



## **MINUTES**

### **SPECIAL MEETING OF COUNCIL**

**3 November 2022  
Commencing at 9:00am**

**Council Chambers  
Yougenup Road, Gnowangerup WA 6335**

#### **COUNCIL'S VISION**

Gnowangerup Shire – A progressive, inclusive and prosperous community built on opportunity



Shire of Gnowangerup

**NOTICE OF A SPECIAL MEETING OF COUNCIL**

Dear Council Member

A Special Council Meeting of the Shire of Gnowangerup will be held on Thursday 3 November 2022, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 9:00am.

Signed: \_\_\_\_\_



**Cherie Delmage**  
**ACTING CHIEF EXECUTIVE OFFICER**

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**Meaning of and CAUTION concerning Council's "In Principle" support:**

*When Council uses this expression it means that:*

- (a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and*
- (b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.*

*Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.*



### DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Gnowangerup for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Gnowangerup disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Gnowangerup during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Gnowangerup.

The Shire of Gnowangerup advises that anyone who has any application lodged with the Shire of Gnowangerup shall obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Gnowangerup in respect of the application.

These minutes are not a verbatim record but include the contents pursuant to Regulation 11 of Local Government (Administration) Regulations 1996.

Signed:  \_\_\_\_\_

**Cherie Delmage**  
**ACTING CHIEF EXECUTIVE OFFICER**



### DECLARATION OF INTEREST FORM

To: Chief Executive Officer  
Shire of Gnowangerup  
28 Yougenup Road  
GNOWANGERUP WA 6335

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

Agenda Item (3) \_\_\_\_\_

The **type** of Interest I wish to declare is (4).

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

The **nature** of my interest is (5) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The **extent** of my interest is (6) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

#### Notes:

1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act)..

#### **DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)**

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

#### **NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. **If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
  - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

#### **INTERESTS AFFECTING IMPARTIALITY**

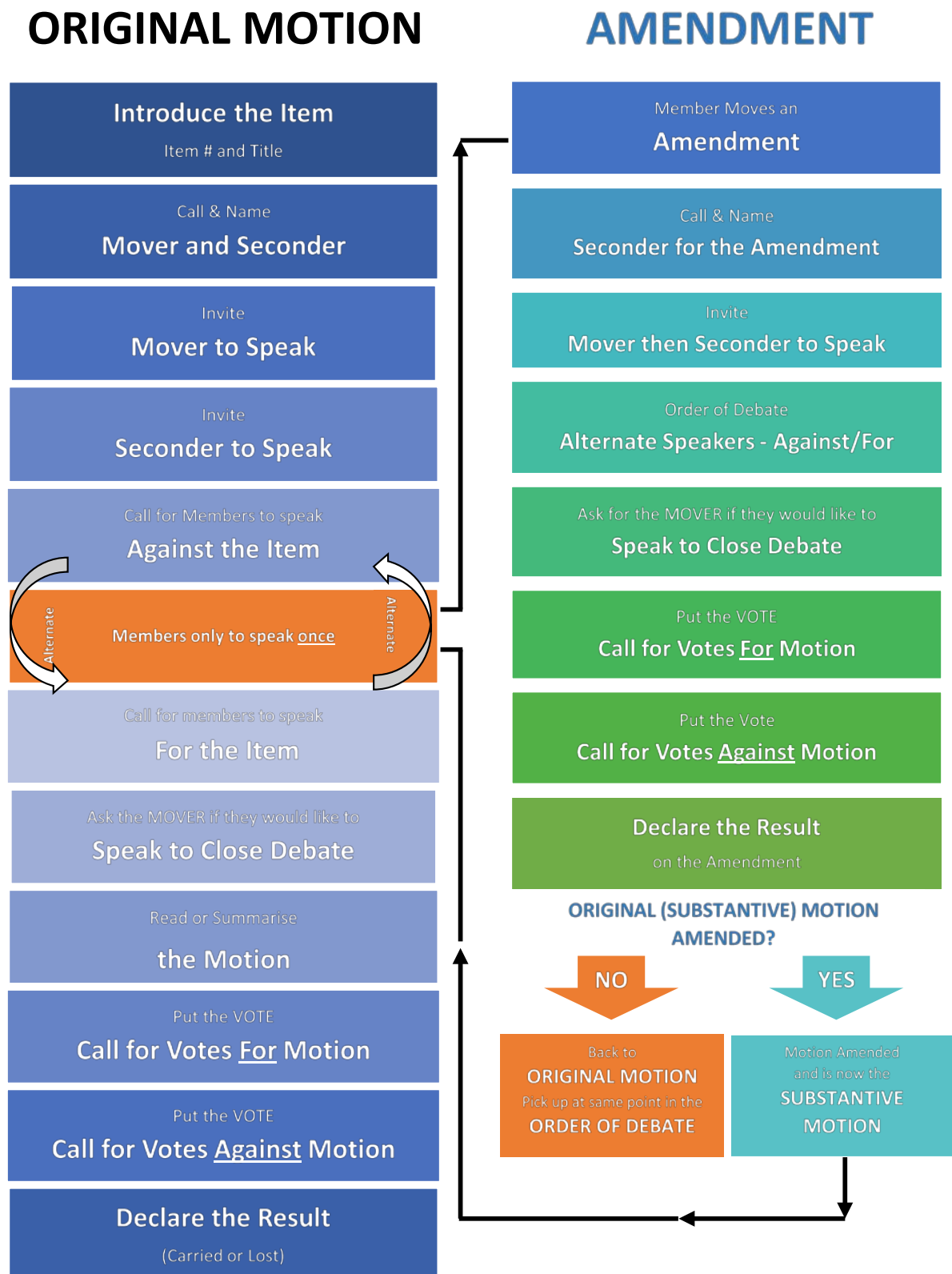
**DEFINITION:** An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

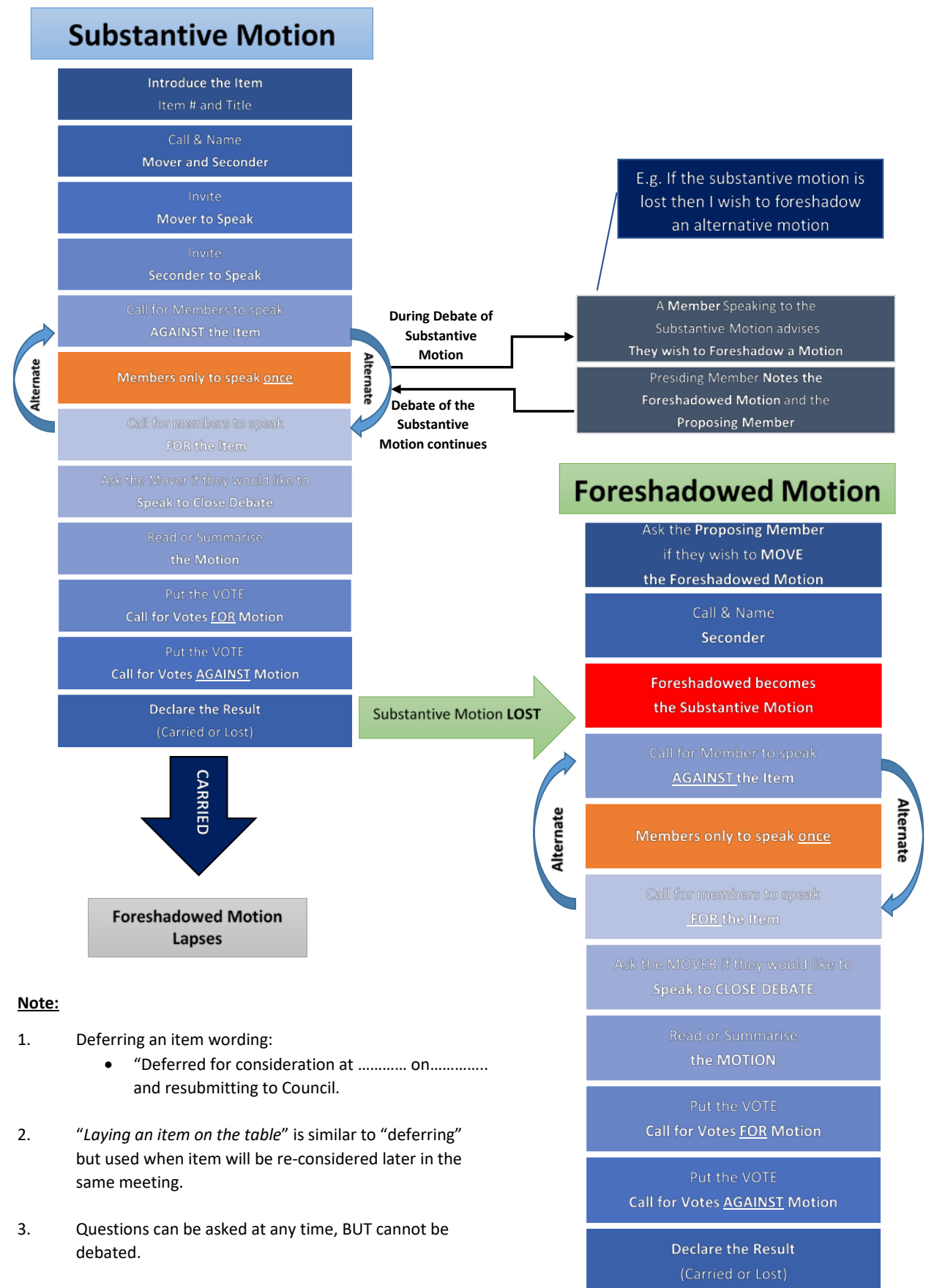
#### **IMPACT OF AN IMPARTIALITY DISCLOSURE**

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

# Process of Motions



Slight clarification of wording of motion: A minor amendment of the motion can be done at any time through the President with the approval of the Mover and the Secnder. The Minor amendment must be minuted.



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**OPENING PROCEDURES**

**1. OPENING AND ANNOUNCEMENT OF VISITORS**

Shire President, Fiona Gaze welcomed Councillors and staff and opened the meeting at 9:05am.

**2. ACKNOWLEDGEMENT OF COUNTRY**

The Shire of Gnowangerup would like to acknowledge the Goreng people who are the Traditional Custodians of this land. The Shire of Gnowangerup would also like to pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Aboriginals present.

**3. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

Cr Fiona Gaze	Shire President
Cr Greg Stewart JP	Deputy Shire President
Cr Shelley Hmeljak	
Cr Mick Creagh	
Cr Rebecca Kiddle	
Cr R O'Meehan	
Cr Kate O'Keeffe JP	
Cr Peter Callaghan	
Cherie Delmage	Acting Chief Executive Officer
Damon Lukins	Manger of Works
Anita Finn	Executive Assistant

**3.2 APOLOGIES**

Nil

**3.3 APPROVED LEAVE OF ABSENCE**

Cr L Martin

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. RESPONSE TO QUESTIONS TAKEN ON NOTICE**

Nil

**6. PUBLIC QUESTION TIME**

Nil

**7. DECLARATION OF FINANCIAL INTERESTS AND INTERESTS AFFECTING IMPARTIALITY**

Nil

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

Nil

**8.2 DEPUTATIONS**

Nil

**8.3 PRESENTATIONS**

Nil

**9. CONFIRMATION OF PREVIOUS MEETING MINUTES**

Nil

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## REPORTS FOR DECISION

### 11. REPORTS FOR DECISION

#### 11.1 REQUEST FOR VARIATION TO KWOBURUP ROAD WORKS

<b>Location:</b>	Kwobrup Rd
<b>Proponent:</b>	N/A
<b>Date of Report:</b>	31 October 2022
<b>Business Unit:</b>	Infrastructure
<b>Officer:</b>	Damon Lukins - Manager of Works
<b>Disclosure of Interest:</b>	Nil

#### ATTACHMENT

1. MC Civil Request for Variation – MC186-RFV-001 - Endorsed
2. MC Civil Request for Variation – MC186-RFV-002 - Original
3. MC Civil Request for Variation – MC186-RFV-003 - Final

#### PURPOSE OF THE REPORT

For Council to endorse the reallocation of funds to cover a contractor variation for the Regional Road Group (RRG) funded Kwobrup Road Project.

#### COMMENT

It has been determined by the Manager of Works that an undesirable subgrade material was milled into the basecourse during stabilisation and that a 500m stretch of the road does not meet an acceptable standard.

The Shire did not do any geotechnical investigation prior to the Tender being awarded and because of this, the Shire will need to cover some of the additional cost that is required to complete the job.

To repair the pavement, the Shire will need to import an additional 1,000m<sup>3</sup> of gravel which will be spread and compacted to a depth of 100mm over the 500m length of road. There are also some areas of lime stabilisation that will be carried out on parts of the pavement that have a high clay content.

#### CONSULTATION

Nil

#### LEGAL AND STATUTORY REQUIREMENTS

Nil

#### POLICY IMPLICATIONS

Nil

**FINANCIAL IMPLICATIONS**

If endorsed by Council, the impact on the budget will be nil as the Officer's Recommendation is that the required funds to cover the variation are reallocated from GL: 39112 Road Maintenance, Job Number RM200 Road Maintenance Sundry.

The Kwobrup Road Project is a 2/3 funded by Main Roads WA through the RRG Program. The Project was originally costed at a total of \$573,001 with funds of \$382,000 coming from RRG and the remaining \$191,001 being the Shire's 1/3 contribution.

A variation of \$8,445 (GST Exclusive) has been approved but due to the immateriality of the variation, Council endorsement was not required. In this instance, due to the significance of the variation, Council approval is being sought.

The original variation request came in at a cost of \$160,540.20 but with negotiations between the Manager of Works and MCC Contractors, the final value of this variation is \$82,434 (GST Exclusive) as per attached.

**STRATEGIC IMPLICATIONS**

Nil

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Nil

**CONCLUSION**

It is considered that the completion of the original RRG Kwobrup Road Project as per the original plan is necessary to ensure the integrity of the Shire's road network and to meet our current Road Asset Management Plan.

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**Moved: Cr S Hmeljak**

**Seconded: Cr R Kiddle**

**1122.132 That Council**

**Approves the variation as presented by MC Civil for the Kwobrup Road Project for pavement repairs, as per the attached variation of \$82,434 (GST exclusive) by reallocating funds from GL: 39112 Road Maintenance, Job Number RM200 Road Maintenance Sundry.**

**CARRIED BY ABSOLUTE MAJORITY: 8/0**



## REQUEST FOR VARIATION

MCC Contractors  
832 South Coast Highway  
Phone: 0439 960 552  
email: [admin@mcccontractors.com](mailto:admin@mcccontractors.com)

<b>Attn:</b>	Damon Lukins	<b>Date:</b>	13 <sup>th</sup> October 2022
<b>To:</b>	Shire of Gnowangerup	<b>RFV No:</b>	MC186-RFV-001 <b>Rev:</b> 0
<b>Project:</b>	Pavement construction	<b>Job No:</b>	MC186
<b>Location:</b>	Kwobrup Road	<b>Dwg/Spec:</b>	

☒ Sent originally as Email  
☒ For Review & Approval

☒ Construction purposes  
☐ For Other Purposes:

### DESCRIPTION OF THE VARIATION:

**Title:** Culvert and Headwall removal and replace - Slk 7

The existing culvert is an old-style butt joined culvert that is in poor condition. Culverts are of this nature are no longer manufacture or available to extend the pipe by 1.4 metres. Headwalls are also not available to suit this class of pipe.



Removal of the existing culvert and replacement recommended with the use of 375 mm SN08 HDPE culverts and precast concrete headwalls.

### COST & CONSEQUENCES:

Item	Quantity	Unit	Rate	Total
Preliminaries - Admin, Supervision, Freight	1	LS	\$1,550.00	\$1,550.00
Traffic Control (3 x TC as per approved TMP)	10	HRS	\$165.00	\$1,650.00
RCP - 375 mm Class 4	6	EA	\$320.00	\$1,920.00
Earthworks, Labour and waste removal to shire waste facility (Shire to cover waste fees)	1	LS	\$2,350.00	\$2,350.00
Bedding sand and stabilised gravel backfill	1	LS	\$975.00	\$975.00
Net Amount (excl GST)				\$8445.00

### Other Information:

For MCC Contractors,  
Matt Candy

### Review and Approval:

<b>Comments:</b>	
<b>Approved By:</b>	Damon Lukins
<b>Date:</b>	14/10/22
<b>Client Signature:</b>	DA

# REQUEST FOR VARIATION

<b>Attn:</b>	Damon Lukins	<b>Date:</b>	26 <sup>th</sup> October 2022
<b>To:</b>	Shire of Gnowangerup	<b>RFV No:</b>	MC186-RFV-002 <b>Rev:</b> 0
<b>Project:</b>	Pavement construction	<b>Job No:</b>	MC186
<b>Location:</b>	Kwobrup Road	<b>Dwg/Spec:</b>	

☒ Sent originally as Email  
☒ For Review & Approval

☒ Construction purposes  
☐ For Other Purposes:

## DESCRIPTION OF THE VARIATION:

Areas between slk 7.12 and 8.14 have failed due to unsuitable in situ material that requires box out and replacement.

### Unsuitable material – SLK 7.16 to SLK 7.85 LHS

- Box out - 4.8m wide x 690m long = 3312m<sup>2</sup> x 100mm deep = 331m<sup>3</sup>.
- Subgrade preparation and compaction
- Import 525m<sup>3</sup> client supplied gravel for base course layer (130mm layer with bulking factor of 25% - spread to level)
- 3312m<sup>2</sup> of pavement stabilisation at 1%, compact and trimmed for sealing by others.

### Slk 7.12 to slk 8.14 both sides

- Top up with 30mm client supplied gravel at shire works depot - 9.4m wide x 1020m = 9588m<sup>2</sup> - 3312m<sup>2</sup> (1) = 6276m<sup>2</sup> x 30mm deep = 244m<sup>3</sup> (inclusive of 25% bulking factor)
- 6276m<sup>2</sup> of pavement stabilisation with 3% lime at a depth of 200mm.

### Slk 8.32 to slk 8.27

- Top up with 30mm client supplied gravel at shire works depot - 4.8m wide x 50m long = 240m<sup>2</sup> (10m<sup>3</sup> of Gravel).
- Lime stabilise to 3% at 250mm deep.

### Slk 8.52 to slk 8.70

- Top up with 30mm client supplied gravel at shire works depot - 7.1m wide x 180m long = 1276m<sup>2</sup> (50m<sup>3</sup> of Gravel).
- Lime stabilise to 3% at 250mm deep.

### Slk 9.08 to slk 9.18

- Top up with 30mm client supplied gravel at shire works depot - 4.8m wide x 100m long = 480m<sup>2</sup> (19m<sup>3</sup> of Gravel).
- Lime stabilise to 3% at 250mm deep.

Disposal of unsuitable materials to be at the Shires landfill for tip cover.

## COST & CONSEQUENCES:

Item	Quantity	Unit	Rate	Total
<b>Preliminaries</b>				
Project Management, Administration & Supervision	1	Lump Sum	\$550.00	\$550.00
Traffic Control (4 Controllers)	1	Lump Sum	\$13,440.00	\$13,440.00
Accommodation/Meals (twelve people x 4 nights)	1	Lump Sum	\$11,970.00	\$11,970.00
<b>SLK 7.16 to SLK 7.85 LHS</b>				
Box out and dispose at shire landfill	331	m <sup>3</sup>	\$32.00	\$10,592.00
Subgrade preparation and compaction	3312	m <sup>2</sup>	\$1.66	\$5,464.80
Import 130mm base course layer	525	m <sup>3</sup>	\$26.00	\$13,650.00

# REQUEST FOR VARIATION

MCC Contractors  
832 South Coast Highway  
Phone: 0439 960 552  
email: [admin@mcccontractors.com](mailto:admin@mcccontractors.com)

Cement Stabilised to 1%, trim and compact.	3312	m <sup>2</sup>	\$7.45	\$24,674.40
<b>Slk 7.12 to slk 8.14 both sides</b>				
Import 30mm base course layer	244	m <sup>3</sup>	\$26.00	\$6,344.00
Lime Stabilised to 3%, trim and compact.	6276	m <sup>2</sup>	\$8.68	\$54,475.68
<b>Slk 8.32 to slk 8.27</b>				
Import 30mm base course layer	10	m <sup>3</sup>	\$26.00	\$260.00
Lime Stabilised to 3%, trim and compact.	240	m <sup>2</sup>	\$8.68	\$2,083.20
<b>Slk 8.52 to slk 8.70</b>				
Import 30mm base course layer	50	m <sup>3</sup>	\$26.00	\$1,300.00
Lime Stabilised to 3%, trim and compact.	1276	m <sup>2</sup>	\$8.68	\$11,075.68
<b>Slk 9.08 to slk 9.18</b>				
Import 30mm base course layer	19	m <sup>3</sup>	\$26.00	\$494.00
Lime Stabilised to 3%, trim and compact.	480	m <sup>2</sup>	\$8.68	\$4,166.40
<b>Net Amount (excl GST)</b>				<b>\$160,540.20</b>
<b>Other Information:</b>				

For MCC Contractors,  
Matt Candy

<b>Review and Approval:</b>			
Comments:			
Approved By:		Date:	
Client Signature:			



# REQUEST FOR VARIATION

MCC Contractors  
832 South Coast Highway  
Phone: 0439 960 552  
email: [admin@mcccontractors.com](mailto:admin@mcccontractors.com)

<b>Attn:</b>	Damon Lukins	<b>Date:</b>	2 <sup>nd</sup> November 2022		
<b>To:</b>	Shire of Gnowangerup	<b>RFV No:</b>	MC186-RFV-003	<b>Rev:</b>	1
<b>Project:</b>	Pavement construction	<b>Job No:</b>	MC186		
<b>Location:</b>	Kwobrup Road	<b>Dwg/Spec:</b>			

☒ Sent originally as Email  
☒ For Review & Approval

☒ Construction purposes  
☐ For Other Purposes:

## DESCRIPTION OF THE VARIATION:

Areas between SLK 7.12 and 8.14 have failed due to unsuitable in situ material that requires box out and replacement.

Shire to supply gravel and trucks to cart gravel and spoils to landfill. No tip fees have been allowed for.

Warranty can not be provided for areas that have no stabilisation in **SLK 7.12 to SLK 8.14 both sides**

## COST & CONSEQUENCES:

Item	Quantity	Unit	Rate	Total
<b>Preliminaries</b>				
Project Management, Administration & Supervision	1	Lump Sum	\$550.00	\$550.00
Traffic Control (4 Controllers)	1	Lump Sum	\$13,440.00	\$13,440.00
Accommodation/Meals (twelve people x 4 nights)	1	Lump Sum	\$11,970.00	\$11,970.00
<b>SLK 7.16 to SLK 7.85 LHS</b>				
Box out unsuitable material – backload with Shire trucks to dispose at shire landfill	331	m <sup>3</sup>	\$18.00	\$5,958.00
Subgrade preparation and compaction	3312	m <sup>2</sup>	\$1.66	\$5,497.92
<b>SLK 7.12 to SLK 8.14 both sides</b>				
Place 100mm base course layer	6276	m <sup>2</sup>	\$2.65	\$16,631.40
Wet mix, trim and compact	6276	m <sup>2</sup>	\$5.21	\$32,697.96
<b>SLK 8.32 to SLK 8.27</b>				
Place 100mm base course layer	240	m <sup>2</sup>	\$2.65	\$636.00
Wet mix, trim and compact	240	m <sup>2</sup>	\$5.21	\$1,250.40
<b>SLK 8.52 to SLK 8.70</b>				
Place 100mm base course layer	1276	m <sup>2</sup>	\$2.65	\$3,381.40
Wet mix, trim and compact	1276	m <sup>2</sup>	\$5.21	\$6,647.96
<b>SLK 9.08 to SLK 9.18</b>				
Place 100mm base course layer	480	m <sup>2</sup>	\$2.65	\$1,272.00
Wet mix, trim and compact	480	m <sup>2</sup>	\$5.21	\$2,5008.80
<b>SUBTOTAL</b>				<b>\$102,433.84</b>
USE OF PROVISIONAL SUM – AS LISTED IN CONTRACT				\$20,000
<b>Net Amount (excl GST)</b>				<b>\$82,433.84</b>

## Other Information:

For MCC Contractors,  
Matt Candy

## Review and Approval:

<b>Comments:</b>	
<b>Approved By:</b>	<b>Date:</b>
<b>Client Signature:</b>	



**12. REPORT FOR DECISION – CONFIDENTIAL ITEMS**

Nil

**OTHER BUSINESS AND CLOSING PROCEDURES**

**13. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL**

Nil

**14. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**15. DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be held on the 23 November 2022.

**16. CLOSURE**

The Shire President thanked Council and staff for their time and declared the meeting closed at **9:15** am.