



MINUTES

SPECIAL MEETING OF COUNCIL

15 April 2026
Commencing at 3:30pm

Council Chambers
Yougenup Road, Gnowangerup WA 6335

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 Wednesday 15 April 2026, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3:30pm.



Signed: _____

Cr K O'Keeffe JP
SHIRE PRESIDENT

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: 

Kate O'Keeffe JP
SHIRE PRESIDENT



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 the Code of Conduct for Council Members, Committee Members & Candidates

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:

- a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- b) includes an interest arising from kinship, friendship or membership of an association.

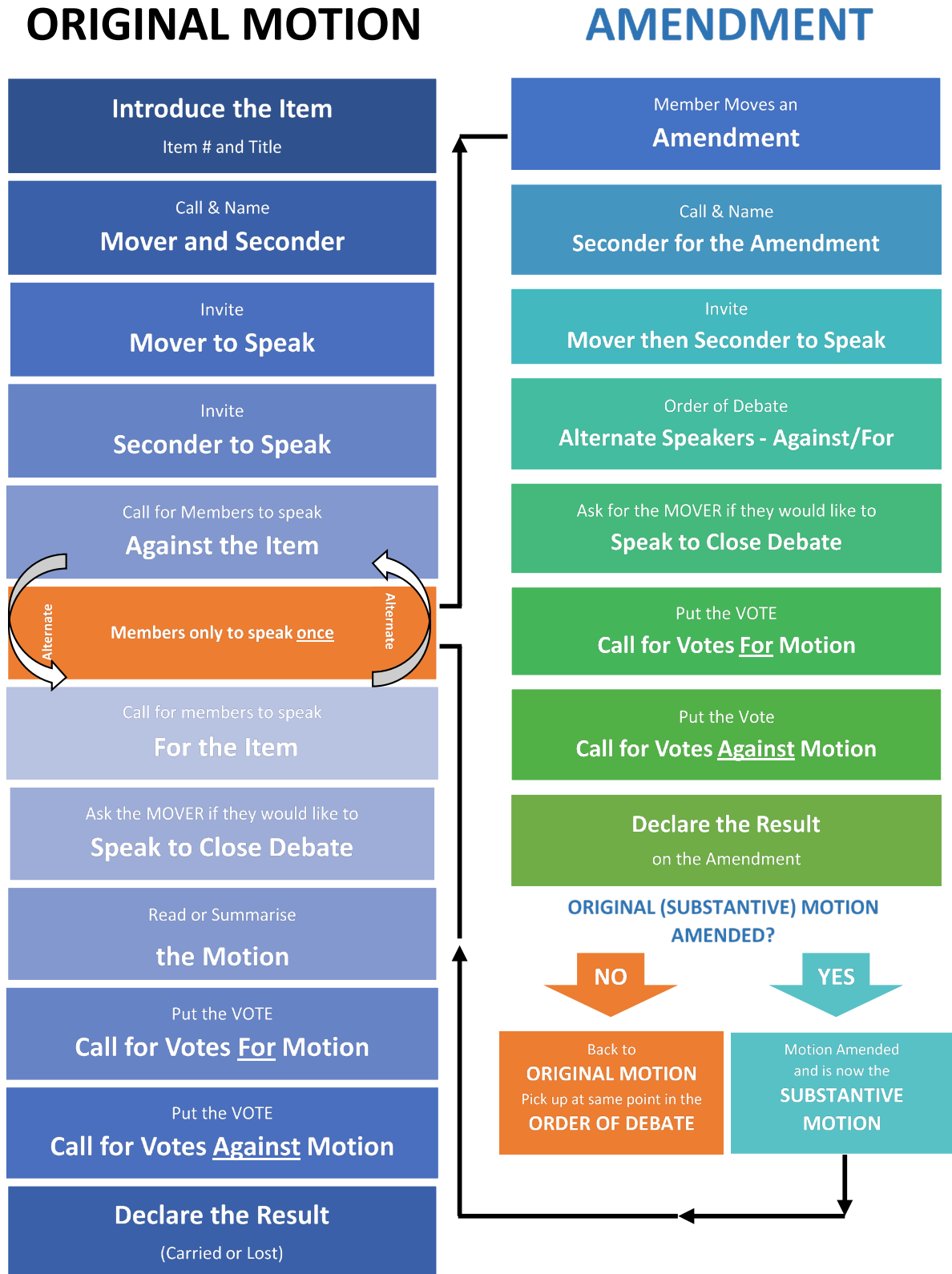
A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (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.

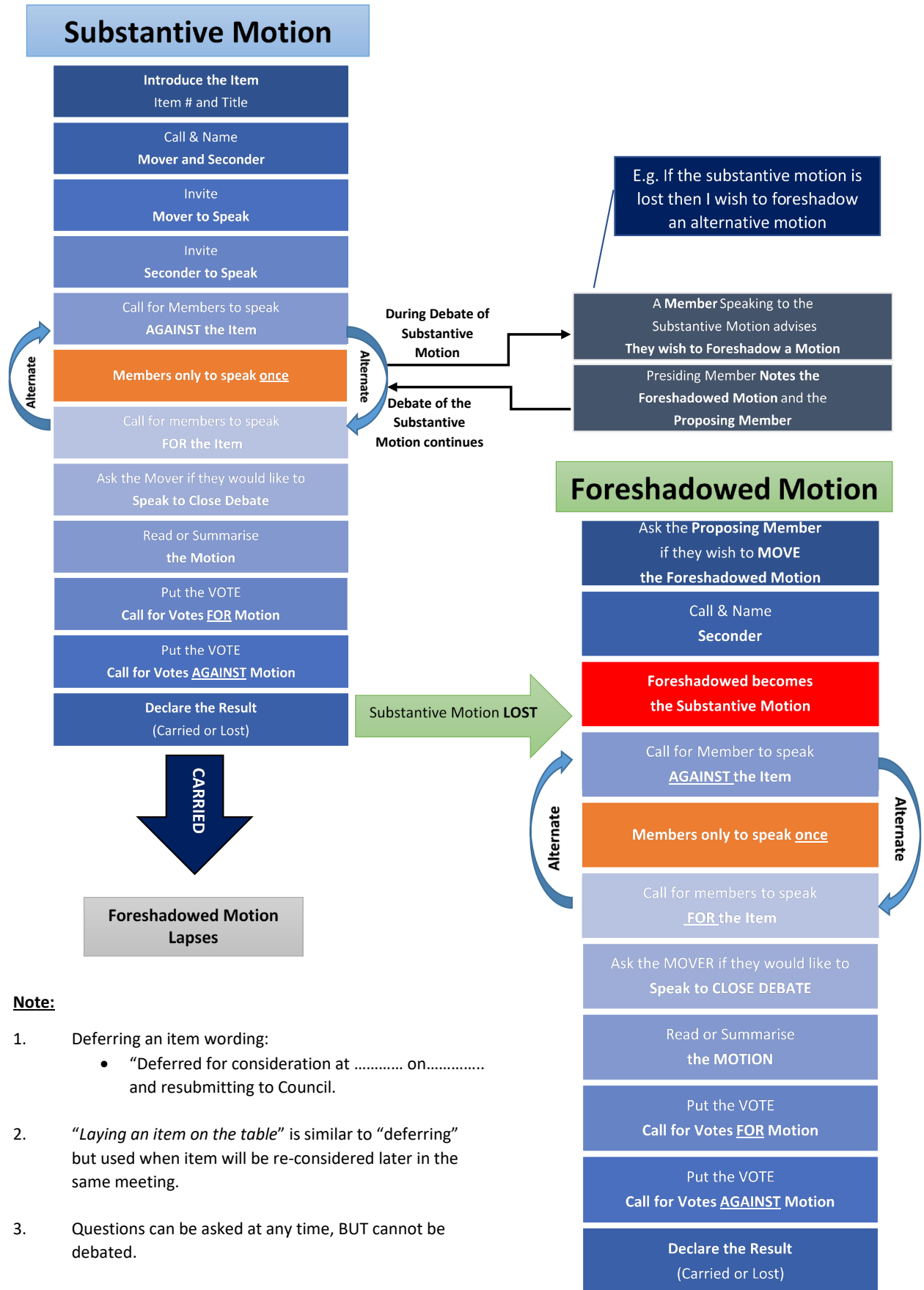


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OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President, Kate O’Keeffe welcomed Councillors and staff and opened the meeting at 3:30pm.

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

3.1 ATTENDANCE

| | |
|------------------------|--|
| Cr Kate O’Keeffe JP | Shire President via TEAMS |
| Cr Rebecca O’Meehan | Deputy Shire President |
| Cr Robert Minitier OAM | |
| Cr Mick Creagh | |
| Cr Rebecca Kiddle | |
| Cr Peter Callaghan | |
| Cr J Hemley | |
| Tom Gorman | Acting Chief Executive Officer |
| Rick Miller | Executive Manager of Infrastructure & Assets |
| Peter Wall | Project Officer |
| Clementine Illy | Governance Support Officer |
| Anita Finn | Senior Executive Assistant and Governance Officer (via TEAMS) |

3.2 APOLOGIES

| | |
|-----------------|-------------------------|
| David Nicholson | Chief Executive Officer |
|-----------------|-------------------------|

3.3 APPROVED LEAVE OF ABSENCE

Nil

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

Nil

12. REPORT FOR DECISION – CONFIDENTIAL ITEMS

PROCEDURAL MOTION

MOVED: Cr R Minitier SECONDED: Cr R Kiddle

0426.01 That Council:

Closes the meeting to members of the public to consider Item 12.1, in accordance with section 5.23(4)(g) of the Local Government Act 1995 and regulation 4A(a) of the Local Government (Administration) Regulations 1996, as the item contains tender information and commercial-in-confidence material.

UNANIMOUSLY CARRIED BY: 7/0

**FOR: Cr K O’Keeffe, Cr M Creagh, Cr P Callaghan, Cr R Minitier, Cr R O’Meehan,
 Cr R Kiddle, Cr J Hemley**

AGAINST: Nil

| | |
|------------------------|--|
| 12.1 | AWARD TENDER RFT 2026-3-1 BORDEN-BREMER BAY ROAD – WIDENING AND RESEALING WORKS |
| Location | N/A |
| Proponent | N/A |
| Date of Report | 1 April 2026 |
| Business Unit: | Infrastructure and Assets |
| Responsible Officer | Rick Miller – Executive Manager Infrastructure and Assets |
| Author | Rick Miller - Executive Manager Infrastructure and Assets |
| Disclosure of Interest | NIL |

CONFIDENTIAL ATTACHMENTS

1. Delegation 1.2.4
2. RFT 2026-3-1 Confidential Tender Evaluation Report

PURPOSE OF THE REPORT

For Council to consider awarding tender RFT 2026-3-1 Borden-Bremer Bay Road - Widening and Resealing Works.

BACKGROUND

On the 30th of September ordinary meeting, Council resolved as follows:

COUNCIL RESOLUTION

Moved: Cr M Creagh Seconded: Cr S Hmeljak

0925.03 That Council:

Approve the proposal to call for tenders for Borden-Bremer Bay, Widening and Resealing works as detailed in the 2025/26 Budget adopted 30 July 2025

CARRIED BY ABSOLUTE MAJORITY:6/0

COMMENTS

Following Council endorsement, RFT 2026-3-1 tender documents were uploaded to the Shire of Gnowangerup TenderLink portal on 10th March and advertised in the West Australian newspaper.

Tender notices were also posted on the Shires other media services

During the advertising period, three addendums were issued by the Shire and are as detailed in the Tender Evaluation Report.

The tender period closed 27th March at 4 PM AWST and six (6) submissions were received.

All contractors provided compliant submissions and were deemed capable of undertaking the works, however the main point of difference between tenders was the broad range in the prices submitted.

There were not any nominations for consideration under the Shires Regional Price Preference Policy.

It should be noted that addendum 3 included a special condition requirement for rise and fall of costs due to the current fuel validity in the market and this would be managed in accordance within the budget allocation and CEO delegation 1.2.4. Minor variations before entry into the contract, if required, would be facilitated in accordance with Functions and General Regulation 20 and delegation 1.2.4.

The tenderer, recommended by the evaluation panel for this contract, has demonstrated the best value for money according to the “Qualitative” and “Quantitative” criteria specified in the tender document.

Assessment scoring and evaluation details are detailed in the attached confidential Tender Recommendation Report.

CONSULTATION

Consultation amongst project team staff and road design consultant for the preparation of the tender documentation and specifications.

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995 s5.42 and s5.43

POLICY IMPLICATIONS

The Shires Procurement Policy and Regional Price Preference Policy are both relevant to this tender.

FINANCIAL IMPLICATIONS

The total value of the proposed works to deliver the Borden-Bremer Bay Road works may exceed the threshold of \$600,000 as stipulated in the Shire of Gnowangerup Delegations Register (s1.2.5 Expressions of Interest and Tenders for Goods and Services, paragraph 2.1) and requires Council approval to award the tender.

The submitted price by the recommended tenderer is within the Shires budgeted amount of \$1.45M. This external funding was provided through the Secondary Freight Network program and administered through MRWA.

STRATEGIC IMPLICATIONS

As per Council Plan 2025-2035

| | |
|-----------------|---|
| Theme | Our Environment |
| Strategy | 2.2 Infrastructure is well planned to support our community |

STRATEGIC RISK MANAGEMENT CONSIDERATIONS

This item has been evaluated against the current Council approved Risk Management Register.

| | |
|---|---|
| Risk description | Council does not award the tender |
| Primary Strategic Risk Category | Community Disruption |
| Primary Strategic Risk Category Description | <ul style="list-style-type: none"> • Degradation of road infrastructure • Loss of road funding • Reputational Damage |
| Consequence: (Insignificant, Minor, Moderate, Major, Catastrophic) | Major |
| Likelihood: (Almost Certain, Likely, Possible, Unlikely, Rare) | Likely |

IMPACT ON CAPACITY

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council could resolve to not award the tender and not proceed with Borden-Bremer Bay Road works. Implications of this option would be an increase in road failures requiring increased repairs and reducing the safety of the road. Since this is a secondary freight network fund, the shire could not use this budget to any other road projects.

CONCLUSION

It is recommended that Council supports the request to award the tender RFT2026-3-1 Borden-Bremer Bay Road – Widening and Resealing Works

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

MOVED: Cr R O’Meehan

SECONDED: Cr R Kiddle

0426.02 That Council:

- 1. AWARDS tender RFT 2026-3-1 Borden-Bremer Bay Road-Widening and Resealing to Tender 2 as recommended in RFT 2026-3-1 Confidential Tender Evaluation Report ;**
- 2. APPROVES the Chief Executive Officer to negotiate minor variations before entry into the contract in accordance Shire delegation 1.2.4 Expressions of Interest and Tenders for Goods & Services CL 2.10 and;**
- 3. APPROVES the Chief Executive Officer to apply the common seal to the contract between the Shire and successful Contractor.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

FOR: Cr K O’Keeffe, Cr M Creagh, Cr P Callaghan, Cr R Minter, Cr R O’Meehan, Cr R Kiddle, Cr J Hemley

AGAINST: Nil

1.2.4 Expressions of Interest and Tenders for Goods & Services

| | |
|----------------------------|--------------|
| Date Adopted: | 18 June 1997 |
| Date Last Reviewed: | 18 June 2025 |

| |
|--|
| Delegate: Chief Executive Officer |
|--|

| |
|--|
| <p>Power Enabling Delegation:</p> <ul style="list-style-type: none"> • Local Government Act 1995, sections <ul style="list-style-type: none"> • 5.42 Delegation of some powers or duties to the CEO • 5.43 Limits on delegations to the CEO <p>Power Enabling Sub-Delegation:</p> <ul style="list-style-type: none"> • Local Government Act 1995, s.5.44 CEO may delegate some powers and duties to other employees |
|--|

| |
|--|
| <p>Power Delegated:</p> <ul style="list-style-type: none"> • Local Government Act 1995, s.3.57 Tenders for providing goods or services • Local Government (Functions and General) Regulations 1996, Regulations: <ul style="list-style-type: none"> • 11 When tenders have to be publicly invited • 13 Requirements when local government invites tenders though not required to do so • 14 Publicly inviting tenders, requirements for • 18 Rejecting and accepting tenders • 20 Variation of requirements before entry into contract • 21A Varying a contract for the supply of goods or services • 21 Limiting who can tender, procedure for • 23 Rejecting and accepting expressions of interest to be acceptable tenderer |
|--|

Description of Functions Delegated

1. Call For and Determine Expressions of Interest for Goods and Services:

Council delegates its authority and power to the Chief Executive Officer to:

1.1 Determine when to seek and to invite expressions of interest with respect to the supply of the goods or services before entering the tender process, on the basis that a preliminary selection from amongst prospective tenderers due to:

- (i) the nature of the goods or services; or
- (ii) the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,

would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services [F&G r.21(1) & (2)].

1.2 Determine, in writing, the criteria for the preliminary selection of prospective tenderers [F&G r.21(4)].

Subject to:

Compliance with Regulation 21(1) of the Local Government (Functions and General) Regulations 1996;

- (i) The goods or services being listed in the Shire's Adopted Annual Budget;
- (ii) The criteria, once determined, are to be incorporated in the expression of interest documentation.

1.3 Consider any submissions of expression of interest that have not been rejected and decide which, if any, are capable of satisfactorily supplying the goods or services [F&G r.23].

Subject to:

(a) Compliance with Regulation 23(3) of the Local Government (Functions and General) Regulations 1996; and

All delegations must be exercised in accordance with any relevant policies and procedures.

Shire of Gnowangerup
Delegation Register

- (b) Compliance with Regulations 14(2), 15(2), 17(2)(c) and 18(3) of the Local Government (Functions and General) Regulations 1996.

2. Call For and Determine Tenders for Goods and Services:

Council delegates its authority and power to the Chief Executive Officer to:

- 2.1 Call tenders for goods or services with others in respect to supply of goods or services exceeding \$250,000 [F&G r.11(1)].up to max \$600,000.
- 2.2 Determine to call tenders for the provision of goods or services although not required to do so, and to determine to accept the most advantageous tender or reject a tender or to decline to accept any tender, where the value does not exceed \$250,000 [F&G r.13 and r.18(2), (4) and (5)].
- 2.3 Determine in writing the criteria for deciding which tender should be accepted with this criteria being included in the invitation to tender or submit expression of interest [F&G r.14(2a)].
- 2.4 Vary tender information, after public notice of invitation to tender and before the close of tenders [F&G r.14(5)].
- 2.5 Seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].
- 2.6 Determine, that because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier and not publicly invite tenders before the Shire enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$250,000 [F&G r.11(f)].
- 2.7 Authority to accept any tender [F&G r.18(5)] up to max \$600,000.
- 2.8 Authority to decline any tender [F&G r.18(5)].
- 2.9 Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)].
- 2.10 After a successful tenderer has been selected, determine only as necessary, minor variation to the goods or services required before the contract has been entered into, limited to an order of magnitude of +/- 10% [F&G r.20(1)].

Subject to:

- (a) the tenderer agreeing to the minor variations; and
 - (b) the variation is minor having regard to the total goods or services that tenderers were invited to supply (deliverables and price).
- 2.11 After a contract has been entered into, determine contract variations only where necessary in order for the goods or services to be supplied and the variation does not change the scope of the contract [F&G r.21A(a)].
 - 2.12 Select the next most advantageous tender if the successful tenderer does not want to accept the contract with the variation, or the local government and the tenderer cannot reach agreement [F&G r.20(2)].

All delegations must be exercised in accordance with any relevant policies and procedures.

Shire of Gnowangerup
Delegation Register

2.13 Exercise a contract renewal or extension only where the term of the original contract contained a provision for the renewal or extension and the renewal or extension clause was noted by Council at the time of resolving to accept the tender [F&G r.21A(b)].

Generally Subject to:

- (a) Compliance with Council's Purchasing Policy.
- (b) The goods or services being listed in the Shire's Adopted Annual Budget.

Note - s.3.57 tender requirements do not apply to disposal of confiscated or uncollected goods (refer to delegation 1.2.27)

| | |
|---------------------------------|--|
| Sub delegation permitted | Yes – Local Government Act 1995, s.5.44 |
|---------------------------------|--|

All delegations must be exercised in accordance with any relevant policies and procedures.

PROCEDURAL MOTION

MOVED: Cr P Callaghan

SECONDED: Cr R Minter

0426.03 That Council:

Reopens the meeting to members of the public.

UNANIMOUSLY CARRIED BY: 7/0

FOR: Cr K O’Keeffe, Cr M Creagh, Cr P Callaghan, Cr R Minter, Cr R O’Meehan,
Cr R Kiddle, Cr J Hemley

AGAINST: Nil

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 22 April 2026.

16. CLOSURE

The Shire President thanked Council and staff for their time and declared the meeting closed at 3:37pm.