

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

Officer Comments

Noting the original approval supported by Council in September 2017 restricted occupation to construction workers, and the clarification as resolved by Council in August 2018, the camp can currently be occupied by all employees and contractors involved in the overall expansion projects at the Greenbushes mine.

In response to the COVID-19 Pandemic crisis and State of Emergency across Australia, interstate travel restrictions plus intrastate travel restrictions pursuant to the Prohibition on Regional Travel Directions issued by the WA Police Commissioner on 31 March 2020, Talison Lithium as the operator of both the mine and now the workers camp, has requested urgent approval to house operational employees and contractors at the camp. Talison Lithium contends that relaxing the occupancy restrictions will assist them to continue mining functions as an “Essential Service” in this time of national crisis.

Shire staff understand that a significant cohort of Talison Lithium Australia Pty Ltd staff live within the South West Region and therefore may not be affected by the current regional travel restrictions. Some operational staff travel from other regions and likely from Interstate. Shire staff are also mindful of potential self-isolation protocols and social distancing guidelines, that may inhibit normal travel to and from work by local and non locally based staff.

The camp can accommodate up to 250 persons and can provide a significant level of accommodation for operation and mine expansion workers. Should Council support the proposed occupation by operational staff, it is recommended that cease within one month of the cessation of the Prohibition on Regional Travel Directions, to allow for roster changes and travel arrangements.

In conclusion, noting previous approvals from Council including broader interpretation to allow accommodation of any staff involved in mine expansion projects at the camp, it is now recommended that Council grant support for the temporary use of the camp to accommodate any operational staff during State of Emergency and Prohibition of Restricted Travel Directions period as a result of the COVID-19 Pandemic.

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 previously been submitted demonstrating that the current site is compliant with SPP 3.7 and the bushfire protection criteria contained in Appendix Four of the Guidelines.

Strategic Plan Implications

- Strategic Community Plan 2019

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*

Allowing occupation in the camp by all staff and contractors will provide necessary flexibility for Talison Lithium operations and 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

No fee has been charged for consideration of this matter.

Whole of Life Accounting – 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.

Voting Requirements – Simple Majority

Moved Cr Wilson, Seconded Cr Moore

Council approves a temporary variation to the conditions applicable for the transient workers accommodation at Lot 3 (RSN 103) Old Mill Road, North Greenbushes, to allow the accommodation of Talison's operational staff. This variation is to apply for the duration of the 'Prohibition on Regional Travel Directions' in Western Australia and one month following the cessation of those directions.

6.37pm – Cr Pratico vacated the meeting

6.39pm – Cr Bookless vacated the meeting

Amendment Moved Cr Nicholas, Seconded Cr Moore

That Council defers consideration of this item pending further information, being:

1. Information from Talison Lithium on how many employees, contractors and/or consultants that currently don't meet eligibility requirements for the work camp are envisaged to be accommodated;
2. Information from Talison Lithium on where are these persons currently accommodated;
3. Information from Talison Lithium on why the regional boundaries travel prohibition is the trigger for its request;
4. Information from Talison Lithium on why it believes that hotels, motels or other accommodation cannot meet the requirements for accommodating these persons; and
5. Information to be obtained from local hotels, motels and other accommodation providers on whether they can accommodate the Talison employees, contractors and/or consultants.

Carried 5/1

Cr Wilson voted against the Amendment

6.41pm – Cr Bookless returned to the meeting

6.45pm - Cr Pratico returned to the meeting

The Amended Motion becomes the Substantive Motion – The Motion was Put Council Decision Moved Cr Wilson, Seconded Cr Moore

SpC.02/0420 That Council defers consideration of this item pending further information, being:

1. **Information from Talison Lithium on how many employees, contractors and/or consultants that currently don't meet eligibility requirements for the work camp are envisaged to be accommodated;**
2. **Information from Talison Lithium on where are these persons currently accommodated;**
3. **Information from Talison Lithium on why the regional boundaries travel prohibition is the trigger for its request;**
4. **Information from Talison Lithium on why it believes that hotels, motels or other accommodation cannot meet the requirements for accommodating these persons; and**
5. **Information to be obtained from local hotels, motels and other accommodation providers on whether they can accommodate the Talison employees, contractors and/or consultants.**

Carried 6/2

Crs Pratico and Wilson voted against the Motion

6.50pm – Cr Johnson returned to the meeting


Matters Behind Closed Doors (Confidential Items) - Nil

Closure

The Presiding Member closed the Meeting at 6.53pm

List of Attachments

Attachment	Item No.	Details
1	SpC.01/0420	Correspondence from Premier of Western Australian to WALGA President
2	SpC.01/0420	Minutes of a Special Meeting of WALGA State Council held 27 March 2020
3	SpC.01/0420	Correspondence from Minister for Local Government; Heritage; Culture & the Arts
4	SpC.01/0420	Draft Community Response Plan and 2020/21 Budget Framework

Minutes checked and authorised by T Clynch, CEO		9.4.20
---	---	--------

As Presiding Member, I certify that the Minutes of the Special Council Meeting held 6 April 2020 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 30 April 2020.

..... 30 April 2020