

# Notice of Meeting



65 Morgans Street, Ravensthorpe  
Western Australia 6346  
Telephone: (08) 9839 0000  
Facsimile: (08) 9838 1282  
[shire@ravensthorpe.wa.gov.au](mailto:shire@ravensthorpe.wa.gov.au)

Dear Elected Member

Special Council meeting of the Shire of Ravensthorpe will be held on Tuesday, 7 July 2020 in Ravensthorpe Recreation Centre, Ravensthorpe commencing at 12.30pm.

## Schedule

12.30pm                      Special Council Meeting

Gavin Pollock  
**Chief Executive Officer**

3 July 2020

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Ravensthorpe for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Ravensthorpe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Ravensthorpe during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Ravensthorpe. The Shire of Ravensthorpe warns that anyone who has an application lodged with the Shire of Ravensthorpe must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Ravensthorpe in respect of the application.

## AGENDA

Shire of Ravensthorpe  
Special Council Meeting  
7 July 2020

## **MISSION STATEMENT**

*To Grow Our Community through the provision of leadership, services and infrastructure.*

# **DISCLAIMER**

## **INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS**

### **Please Note:**

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

### **Meeting Procedures:**

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of Ravensthorpe.

### **Council Meeting Information:**

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Friday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available at the Shire of Ravensthorpe Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 2).

Public Inspection of Unconfirmed Minutes (Regulation 13).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Ravensthorpe Office and the Shire of Ravensthorpe website within ten (10) working days after the Meeting.

A handwritten signature in blue ink, appearing to be 'G. Pollock', written in a cursive style.

**Gavin Pollock**  
**Chief Executive Officer**



## WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

**NOTE: USE ONE FORM PER DECLARATION**

(1) I, \_\_\_\_\_  
wish to declare an interest in the following item to be considered by council at its meeting  
to be held on (2) \_\_\_\_\_

Agenda item (3) \_\_\_\_\_

The type of interest I wish to declare is;

- Financial pursuant to Sections 5.60A of the *Local Government Act 1995*.
- Proximity pursuant to Section 5.60B of the *Local Government Act 1995*.
- Indirect Financial pursuant to Section 5.61 of the *Local Government Act 1995*.
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007.

(2) The nature of my interest is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) The extent of my interest is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY:

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

RECEIVED BY:

\_\_\_\_\_

Chief Executive Officer

\_\_\_\_\_

Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

## **DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY**

### ***Financial pursuant to Sections 5.60A of the Local Government Act 1995***

#### **5.60A – Financial Interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

### ***Proximity pursuant to Section 5.60B of the Local government Act 1995***

#### **5.60B – Proximity Interest**

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
  - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b). a proposed change to zoning or use of land that adjoins that person's land; or
  - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
  
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
  - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
  
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No 64 of 1998 s. 30.]*

### ***Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995***

#### **5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

### ***Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007***

#### **11 – Disclosure of interest**

- (1). In this regulation –  
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.

- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose nature of the interest –
  - (a). in a written notice given to the CEO before the meeting;
  - or
  - (b). at the meeting immediately before the matter is discussed.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
  - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
  - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
  - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
  - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

***Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)***

**5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
  - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest –
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.

- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

## SHIRE OF RAVENSTHORPE

Agenda 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 to declare the meeting open.

### **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:

ABSENT:

MEMBER OF THE PUBLIC:

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

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

### **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		Risk Matrix				
		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.

**Voting Requirements:**

Absolut Majority.

**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.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

## 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.

**Voting Requirements:**  
Simple Majority.

**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.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

### 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
		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 6 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.

**Voting Requirements:**

Absolute Majority.

**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.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

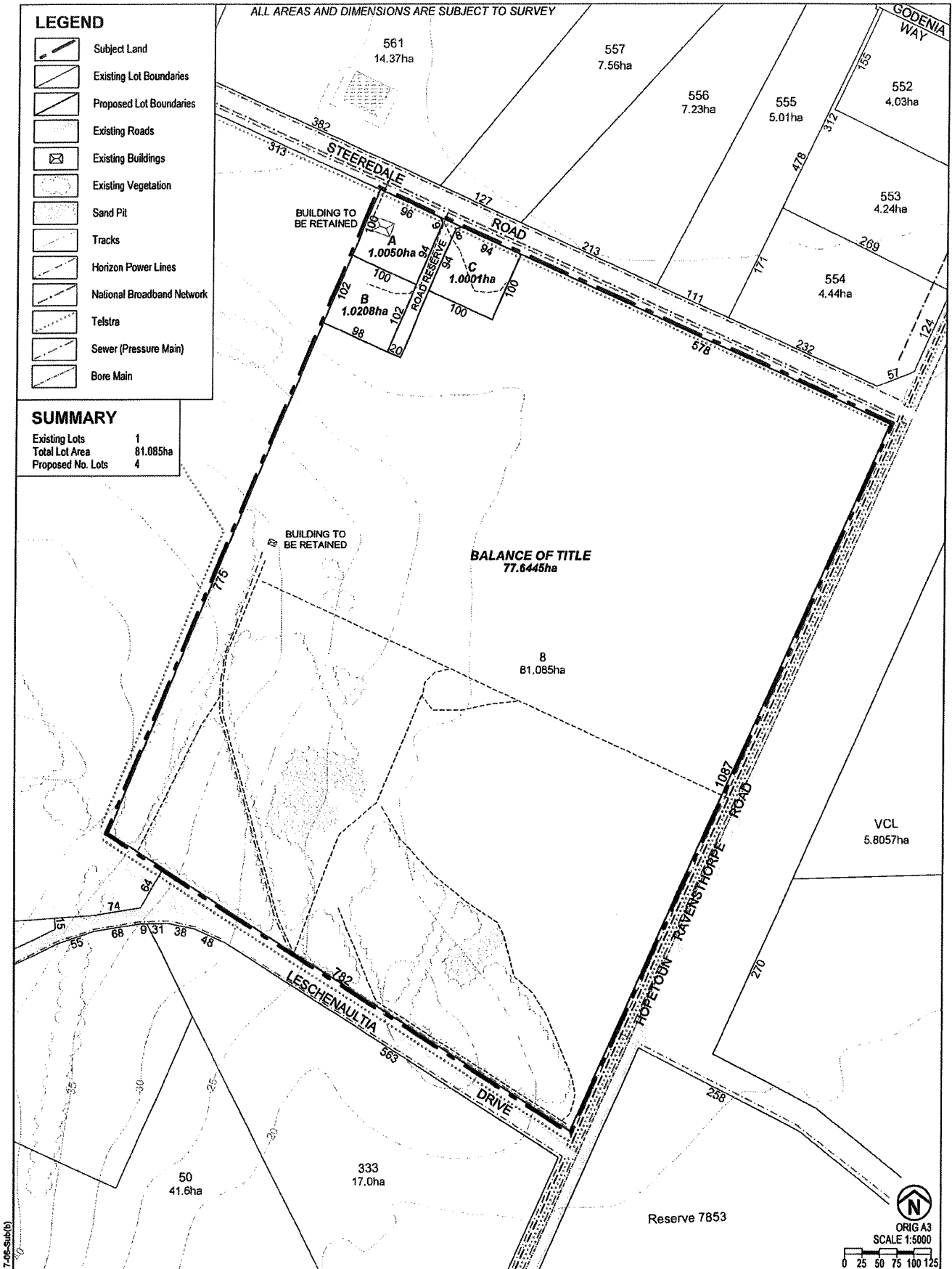
**6. Matters Behind Closed Doors**

Nil.

**7. Closure of Meeting**

The Presiding Member to declare the meeting closed.

# ATTACHMENT



**ATTACHMENT**

# MANAGEMENT AGREEMENT

For Three Seniors Units at Lots 174 and 175 Dunn Street  
Ravensthorpe

Between

Great Southern Community Housing Association Inc.

(The Housing Manager)

and

Shire of Ravensthorpe

(The Housing Provider)

February 2014

SHIRE OF RAVENSTHORPE RECORDS		
RECEIVED		
07 APR 2014		
DISPOSAL DATE:	GDA NO:	
AUG 08		
DOC ID:	NUM1431	
OFFICER	TASK	F.Y.I
CEO		
DCEO		
MGR ENGINEER		
MGR PLAN / DEV		
RANGER		
REC SERVICES		
TRACER		

## **1. PURPOSE OF THE AGREEMENT;**

The purpose of this agreement is to identify the roles, relationships and responsibilities of the Great Southern Community Housing Association (GSCHA) and the Shire of Ravensthorpe in the management of the properties listed in Schedule A and additional properties as agreed from time to time.

## **2. TERM**

This contract will commence on 1<sup>st</sup> March 2014 and continue for five years unless terminated under Clause 9

## **3. RESPONSIBILITIES OF THE GSCHA;**

The GSCHA shall be responsible for:

- a) Managing the tenancy in accordance with the GSCHA Policies and Procedures Manual and the Residential Tenancies Act (1987). This will involve transferring all existing tenants to GSCHA lease agreements.
- b) Joint tenant selection via the Allocations Committee. (Clause 5)
- c) Rent assessment, collection, reviews and monitoring.
- d) Undertaking regular property inspections and property condition reports (on a yearly basis as a minimum).
- e) Ensuring that maintenance of the property is carried out in line with GSCHA policy
- f) Meeting safety requirements to Department of Housing Standards.
- g) Ensuring confidentiality of tenant information.
- h) Fostering and promoting tenant participation.
- i) Advising the Shire of Ravensthorpe of any items outlined in clause 10 and giving adequate time to rectify a problem, if a tenancy is at risk.
- j) GSCHA will charge the following management fee, reviewed annually
  - Direct Labour costs and indirect administration costs - \$2,076 per property
  - Travel costs - \$2,029 per annum for 4 trips by the Property Manager.
- k) Planning and implementing long term maintenance requirements.
- l) All required insurance for the houses including building, public liability insurance.
- m) Reporting and compliance requirements to the Department of Housing for the rental properties.
- n) Consultation with the Shire of Ravensthorpe to ensure compliance with Statutory Regulations.
- o) Provision of Income and Expenditure reports to the Shire of Ravensthorpe (relating to the properties) on request or six monthly.
- p) GSCHA notes the interest of the Shire of Ravensthorpe in the insurance cover that the Association arranges e.g. Industrial Special Risks and Liability Insurance.



#### **4. RESPONSIBILITIES OF THE SHIRE OF RAVENSTHORPE;**

The Shire of Ravensthorpe shall be responsible for;

- a) Informing the GSCHA of matters which may affect its management of the properties.
- b) Nominating representatives for the GSCHA Tenant Allocations Committee as required.
- c) Assist the GSCHA to identify opportunities for further housing options in the region
- d) Consulting with GSCHA to ensure compliance with Statutory Regulations.
- e) Referring all applicants to the GSCHA.

#### **5. TERMINATION OF TENANCIES UNDER THE RTA;**

The process of terminating tenancies will be in line with the provisions of the Retail Tenancies Act, the main points are

- a) The tenant can relinquish tenancy in writing to us (21 days' notice).
- b) A breach notice for a breach of the Tenancy Agreement (14 days to rectify), followed by a Termination Notice (7 days to vacate) followed by a Court hearing if the tenant refuses to vacate. For all breaches and terminations, GSCHA must receive a complaint in writing or evidence of a breach of the Residential Tenancies Act and the facts verified by another party and/or the police if it is a police matter.
- c) 60 days' notice for no reason. This option would only be used with the agreement of the tenant and both parties except in the case if the property is no longer safe to reside in.

**NOTE: THE GSCHA IS A HOUSING PROVIDER AND CANNOT PROVIDE SUPPORT TO TENANT/S BUT WILL ENDEAVOUR TO LINK TENANTS WITH APPROPRIATE SUPPORT IF REQUIRED.**

#### **6. ALLOCATIONS PROCESS;**

There will an Allocations Committee made up of up to two representatives from the Shire of Ravensthorpe and the GSCHA Housing Services Manager and Property Managers.

All low income applicants must be on the Department of Housing Joint Wait List.

Up to 30% of tenants can be on moderate incomes and must be eligible under the National Rental Affordability Scheme (NRAS) Income Limits.

The Allocations Committee will discuss referrals and reach a mutually acceptable allocations decision. Consideration of a suitable social mix in complexes is important to ensure sustainability of tenancies.

## **7. REVIEWS;**

A review of the tenancy, including a property inspection, is to be carried out after 3 months from the commencement of the tenancy.

Time frame for review process is to be set by mutual agreement between GSCHA and the Shire of Ravensthorpe

## **8. VARIATIONS TO THE AGREEMENT;**

Any variations to this Agreement must be agreed in writing by all parties.

## **9. TERMINATION OF THE AGREEMENT;**

This agreement may be terminated by either party giving 90 days' notice to the other party only in the following circumstances:

- a) Where either party is not complying with a provision of this agreement and the dispute resolution procedure outlined in this Agreement has been exhausted; or
- b) Where both parties agree to end the agreement

## **10. KEYS;**

Both GSCHA and the Shire of Ravensthorpe will hold copies of keys to the properties.

## **11. PROBLEM TENANCIES;**

The following are indicators of a tenancy which may be or become a problem; the GSCHA will intervene in such matters as soon as possible and inform the Shire of Ravensthorpe of any actions taken;

- a) Tenant's inability to maintain the property in a fair state of cleanliness.
- b) Damage to the property.
- c) Unauthorised persons living at the property.
- d) Complaints received from neighbours about the behaviour of the tenant.
- e) Essential services have been disconnected from the property e.g. electricity or gas.
- f) Rent arrears.
- g) Abandonment of the property.

If any of the above is formally brought to the attention of either party, it is the responsibility of each party to pass this information on to the other party. This is to ensure early rectification of the problem.

## **12. DISPUTE RESOLUTION;**

Any disputes, which arise, should be resolved in a collaborative manner. The following procedure should be followed:

a) Resolution by GSCHA and the Shire of Ravensthorpe

If a dispute arises at any time between the parties concerning any provision of this Agreement or the rights, duties or liabilities of any party under the provisions of this Agreement, the Property Manager and a Shire of Ravensthorpe representative must meet immediately to attempt to resolve the dispute.

b) Referral to Superior

If the parties do not settle a dispute within ten (10) business days of the meeting to attempt to resolve the dispute, the dispute must be referred to a representative of the Shire of Ravensthorpe for this purpose and the CEO of GSCHA who must then meet immediately to attempt to resolve the dispute.

c) Use of a Mediator or Facilitator

The parties may agree to use a mediator or a facilitator to assist in the resolution of any dispute.

d) Mediation

If the parties do not settle a dispute within twenty (20) business days of the first meeting to attempt to resolve the dispute, the dispute must be referred to a mediator nominated by both parties. Each party will bear its own costs of the mediation and they will bear equally the cost of the mediator. The mediator has no authority to reach any decision, which binds the parties without the prior written agreement of the parties.

e) Appointment of Arbitrator

If a dispute has not been resolved within thirty (30) business days of the first meeting then the dispute must be referred for final determination by a single arbitrator appointed by both parties.

f) Arbitration

Any arbitration must be conducted under the laws relating to arbitration for the time being in force in Western Australia. The parties may have legal representation in the conduct of any arbitration.

g) Continuation of Services

No dispute will entitle either party to suspend the provision of services unless consented to in writing by both parties.

### **13. FINANCIAL MATTERS;**

The two parties will negotiate a plan for the transfer of financial responsibilities to be implemented in conjunction with the transfer date as below.

GSCHA agrees to contribute any surplus funds generated from the rental income towards future housing Projects in the Shire of Ravensthorpe after all expenses have been reconciled and audited (these include bad debt, damage to property not covered by insurance and/or loss of rental income for long term vacancy).

The transfer of management responsibilities will take place on the following date 1 March, 2014.

Signed                     *DLG*                     (GSCHA)

Witnessed by                     *[Signature]*                     Date 12 / 3 / 14

**EXECUTED by the parties as a Deed:**

THE COMMON SEAL of the SHIRE OF  
RAVENSTHORPE was hereunto affixed by  
authority of a resolution of the Council in the  
presence of: )  
)  
)



                    *[Signature]*                      
CHIEF EXECUTIVE OFFICER

                    *PASCOE DURTANOVICH*                      
(Print Full Name)

                    *KA Dunlop*                      
SHIRE PRESIDENT

                    *KEITH ALEXANDER DUNLOP*                      
(Print Full Name)

**CONTACT DETAILS**

Shire of Ravensthorpe  
Representative(s): CEO Pascoe Durtanovich  
Address: 65 Morgans Street, Ravensthorpe WA 6346  
Phone: (08) 9839 0000  
GSCHA: CEO: Kaz Sternberg  
Property Managers: Debbie Stone  
Address: 1/87 Aberdeen St, Albany WA 6330  
Phone: 9845-9697

**SCHEDULE A**

Units 1, 2 and 3 Lots 174 and 175Dunn Street, Ravensthorpe WA