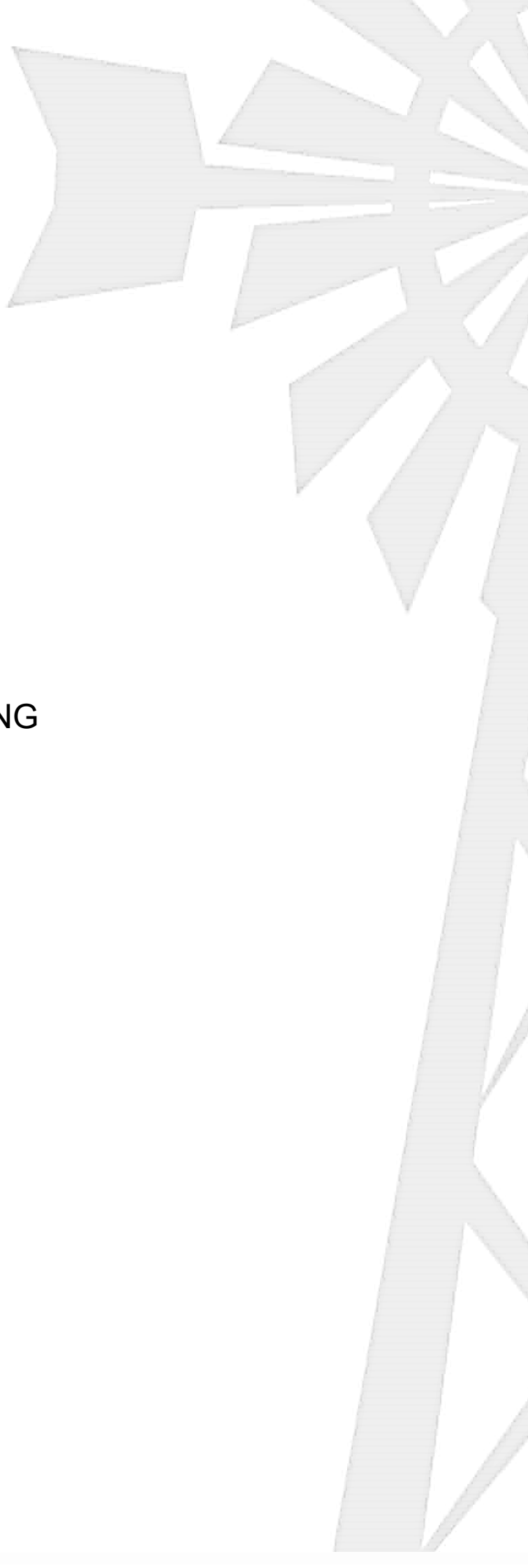




MINUTES

ORDINARY COUNCIL MEETING
15 November 2022



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1. DECLARATION OF OPENING

The Chairperson, Shire President Cr. D Hickey opened the meeting at 3.02pm and acknowledged the Njaki Njaki Nyoongar people as the traditional owners of the lands and waters where Corrigin is situated and paid his respect to Elders past and present.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Shire President
Deputy Shire President

Cr. D L Hickey
Cr. S C Coppen
Cr. S L Jacobs
Cr. M B Dickinson
Cr. M A Weguelin
Cr. B Fare

Chief Executive Officer
Deputy Chief Executive Officer
Executive Support Officer

N A Manton
K A Caley
K L Biglin

Members of the Public

Bush Fire Risk Planning Coordinator
Bush Fire Risk Management Officer

B Parsons
T Francis
T Cook
B Halford

3. PUBLIC QUESTION TIME

NIL

4. MEMORIALS

The Shire has been advised that Val Robinson and Murray Ward have passed away since the last meeting.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Presentation from Brian Parsons and Ted Francis seeking Council's permission to install a plaque and photographs in the CWA gazebo, representing displaced prisoners of war.

Cr Hickey thanked Mr B Parsons and Mr T Francis for their presentation.
Mr B Parsons and T Francis left the room at 3.16pm.

6. DECLARATIONS OF INTEREST

- Cr Coppen declared a Proximity Interest in item 8.2.2 – Application to keep three dogs as he owns property with an adjoining fence to the applicant.
- Cr Coppen declared a Proximity Interest in item 8.2.3 – Caravan Park Lease as he owns a property adjacent to the Caravan Park.
- Cr Jacobs declared a Proximity Interest in item 8.3.3 – Request to upgrade roads to RAV 7 as she owns farmland that boundaries the Bruce Rock – Corrigin Road.
- Cr Hickey declared a Proximity Interest in item 8.3.3 – Request to upgrade Roads to RAV 7 as he owns property on the boundary road and has joining farm land.
- CEO N Manton declared a Proximity Interest in item 8.3.4 – Performance Based Standard Scheme Vehicle Access Approval as she owns land adjacent to Bullaring Pingelly Road.
- Cr Weguelin declared a Financial Interest in item 8.3.4 - Performance Based Standard Scheme Vehicle Access Approval as he is an employee of WA Kaolin.

7. CONFIRMATION OF MINUTES

7.1. PREVIOUS COUNCIL MEETING AND BUSINESS ARISING FROM MINUTES

7.1.1. ORDINARY COUNCIL MEETING

Minutes of the Shire of Corrigin Ordinary Council meeting held on Tuesday 18 October 2022 (Attachment 7.1.1).

COUNCIL RESOLUTION

(121/2022) Moved: Cr Jacobs Seconded: Cr Coppen

That the Minutes of the Shire of Corrigin Ordinary Council meeting held on Tuesday 18 October 2022 (Attachment 7.1.1) be confirmed as a true and correct record.

Carried 6/0

7.2. COMMITTEE MEETINGS AND BUSINESS ARISING FROM MINUTES

7.2.1. EDNA STEVENSON TRUST COMMITTEE MEETING

Minutes of the Shire of Corrigin Edna Stevenson Trust Committee Meeting held on Monday 7 November 2022 (Attachment 7.2.1).

COUNCIL RESOLUTION

(122/2022) Moved: Cr Weguelin Seconded: Cr Jacobs

That the Minutes of the Shire of Corrigin Edna Stevenson Trust Committee Meeting held on Monday 7 November 2022 (Attachment 7.2.1) be confirmed as a true and correct record.

Carried 6/0

7.2.2. LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

Minutes of the Shire of Corrigin Local Emergency Management Committee Meeting held on Monday 7 November 2022 (Attachment 7.2.2).

COUNCIL RESOLUTION

(123/2022) Moved: Cr Fare Seconded: Cr Dickinson

That the Minutes of the Shire of Corrigin Local Emergency Management Committee Meeting held on Monday 7 November 2022 (Attachment 7.2.2) be confirmed as a true and correct record.

Carried 6/0

COUNCIL RESOLUTION

(124/2022) Moved: Cr Dickinson Seconded: Cr Weguelin

That Council consider Item 8.2.4 Shire of Corrigin Risk Management Plan 2022-2027 of the printed agenda as the next item.

Carried 6/0

8.2.4.SHIRE OF CORRIGIN BUSHFIRE RISK MANAGEMENT PLAN 2022-2027

Applicant:	Shire of Corrigin
Date:	8/11/2022
Reporting Officer:	Kirsten Biglin, Executive Support Officer
Disclosure of Interest:	NIL
File Ref:	ES.0023
Attachment Ref:	Attachment 8.2.4.1 – Draft Shire of Corrigin Bushfire Risk Management Plan 2022-2027 Attachment 8.2.4.2 – Letter of OBRM approval

SUMMARY

Council is asked to endorse the Shire of Corrigin Bushfire Risk Management Plan 2022-2027, which has been reviewed and supported by the Office of Bushfire Risk Management (OBRM).

BACKGROUND

The Shire of Corrigin Bushfire Risk Management Plan 2022-2027 has been developed in accordance with the requirement of the Bushfire Risk Management Planning – Guidelines for Preparing a Bushfire Risk Management Plan (the Guidelines), which is consistent with the policies of the State Emergency Management Committee.

In accordance with the requirements of the State Hazard Plan – Fire, local governments are required to prepare an integrated Bushfire Risk Management Plan (BRM Plan) to strategically document areas where there is potential significant bushfire risk in the district and to enable the development of treatment strategies, using a multi-agency approach to reduce identified bushfire risk.

The aim of the BRM Plan is to effectively manage bushfire risk to protect people, assets and property of local value in Shire of Corrigin. The objectives of the plan are to:

- guide and coordinate a multi-agency BRM program over a five-year period;
- document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- facilitate the effective use of the financial and physical resources available for BRM activities;
- integrate BRM into the business processes of local government, landowners and other agencies;
- ensure there is integration between landowners, BRM programs and activities; and
- document processes used to monitor and review the implementation of treatment plans to ensure they are adaptable and that risk is managed at an acceptable level.

A draft BRM Plan has been completed outlining a strategy to reduce bushfire related risk across all land tenures within the district. A copy of the draft plan prepared for Council's consideration, as supported by OBRM is provided at Attachment 8.2.4.1.

COMMENT

The OBRM formally advised on 17 October 2022 that the Shire of Corrigin BRM Plan meets the standards of the Bushfire Risk Management Planning – Guidelines for Preparing a Bushfire Risk Management Plan.

At the end of each financial year the Shire of Corrigin will be required to prepare and submit a report to the OBRM detailing progress against the BRM Plan.

Approval of the BRM Plan is a commitment by the Shire of Corrigin to work with landowners and managers to address fire risk within the community. The approval of the BRM Plan by the Shire of Corrigin council satisfies their endorsement obligations under the State Hazard Plan – Fire.

STATUTORY ENVIRONMENT

Emergency Management Act 2005 s20(4)
State Hazard Plan Clause 2.2.8

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Social

An effectively serviced, inclusive and resilient community

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
1.5	Support emergency services planning, risk mitigation, response and recovery	1.5.1	Joint planning with stakeholders at a local and sub regional level for disaster preparedness and emergency response
		1.5.2	Scenario planning and training

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(125/2022) Moved: Cr Dickinson Seconded: Cr Fare

That Council endorse the Shire of Corrigin Bushfire Risk Management Plan 2022-2027 as provided in Attachment 8.2.4.1.

Carried 6/0

Cr Hickey thanked Ty Cook and Blake Halford for their attendance and they left the room at 3.25pm and did not return.

8. MATTERS REQUIRING A COUNCIL DECISION

8.1. CORPORATE AND COMMUNITY SERVICES REPORTS

8.1.1. ACCOUNTS FOR PAYMENT

Applicant:	Shire of Corrigin
Date:	1/11/2022
Reporting Officer:	Tanya Ludlow, Finance / Human Resources Officer
Disclosure of Interest:	NIL
File Ref:	FM.0036
Attachment Ref:	Attachment 8.1.1 – Accounts for Payment – October 2022

SUMMARY

This report provides Council with a list of all financial dealings relating to all accounts for the previous month.

BACKGROUND

This information is provided to Council monthly in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for which money or other benefits may be obtained.

COMMENT

The cheque, EFT and Direct Debit payments that have been raised during the month of October 2022 are provided as Attachment 8.1.1 – Accounts for Payment – October 2022.

After payment of the following cheque, EFT and Direct Debit payments, the balance of creditors will be \$55,750.20.

Bank Account	Payment Type	Reference	Amount	Total
Municipal	EFT	17965 - 18030, 18033 - 18059	\$562,448.70	
	Cheque	020784 - 020791	\$18,691.56	
	Direct Debit	October 2022	\$31,369.87	
	Payroll	October 2022	\$158,098.44	\$770,608.57
Trust	EFT	18031 - 18032	\$44.55	
	Cheque	No Payments	\$0.00	
	Direct Debit	No Payments	\$0.00	\$44.55
Licensing Trust	EFT	No Payments	\$0.00	
	Direct Debit	October 2022	\$43,111.70	\$43,111.70
Edna Stevenson	EFT	No Payments	\$0.00	
	Cheque	No Payments	\$0.00	
	Direct Debit	No Payments	\$0.00	\$0.00
Total Payments for the Month of October 2022				\$813,764.82

Previous Accounts for Payment report

To enable Council to check that no sequential payment numbers have been missed from the previous accounts for payment report and the report provided as Attachment 8.1.1 – Accounts for Payment – October 2022, the following information is provided on the last cheque or EFT number used.

Bank Account	Payment Type	Last Number	First Number in Report
Municipal, Trust, ES Trust and Licensing	EFT	EFT17964	EFT17965
Municipal	Cheque	020783	020784
Trust	Cheque	003392	No Payments
Edna Stevenson	Cheque	000065	No Payments

Please note that the above does not include payments made via Direct Debit (DD) as they are not in sequential number order.

STATUTORY ENVIRONMENT

*S6.4 Local Government Act 1995, Part 6 – Financial Management
R34 Local Government (Financial Management) Regulations 1996*

POLICY IMPLICATIONS

Policy 2.7 – Purchasing Policy

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2022 / 2023 Annual Budget.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership
Strong Governance and leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.4	Provide informed and transparent decision making that, meets our legal obligations and the needs of our diverse community	4.4.3	Regular reviews of Council's Long Term Financial Plan to ensure the long term financial stability of the Shire
		4.4.4	Provide Council adequate and appropriate financial information on a timely basis

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(126/2022) Moved: Cr Jacobs Seconded: Cr Fare

That Council reviews the list of accounts paid and acknowledges that payments totalling \$813,764.82 have been made during the month of October 2022.

Carried 6/0

8.1.2.ACCOUNTS FOR PAYMENT – CREDIT CARDS

Applicant:	Shire of Corrigin
Date:	26/10/2022
Reporting Officer:	Kylie Caley, Deputy Chief Executive Officer
Disclosure of Interest:	NIL
File Number:	FM.0036
Attachment Ref:	Attachment 8.1.2 – Accounts for Payment – Credit Cards

SUMMARY

This report provides Council with a list of all financial dealings relating to the use of credit card payments for the period 30 August 2022 to 28 September 2022

BACKGROUND

This information is provided to Council monthly in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

Council is presented with the monthly accounts for payment at each Council meeting, providing information of payments made for the reporting period. This report includes the monthly payment of the credit card debit to the National Australia Bank.

COMMENT

Accountability in local government can be multifaceted, as councils seek to achieve diverse social, political, and financial goals for the community benefit. The accountability principles of local government are based on strong financial probity, financial propriety, adherence to conflict of interest principles and expectations that local government is fully accountable for community resources.

This report provides Council with detailed information of purchases paid for using the Shire of Corrigin corporate credit cards.

A monthly review of credit card use is independently assessed by the Deputy Chief Executive Officer, to confirm that all expenditure that has been incurred, is for the Shire of Corrigin and has been made in accordance with Council policy, procedures, the *Local Government Act 1995* and associated regulations. The review by the Deputy Chief Executive Officer also ensures that misuse of any corporate credit card can be readily detected.

This review has been conducted and no issues are evident, and all areas of compliance have been met.

STATUTORY ENVIRONMENT

S6.4 Local Government Act 1995, Part 6 – Financial Management
R34 Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Policy 2.9 – Purchasing Policy
Policy 2.16 - Corporate Credit Cards

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2022/2023 Annual Budget.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership
Strong Governance and Leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.4	Provide informed and transparent decision making that, meets our legal obligations and the needs of our diverse community	4.4.3	Regular reviews of Council's Long Term Financial Plan (LTFP) to ensure the long term financial stability of the Shire
		4.4.4	Provide Council adequate and appropriate financial information on a timely basis

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(127/2022) Moved: Cr Weguelin Seconded: Cr Coppen

That Council endorse credit card payments for the period 30 August 2022 to 28 September 2022 for \$1,298.20 in accordance with Attachment 8.1.2

Carried 6/0

8.1.3.MONTHLY FINANCIAL REPORTS

Applicant:	Shire of Corrigin
Date:	08/11/2022
Reporting Officer:	Kylie Caley, Deputy Chief Executive Officer
Disclosure of Interest:	Nil
File Number:	FM.0037
Attachment Ref:	Attachment 8.1.3 – Monthly Financial Report for the period ending 31 October 2022

SUMMARY

This report provides Council with the monthly financial reports for the month ending 31 October 2022.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996*, regulation 34 states that a local government must prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget.

Variances between budgeted and actual expenditure including the required material variances (10% with a minimum value of \$10,000) are included in the variance report.

COMMENT

October closed with \$767,775 in the Municipal bank account and \$2,439,668 in short term investment.

Rate payments are coming in steadily with \$2,567,349 being collected as of 31 October 2022. This equates to 85.4% of outstanding rates compared to 82.1% at the same time last year.

Further information on the October financial position is in the explanation of material variances included in the monthly financial report.

STATUTORY ENVIRONMENT

s. 6.4 *Local Government Act 1995, Part 6 – Financial Management*
r. 34 *Local Government (Financial Management) Regulations 1996*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2022/23 Annual Budget.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.4	Provide informed and transparent decision making that, meets our legal obligations and the needs of our diverse community	4.4.3	Regular reviews of Council's Long Term Financial Plan to ensure the long term financial stability of the Shire
		4.4.4	Provide Council adequate and appropriate financial information on a timely basis

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(128/2022) Moved: Cr Jacobs Seconded: Cr Fare

That Council:

Accept the Statement of Financial Activity for the month ending 31 October 2022 as presented, along with notes of any material variances.

Carried 6/0

8.2. GOVERNANCE AND COMPLIANCE

8.2.1.CUSTOMER SERVICE CHARTER REVIEW

Applicant:	Shire of Corrigin
Date:	26/10/2022
Reporting Officer:	Kylie Caley, Deputy Chief Executive Officer
Disclosure of Interest:	Nil
File Number:	CUS.0010
Attachment Ref:	Attachment 8.2.1 – Draft Customer Service Charter – Review 2022

SUMMARY

This report seeks Council's endorsement for the reviewed Customer Service Charter.

BACKGROUND

Customer service is an integral aspect of every local government function. It is important that the expectation of the level of service the Shire will provide is clearly communicated to community members and officers.

A Charter sets the standard for the community's experience with the services provided by the Shire of Corrigin.

COMMENT

The current Customer Service Charter (Charter) was reviewed and endorsed by Council at the Ordinary Meeting of Council on 16 November 2021.

The Charter has been reviewed to ensure that it continues to provide a realistic agreed level of service and framework for which all community interactions will conform.

The Charter will continue to have a positive impact on the Shire of Corrigin's future consultation outcomes and image within the community.

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership
Strong Governance and Leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.2	Communication to the workforce and community is consistent	4.2.2	Review and implementation of Councils Customer Service Charter.
		4.2.3	Employ professional customer service workforce who have the required knowledge and training including the provision of adequate resources (policy/information on services etc.) to ensure a good standard of Customer Service.
4.5	Implement systems and processes that meet legislative and audit obligations	4.5.1	Continual improvement in governance and operational policies, processes, and implementation

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(129/2022) Moved: Cr Jacobs Seconded: Cr Coppen

That Council endorse the reviewed Shire of Corrigin Customer Service Charter as provided in Attachment 8.2.1.

Carried 6/0

Cr Coppen declared a Proximity Interest in item 8.2.2 and 8.2.3 and left the room at 3.28pm.

8.2.2. APPLICATION TO KEEP THREE DOGS

Applicant:	C Stubbs and J Mahe
Date:	3/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	LE.0003
Attachment Ref:	NIL

SUMMARY

Council is requested to consider granting an exemption to allow three dogs at 20 Centenary Avenue, Corrigin.

BACKGROUND

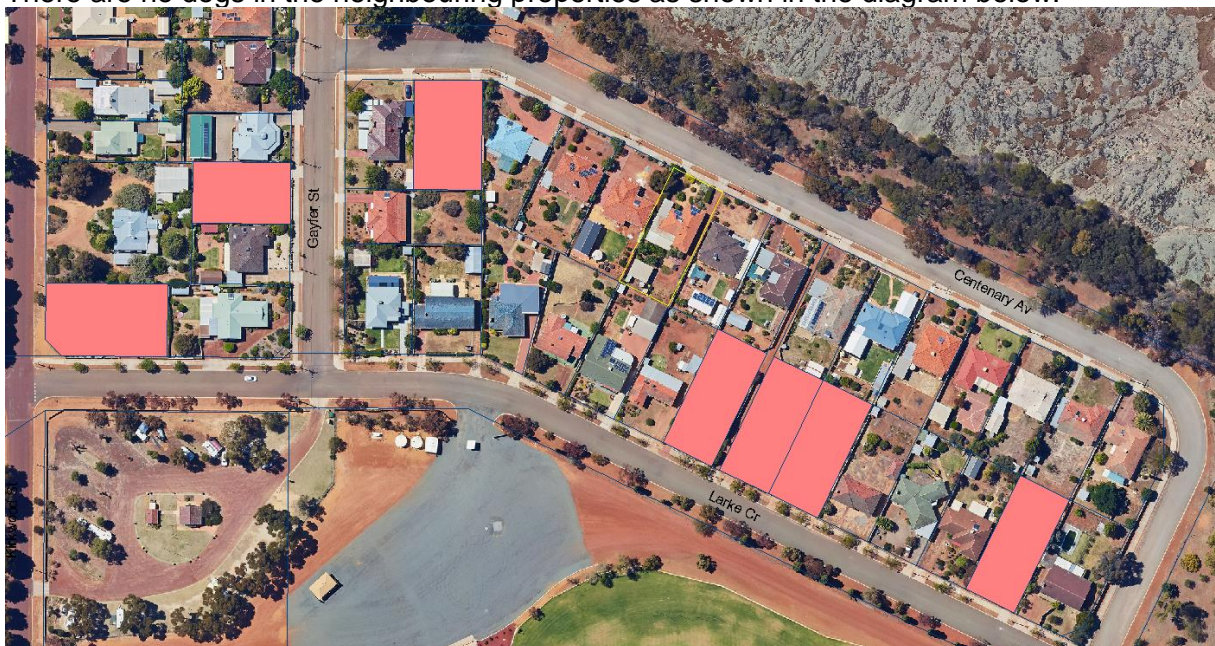
An application has been received from Courtney Stubbs and Jordan Mahe for an exemption as per section 26 of the *Dog Act 1976* to keep three dogs at their property at 20 Centenary Avenue Corrigin.

The application is for one female Cavalier King Charles Spaniel and two Kelpie X dogs, each over the age of one as follows:

	Breed	Age	Sex	Microchipped	Sterilised	Registered
1.	Cavalier King Charles Spaniel	8	F	Yes	Yes	Yes
2.	Kelpie X Black and White	1	F	Yes	Yes	Yes
3.	Kelpie X Tan	1	M	Yes	Yes	Yes

The property is 930m² and there is sufficient area at the rear of the property to keep three dogs.

There are no dogs in the neighbouring properties as shown in the diagram below.



COMMENT

The dogs are registered with the Shire of Corrigin and are microchipped and sterilised.

The applicants have demonstrated an understanding of their responsibilities as pet owners and have obtained permission from the property owner.

There have been no complaints from neighbours and the applicants are aware of the need to keep the dogs from causing a nuisance to neighbours.

It is recommended that the application is supported subject to the condition that it applies only to the dogs specified in the application.

STATUTORY ENVIRONMENT

Dog Act 1976 s 26(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

- a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
- b) cannot authorise the keeping in or at those premises of —*
 - more than 6 dogs that have reached 3 months of age; or*
 - a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and*
- c) may be revoked or varied at any time.*

Shire of Corrigin Dogs Local Law 2021 Part 3 section 3.2 Limitation on the number of dogs (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership
Strong Governance and leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.5	Implement systems and processes that meet legislative and audit obligations	4.5.1	Continual improvement in governance and operational policies, processes and implementation

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(130/2022) Moved: Cr Weguelin Seconded: Cr Jacobs

That Council approves an exemption to section 26 (3) of the Dog Act 1976 to allow Courtney Stubbs and Jordan Mahe to keep three dogs at 20 Centenary Avenue, Corrigin subject to the following conditions:

The exemption applies only to:

- *Bonnie Cavalier King Charles Spaniel registration number L0207*
- *Molly Kelpie X registration number L0205*
- *Ollie Kelpie X registration number L0206*

Carried 5/0

8.2.3.CARAVAN PARK LEASE

Applicant:	Shire of Corrigin
Date:	2/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	CP.0065
Attachment Ref:	Attachment 8.2.3 - Letter – Purchase of Corrigin Caravan Park

SUMMARY

Council is asked to consider the request to surrender the existing lease for the Corrigin Caravan Park and enter into a new lease agreement with Rick Button and Rhys Walsh.

BACKGROUND

Council entered into a lease agreement with Trevor and Mareese Dyer in 2020 for the Corrigin Caravan Park and the couple have operated the facility for the past 2 years.

The current lease agreement commenced in 2020 for a period of three years with an option for a further three years.

The lessee has provided notice in writing to the CEO that they wish to surrender the lease before the expiry of the first term of the agreement (September 2023) and have sold their interest in the caravan park business to R Button and R Walsh. The prospective lessee has written to the shire expressing an interest in entering into a lease with the Shire of Corrigin for the management of the caravan park on a similar basis to the existing lease. The correspondence includes a request for the agreement term to be extended to five years.

The caravan park land and ablution block are owned by the Shire of Corrigin on a freehold basis. The current lessee owns the office, camp kitchen and other minor infrastructure in the park.

COMMENT

A new ablution and amenities building was installed at the caravan park in 2021 which slightly increased the market value and market rental value of the property.

The potential new lessee has been notified that the Shire of Corrigin will need to advertise for a period of two weeks and consider any submissions before a new lease agreement can be signed.

The lease agreement provides Council with an opportunity to focus on regional tourism and encourage the new lessee to participate in local, regional and state tourism organisations to benefit the Corrigin economy.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.58. *Disposing of property*

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is

- the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.*

Local Government (Functions and General) Regulations

30. Dispositions of property excluded from Act s. 3.58

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Income from the lease of the Corrigin Caravan Park is included in the draft 2022/23 budget.

The current lease stipulates that the costs associated with the new lease agreement are to be paid by the current lessee.

The cost of an independent market valuation to enable the Shire of Corrigin to comply with the disposal of property requirements of the Local Government Act 1995 is approximately \$2,400.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Economic

A strong, diverse economy supporting agriculture, local business and attracting new industry.

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
2.1	Support the diverse industry across the Shire	2.1.1	Identify and prioritise strategies in the Economic and Tourism Development Strategy and incorporate into LTFP and annual budgets
		2.1.5	Support local business development initiatives where possible

VOTING REQUIREMENT

Absolute Majority

COUNCIL RESOLUTION

(131/2022) Moved: Cr Weguelin Seconded: Cr Dickinson

That Council authorise the Chief Executive enter to into a new lease of Corrigin Caravan Park to Rick Button and Rhys Walsh subject to the following conditions:

- i. Deed of Surrender being signed by the current lessee.*
- ii. a new lease agreement for the Corrigin Caravan Park be prepared for an initial term of three years with an option for an additional five year period from the date the lease.*
- iii. That the annual Lease rental amount for the Corrigin Caravan Park to be determined by the independent valuation, inclusive of GST outgoings, and indexed annually to CPI.*
- iv. All the costs of the preparation of the lease are to be met by the lessee.*
- v. In accordance with section 3.58 of the Local Government Act 1995 authorises the Chief Executive Officer to give local public notice of its intention to dispose of the Corrigin Caravan Park by way of a lease agreement and consider submissions.*
- vi. Authorise the Chief Executive Officer to execute the lease documents on behalf of the Shire of Corrigin.*

Carried by Absolute Majority 5/0

Cr Coppen re-entered the room at 3.35pm.

8.2.5. DEVELOPMENT APPLICATION – PROPOSED NEW ‘COMMUNITY PURPOSE’ FACILITY

Applicant:	1922 & You Incorporated
Landowner:	As above
Location:	Lot 33 (No.33) Walton Street, Corrigin
Date:	8/11/2022
Reporting Officer:	Mr Joe Douglas, Consultant Town Planner (Exurban Rural & Regional Planning)
Disclosure of Interest:	Nil
File Ref:	PA15-2022
Attachment Ref:	Attachment 8.2.5 - Application for Development Approval

SUMMARY

This report recommends that Council grant conditional approval to a development application submitted by 1922 & You Incorporated (Landowner) to develop and use Lot 33 (No.33) Walton Street, Corrigin for ‘community purposes’.

BACKGROUND

1922 & You Incorporated (Landowner) have submitted a development application requesting Council’s approval to develop and use Lot 33 (No.33) Walton Street, Corrigin for community purposes.

Under the terms of the application received the existing building on the property and its immediate surrounds are proposed to be upgraded to create a not-for-profit ‘community purpose’ facility designed to accommodate a wide variety of activities including a playgroup, youth hub, senior citizens centre, community meeting place and civic hall.

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 8.2.5.

Lot 33 is located centrally in the Corrigin townsite in a designated commercial precinct and comprises a total area of approximately 1,012m².

The subject land has direct frontage and access to Walton Street along its western boundary and Jose Street along its southern boundary, both of which are sealed and drained local roads under the care, control and management of the Shire. It also has direct frontage and access to an unsealed public right-of-way along its rear boundary to the east.

The property is flat throughout its entire area and contains an existing stone and steel clad building in its western half comprising a total floor area of approximately 230m² which is surrounded by a compacted gravel hardstand area for vehicle, pedestrian access and parking purposes. The eastern half of the property is currently vacant and has not been developed and used for any specific purpose/s.

The subject land has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone or the Department of Water and Environmental Regulation as being flood prone.

Whilst the existing building on the land was originally constructed in the early 1900’s (i.e. the former RSL Anzac Memorial Hall) and is identified in the Shire’s Municipal Heritage Inventory as a ‘Grade B’ place of considerable cultural heritage significance, it is not included in the Shire’s Heritage List or the State Register of Heritage Places and is not therefore subject to any mandatory heritage controls.

Immediately adjoining and other nearby land uses are broadly described as follows:

- North: The Corrigin Police Station with low density residential development (i.e. single houses) beyond;
- South: The Corrigin Post Office, Telstra telephone exchange and associated telecommunications infrastructure with a mix of commercial and low density residential development (i.e. single houses) beyond;
- East: A public right-of-way with low density residential development (i.e. single houses) beyond; and
- West: The Walton Street road reserve with a number of developed and undeveloped Crown reserves for parkland, recreation, community, parking and railway purposes beyond.



Location & Lot Configuration Plan (Source: Landgate)

COMMENT

Lot 33 is classified 'Commercial' zone under the Shire of Corrigin Local Planning Scheme No.2 (LPS2).

Council's stated objectives for the development of any land classified 'Commercial' zone are as follows:

- i) *To encourage development of a high visual, functional and environmental standard, serving both town and rural residents and the development of new buildings and or the modification/ restoration of existing buildings in a manner which is compatible with the existing or planned streetscape in terms of scale, height, design, building materials, location and visual facade appearance;*
- ii) *To promote convenient and safe shopping facilities and relate these to the wide variety of civic, service, business, entertainment and social functions of the town centre;*
- iii) *To encourage the wide range of compatible uses within a compact/accessible town centre which are necessary to promote this as a vibrant functional sector in the everyday*

life of the community it services; and

- iv) *To provide for safe pedestrian movement and the safe and efficient flow of traffic and the adequate provision of car parking facilities.*

The proposed development falls within the use class 'community purpose' which is defined in Part 6 of LPS2 as '*premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit*'.

Despite the use class 'community purpose' being defined in LPS2, it is not expressly listed in the Zoning Table and must therefore be considered and determined in accordance with clause 18(4) of LPS2. As such, Council must determine whether the proposed use of Lot 33 for community purposes:

- a) is consistent with the objectives of the 'Commercial' zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- b) may be consistent with the objectives of the 'Commercial' zone and advertise the application for public comment for a minimum required period of fourteen (14) days; or
- c) is not consistent with the objectives of the 'Commercial' zone and is therefore not permitted in this zone.

Having regard for:

- i) the proposed building modification and restoration works which have been professionally designed, are highly respectful of the building's cultural heritage significance and compatible with the existing streetscape in terms of scale, height, design, building materials, location and visual facade appearance;
- ii) the compatibility of the proposed use of the land and building thereon with other existing uses in the Corrigin town centre area and the significant social benefits it is likely to have for the local community; and
- iii) the ability to accommodate vehicle and pedestrian movements in safe and convenient manner using existing off-site facilities due to the limited amount of on-site parking available,

it is contended the proposal is consistent with the objectives of the land's current 'Commercial' zoning classification and may therefore be permitted subject to any valid conditions considered appropriate in the circumstances.

Despite the above conclusion, given the proposed development comprises a use not specifically listed in the Zoning Table of LPS2 and cannot reasonably be determined as falling within any other use class referred to in the Zoning Table, the application is defined in Part 1 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as a 'complex application'.

Clauses 64(1) and 64(6) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require all complex applications to be advertised for public comment for a minimum required period of 28 days irrespective of the requirements of clauses 18(4)(a) and (b) of LPS2 outlined previously above.

Council should note the application was advertised for public comment in accordance with the specific requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* with no submissions received at the conclusion of advertising.

The application has subsequently been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment has confirmed the proposal is compliant, or capable of compliance, with the following relevant requirements:

- The general aims and objectives of LPS2 including those specific to all land classified 'Commercial' zone;
- Land capability and suitability;
- Land use compatibility;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Landscaping;
- Vehicle and pedestrian access;
- The provision of key essential services including power, water and effluent disposal;
- Advertising signage; and
- Flood, stormwater drainage and bushfire risk management.

Notwithstanding the above conclusion, Council should note a very limited amount of parking is proposed to be provided on-site, all of which will accommodate the needs of staff and service vehicles only. People visiting the proposed 'community purpose' facility will therefore be reliant upon the existing on-street parking available in the immediate locality which is significant and has the ability to accommodate the majority of demand likely to be generated, even during major events when parking demand could be expected to peak. As such, the on-site parking shortfall is unlikely to have any significant negative impacts, a conclusion reinforced by the fact no submissions were received during the mandatory public advertising process which included correspondence to all immediately adjoining and other nearby landowners inviting their feedback / comment.

In light of the above findings it is concluded the proposal for Lot 33 is acceptable and unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality. As such, it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Corrigin Local Planning Scheme No.2

POLICY IMPLICATIONS

NIL

PUBLIC CONSULTATION

As previously mentioned above, the application was advertised for public comment in accordance with the specific requirements of Clauses 64(1) and 64(6) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the minimum required period of 28 days. This process included publication of notices on the Shire's website and monthly newsletter, public display of the application at the Shire

Administration Centre and correspondence to all immediately adjoining and other nearby landowners inviting their feedback / comment.

FINANCIAL IMPLICATIONS

All administrative costs associated with processing the application are provided for in Council’s annual budget and have been offset by the development application fee paid by the applicant/landowner.

All costs associated with the proposed development will be met by the applicant/landowner.

It is significant to note should the applicant/landowner be aggrieved by Council’s final decision in this matter they have the right to seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

COMMUNITY AND STRATEGIC OBJECTIVES

The proposed development is generally consistent with the following elements of the *Shire of Corrigin Strategic Community Plan 2021-2031* and *Corporate Business Plan 2021-2025*:

Objective: Social

An effectively serviced, inclusive and resilient community.

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
1.1	Joint planning with local and external key stakeholders to help improve the sense of place and access to opportunities for young people.	1.1.1	Develop a Youth Action Plan
		1.1.2	Prioritise strategies and together with local and regional stakeholders work towards implementing them
1.3	Support and help facilitate community events and inclusive initiatives.	1.3.1	Collaborate with the CRC and local groups to deliver community events and initiatives that are diverse and inclusive to local needs
		1.3.2	Together with local stakeholders identify and brand Corrigin’s arts and culture identity.

Objective: Economic

A strong, diverse economy supporting agriculture, local business and attracting new industry.

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
2.2	Coordinated planning and promotion of the visitor and tourist experience.	2.2.4	Promote and support local events with emphases on events that deliver increased visitation.

Objective: Environment

An attractive natural and built environment for the benefit of current and future generations.

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
3.2	Parks, gardens, recreational and social spaces are safe and encourage active, engaged and healthy lifestyles.	3.2.5	Forward plan with key stakeholders for the enhancement of the CBD.
		3.2.6	Implement plans for the enhancement of the CBD as[NM1] well as the townscape aesthetics.

Objective: Governance and Leadership

Strong governance and leadership.

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.3	Forward planning and implementation of plans to achieve strategic direction and service levels.	4.3.1	Work with external organisations to collaboratively plan and achieve[NM2] improved community education, health and business outcomes.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(132/2022) Moved: Cr Dickinson Seconded: Cr Jacobs

1. That Council resolve, pursuant to clause 18(4)b) of the Shire of Corrigin Local Planning Scheme No.2, that the proposed development of a 'community purpose' facility on Lot 33 (No.33) Walton Street, Corrigin is consistent with the objectives of the land's current 'Commercial' zoning classification and may therefore be permitted; and
2. **APPROVE** the development application submitted by 1922 & You Incorporated (Landowner) to develop and use Lot 33 (No.33) Walton Street, Corrigin for 'community purposes' subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the use shall not be carried out without the further approval of the local government having first being sought and obtained.

4. *All storm water shall be directed away from the existing building and proposed additions thereto and managed and disposed to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the local government's Manager Works and Services.*
5. *A detailed landscaping plan shall be prepared and submitted to the local government's Chief Executive Officer for consideration and determination prior to any new landscaping works being undertaken on the land.*
6. *Any new advertising signage proposed to be installed shall comply with the specific requirements of Schedule 1 of the Shire of Corrigin Local Planning Scheme No.2 unless otherwise approved by the local government following receipt of a formal development application.*
7. *Any floodlights / security lights proposed to be installed are not to be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.*
8. *All litter generated by the proposed use shall be placed in suitable capacity rubbish receptacles and secured so that it does not blow onto neighbouring areas. The stockpiling of any waste or rubbish on the land is not permitted. All waste or rubbish shall be removed and disposed from the land on a regular basis at a suitably licensed waste disposal facility.*
9. *The land and building thereon shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the local government's Chief Executive Officer.*

Advice Notes

1. *This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowners and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.*
2. *This is a development approval of the Shire of Corrigin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.*
3. *In accordance with the Building Act 2011 and Building Regulations 2012, demolition and a building permit applications will need to be submitted to and approved by the local government's Building Surveyor prior to the commencement of any demolition, building construction or earthworks on the land. To confirm the local government's specific requirements in this regard please contact Mr Peter Hulme on 0402 232 264 or peter.hulme@kalamunda.wa.gov.au.*
4. *The proposed new building works the subject of this approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the local government with the required building permit application.*
5. *No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted on Sundays or Public Holidays.*
6. *The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:*
 - i) *Health (Public Buildings) Regulations 1992;*
 - ii) *Food Act 2008 and the Australia New Zealand Food Standards Code Chapter 3.2.3 – Food Premises and Equipment;*

- iii) *Shire of Corrigin Health Local Law 2016;*
 - iv) *Shire of Corrigin Animals, Environment and Nuisance Local Law 2016; and*
 - v) *Liquor Control Act 1988 if liquor is to be sold and supplied at any event.*
7. *The applicant/landowner is required to prepare and submit an Application to Construct, Extend or Alter a Public Building and then apply to have the buildings approved for use under the Health (Public Buildings) Regulations 1992.*
 8. *All asbestos containing materials need to be removed from the site and disposed of by a licensed person in accordance with the Health (Asbestos) Regulations 1992 and the Code of Practice For The Management And Control Of Asbestos In Workplaces [NOHSC: 2018 (2005)].*
 9. *Any kitchen within the building must comply with the requirements of the Australia New Zealand Food Standards Code. Plans of the kitchen must be submitted to the local government's Environmental Health Officer for assessment to ensure the premises complies with Food Safety Standard 3.2.3.*
 10. *The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.*
 11. *Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Corrigin Local Planning Scheme No.2 and may result in legal action being initiated by the local government.*
 12. *If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the local government's determination.*

Carried 6/0

8.2.6. RESIGNATION OF CR CLAIRE STEELE

Applicant:	Shire of Corrigin
Date:	9/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0049
Attachment Ref:	NIL

SUMMARY

Council is asked to consider submitting a request to the Electoral Commissions for a decision to be made to postpone the election of a new Councillor until the Ordinary Local Government Elections to be held in October 2023.

BACKGROUND

Cr Claire Steele advised the Chief Executive Officer on 28 October 2022 that her property in Corrigin had sold and therefore she considered she was ineligible to retain her position as a Councillor as she was no longer an elector in the district.

The Chief Executive Officer informed the Department of Local Government, Sports and Cultural Industries (DLGSC).

If the office of an elected council member, mayor or president becomes vacant due to the death or resignation of a member, or another reason listed in the Act, an extraordinary election must be held within four months of the vacancy occurring.

The filling of extraordinary vacancies that occur after the third Saturday in January and up until the third Saturday in July in an election year can be deferred if approved by the Electoral Commissioner under the Act.

Section 4.17 part 3 and 4(a) of the *Local Government Act 1995* provides for cases in which vacant offices may remain unfilled until the next ordinary election with the approval of the Electoral Commissioner.

COMMENT

The legislation indicates that it may be possible to allow the councillor position to remain vacant until the next ordinary election to be held in October 2023. Allowing the vacancy to remain unfilled would save the Shire of Corrigin significant costs of holding an extraordinary election.

The Corrigin community has experienced an extremely challenging year with two large bush fires in February, floods in July combined with the COVID pandemic. Holding an extra ordinary election during the busy harvest period and Christmas, New Year break and January holidays is likely to make it difficult to obtain nominations for the vacancy and result in a significantly reduced voter turnout. Holding an extra ordinary election would not be feasible until February 2023.

Given that there are currently six out of the seven positions filled and all current Councillors attend meetings regularly the risks associated with leaving the position vacant until October 2023 appear to be low.

STATUTORY ENVIRONMENT

Local Government Act 1995

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

(a) dies; or

(b) resigns from the office; or

(c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or

(d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or

(da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or (db) is dismissed under section 8.15L or 8.25(2); or

(e) becomes the holder of any office or position in the employment of the local government; or

(f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

4.8. Extraordinary elections

(1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.

(2) An election is also to be held under this section if section 4.57 or 4.58 so requires.

(3) An election under this section is called an extraordinary election.

4.9. Election day for extraordinary election

(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —

(a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).

(2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.

(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —

(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and

(b) advise the CEO of the day fixed.

4.16. Postponement of elections to allow consolidation

(1) This section modifies the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.

(2) If a member's office becomes vacant under section 2.32 (otherwise than by resignation) on or after the third Saturday in July in an election year and long enough before the ordinary elections day in that year to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.

(3) In the case of a member's office becoming vacant under section 2.32 by resignation, if —(a) the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and

(b) the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.

- (4) *If a member's office becomes vacant under section 2.32 —*
(a) *after the third Saturday in January in an election year; but*
(b) *before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.*

4.17. Cases in which vacant offices can remain unfilled

- (1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
(2) *If a member's office becomes vacant under section 2.32 —*
(a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
(3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

(4A) Subsection (3) applies —

- (a) *if —*
(i) *the office is for a district that has no wards; and*
(ii) *at least 80% of the number of offices of member of the council in the district are still filled; or*
(b) *if —*
(i) *the office is for a ward for which there are 5 or more offices of councillor; and*
(ii) *at least 80% of the number of offices of councillor for the ward are still filled.*
(4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The cost of administering an extraordinary election including advertising and staff time is estimated to be \$5,000 to \$10,000 and this amount has not been included in the 2022/23 budget.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership
Strong Governance and leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.3	Forward planning and implementation of plans to achieve strategic direction and service levels	4.3.2	Continue representation on relevant Boards, Committees and Working groups to influence positive local and regional outcomes

VOTING REQUIREMENT

Absolute Majority

COUNCIL RESOLUTION

(133/2022) Moved: Cr Jacobs Seconded: Cr Weguelin

That Council:

- 1. Note the resignation of Cr Claire Steele from her position as a councillor effective as of 15 November 2022 following the sale of her property in Corrigin; and*
- 2. Resolve, subject to sections 4.17 (3), 4.17 (4) and 4.17 (4A) of the Local Government Act 1995, to apply to the Electoral Commissioner for permission to allow the vacancy to be unfilled until the Local Government Elections to be held in October 2023.*

Carried by Absolute Majority 6/0

8.3. WORKS AND SERVICES

8.3.1. NOTICE OF INTENT TO DRAIN LOT 134 SIXTY EIGHT GATE ROAD

Applicant:	AJ Szczecinski
Date:	09/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	Nil
File Number:	A127
Attachment Ref:	Attachment 8.3.1 – Notice of Intent to Drain - Szczecinski

SUMMARY

Council is asked to provide comment on the Notice of Intent to Drain at Lot 134 Sixty Eight Gate Road.

BACKGROUND

The Deputy Commission of Soil and Land Conservation requests comments from the Shire of Corrigin to assist with the decision to approve the proposed Notice of Intention to Drain.

A Notice of Intention to Drain is required to be lodged with the Commissioner of Soil and Land Conservation where an owner or occupier of land wishes to drain or pump groundwater for the purpose of controlling salinity at least 90 days before discharging water. This includes draining or pumping within the same property.

The applicant proposes to construct a 2.1 kilometre drain to discharge water into an existing drain on the 60 hectare property. The earthworks are to be completed by the owner of the land.

The specific details of proposed works are included in Attachment 8.3.1.

COMMENT

Neighbours have been consulted and have confirmed they have no objection to the proposal.

The proposed drain is to be constructed on existing salt affected land.

The drain will direct water through the culvert under the Sixty Eight Gate Road and culvert at SLK 6.317 will need to be cleaned and maintained to prevent damage to the road.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

Soil and Land Conservation Act 1945

Soil and Land Conservation Regulations 1992 Reg 5 and 6

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Environment

An attractive natural and built environment for the benefit of current and future generations

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
3.5	Conservation of our natural environment	3.5.2	Support the local agricultural sector and local agricultural groups by lobbying stake holders to address local concerns and issues facing the industry now and into the future

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(134/2022) Moved: Cr Coppen Seconded: Cr Weguelin

That Council advise the Deputy Commission of Soil and Land Conservation that it has no objections to the proposed Notice of Intention to Drain Lot 134 Sixty Eight Gate Road.

Carried 6/0

8.3.2. NOTICE OF INTENT TO DRAIN LOT 11771 CORRIGIN KONDININ ROAD

Applicant:	Grylls Farming K R & Sons
Date:	09/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	Nil
File Number:	A2269
Attachment Ref:	Attachment 8.3.2 - Notice of Intent to Drain - Grylls

SUMMARY

Council is asked to provide comment on the Notice of Intent to Drain at Lot 11771 Corrigin Kondinin Road.

BACKGROUND

The Deputy Commission of Soil and Land Conservation requests comments from the Shire of Corrigin to assist with the decision to approve the proposed Notice of Intention to Drain.

A Notice of Intention to Drain is required to be lodged with the Commissioner of Soil and Land Conservation where an owner or occupier of land wishes to drain or pump groundwater for the purpose of controlling salinity at least 90 days before discharging water. This includes draining or pumping within the same property.

The applicant proposes to construct a 1.5 kilometre drain to discharge water into an existing drain on the 180 hectare property. The earthworks are to be completed by the owner of the land.

The specific details of proposed works are included in Attachment 8.3.2.

COMMENT

Neighbours have been consulted and have confirmed they have no objection to the proposal.

The proposed drain is to be constructed on existing salt affected land.

The drain will direct water through the culvert under the Corrigin Kondinin Road near the parking bay located South of the Bendering Road intersection.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

Soil and Land Conservation Act 1945

Soil and Land Conservation Regulations 1992 Reg 5 and 6

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Environment

An attractive natural and built environment for the benefit of current and future generations

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
3.5	Conservation of our natural environment	3.5.2	Support the local agricultural sector and local agricultural groups by lobbying stake holders to address local concerns and issues facing the industry now and into the future

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(135/2022) Moved: Cr Weguelin Seconded: Cr Jacobs

That Council advise the Deputy Commission of Soil and Land Conservation that it has no objections to the proposed Notice of Intention to Drain Lot 11771 Corrigin Kondinin Road.

Carried 6/0

CEO N Manton declared a Proximity Interest in item 8.3.3 point one of the resolution.

Cr Jacobs and Cr Hickey declared Proximity Interests in item 8.3.3 point three of the resolution.

8.3.3.REQUEST TO UPGRADE ROADS TO RAV 7

Applicant:	Shire of Corrigin
Date:	3/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	CEO owns property on Bullaring Pingelly Road
File Ref:	TT.0001
Attachment Ref:	NIL

SUMMARY

Council is requested to consider the request from Main Roads WA for Bullaring Pingelly Road, Yealering Kulin Road and Bruce Rock Road in the Shire of Corrigin to be upgraded to Restricted Access Vehicle Network (RAV) 7 level.

BACKGROUND

Main Roads WA Heavy Vehicle Services (HVS) has received applications from Terra Donna Ptd Ltd and Schilling Holdings requesting an upgrade of roads in the Shire of Corrigin RAV Network 5 to network 7.

The Shire of Corrigin is requested to provide support as the road owner to upgrade the following sections of road to RAV 7 including any comments relating to road condition, planning conflicts or development issues that may be impacted.

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Request Network	Access Support (Yes or No)	School Bus Route (Yes or No)
404003	Bullaring Rd	0.00 - Corrigin Shire Boundary	17.70 – Bullaring townsite	RAV 5 88.5t	RAV 7 108.5t	No	Yes
404010	Yealering - Kulin Rd	0.00 - Shire Boundary Ends 13.87	11.79 - Rabbit Proof Fence Rd (SLK 27.58)	RAV 5 88.5t	108.5t	Yes	Yes
404016	Corrigin Bruce Rock Rd	Nornakin East Rd (SLK 13.22)	Corrigin Bruce Rock Rd (SLK 23.23)	Tandem Drive Network 6	Tandem Drive Network 7	No	No

Main Road has also requested that sections of the road in the Shire of Kulin and Bruce Rock be upgraded to RAV 7 for consistency with neighbouring shire.

COMMENT

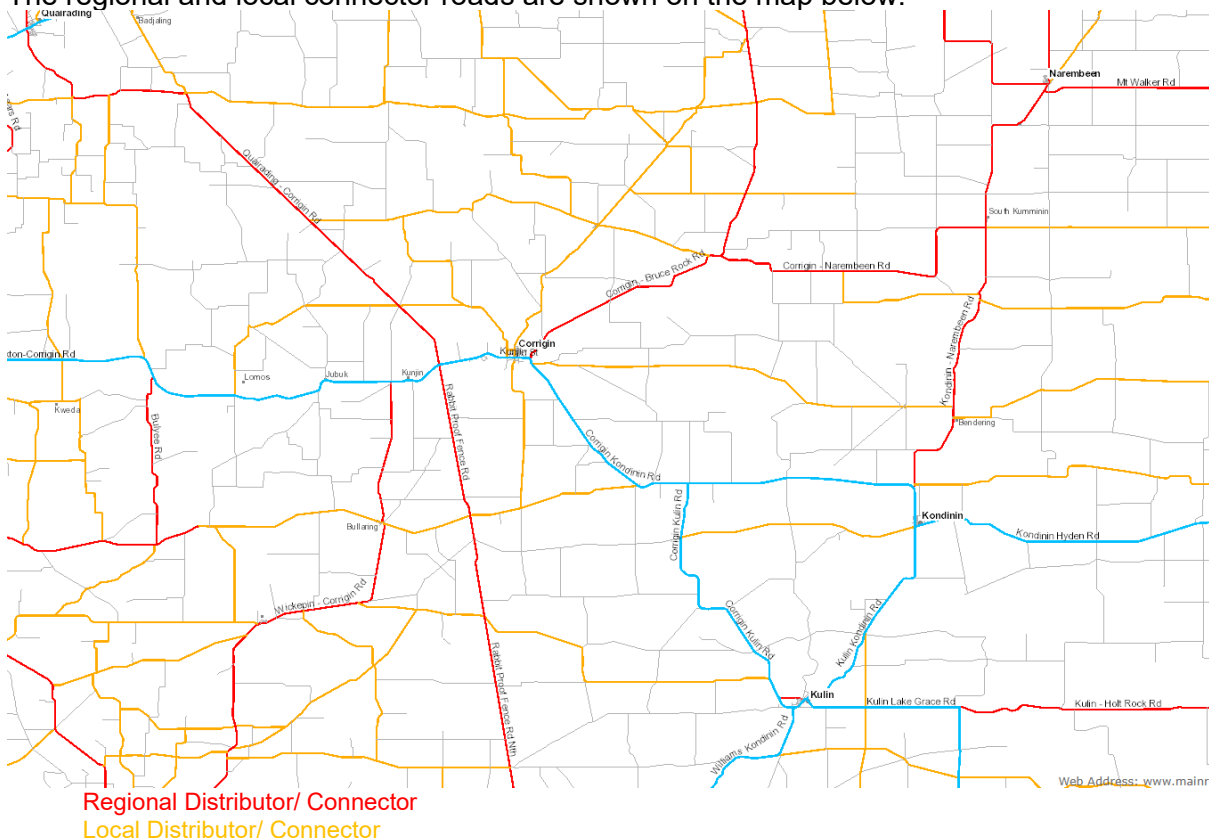
Council has a responsibility to ensure that the road network is as safe as possible within the limited resources available. To achieve this, Council has committed to implementing a systematic management regime across the road network that aims to balance optimal maintenance, minimising whole of life costs, user amenity and value for money.

The Road Maintenance Policy provides a strategic approach to road management to assist Council to deliver the highest level of service within budget constraints. Regional roads as identified in Main Roads WA *Roads 2030 Regional Strategies for Significant Local Roads Wheatbelt South Region Routes* are funded through State Government grants, managed and maintained by Council, while the local road network is funded, managed and maintained by Council, with the assistance of Federal Government grants. Without State and Federal Government road grants, the capacity of the Council to maintain the roads within the Shire is significantly diminished.

Council has adopted a road hierarchy and associated maintenance and renewal standard for roads in the shire. In the policy roads were defined as follows:

- **Major Roads** - Generally these will be regional and local connector roads connecting town sites to other town sites in the region. Strategic freight routes and those identified as being regionally significant as in detailed MRWA's *Roads 2030 Regional Strategies for Significant Local Roads Wheatbelt South Region Routes/Road*.
- **Limited Local Roads** - Generally unsealed and servicing farms with annual average daily traffic 50 vehicles or less. Considerations such as school bus routes, harvest destinations and other factors will be considered.
- **Feeder Roads and Streets** - Generally are sealed, have an Annual average daily traffic greater than 50 vehicles and acting as connector roads.

The regional and local connector roads are shown on the map below.



In April 2020 Council resolved not to support future applications for RAV 7 on Limited Local Roads, as defined in the Road Hierarchy, Maintenance and Renewal Policy, due to the ongoing cost of upgrades and maintenance.

Details of the criteria used to assess Restricted Access vehicles can be found on the Main Roads [Standard Restricted Access Vehicle Assessment Guidelines](#)

Main Roads WA have provided a flyer highlighting the benefits of larger heavy vehicle combinations. The publication notes that there is often a misconception that larger heavy vehicle combinations result in increased wear to the road infrastructure. Restricted Access Vehicles (RAV), such as a road trains, not only provide productivity benefits for the transport operator, a RAV reduces the number of trips required for a specific transport task, which consequently reduces carbon emissions, traffic congestion, crash risk exposure, heavy vehicle noise and pavement wear.

The Corrigin Bruce Rock Road is a Regional Distributor and is included in the 10 Year Road Program to be progressively upgraded over time with Regional Road Group funding. One of the bridges on the road was damaged by the fire in February 2022.

The Bullaring Pingelly Road and Yealering Kulin Road and are classified as local distributor roads in the Road Hierarchy, Maintenance and Renewal Policy. The section of the Bullaring Pingelly Road from the Shire boundary to Lomos South Road has recently been stabilised and the pavement is 8m wide so would be suitable for RAV 7. Adjoining sections of this road from the intersection of Lomos South Road east to Bullaring townsite are 3.6m seal with wide shoulders. Some crests on this road reduce the safety for road users.

The Yealering Kulin Road is approximately 2 kilometres of unsealed gravel road in fair condition.

STATUTORY ENVIRONMENT

Road Traffic (Vehicles) Regulations 2014

Road Traffic (Vehicles) Act 2012

Road Traffic (Administration) Act 2008

Road Traffic (Administration) Regulations 2014

Road Traffic Code 2000

Land Administration Act 1997 (Sec 55) Local Government Act 1995

Main Roads Act 1930

POLICY IMPLICATIONS

11.3 Road Hierarchy, Maintenance and Renewal Policy

11.8 Assessing Applications to Operate Restricted Access Vehicles (RAV) on Local Government Roads

FINANCIAL IMPLICATIONS

The Shire of Corrigin 10 year road program details the cost of road maintenance, renewal and upgrades of approximately \$2million per annum.

There is a significant gap between amount of funding required for road maintenance, renewal and upgrade as outlined in the policy and funding availability.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Environment

An attractive natural and built environment for the benefit of current and future generations

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
3.1	Safe, efficient and well maintained road and footpath infrastructure	3.1.2	Update, review and achievement of the Road Asset Management Plan including network hierarchy and service levels

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(136/2022) Moved: Cr Jacobs Seconded: Cr Weguelin

That Council

- 1. not support the request for the Bullaring Pingelly Road from the Shire of Corrigin boundary to the intersection of Wickepin Corrigin Road to be upgraded to RAV 7 based on the poor condition of sections of the road, narrow bitumen seal and the lack of connectivity to adjacent roads with the same classification.*

Carried 6/0

COUNCIL RESOLUTION

(137/2022) Moved: Cr Weguelin Seconded: Cr Jacobs

- 2. support the request for the Yealering Kulin Road from Shire boundary to intersection of Rabbit Proof Fence Road be upgraded to RAV 7 based on the road hierarchy for local distributors.*

Carried 6/0

Cr Hickey and Cr Jacobs left the room at 3.48pm due to having Proximity Interests in point three of the resolution.

Cr Copen assumed the chair.

COUNCIL RESOLUTION

(138/2022) Moved: Cr Weguelin Seconded: Cr Fare

- 3. support the request for the Corrigin Bruce Rock Road from Nornakin East Rd SLK 13.22 to SLK 23.23 to be upgraded to RAV 7 based on the road hierarchy for regional distributors, previously supported RAV upgrades following engineering certification of the two bridges on the road and support from neighboring shire.*

Carried 4/0

Cr Hickey and Cr Jacobs returned to the room at 3.49pm.

Cr Hickey resumed the chair.

Cr Weguelin declared a Financial Interest in item 8.3.4 and left the room at 3.50pm.

8.3.4.PERFORMANCE BASED STANDARD SCHEME VEHICLE ACCESS APPROVAL

Applicant:	Shire of Corrigin
Date:	8/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	TT.0001
Attachment Ref:	NIL

SUMMARY

Council is asked to consider the request from Main Roads WA Heavy Vehicle Services for Performance Based Standard (PBS) Scheme access to roads in the Shire of Corrigin to be upgraded to AMMS Level 3 Mass.

BACKGROUND

Main Roads WA Heavy Vehicle Services (HVS) has received an application for a PBS Scheme Vehicle Access Approval, requesting AMMS Level 3 Mass. HVS are seeking support for the following roads to be added to the following networks / approved routes:

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4040003	Bullaring Rd	LGA boundary (0.00)	Lomos South Rd (1.72)	Tandem Drive Network 5	PBS Tandem Drive Network 2B
4040169	Lomos South Rd	Bullaring Rd (0.00)	LGA boundary (6.97)	Tandem Drive Network 5	PBS Tandem Drive Network 2B
Mass Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Mass Level
4040003	Bullaring Rd	LGA boundary (0.00)	Lomos South Rd (1.72)	AMMS Level 1 89t + dolly	AMMS Level 3 100t
4040169	Lomos South Rd	Bullaring Rd (0.00)	LGA boundary (6.97)	AMMS Level 1 89t + dolly	AMMS Level 3 100t

Table 1 Tandem Drive Prime Mover, Trailer Combinations Restricted Access Vehicle (RAV) Categories

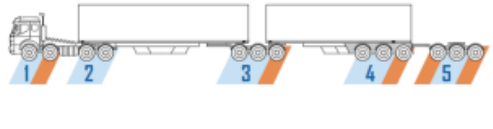

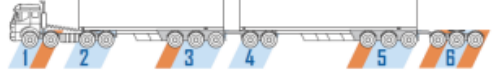

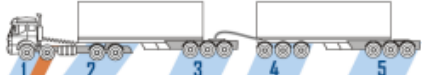


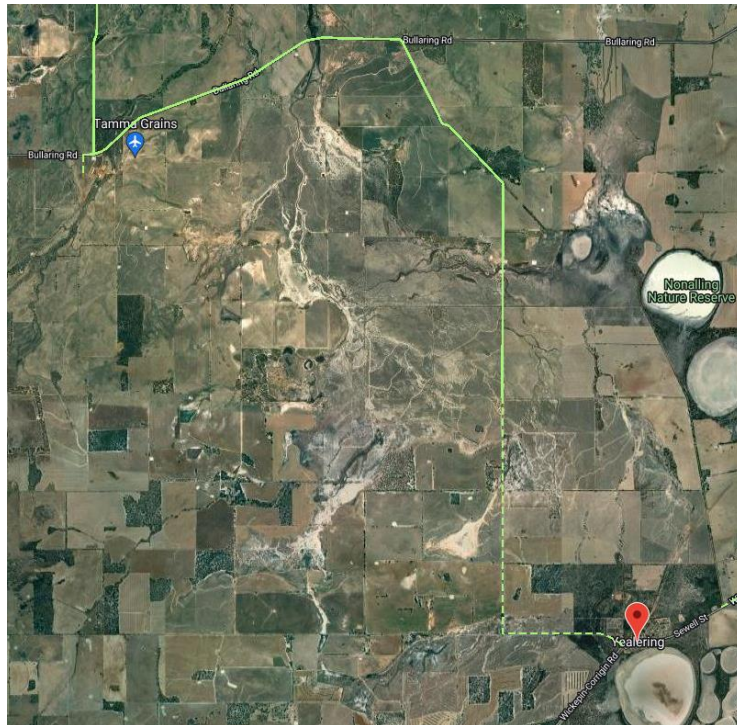
Category 5 RAVs						
Cat.	Vehicle Description	Length	AMMS Level	Max. Gross Mass	Max. Modified Mass	Approved Network
5A	B-Double towing a Dolly 	27.5 m + dolly	Level 1	72 t + dolly	4 t	N5.1
			Level 2	74 t + dolly	6 t	N5.2
			Level 3	76.5 t + dolly	8 t	N5.3
5B	A-Double (Prime Mover, Semi Trailer & Dog Trailer) 	>27.5 m ≤36.5 m	Level 1	89 t	4 t	N5.1
			Level 2	91 t	6 t	N5.2
			Level 3	94 t	9 t	N5.3
5C	A-Double towing a Dolly 	27.5 m + dolly	Level 1	89 t + dolly	4 t	N5.1
			Level 2	91 t + dolly	6 t	N5.2
			Level 3	94 t + dolly	9 t	N5.3
5D	B-Triple 	>27.5 m ≤36.5 m	Level 1	89 t	4 t	N5.1
			Level 2	91 t	6 t	N5.2
			Level 3	94 t	9 t	N5.3

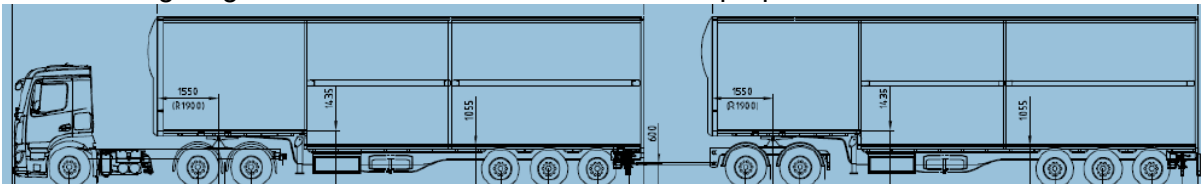
Table 2 Performance Based Standard Classifications

Tandem Drive and Tri Axle Trailer Combinations					
PBS Level	Vehicle Example	Max. Length	Max. Gross Mass	AMMS Level	Approved Network
Level 2		≤30.0 m	93.5t	Level 1	PBS 2B.1
			96.5t	Level 2	PBS 2B.2
			100.0t	Level 3	PBS 2B.3
Level 3		≤42.0 m	136.5t	Level 1	PBS 3B.1
			141.5t	Level 2	PBS 3B.2
			147.0t	Level 3	PBS 3B.3
Level 4		≤60.0 m	179.5t	Level 1	PBS 4B.1
			186.5t	Level 2	PBS 4B.2
			194.0t	Level 3	PBS 4B.3

The transport operator plans to travel to and from Tamma Grains via Milton Road, Bullaring Pingelly Road, Lomos South Road, Yealering Pingelly Road, Wickepin Corrigin Road, Williams Kondinin Road and Sparks Road to the WA Kaolin mine.



The following diagram is an indicative illustration of the proposed vehicle combination.



More information on the specific combinations is available on the Main Roads website below.

[Orders/tandem-drive-prime-mover-trailer-combinations-restricted-access-vehicle-categories.pdf](https://www.mainroads.wa.gov.au/Orders/tandem-drive-prime-mover-trailer-combinations-restricted-access-vehicle-categories.pdf)

[PBS/wa-performance-based-standards-pbs-scheme-access-levels.pdf](https://www.mainroads.wa.gov.au/PBS/wa-performance-based-standards-pbs-scheme-access-levels.pdf)

[AMMS accredited-mass-management-scheme-amms-tandem-drive-prime-mover-trailer-combinations-restricted-access-vehicle-categories.pdf](https://www.mainroads.wa.gov.au/AMMS/accredited-mass-management-scheme-amms-tandem-drive-prime-mover-trailer-combinations-restricted-access-vehicle-categories.pdf)

[AMMS accredited-mass-management-scheme-amms-prime-mover-trailer-combinations-operating-conditions.pdf](https://www.mainroads.wa.gov.au/AMMS/accredited-mass-management-scheme-amms-prime-mover-trailer-combinations-operating-conditions.pdf)

COMMENT

Council has a responsibility to ensure that the road network is as safe as possible within the limited resources available. To achieve this, Council has committed to implementing a systematic management regime across the road network that aims to balance optimal maintenance, minimising whole of life costs, user amenity and value for money as well as economic benefits for the shire.

Main Roads WA have indicated that the PBS scheme offers potential for heavy vehicle operators to achieve higher productivity and improved safety through innovative vehicle designs including:

- Braking capability and vehicle stability is improved with a mandatory requirement in WA for Electronic Braking Systems (EBS) and Rollover Stability Systems (RSS), which is not a requirement on conventional road trains.
- PBS vehicles are often height restricted, which is determined by the PBS assessment which further reduces the rollover risk and improves overall stability.
- PBS vehicles are subject to stringent axle spacing requirements, reducing the impact on the road infrastructure.
- PBS vehicles reduce the number of vehicle movements compared to conventional heavy vehicles which overall reduces congestion and the crash risk exposure.

The transport operator has indicated that they plan to run one full and one empty trailer. The weight of the full trailer would be approximately 30 tonnes. The Shire of Corrigin as the road owner will need to consider the axle loadings and associated impact on the road if both trailers were full.

The route was previously identified as a grain freight route and funding was received to upgrade sections of the road. Approximately 3km of the low lying section of the road has not been stabilised and is likely to fail with the additional weight from containers.

It is recommended that Council inform Main Roads Heavy Vehicle Services that the application for PBS 2B.3, is not supported for the following reasons:

- Anticipated damage to road surface from additional weight on axle groups
- Existing bitumen surface in low lying area will require significant investment to upgrade road, including stabilisation, to accommodate additional load of up to 100 tonnes.

STATUTORY ENVIRONMENT

Road Traffic (Vehicles) Regulations 2014

Road Traffic (Vehicles) Act 2012

Road Traffic (Administration) Act 2008

Road Traffic (Administration) Regulations 2014

Road Traffic Code 2000

Land Administration Act 1997 (Sec 55) Local Government Act 1995

Main Roads Act 1930

POLICY IMPLICATIONS

11.3 Road Hierarchy, Maintenance and Renewal Policy

11.8 Assessing Applications to Operate Restricted Access Vehicles (RAV) on Local Government Roads

FINANCIAL IMPLICATIONS

The Shire of Corrigin 10 year road program details the cost of road maintenance, renewal and upgrades of approximately \$2million per annum.

There is a significant gap between amount of funding required for road maintenance, renewal and upgrade as outlined in the policy and funding availability.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Environment

An attractive natural and built environment for the benefit of current and future generations

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
3.1	Safe, efficient and well maintained road and footpath infrastructure	3.1.2	Update, review and achievement of the Road Asset Management Plan including network hierarchy and service levels

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(139/2022) Moved: Cr Jacobs Seconded: Cr Dickinson

That Council inform Main Roads Heavy Vehicle Services that the application for a Performance Based Standard (PBS) Scheme Vehicle Access Approval, requesting AMMS Level 3 Mass is not supported due to the condition on sections of existing bitumen surface which will require significant investment to upgrade road, including stabilisation, to accommodate additional load of up to 100 tonnes.

Carried 5/0

Cr Weguelin re-entered the room at 4.01pm.

9. CHIEF EXECUTIVE OFFICER REPORT

10. PRESIDENT'S REPORT

The President attended a Wheatbelt Secondary Freight Group Meeting since the last meeting and reported the group is working hard and producing good work.

The District Recovery Coordination Group is meeting tomorrow to discuss Wheatbelt fire recovery.

The Zap Circus and the Rocky Horror Picture Show have been in town. Both productions were well attended and enjoyed by the community.

11. COUNCILLORS' QUESTIONS REPORTS, AND INFORMATION ITEM

12. URGENT BUSINESS APPROVED BY THE PRESIDENT OR DECIDED BY THE COUNCIL

COUNCIL RESOLUTION

(140/2022) Moved: Cr Weguelin Seconded: Cr Coppen

That Council in accordance with Clause 15.10 of the Standing Orders the meeting be closed to the public.

Carried 6/0

12.1. CORRIGIN RECREATION CENTRE – SETTLEMENT AGREEMENT

Applicant:	Shire of Corrigin
Date:	15/11/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	CP.0075
Attachment Ref:	Confidential Attachment – Draft Settlement Deed

SUMMARY

Council is requested to consider entering into a Settlement Agreement in relation to the ongoing legal action to resolve the defects to the roof at the Corrigin Recreation and Events Centre (CREC).

BACKGROUND

The defects to the CREC roof panels and subsequent water leaks have been an ongoing issue since 2016.

The Shire of Corrigin participated in a Technical Working Group during October to attempt to resolve the outstanding issues and avoid further legal action.

Following from the Technical Working Group a Settlement Agreement, including agreed rectification works, was proposed and agreed in principle between the parties.

The Shire of Corrigin has been in regular communication with the builder regarding the outstanding rectification works and has sought legal advice on the matter.

COMMENT

The defective roof panels and water leaks at the CREC have been ongoing since the building was completed in 2015 and are subject to legal action.

The Council has been regularly briefed on the ongoing legal action and has strongly advocated for a resolution to the matter as soon as possible.

The Settlement Deed aims to clarify the arrangements for rectifying the outstanding defects with the building.

STATUTORY ENVIRONMENT

Local Government Act 1995 (WA)
 s.5.43(ha) limits on delegations to CEO
 s. 9.49A (4).execution of documents

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Legal fees associated with protecting the Shire of Corrigin’s right to have the defects with the CREC roof remedied.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership
 Strong Governance and Leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.5	Implement systems and processes that meet legislative and audit obligations	4.5.1	Continual improvement in governance and operational policies, processes and implementation

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

(141/2022) Moved: Cr Weguelin Seconded: Cr Coppen

That Council authorise the CEO to execute the Settlement Deed as per the attached document between Perkins (WA) Pty Ltd T/As Perkins Builders, Askin (WA) Pty Ltd, Askin Pty Ltd and the Shire of Corrigin subject to minor amendment.

Carried 6/0

COUNCIL RESOLUTION

(142/2022) Moved: Cr Coppen Seconded: Cr Weguelin

That Council in accordance with Clause 15.10 of the Standing Orders re-open the meeting to the public.

Carried 6/0

13. INFORMATION BULLETIN

14. WALGA AND CENTRAL ZONE MOTIONS

15. NEXT MEETING

Ordinary Council Meeting on Tuesday 20 December 2022.

16. MEETING CLOSURE

The President, Cr Des Hickey closed the meeting at 4.13pm.

President: _____ Date: _____