



MINUTES

Roadworks Advisory Committee Meeting

Tuesday, 15 February 2022

Date: Tuesday, 15 February 2022

Time: 10:00am

**Location: Council Chamber
110 Massingham Street
Kellerberrin WA 6410**

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**MINUTES OF SHIRE OF KELLERBERRIN
ROADWORKS ADVISORY COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 15 FEBRUARY 2022 AT 10:00AM**

1 DECLARATION OF OPENING

The chairperson opened the meeting at 10:10am

2 RECORD OF ATTENDANCE / APOLOGIES

PRESENT:

Cr Rod Forsyth,
Cr Matt Steber,
Mr Kelvin Tiller,
Mr Grant Gardiner,
Mr Eric Newman,
Mr Mark Ryan.

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer),
Codi Brindley-Mullen (Manager of Governance).

APOLOGIES

Mick Jones (Manager Works and Services)

3 DISCLOSURE OF INTEREST

Note: Under Section 5.60 – 5.62 of the Local Government Act 1995, care should be exercised by all Councillors to ensure that a “financial interest” is declared and that they refrain from voting on any matters which are considered may come within the ambit of the Act.

A Member declaring a financial interest must leave the meeting prior to the matter being discussed or voted on (unless the members entitled to vote resolved to allow the member to be present). The member is not to take part whatsoever in the proceedings if allowed to stay.

4 PUBLIC QUESTION TIME

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time. The length of time an individual can speak will be determined at the President’s discretion.

5 CONFIRMATION OF PREVIOUS MEETING MINUTES**5.1 MINUTES OF THE ROADWORKS ADVISORY COMMITTEE MEETING HELD ON 20 JULY 2021**

File Ref: ADM
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Roadworks Advisory Committee Meeting held on 20 July 2021

HEADING**STAFF RECOMMENDATION**

1. That the Minutes of the Roadworks Advisory Committee Meeting held on 20 July 2021 be confirmed as a true and accurate record.

COMMITTEE RESOLUTION

MIN 001/22 **MOTION - Moved Mr. Gardiner** **Seconded Cr. Forsyth**

That the Minutes of the Roadworks Advisory Committee Meeting held on 20 July 2021 be confirmed as a true and accurate record.

CARRIED 5/0

6 REPORTS

6.1 STATUS REPORT OF ACTION SHEET

File Ref:	Various
Author:	Codi Brindley-Mullen, Manager of Governance
Authoriser:	Raymond Griffiths, Chief Executive Officer
Attachments:	Nil

BACKGROUND

The Roadworks Advisory Committee requested at its March 2021 Committee Meeting to have an action sheet completed to ensure that members are aware of each items status.

STAFF COMMENT

This report has been presented to provide an additional measure for the Roadworks Advisory Committee to be kept up to date with progress on items presented to the committee.

The concept of the report will be that every action from Council's Roadworks Committee Meetings will be placed into the Status Report and only when the action is fully complete can the item be removed from the register. However the item is to be presented to the next Committee Meeting shading the item prior to its removal.

This provides the committee with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

TEN YEAR FINANCIAL PLAN

There is no direct impact on the long term financial plan.

FINANCIAL IMPLICATIONS

Financial implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

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

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local

government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
or
 - (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —

- (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.
- (2) In subsection (1) —
- notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;
- value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
 - (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
 - (c) the proposed development of that land or any land adjacent to that land,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]

[5.64.] Deleted by No. 28 of 2003 s. 112.]

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an 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 CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 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 relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
- (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.
Penalty: \$10 000 or imprisonment for 2 years.

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Works and Services
- Manager of Governance

- Roadworks Advisory Committee

STAFF RECOMMENDATION

That the Roadworks Advisory Committee receive the status report.

COMMITTEE RESOLUTION

MIN 002/22 MOTION - Moved Mr. Newman Seconded Mr. Tiller

That the Roadworks Advisory Committee receive the status report.

CARRIED 5/0

6.2 DOODLAKINE TOWNSITE INTERSECTION

File Ref: ENG45.1
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council in the 2020/2021 Budget approved the Doodlakine-Kununoppin Road (Townsite section) to be included in the Regional Road Group Program for construction works.

STAFF COMMENT

Council in the 2020/2021 financial year commenced the works on the Doodlakine-Kununoppin Road intersection in accordance with the adopted plan submitted to the Kellerberrin Regional Road Group.

In completing the works the crew were held up due to underground water causing the pavement to fail on several occasions. The failure of the surface wouldn't permit the program to be completed therefore the program was held over to 2021/22.

Mr Newman, on 22nd January 2022 emailed for this item to be placed on the next Roadworks Advisory Committee meeting agenda.

Council has progressed works further on this job as per the following program;

- Tuesday, 15th February 2022 – Road crew to attend the site with profiler to mix new material through and lift part sections that are currently low.
- Thursday, 17th February 2022 – Stirling Asphalt will be onsite to commence and complete Asphalt works.
- Kerbing to be completed after asphalt works whilst contractor in the Shire completing James Street, Kellerberrin.

TEN YEAR FINANCIAL PLAN

Council Roadworks program within the ten year plan.

FINANCIAL IMPLICATIONS

Councils 2021/2022 Roadworks Budget.

STATUTORY IMPLICATIONS

Nil known at this time.

STRATEGIC COMMUNITY PLAN

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3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Team Leader – Road Crew
- Rod Munns – Consulting Engineer

STAFF RECOMMENDATION

That the committee acknowledge the update of the proposed works, noting the works will be completed by the end of February 2022.

COMMITTEE RESOLUTION

MIN 003/22 MOTION - Moved Mr. Gardiner Seconded Cr. Forsyth

That the committee acknowledge the update of the proposed works, noting the works will be completed by the end of February 2022.

CARRIED 5/0

6.3 ROADWORKS PROJECTS UPDATE

File Ref: ENG45.1
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The Shire of Kellerberrin have since June 2021 meeting have completed major road upgrades and reconstruction.

STAFF COMMENT

The Roadworks crew have been working on the roads 2021/2022 programme as per the following:

Doodli-Kununoppin Road (Town Section)

The works at this site will be recommenced on Tuesday 15th February 2022 to final trim the area ready for asphaltting. The asphaltting is currently booked in for 17th & 18th February with kerbing contractor commencing Monday 21st February 2022.

Baandee North Road (22 – 29 SLK)

Works are complete on this job and the funding claims both for Regional Road Group and HSVPP funding have been submitted for payment.

James Street – (Bedford St – Moore St)

Works are continuing to progress on this job.

Sealing is booked for the 14th February 2022 with kerbing, footpaths and islands to follow immediately after. The intention is to have all works associated with this job completed by the end of February 2022.

James Street – (McCulloch St – King St)

Works are continuing to progress on this job.

Sealing is booked for the 14th February 2022 with kerbing, footpaths and islands to follow immediately after. The intention is to have all works associated with this job completed by the end of February 2022.

Ripper Street (Forrest St – Rason St)

Works have commenced on this section of work with the drains removed, sub-base removed and road pegged ready for works.

The drainage construction with concrete has been scheduled to commence on the 10th February 2022. The concrete will need to settle for 4 – 5 days prior to works being able to re-commence for building the road.

The sealing and kerbing will be scheduled once we have finalised the drain construction.

King Street – Crossover construction.

No works have commence on this project.

Road Maintenance

Road Maintenance will continue once Council has completed its Capital roadworks program.

Gravel Sheeting

Yorkrakine Rock road is prepared for gravel sheeting. Gravel has been pushed up and on the completion of the town jobs the crew will be heading straight there to commence and finish this road.

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

2021/2022 Shire of Kellerberrin Operational and Capital Expenditure Budget.

STATUTORY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Team Leader – Road Crew
- Rod Munns – Consulting Engineer

STAFF RECOMMENDATION

That the Committee note the Road crew projects status.

COMMITTEE RESOLUTION

MIN 004/22 MOTION - Moved Cr. Forsyth Seconded Mr. Tiller

That the Committee note the Road crew projects status as above.

CARRIED 5/0

6.4 GENERAL BUSINESS

File Ref: ENG45.1
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

This item is for General Discussion with the Committee.

STAFF COMMENT

Mr Newman requested via email on the 22nd January 2022 discussion on General Culvert Maintenance and Repair.

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Not known at this time.

STATUTORY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Mr Eric Newman - Member

STAFF RECOMMENDATION

That the Committee have an open discussion.

COMMITTEE RESOLUTION

MIN 005/22 **MOTION - Moved Cr. Forsyth** **Seconded Mr. Tiller**

That the committee recommend to council:

- *Approaching DEC Contracting to undertake tree pruning projects along Goldfields Road;*
- *That a submission be made to the Roads Upgrade Pilot Project for Goldfields Road from the Highway to Kellerberrin-Bencubbin Road;*

- ***That a submission be issued to the Kellerberrin Regional Road Group to reallocate the 2022/20223 funding to the South Doodlakine Road or Kellerberrin Yelbeni Road subject to their approval;***
- ***Acknowledge the receipt of Mr Walsh's correspondence and Councils CEO response;***
- ***That a financial report be provided to the next meeting highlighting the expenditure of all roads.***

CARRIED 5/0

7 CLOSURE OF MEETING

The Meeting closed at 11:36.

The minutes of this meeting were confirmed at the Roadworks Advisory Committee held on .

.....
CHAIRPERSON