



# **MINUTES**

**Special Council Meeting**

**Tuesday, 7 July 2020**

**Commencing at 12.30pm**

**Ravensthorpe Recreation Centre  
Ravensthorpe**

## SHIRE OF RAVENSTHORPE

Minutes for the Special Meeting of Council to be held in Ravensthorpe Recreation Centre, Ravensthorpe on Tuesday 7 July 2020 – commencing at 12.30pm.

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## **EXTRACT FROM LOCAL GOVERNMENT ACT 1995**

### **5.5. CONVENING COUNCIL MEETINGS**

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

### **1. Declaration of Opening / Announcements of Visitors**

The Presiding Member declared the meeting open at 12.35pm.

### **2. Attendance / Apologies / Approved Leave of Absence**

COUNCILLOR'S:      Cr Keith Dunlop            (Shire President)  
                             Cr Julianne Belli            (Deputy Shire President)  
                             Cr Ian Goldfinch  
                             Cr Thomas Major  
                             Cr Mark Mudie  
                             Cr Graham Richardson

STAFF:                Gavin Pollock                (Chief Executive Officer)  
                             Graham Steel                (Director Technical Services)  
                             Mark Ridgwell               (Senior Governance and Policy Officer)  
                             Kim Bransby                (Executive Assistant)

APOLOGIES:            Les Mainwaring (Director Corporate and Community Services)

ON LEAVE OF ABSENCE:

Request for leave of absence from Cr Ian Goldfinch for next Ordinary Council Meeting of 21 July 2020.

**Moved: Cr Major**

**Seconded: Cr Mudie**

**Res: 75/20**

**Decision:**

**That Council approves Cr Goldfinch's request for leave of absence for the Ravensthorpe Shire Council for the Ordinary Council Meeting to be held on 21 July 2020.**

**Voting Requirements: Simple Majority**

**Carried: 6/0**

ABSENT: Nil.

MEMBER OF THE PUBLIC: Nil.

### **3. Announcements by the Presiding Member**

Nil.

#### **4. Disclosures of Interest**

Nil.

#### **5. Special Business**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

##### **5.1 Chief Executive Officer Annual Leave and Appointment of Acting Chief Executive Officer**

<b>File Reference:</b>	<b>PL.ES.172</b>
<b>Location:</b>	<b>Shire of Ravensthorpe</b>
<b>Applicant:</b>	<b>Chief Executive Officer</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>14 June 2019</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

##### **Summary:**

Council to consider the Chief Executive Officer's request for annual leave from Saturday 11 July 2020 to Sunday 19 July 2020 and the appointment of Mr Graham Steel as Acting Chief Executive Officer for this period of leave.

##### **Background:**

The Chief Executive Officer has discussed the appointment of an Acting Chief Executive Officer with Mr Graham Steel and the Executive Team. Mr Steel has agreed to undertake the position of Acting Chief Executive Officer if agreeable to Council while the Chief Executive Officer is on annual leave.

##### **Comment:**

A remuneration salary will be offered to Mr Graham Steel within the Band 3 reward package range prescribed by the Salaries and Allowances Tribunal under Section 7A of the *Salaries and Allowances Act 1975*.

##### **Consultation:**

Shire President.  
Deputy President.  
Executive Team.

##### **Statutory Environment:**

Section 5.36 of the *Local Government Act 1995* provides that:

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the provisions of the proposed employment contract.

- (3) A person is not to be employed by a local government in any other position unless the CEO —
  - (a) Believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person’s employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement into contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose requirement to advertise a position before the renewal of contract referred to in section 5.39.

Regulation 18 of the Local Government (Administration) Regulations provides that:

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
  - (a) on a notice board exhibited to the public at the local government’s offices, if the position is —
    - (i) to be filled on a part time basis by a person who is also employed by another local government; or
    - (ii) an acting position for a term not exceeding one year;or
  - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in sub regulation (1) is to contain —
  - (a) the details of the remuneration and benefits offered;
  - (b) details of the place where applications for the position are to be submitted;
  - (c) the date and time for the closing of applications for the position;
  - (d) the duration of the proposed contract;
  - (e) contact details for a person who can provide further information about the position; and
  - (f) any other information that the local government considers is relevant.

**Policy Implications:**

Nil.

**Financial Implications:**

Nil effect on the 2020/21 budget as a provision for high duties has been allowed for in the budget process.

**Strategic Implications:**

The appointment of an Acting Chief Executive Officer will meet the requirements of the *Local Government Act 1995*.

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

**Risk Matrix**

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Moved: Cr Richardson**

**Seconded: Cr Mudie**

**Res: 76/20**

**Recommendation:**

**That Council Endorse;**

1. The Chief Executive Officer's request for annual leave from Saturday 11 July 2020 to Sunday 19 July 2020 and the appointment of Mr Graham Steel as Acting Chief Executive Officer for this period of annual leave.
2. The Chief Executive Officer offering Mr Graham Steel a remuneration salary for the period of stated annual leave within the Band 3 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act 1975.

**Voting Requirements: Absolute Majority**

**Carried: 6/0**

## 5.2 Partial Subdivisional Clearance – Lot 8 Steeredale Road, Hopetoun

<b>File Reference:</b>	<b>A1149</b>
<b>Location:</b>	<b>Lot 8 Steeredale Road, Hopetoun</b>
<b>Applicant:</b>	<b>John Kinnear and Associates</b>
<b>Author:</b>	<b>Senior Governance Officer</b>
<b>Authorising Officer</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>30 June 2020</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Plan of Subdivision (Attachment Purple)</b>
<b>Previous Reference:</b>	<b>N/A</b>

### Summary:

This report recommends Council consider authorising the Shire President and Chief Executive Officer to affix the Common Seal on documentation related to the clearance of several conditions associated with Western Australian Planning Commission (WAPC) approval for subdivision at Lot 8 Steeredale Road, Hopetoun.

### Background:

Conditional Approval for subdivision by the WAPC was issued on the 18 January 2018 for Lot 8 Steeredale Road, Hopetoun. The subdivision approval would create three lots in the Northern portion of the overall subject site and one remaining lot comprising the balance of title. A copy of the plan of subdivision plan is attached.

Whilst the subdivision of three lots has been granted, only Lot A is being actively subdivided as part of this request. The remaining lots B and C are not likely to be subdivided at this time as the WAPC approval extends for a maximum of three years and therefore will expire on 18 January 2021. As a result a new application would need to be lodged for consideration of Lots B and C.

The WAPC approval of 18 January 2018 included several conditions requiring clearance by the Shire of Ravensthorpe included;

- Engineering drawings for subdivisional works;
- Urban Water Management Plan;
- Written Undertakings to advise potential purchasers of the provisions of the local planning scheme; and
- Bushfire Management Plan.

Specific to this report are the conditions related to placing notifications on the new title as they relate to;

- 'A mains potable water supply is not available to the lot(s).
- 'A reticulated sewerage service is not available to the lot(s). As such, an on-site secondary treatment and disposal system for sewerage will be required. Therefore, the developable area of the lot is reduced. There are ongoing landowner obligations to ensure that the treatment and disposal system is regularly maintained in accordance with relevant health regulations.'
- 'A network electricity supply is not available to the lot'.

### Comment:

The conditions related to placing notifications on the title were sought by the Shire of Ravensthorpe and therefore the recommendation to authorise the Shire President and Chief Executive Officer to affix the Common Seal is supported.

Other conditions of subdivisional approval have not currently been completed and will need to be satisfied in order for the WAPC to allow the Subdivision to be completed.

**Consultation:**

Nil.

**Statutory Environment:**

s.70A [Factors affecting use and enjoyment of land, notification on title] of the *Transfer of Land Act 1893*. The purpose of such a notification is to give notice of circumstances which may affect the amenity or enjoyment of the land.

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

**Risk Matrix:**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



**Moved: Cr Goldfinch**

**Seconded: Cr Major**

**Res: 77/20**

**Recommendation:**

**That Council authorise the Shire President and Chief Executive Officer to affix the Common Seal to the Section 70A's (*Transfer of Land Act 1893*) associated with Western Australian Planning Commission Subdivision Approval (155638) for Lot 8 Steeredale Road, Hopetoun.**

**Voting Requirements: Simple Majority**

**Carried: 6/0**

### 5.3 Management Agreement – Community Housing – 29 Dunn Street, Ravensthorpe

<b>File Reference:</b>	<b>A11696</b>
<b>Location:</b>	<b>29 Dunn Street, Ravensthorpe</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Senior Governance Officer</b>
<b>Authorising Officer</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>1 July 2020</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Expired Management Agreement (Attachment Peach)</b>
<b>Previous Reference:</b>	<b>N/A</b>

#### **Summary:**

This report recommends Council consider authorising the Chief Executive Officer be granted Delegated Authority to review, negotiate and enter into an agreement for the management of Community Housing at 29 Dunn Street, Ravensthorpe.

#### **Background:**

In 2001 the Ravensthorpe Residential Care Facilities Committee in association with the Shire of Ravensthorpe and the Department of Housing and Works developed a Joint Venture for aged residential housing at 29 Dunn Street, Ravensthorpe.

The driver for this development was a recognised deficiency in the number of aged care accommodation within the Ravensthorpe townsite and that valued community members were forced to move to Hopetoun, Esperance or Albany which in some cases meant families were forced to travel great distances to visit their loved ones.

Initially the three unit accommodation was managed by the Shire of Ravensthorpe but in February 2014 a management agreement was undertaken between the Great Southern Community Housing Association Inc (now called Advance Housing) for the period 1 March 2014 to 28 February 2019.

The management agreement outlined the responsibilities between both Advance Housing and the Shire of Ravensthorpe. (Refer to the Attachment). In summary Advance Housing would manage the three tenancies in accordance with the *Residential Tenancies Act 1987* and ensuring compliance with the reporting and compliance requirements of the Department of Housing as it relates to community housing on behalf of the Shire of Ravensthorpe.

Whilst initially the accommodation was dedicated to aged care tenancies the provision to allow low income applicants (maximum of one unit only) was included in the agreement so long as the tenant(s) complied with the National Rental Affordability Scheme Income Limits.

#### **Comment:**

The management agreement has expired and it is an opportune time to review the existing arrangements and review the current operations and consider appropriate service providers.

#### **Consultation:**

Elected Members.  
Executive Team.

#### **Statutory Environment:**

r.30 of the Local Government (Functions and General) Regulations 1996 allow for the dispositions of property excluded from the requirements of the *Local Government Act 1995*.

(2) A disposition of land is an exempt disposition if —

(b) the land is disposed of to a body, whether incorporated or not —

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

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

**Policy Implications:**

Nil.

**Financial Implications:**

The revenue received from the income for residential tenancies is required to cover the costs of managing the properties, operational maintenance of the properties. The Shire of Ravensthorpe is responsible for structural maintenance of the buildings.

The buildings are known to have structural cracking associated with the original concrete foundations, an engineering report was commissioned by the Shire in January 2020. The report by Structerre Consulting Engineers observed that damage is considered to be of aesthetic consequence and of no structural concern at this time.

Ongoing monitoring is recommended and may require future financial commitment by the Shire of Ravensthorpe to remedy any structural works should the situation deteriorate.

**Strategic Implications:**

The recent 2020 Shire of Ravensthorpe community residents' survey identified that more / better aged care programs and support services are listed in the grouping of most important activities for the Shire to focus on now and into the future.

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** It is important to maintain housing stock for those most in need within the community.

**Risk Implications:**

Risk	Medium (6)
Risk Likelihood (based on history and with existing controls)	Medium (6)
Risk Impact / Consequence	Medium (6)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

**Risk Matrix:**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
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**Moved: Cr Major**

**Seconded: Cr Richardson**

**Res: 78/20**

**Recommendation:**

**That Council grants Delegated Authority to the Chief Executive Officer to review, negotiate and enter into an agreement for the management of Community Housing at 29 Dunn Street, Ravensthorpe.**

**Voting Requirements: Absolute Majority**

**Carried: 6/0**


**6. Matters Behind Closed Doors**

Nil.

**7. Closure of Meeting**

The Presiding Member declared the meeting closed at 12.43pm

These minutes were confirmed at the meeting of the 18 August 2020.

Signed:   
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: 24 July 2020