



AGENDA

ORDINARY COUNCIL MEETING
20 December 2022

Notice of Meeting

The next Ordinary Council Meeting for the Shire of Corrigin will be held on Tuesday 20 December 2022 in the Council Chambers, 9 Lynch Street, Corrigin commencing at 3.00pm.

Order of Business

12.30pm – 1.00pm	Lunch
1.00pm – 2.30pm	Discussion Forum
2.30pm – 3.00pm	Afternoon Tea
3.00pm	Council Meeting

I have reviewed this agenda and am aware of all recommendations made to Council and support each as presented.



Natalie Manton
Chief Executive Officer
15 December 2022

Disclaimer:

The Shire of Corrigin gives notice to members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995. Members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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1. DECLARATION OF OPENING

Council would like to acknowledge that this meeting is being held on the traditional lands of the Noongar people and pay respects to their elders past, present and emerging.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. PUBLIC QUESTION TIME

A period of 15 minutes is allocated for questions with a further period of 15 minutes provided for statements from members of the public. The procedure for asking questions and responding is to be determined by the presiding member. The time allocated for questions is to be decided by the members of the Council and members of the public are to be given an equal and fair opportunity to ask a question and receive a response.

Questions and statements are to be –

- a) Presented in writing on the relevant form to the Chief Executive Officer prior to commencement of the meeting; and
- b) Clear and concise

4. MEMORIALS

The Shire has been advised that Kevin Phillips, Vanessa Hamilton (nee Stewart), Ray Blight and Gary Sampson have passed away since the last meeting.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

NIL

6. DECLARATIONS OF INTEREST

Councillors and Officers are reminded of the requirements of s5.65 of the *Local Government Act 1995*, to disclose any interest during the meeting before the matter is discussed and of the requirement to disclose an interest affecting impartiality under the Shire of Corrigin Code of Conduct.

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 15 November 2022 (Attachment 7.1.1).

OFFICER'S RECOMMENDATION

That the Minutes of the Shire of Corrigin Ordinary Council meeting held on Tuesday 15 November 2022 (Attachment 7.1.1) be confirmed as a true and correct record.

7.2. COMMITTEE MEETINGS AND BUSINESS ARISING FROM MINUTES

8. MATTERS REQUIRING A COUNCIL DECISION

8.1. CORPORATE AND COMMUNITY SERVICES REPORTS

8.1.1. ACCOUNTS FOR PAYMENT

Applicant:	Shire of Corrigin
Date:	5/12/2022
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 – November 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 November 2022 are provided as Attachment 8.1.1 – Accounts for Payment – November 2022.

After payment of the following cheque, EFT and Direct Debit payments, the balance of creditors will be \$262.25.

Bank Account	Payment Type	Reference	Amount	Total
Municipal	EFT	18060 - 18137, 18140 - 18192	\$503,174.46	
	Cheque	020792 - 020799	\$30,518.20	
	Direct Debit	November 2022	\$51,660.19	
	Payroll	November 2022	\$139,553.32	\$724,906.17
Trust	EFT	18138 - 18139	\$267.50	
	Cheque	No Payments	\$0.00	
	Direct Debit	No Payments	\$0.00	\$267.50
Licensing Trust	EFT	No Payments	\$0.00	
	Direct Debit	November 2022	\$30,558.65	\$30,558.65
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 November 2022				\$755,732.32

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 – February 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	EFT18059	EFT18060
Municipal	Cheque	020792	020799
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

OFFICER'S RECOMMENDATION

That Council reviews the list of accounts paid and acknowledges that payments totalling \$755,732.32 have been made during the month of November 2022.

8.1.2.ACCOUNTS FOR PAYMENT – CREDIT CARDS

Applicant:	Shire of Corrigin
Date:	7/12/2022
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 29 September 2022 to 28 October 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

OFFICER’S RECOMMENDATION

That Council endorse credit card payments for the period 29 September 2022 to 28 October 2022 for \$8,693.06 in accordance with Attachment 8.1.2

8.1.3.MONTHLY FINANCIAL REPORTS

Applicant:	Shire of Corrigin
Date:	14/12/2022
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 30 November 2022

SUMMARY

This report provides Council with the monthly financial reports for the month ending 30 November 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

November closed with \$634,667 in the Municipal bank account and \$2,446,103 in short term investment.

Rate payments are coming in steadily with \$2,630,842 being collected as of 30 November 2022. This equates to 88% of outstanding rates compared to 86.2% at the same time last year.

Further information on the November 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

OFFICER’S RECOMMENDATION

That Council:

Accept the Statement of Financial Activity for the month ending 30 November 2022 as presented, along with notes of any material variances.

8.2. GOVERNANCE AND COMPLIANCE

8.2.1. DEVELOPMENT APPLICATION - PROPOSED NEW CARPORT

Applicant:	BM & KE Poultney
Landowner:	As above
Location:	Lot 354 (No.10) Centenary Avenue, Corrigin
Date:	13/12/2022
Reporting Officer:	Mr Joe Douglas, Consultant Town Planner (Exurban Rural & Regional Planning)
Disclosure of Interest:	NIL
File Ref:	PA13-2022
Attachment Ref:	Attachment 8.2.1 – Application Documentation & Plans

SUMMARY

This report recommends that Council grant conditional approval to a development application submitted by Brian and Karen Poultney (Landowners) to construct a new carport on Lot 354 (No.10) Centenary Avenue, Corrigin for vehicle parking purposes.

BACKGROUND

The applicants have submitted a development application requesting Council's approval to construct a new 85m² steel framed and Colorbond clad carport on Lot 354 (No.10) Centenary Avenue, Corrigin for vehicle parking purposes.

The proposed carport will be sited at the front of the property with a setback of 3 metres to the land's front boundary and 0.65 metres to its western side boundary including guttering. The structure will be approximately 16.41 metres long, up to 8.18 metres wide along its street frontage with column heights ranging from 3.007 to 2.743 metres and a gable roof ridge height ranging from 3.876 to 3.31 metres. All stormwater from the proposed structure will be retained and disposed on-site.

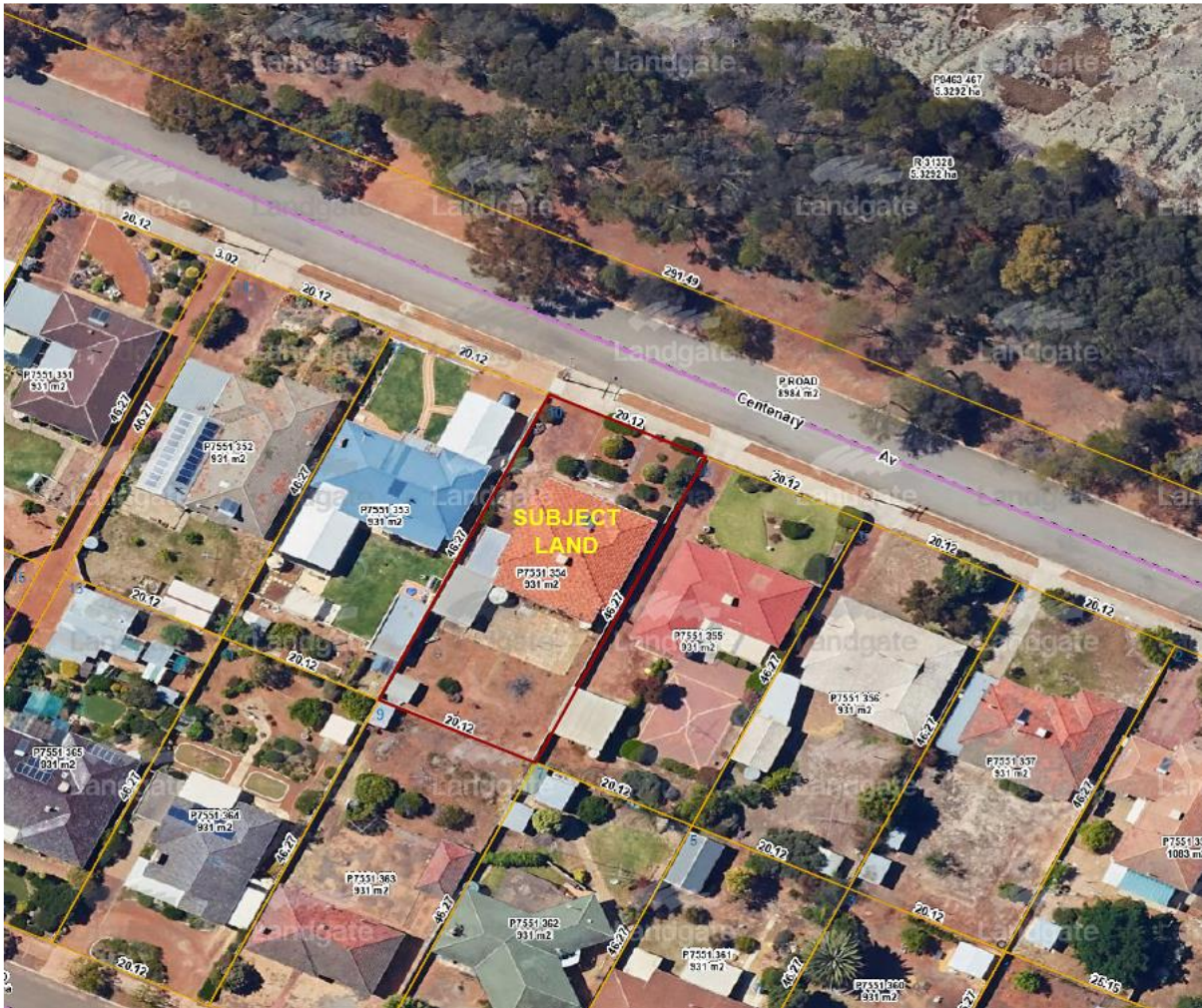
A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 8.2.1.

Lot 354 is located centrally in the eastern part of the Corrigin townsite in a well-established, low density residential precinct and comprises a total area of approximately 931m². The property has direct frontage and access to Centenary Avenue along its front boundary to the north which is a sealed and drained local road under the care, control, and management of the Shire of Corrigin.

The land is rectangular in shape, gently sloping from north to south and has historically been developed and used for low density residential purposes (i.e. a single detached dwelling, garage, garden shed and associated vehicle access, parking and landscaping).

It is significant to note the property has not been designated as being bushfire prone, flood prone or subject to inundation during extreme storm events and contains no buildings or places of European or Aboriginal cultural heritage significance.

Existing adjoining and other nearby land uses are predominantly residential in nature comprising single houses and associated improvements on similar sized lots. A public recreation reserve (i.e. Crown Reserve 31328) comprising a large rocky outcrop and adventure playground is located immediately north on the opposite side of Centenary Avenue.



Location & Lot Configuration Plan (Source: Landgate 2022)

COMMENT

Lot 354 is classified 'Residential' zone under the Shire of Corrigin Local Planning Scheme No.2 (LPS2) with a density code of R20.

Under the terms of LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development and use of a carport in association with a single house is listed as being permitted on any land classified 'Residential' zone and exempt from the need for development approval provided it satisfies the deemed-to-comply requirements of the Residential Design Codes of Western Australia (i.e. the 'R-Codes') and clause 31(14) of LPS2.

An assessment of the proposal for Lot 354 has confirmed it satisfies the majority of the deemed-to-comply requirements of the R-Codes and clause 31(14) of LPS2 except the following:

- Minimum required side boundary setback - **0.75 metres** required by clause 31(14) of LPS2 as it applies specifically to roofing and guttering for all carport structures;
- Proposed side boundary setback - **0.65 metres** including guttering.

In considering whether or not to approve this proposed variation to the deemed-to-comply requirement of clause 31(14) of LPS2 Council must decide whether it is likely to have a detrimental impact upon the amenity, character, functionality and safety of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded following a detailed assessment of the application that the proposed variation to the minimum required side boundary setback for the new carport structure on Lot 354 is unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) By virtue of its overall design and dimensions it is unlikely to have any adverse impacts on the existing residential property located immediately west or the streetscape more generally in terms of its bulk and scale;
- ii) It will not compromise opportunities for access to direct sun and ventilation to habitable rooms in the existing dwelling on the land and its surrounding open spaces or any adjoining properties;
- iii) It will not result in any overlooking and resultant loss of privacy on any adjoining properties;
- iv) It will allow for the more efficient use of available space to provide convenient and efficient covered parking for the dwelling's occupants;
- v) It will be finished using visual appealing materials and colours that match the existing dwelling on the land and will not have any detrimental impacts on the general amenity of any immediately adjoining properties or the local streetscape more generally; and
- vi) All immediately adjoining landowners on Centenary Avenue have reviewed the plans and confirmed in writing they have no issues, concerns or objections to the proposed development.

In light of the above findings and conclusions it is recommended Council exercise its discretion and approve the application subject to a number of standard conditions to ensure the development proceeds in a proper and orderly manner.

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

State Planning Policy 7.3 – *Residential Design Codes (Volume 1) 2021*

PUBLIC CONSULTATION

Not required or deemed necessary given the written advice received from all immediately adjoining landowners on Centenary Avenue confirming they have no issues, concerns or objections to the proposed development.

FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been offset in part by the development application fee paid by the applicants. All costs associated with the proposed development will be met by the applicants / landowners.

It is significant to note should the applicants/landowners be aggrieved by Council's final decision in this matter, they have the right 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 broadly consistent with and will not compromise any key elements or objectives of the *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	2.1.5	Support local business development initiatives where possible.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolve to approve the development application submitted by BM & KE Poultney (Landowners) to construct a new 85m² steel framed and Colorbond clad carport on Lot 354 (No.10) Centenary Avenue, Corrigin for vehicle parking 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 have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.*
4. *All external surfaces of the proposed carport shall be clad with new materials only.*
5. *All stormwater drainage from the proposed carport shall be retained and disposed on-site.*
6. *The proposed carport shall not be enclosed unless otherwise approved by the local government.*

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 applicants/landowners 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, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.*
4. *The proposed carport is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.*
5. *No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.*
6. *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.*
7. *If the applicants/landowners are 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 determination.*

8.2.2.DEVELOPMENT APPLICATION - PROPOSED NEW FARM MACHINERY STORAGE SHED

Applicant:	Ashley Jacobs
Landowner:	William JS Jacobs
Location:	Lot 13652 (No.607) Bilbarin East Road, Bilbarin
Date:	12/12/2022
Reporting Officer:	Mr Joe Douglas, Consultant Town Planner (Exurban Rural & Regional Planning)
Disclosure of Interest:	Nil
File Ref:	PA14-2022
Attachment Ref:	Attachment 8.2.2 – Application Documentation & Plans

SUMMARY

This report recommends that Council grant conditional approval to a development application received from Ashley Jacobs on behalf of William JS Jacobs (Landowner) to construct a new 800m² farm machinery storage shed on Lot 13652 (No.607) Bilbarin East Road, Bilbarin.

BACKGROUND

The applicant has submitted a development application requesting Council's approval to construct a new 40 metre long, 20 metre wide and 6.87 metre high steel framed, zincalume clad farm machinery storage shed on Lot 13652 (No.607) Bilbarin East Road, Bilbarin to support the continued use of the land for extensive agricultural purposes (i.e. cropping and grazing).

The proposed structure will be erected centrally in the eastern portion of the land in close proximity to a number of other existing built form improvements including a single dwelling house, farm sheds, animal holding pens, rainwater tanks, storage silos, vehicle parking and loading areas.

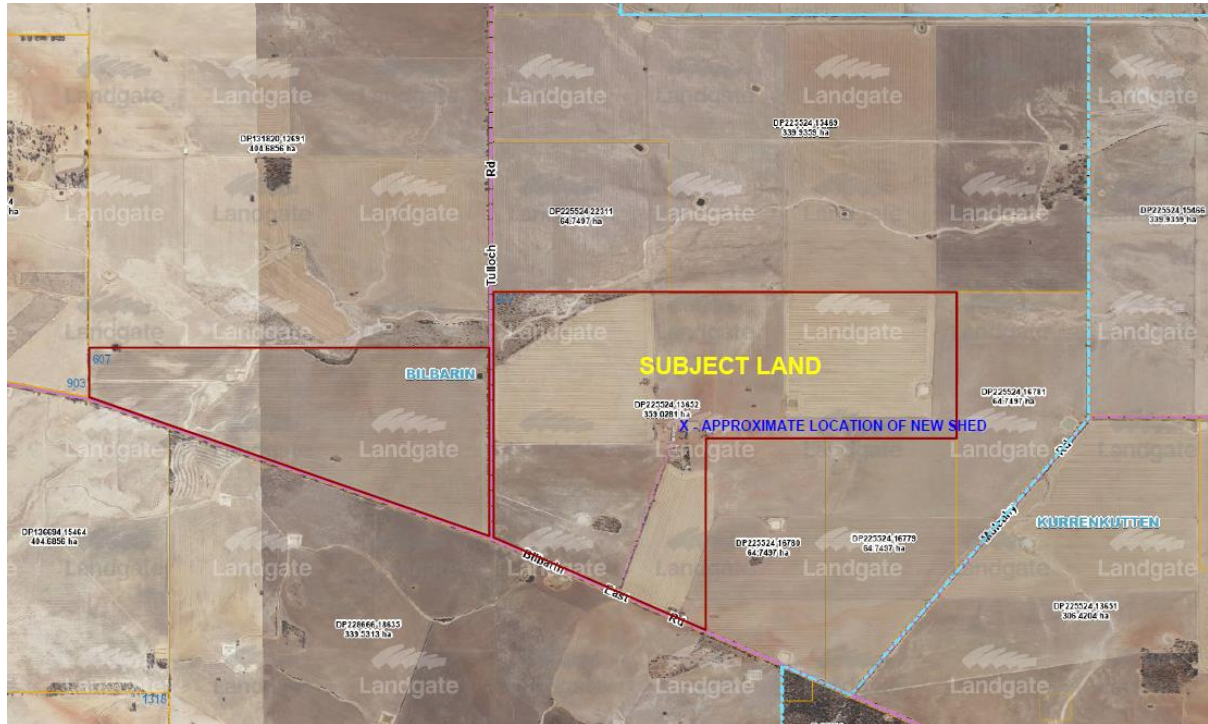
A copy of the documentation and plans submitted in support of the application is provided in Attachment 8.2.2.

Lot 13652 is located approximately 16 kilometres north-east of the Corrigin townsite in the locality of Bilbarin and comprises a total area of approximately 359.03 hectares. The property has direct frontage and access to Bilbarin East Road along its southern boundary and Tulloch Road which dissects the property centrally in a north-south direction, both of which are local roads under the care, control and management of the Shire that have been constructed to a basic rural standard (i.e. unsealed road carriageway).

The subject land is gently sloping, predominantly cleared of all native vegetation with the exception of a few small stands in select locations for land management purposes, and has been extensively developed and used for extensive agricultural purposes (i.e. cropping and grazing) for many years.

Existing adjoining and other nearby land uses are also rural in nature comprising broadacre agricultural activities on lots of various sizes.

That portion of the land where the development is proposed to be undertaken has been cleared of all native vegetation aside from a few isolated trees/shrubs, does not contain any sites of cultural heritage significance, is not subject to inundation or flooding during extreme storm events and has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone.



Location & Lot Configuration Plan (Source: Landgate 2022)

COMMENT

Lot 13652 is classified 'Rural' zone in the Shire of Corrigin Local Planning Scheme No.2 (LPS2).

Under the terms of LPS2 the development of any land classified 'Rural' zone for extensive agricultural purposes is listed as being a permitted (i.e. a 'P') use. Notwithstanding this fact, Council's development approval is still required as no express exemption to the requirement to obtain approval for any such use, including any associated construction works, is contained in LPS2 or the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The application has 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:

- Land capability and land use compatibility;
- Lot boundary setbacks;
- Building height;
- Preservation of the rural character and amenity;
- Preservation of natural environmental features, drainage patterns and catchments;
- Vehicle access and parking; and
- Flood risk, bushfire risk and stormwater drainage management.

In light of the above findings, it is concluded the proposal for Lot 13652 is acceptable and unlikely to have any negative impact 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

Not required or deemed necessary.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council’s annual budget and have been offset by the development application fee paid by the applicant. All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant/landowner be aggrieved by Council’s final decision in this matter, they have the right 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

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	2.1.5	Support local business development initiatives where possible.

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION

*That Council **APPROVE** the development application submitted by Ashley Jacobs on behalf of William JS Jacobs (Landowner) to construct a new 800m² farm machinery storage shed on Lot 13652 (No.607) Bilbarin East Road, Bilbarin to support the continued use of the land for extensive agricultural purposes subject to the following conditions and advice notes:*

Conditions

- 1. The proposed development shall be undertaken in a manner consistent with all 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 external surfaces of the proposed structure shall be clad with new materials only.*
5. *The proposed structure shall be used for agricultural machinery storage purposes associated with the current extensive agricultural use of the land unless otherwise approved by the local government.*
6. *All stormwater drainage shall be directed away from the proposed structure and managed and disposed of on-site 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/landowners 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, a building permit application may need to be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land. To confirm the relevant requirements in this regard please contact the local government's Building Surveyor Mr Peter Hulme on 0402 232 264 or peter.hulme@kalamunda.wa.gov.au.*
4. *The proposed structure is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with any building permit application that may be required.*

5. *The landowner is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Corrigin Annual Fire Break Notice as it applies to all land within the municipal district.*
6. *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.*
7. *If the applicant/landowner are 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 determination.*

8.2.3.ORDINARY COUNCIL MEETING DATES 2023

Applicant:	Shire of Corrigin
Date:	28/11/2022
Reporting Officer:	Kirsten Biglin, Executive Support Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0024
Attachment Ref:	NIL

SUMMARY

Council is requested to consider and approve dates to be advertised for Ordinary Council Meetings for 2023.

BACKGROUND

The Shire of Corrigin currently holds Ordinary Council Meetings on the third Tuesday of each month excluding January, with a starting time of 3.00pm.

COMMENT

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* states that at least once each year a local government is to give local public notice of the dates on which and the time and place at which —

- (a) The ordinary council meetings; and
- (b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

It is proposed that Council be held on the third Tuesday of the month commencing at 3:00pm except for the month of January where no meeting is generally held. It is also proposed that Council continue with the Discussion Forum Session meetings prior to the Council meetings each month at 1:00 pm except for the month of January where no meeting is planned.

The following Ordinary Council Meeting dates for 2023 are recommended to Council (note: Council does not ordinarily meet in January):

21 February 2023
21 March 2023
18 April 2023
16 May 2023
20 June 2023
18 July 2023
15 August 2023
19 September 2023
17 October 2023
21 November 2023
19 December 2023

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

r. 12. Meetings, public notice of (Act s. 5.25(1)(g)) (1)

At least once each year a local government is to give local public notice of the dates on which and the time and place at which:

- (a) the ordinary council meetings; and*

(b)the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.

POLICY IMPLICATIONS

Policy 8.6 - Monthly Ordinary Council Meetings and Councillor Discussion Period

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
4.3	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 improved community, education, health and business outcomes
		4.3.2	Continue representation on relevant Boards, Committees and Working groups to influence positive local and regional outcomes

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION

That Council approve the following schedule for Ordinary Council Meeting for 2023, commencing at 3pm in the Shire of Corrigin Council Chambers, 9 Lynch Street and request the Chief Executive Officer to give local public notice of the Ordinary Council Meeting dates as provided.

21 February 2023

21 March 2023

18 April 2023

16 May 2023

20 June 2023

18 July 2023

15 August 2023

19 September 2023

17 October 2023

21 November 2023

19 December 2023

8.2.4. APPOINTMENT OF COUNCILLORS TO EXTERNAL ORGANISATIONS OR COMMITTEES

Applicant:	Shire of Corrigin
Date:	14/12/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0021
Attachment Ref:	NIL

SUMMARY

Council is requested to appoint a delegate to the WA Local Government Association (WALGA) Central Country Zone.

BACKGROUND

Following the Local Government elections in October 2021 Council appointed members to the following external organisations and committees:

- *WALGA Central Country Zone*
- *Roe Regional Organisation of Councils including Roe Health (2 positions)*
- *Wheatbelt South Regional Road Group (2 positions)*
- *Roe Tourism Association (1 position)*
- *Edna Stevenson Trust (1 position)*
- *Wheatbelt South Aged Housing Alliance (1 position)*
- *Central Agcare Financial and Family Counselling (1 Position)*
- *Corrigin Senior Citizen’s Committee*

Delegates to external committees were reviewed in May 2022 and all positions were filled except for the second delegate to the WALGA Central Country Zone which remains vacant.

ORGANISATION	REQUIRED	MEETINGS	APPROXIMATE DURATION
WALGA Central Country Zone	Cr Hickey Cr _____	Quarterly	½ to full day (depending on location of meeting)

COMMENT

Cr Hickey was appointed as a delegate to WALGA Central Country Zone following the Council elections in October 2021. A delegate is required to replace Cr Weguelin as the second delegate to ensure that the Shire of Corrigin is well represented in the region as there are no proxy delegates

The CEO and staff can represent the Shire of Corrigin on external committees and councillors may still attend external committee meetings on request.

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Budgeted expenditure for cost associated with providing representatives to external organisations and committees.

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

That Council appoint Cr _____ as a WALGA Central Country Zone delegate along with the existing delegate Cr Des Hickey.

8.2.5. WALGA BEST PRACTICE GOVERNANCE REVIEW FEEDBACK

Applicant:	Shire of Corrigin
Date:	14/12/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Number:	GR.0022
Attachment Ref:	Attachment 8.2.5 Best Practice Governance Review Background Paper and Consultation Paper Model Options

SUMMARY

Council is asked to provide feedback to Western Australian Local Government Association (WALGA) on the Best Practice Governance Review and identify the most appropriate governance model from the proposed options.

BACKGROUND

WALGA is undertaking a Best Practice Governance Review to ensure their governance model is contemporary, agile, and maximises engagement with members.

The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review include:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments.
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to deal with matters related to State Councillors' candidature for State and Federal elections.
- Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995 (WA)*; and
- Constitutional requirements for WALGA to become a registered organisation under the Industrial Relations Act 1979 (WA), which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission.

The following principles were endorsed at the State Conference Annual General Meeting on 2 October 2022.

- Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.
- Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders; and
- Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs, and services.

The details of the review are summarised in the background paper prepared by the Project Steering Committee in Attachment 8.2.5.

WALGA has also undertaken independent consultation to gain insights from the perspective of CEOs and Elected Members to supplement Council feedback.

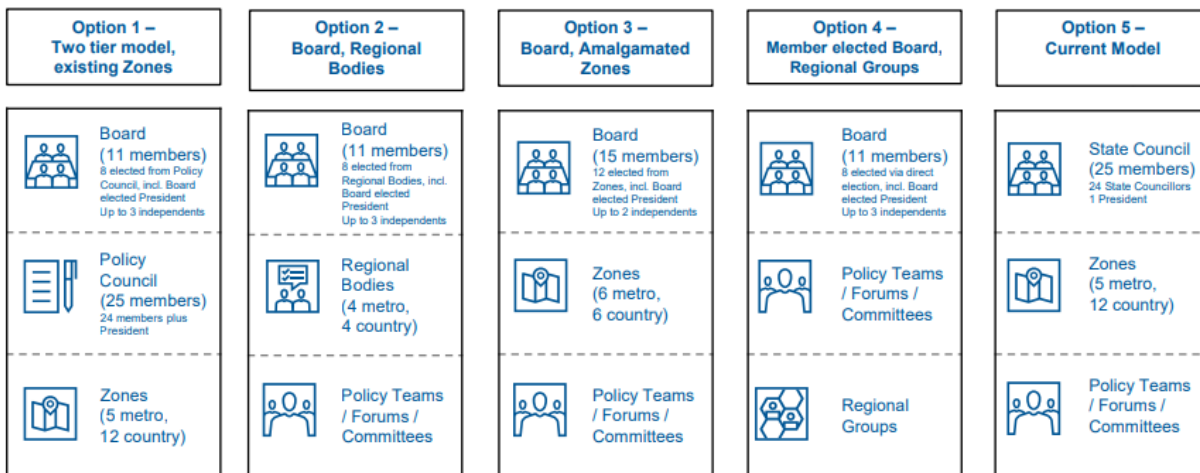
A presentation was made by WALGA representatives at the recent Central Country Zone and an overview of the proposed five options was provided including:

- Option 1 – Two tier model, existing zones.
- Option 2 – Board, regional bodies.
- Option 3 – Board, amalgamated zones.
- Option 4 – Member elected board, regional groups.
- Option 5 – Current model.

The following diagram summarises the main elements of the different options.

Options and Current Model

Five options, including the Current Model, with details of each of their key governance bodies



COMMENT

WALGA was formed in 2001 from the merger of the Western Australian Municipal Association, Country Shire Council's Association and the Local Government Association of WA and Country Urban Councils Association.

The organisation represents 139 local governments with significant range in size, scale, location, and diversity making it difficult to obtain agreement on policies or advocacy positions across the whole sector.

There has historically been equal representation from metropolitan and regional or rural local governments, with the President alternating from between metropolitan and country local governments.

The current model (Option 5) represents the diversity of views from the varying size and scale of local governments across the State. The current model includes a large board of 25 members which is difficult to manage.

The Shire of Corrigin is represented by delegates to the WALGA Central Country Zone that generally represents the interests of the local government well and provides a forum to advocate on issues relevant to rural local governments.

The advocacy and consultation process can at times be lengthy and bureaucratic. Some simplification would assist local governments to provide input and present issues to State Council for expedient and transparent decision making.

Options 1, 2, 3 and 4 propose an elected Board with two to three independent members.

Option 1 retains the current zone structure with a reduction in board members.

Option 3 amalgamated zones may provide a more responsive, agile and results orientated model. Travel times to attend meetings further away may increase but meeting schedule and location is unknown at this point.

Option 4 is the least preferred model.

Option 5 (current model) is a more representative model and maintains the current level of rural/regional representation.

On balance it is recommended that option 3 provides opportunities for the Shire of Corrigin to provide a greater level of involvement in policy forums and efficiencies from a smaller and more agile State Council. Option 5, being the status quo, is the second preference and provides good representation and responsiveness for the Shire of Corrigin.

Member feedback on the governance model options presented in the Consultation Paper Model Options in Attachment 8.2.5 is requested from Local Governments by 23 December 2022.

STATUTORY ENVIRONMENT

Council's role to determine the Local Government's policies is defined in the Local Government Act, Section 2.7(2) (b):

Local Government Act 1995 – Section 2.7 Role of council

(1)The council —

(a)governs the local government's affairs; and

(b)is responsible for the performance of the local government's functions.

(2)Without limiting subsection (1), the council is to —

(a)oversee the allocation of the local government's finances and resources; and

(b)determine the local government's policies.

The Local Government Act 1995 reforms propose to remove WALGA from being constituted under the Local Government Act.

A review of the Industrial Relations Act 1979 (WA) provides an opportunity for WALGA to be constituted as a registered employer organisation, which would enable the organisation to make applications on behalf of the sector.

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
4.3	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

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. *Notes the Western Australian Local Government Association Best Practice Governance Review.*
2. *Request the CEO forward a submission in support of Option 3 followed by Option 5 to the Western Australian Local Government Association on behalf of the Shire of Corrigin.*

8.2.6. AUSTRALIA DAY AWARDS

Applicant:	Shire of Corrigin
Date:	12/12/2022
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	CR.0002
Attachment Ref:	Confidential Award Nominations

SUMMARY

This item seeks endorsement of the annual Australia Day Awards including Community, Youth and Senior Citizen of the Year and Active Citizenship Awards to be presented at the Australia Day Breakfast.

BACKGROUND

The Community Citizen of the Year Awards reward and recognise individuals and organisations making a notable contribution during the current year, and/or to those who have given outstanding service over a number of years.

Outstanding contribution and community service includes areas such as education, health, fund-raising, charitable and voluntary services, business, sport, arts, the environment, social inclusion, or any other area that contributes to the advancement and wellbeing of the community.

The Shire of Corrigin in conjunction with Auspire - Australia Day Council WA provides four awards being:

- Community Citizen of the Year
- Community Citizen of the Year – Youth (under 25 years)
- Community Citizen of the Year – Senior (65 years or over)
- Active Citizenship Awards (for community group or event).

In choosing the recipients of the Community Citizen of the Year Awards, regard is given to the nominee's achievements in the year immediately prior to receiving the award, as well as their past achievements and ongoing contribution to the community.

A nominee need only be nominated once to be considered. And the number of nominations received per nominee bears no weight in their selection.

The recipients are judged on the following selection criteria:

- Made a significant contribution to the local community over and above what is normally expected from their paid employment/business.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

The following eligibility criteria applies to the awards:

- Nominees should reside or work principally within the local authority making the award.
- Awards may be granted posthumously in recognition of recent achievements.

- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group. Though a couple or pair working together on a joint initiative may be considered in an individual category at the discretion of the local selection committee,
- A person may receive an award on more than one occasion in recognition of their particularly outstanding community contribution or involvement in an alternative initiative.
- Unsuccessful nominees may be nominated in future years.
- Nominations must be apolitical in their nature and should not in any way bring the awards program or local government area into disrepute.
- Sitting members of State, Federal and Local Government are not eligible.

COMMENT

The Community Citizen of the Year Awards were actively promoted by Auspire – Australia Day Council and the Shire of Corrigin in print and social media throughout the year. Nominations closed on 11 November and three nominations were received.

The awards are to be presented at the annual Australia Day breakfast on 26 January 2023.

The Shire of Corrigin, along with Auspire – Australia Day Council, encourage all nominators to recognise and acknowledge those in their community displaying ideals of social justice, cultural diversity, and social inclusion. The importance that the reconciliation process plays in enabling people to feel valued and contribute more positively towards society is recognised in the awards process.

No nominations were received in the senior or community group category.

All finalists and winners are also eligible to be submitted by councils or the original nominator to Auspire for consideration in the Australian of the Year Awards the following year.

Copies of the nominations are provided under separate cover.

The award winners will be recorded in the official minutes however in order to maintain confidentiality the names will not be published in public minutes until after the presentation of the awards.

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The cost of the annual Australia Day Breakfast is included in the 2022/23 Annual Budget.

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
1.4	Support local volunteer organisations through initiatives that reduce volunteer fatigue and strengthen their resilience	1.4.1	Together with the CRC deliver targeted support and guidance to local volunteer organisations for their ongoing longevity, governance and valued contributions

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) award the 2022 Community Citizen of the Year Award to _____ at the Australia Day Breakfast on 26 January 2023.

- 2) award the 2022 Community Citizen of the Year – Youth Award to _____ at the Australia Day Breakfast on 26 January 2023.

8.2.7. ADDITION TO FEES AND CHARGES 2022/2023

Applicant:	Shire of Corrigin
Date:	12/12/2022
Reporting Officer:	Karen Wilkinson, Senior Finance Officer
Disclosure of Interest:	NIL
File Ref:	FM.0183
Attachment Ref:	

SUMMARY

Council is asked to consider adopting an additional fee in the Schedule of Fees and Charges for 2022/2023.

BACKGROUND

In February 2022, Corrigin and surrounding areas of Bruce Rock and Quairading were impacted by bushfire. Following the disaster event, a group of community members formed the Fire Story Book Editorial committee and commenced planning, researching, interviewing, and collating information and stories from those involved or affected by the fire. These stories along with photographs are being published into a limited edition book titled 'Corrigin Fire Storm – Voices from the Smoke'.

COMMENT

The editorial committee wrote to the Corrigin Community Development Fund (CCDF) committee with a request to underwrite the cost of publishing the book.

The CCDF committee met on 7 November 2022 and resolved to underwrite and subsidise 250 copies of the book. The committee also resolved that all proceeds from the sale of the book be returned to the CCDF trust account held at the Shire of Corrigin. The editorial committee, with the intention to keep the book at a reasonable price, have set the fee at \$40.00 (GST inclusive) per book which the CCDF committee are agreeable with.

The editorial committee have approached the Shire and requested that the book be sold through the Shire and Community Resource Centre as a central location for the community to purchase the book.

For the Shire and Community Resource Centre to collect payment on behalf of the CCDF and editorial committees, Council are required to adopt the \$40.00 (inclusive of GST) per book fee for inclusion in the 2022/2023 Fees and Charges.

STATUTORY ENVIRONMENT

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be
 (a) imposed* during a financial year; and
 (b) amended* from time to time during a financial year.
 * Absolute majority required.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —
 (a) its intention to do so; and
 (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

2.13 Budget consideration/preparation

FINANCIAL IMPLICATIONS

Revenue raised from fees and charges.

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	4.4.4	Provide Council adequate and appropriate financial information on a timely basis

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopt the 'Corrigin Fire Storm – Voices from the Smoke' book fee of \$40 per book to be added to the Schedule of Fees and Charges for the 2022/2023 financial year effective as of 1 February 2023.

8.2.8. PROPERTY SEIZURE AND SALE – A938 & A1004

Applicant:	Shire of Corrigin
Date:	15/12/2022
Reporting Officer:	Karen Wilkinson, Senior Finance Officer
Disclosure of Interest:	NIL
File Ref:	A938 & A1004
Attachment Ref:	NIL

SUMMARY

Council is requested to approve the sale of two properties that have rates outstanding by three or more years for which it has not been possible to enter acceptable or successful arrangements for the payment of the balance owing.

BACKGROUND

The following is a list of those properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date.

Assessment	A938 – 65 Lynch Street	
Type / Zoning	Residential	
Period Outstanding	2020/21 – 2022/23	
Amount Outstanding	\$6,334.30	
Payment	27 October 2022 – \$100.00 This payment part paid 2020/2021 outstanding rates	
Recovery Action	18 September 2020	2020/21 Final Notice issued via post
	23 October 2020	Notice of Intention to Summons issued via post
	17 February 2021	Referred to AMPAC and letter of demand issued
	26 March 2021	No response, advised AMPAC to proceed to General Procedure Claim (GPC)
	28 May 2021	Payment arrangement with AMPAC was setup but payments were irregular and inconsistent. AMPAC advised to proceed to Judgement
	18 June 2021	No response to Judgement letter, proceeding to Property Seizure and Sale Order (PSSO)
	10 September 2021	Contact from ratepayer to advise regular payments direct to AMPAC will continue, hold on PSSO commencement
	20 September 2021	2021/22 Final Notice issued via post
	7 October 2021	Notice of Intent to Summons issued via post
	6 December 2021	Payments irregular but continuing
	18 May 2022	PSSO is due to expire, extended. AMPAC recommended proceeding to PSSO on goods
	25 July 2022	Vehicle seized but of not enough value to cover the outstanding debt
	16 September 2022	2022/23 Final Notice issued via post
	6 October 2022	Notice of Intention to Summons issued via post
10 November 2022	Proceed to PSSO on land	
Response	The owner has not responded to recent notices or correspondence	

Assessment	A1004 – 33 Seimons Avenue	
Type / Zoning	Residential	
Period Outstanding	2008/09 – 2019/20 – Deferred rates and charges 2020/21 – 2022/23 – Rates and charges not deferred	
Amount Outstanding	\$10,965.78	
Payment	1 May 2020 – \$5,320.12 payment by Keystart of the outstanding rates and charges.	
Recovery Action	12 February 2020	Notification from Keystart. advising the property now 'Mortgagee in Possession' as at 9 January 2020.
	1 May 2020	Keystart paid outstanding rates and charges but not deferred as they advised it may not be recoverable from the sale of the property.
	7 May 2020	Notification of passing of ratepayer from a relative
	19 November 2020	Keystart abandoned the property and relinquished all responsibility to the property.
	19 November 2020	Contact to the Public Trustee to take on administration of the property. As it has been less than a year since the owner has deceased, advised they will not take on the administration as a family member may come forward.
	24 June 2021	Family advised they will commence the process to sell the property
	8 October 2021	Son of deceased advises he is the executor of the estate and will have the debt paid
	15 November 2021	AMPAC completed probate searches and showed there is no will lodged and no executors of the estate. AMPAC will conduct a skip trace to locate any other family members
	2 December 2021	Results of skip trace located other children's details but noted of infighting between the siblings
	2 February 2022	AMPAC to proceed to General Procedure Claim (GPC). Issued to property address
	16 February 2022	AMPAC advised to proceed to Judgment. Issued to property address
	2 March 2022	Letter of Demand sent to address of the son of deceased
	22 March 2022	AMPAC had contact from the son of the deceased to say they were applying for probate to enable them to take legal procession of the property
	17 June 2022	No update on probate. GPC reissued to the address of the son
	28 July 2022	Judgment issued to the address of the son
	24 August 2022	Proceed to Property Seizure and Sale Order (PSSO) on goods
21 October 2022	Bailiff attended the address, found the property appears vacant (no assets/property)	
26 October 2022	Proceed to PSSO on land	
Response	No response from owners as both are deceased. No recent response or action from the family.	

COMMENT

It is suggested that Council apply the provisions of Section 6.64(1) of the *Local Government Act 1995* and sell the land in respect of the unpaid rates and charges, which are in arrears for a period of excess of 3 years.

Their advice is based on (relating to the Shire's instructions) the following

- Rates and service charges in respect of the subject land have remained outstanding in excess of three years;
- The Shire has attempted to recover the unpaid rates and service charges owed to it through the debt collection process as set by Council Policy 2.2 in the past three years, which is presently at the stage of seeking to enforce a judgment debt by execution of a Property (Seizure and Sale) Order (PSSO);
- Exercising the Shire's own power of sale under the Act would provide the Shire with the most appropriate options, including greater power and enforceability, to bring finality to this matter and secure its interest in respect of the outstanding debt for unpaid rates and service charges owed to it.

STATUTORY ENVIRONMENT

Local Government Act 1995 s6.64

- (1) *If any rates or services charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and-*
 - a. From time to time least the land;*
 - b. Sell the land;*
 - c. Cause the land to be transferred to the Crown; or*
 - d. Cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or services charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

POLICY IMPLICATIONS

Policy 2.1 – Rates – Procedures for unpaid rates

FINANCIAL IMPLICATIONS

Cost associated with debt recovery, including public notices, advertising, and cost of selling or transferring of the property.

Income from sale of property reducing rates outstanding.

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

Absolute Majority

OFFICER'S RECOMMENDATION

That Council pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to sell the property at 65 Lynch Street and 33 Seimons Avenue which has rates in arrears for three or more years, and recover from the proceeds of sale the outstanding balance which currently totals \$17,300.08.

8.3. WORKS AND SERVICES

NIL

9. CHIEF EXECUTIVE OFFICER REPORT

10. PRESIDENT'S REPORT

11. COUNCILLORS' QUESTIONS REPORTS, AND INFORMATION ITEM

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

13. INFORMATION BULLETIN

14. WALGA AND CENTRAL ZONE MOTIONS

15. NEXT MEETING

Ordinary Council Meeting on Tuesday 21 February 2023.

16. MEETING CLOSURE