



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

Kondinin Shire Council

Will be held at the Kondinin Chambers on 18th February 2026

4:00 PM Special Council Meeting

Bruce Wright

Wednesday, 18 February 2026

Chief Executive Officer

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006

All communications are to be addressed to the Chief Executive Officer
ceo@kondinin.wa.gov.au

Members of the Public Attending a Council Meeting

Welcome to this meeting of Council and thank you for your interest in local government decision-making. The following information is provided to assist members of the public attending today's meeting.

Public Question Time

Public Question Time is provided in accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996. Members of the public are invited to ask questions relating to the business of the Shire.

- Questions must be clear and concise and may be submitted in writing prior to the meeting at the Shire offices or by email csa@kondinin.wa.gov.au or asked during Public Question Time.
- The Presiding Member may respond at the meeting, refer the question to a Councillor or officer or take the question on notice for a later response.
- Public questions must relate to the business of the Shire and should not be a statement or personal opinion.
- The Presiding Member may reject public questions that are defamatory, abusive, irrelevant to the business of the Shire or personal opinion as being out of order and no answer will be provided.
- Public questions will not be debated.

Members of the public are also advised that they are regarded as being legally liable and personally responsible for any comments made by them that might be construed as being offensive or defamatory.

Public Statement Time

Public Statement Time allows members of the public to make a brief statement on any matter of community interest. Statements must be respectful, limited to a reasonable duration as determined by the Presiding Member, and not include defamatory or offensive remarks. The Council will not comment or provide a response to public statements.

Meeting Formalities

Council meetings are formal proceedings governed by the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996*, and the Shire's Meeting Procedures Local Law. All attendees are requested to maintain decorum and not interrupt the proceedings. Only persons who have been invited by the Presiding Member may address the meeting.

Recording and Privacy Notice

Please note that this meeting is being recorded for minute-taking purposes. By attending, you acknowledge that your voice, and any personal information disclosed may be captured and published as part of the official record. The Shire collects and uses this information in accordance with its privacy obligations.

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Notes for Elected Members

Report Definitions

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government, external body or agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council, including, but not limited to: accepting tenders, grants, setting and amending budgets, adopting plans and reports.
Legislative:	Includes adopting town planning schemes, policies and local laws
Administrative:	Council administering legislation and applying legislation to factual circumstances and situations that affect the rights of people.
Information:	Items that are provided to Council for informational purposes only. These do not require a decision of Council.

Alternative Motions

Elected Members seeking to make alternate motions to officer recommendations are requested to provide notice of said alternative motions in written form to the Chief Executive Officer prior to the Council meeting.

Declarations of Interest

Elected Members should complete a Disclosure of Financial/Impartiality & Proximity Interest for agenda items that they hold a financial, impartiality or proximity interest. The form should be provided to the Presiding Member prior to the commencement of the meeting.

In accordance with Part 5, Division 6 of the Local Government Act 1995, Elected Members must disclose the nature of their interest in matters to be discussed at the meeting.

In accordance with Sections 5.70 & 5.71 of the Local Government Act 1995, Shire Officers must disclose the nature of their interest in reports or advice when they are giving the report or advice to the meeting.

Applications for a Leave of Absence

In accordance with Section 2.25 of the Local Government Act 1995, a Councillor application for leave of absence requires a Council resolution granting the leave requested. The Council may grant approval for a leave of absence for an Elected member for ordinary meetings of council for up to, but no greater than, six consecutive meetings. Ministerial approval is required for leave of absence greater than six ordinary meetings of council.

A failure to observe the requirements of the Local Government Act may lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings. It should be noted that Leave of Absence is approved by Council resolution and is different to circumstances whereby an Elected Member records their apologies for the meeting.

Shire of Kondinin - Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Kondinin for any act, omission, statement, or intimation occurring during Council Meetings. The Shire of Kondinin 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, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

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- 1 OPENING OF MEETING**
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- 5 PUBLIC TIME**
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- 8 DECLARATION OF MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE AGENDA BEFORE THE MEETING**

9 REPORTS OF OFFICERS

9.1 PLANNING & ASSETS

9.1.1 Expression of Interest - Lease of Shop at No. 34 (Lot 16) Rankin Street, Kondinin

FILE NUMBER:	AA 3.5
DATE:	13 February 2026
AUTHOR:	Tory Young, Manager Planning & Assets
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil Authoriser - Nil
ATTACHMENTS:	<ol style="list-style-type: none">1. Expression of Interest Form - <i>Under Separate Cover</i> ➡2. Structural Engineering Assessment - <i>Under Separate Cover</i> ➡3. Kondinin Lions Club Response - <i>Confidential Under Separate Cover</i>4. Dynamic Cleaning Response - <i>Confidential Under Separate Cover</i>5. Evaluation Summary - <i>Confidential Under Separate Cover</i>

RECOMMENDATION

That Council:

1. APPROVES the award of “Expression of Interest – Lease of Shop at No. 34 (Lot 16) Rankin Street, Kondinin” to XXXXX for a period of five (5) years with one five (5) year option (5+5).
2. AUTHORISES the Chief Executive Officer to execute the necessary administrative instruments to enter at community lease with XXXXXX for shop at No. 34 (Lot 16) Rankin Street, Kondinin subject to the completion of any urgent maintenance works being carried out on the property.
3. RECEIVES the Structural Engineering Services Assessment prepared for the row of shops at No. 34 (Lot 16) Rankin Street, Kondinin dated January 2023 (attached); and
4. NOTES that a Scope of Works is currently being prepared to guide maintenance works to be carried out as a matter of priority to the property.

SUMMARY

This report seeks Council endorsement and approval to award Expression of Interest – Lease of Shop at No. 34 (Lot 16) Rankin Street, Kondinin to the XXXXXXXX under the requirements of the Expression of Interest and the Request for Quotation response received.

The basis of the recommended award is made following the assessment of the two (2) submissions received against the Evaluation Criteria.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE

Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

On 24 November 2025 Expression of Interest for Lease of Shop at No. 34 (Lot 16) Rankin Street, Kondinin was released. The scope of the Expression of Interest is considered as being comprehensive and accordingly, a copy of the Expression of Interest is attached for reference.

The Expression of Interest included the following Evaluation Criteria.

Evaluation Criteria	Weighting
Proposal's Alignment with Shire Community Strategic Plan	50%
Capacity to Manage Lease	25%
Offer	25%
TOTAL	100%

Submissions closed at 4.00PM, Wednesday 10 October 2025 and two (2) responses were received from the following:

- Kondinin Lions Club (Harvest Place)
- Dynamic Cleaning Service (GW & LA Gleeson)

On 11 February 2026, an evaluation panel was convened to undertake the evaluation of proposals. The panel included:

Chief Executive Officer – Shire of Kondinin

Community Development Officer – Shire of Kondinin

Manager Planning and Assets – Shire of Kondinin

The evaluation panel determined that XXXXX presented the best proposal against the evaluation criteria for the following reasons:

- Strong demonstrated experience in undertaking a community lease
- Strong alignment with the key elements of the Shire's Community Strategic Plan 2121 – 2031
- A suitable -resourced and compliant regulatory and procedural operating entity
- A long-term commitment to the lease

FINANCIAL

Subject to finalisation of community lease agreement between the Shire of Kondinin and the lessee.

RISK

Low

POLICY

Community Leasing

STATUTORY

Local Government Act 1995 Section 3.58

STRATEGIC**Theme**

1. COMMUNITY
2. ECONOMY
4. CIVIC LEADERSHIP

Goal

- 1.1 Community members have the opportunity to be active, engaged and connected
- 2.3 Coordinated planning and promotion of the visitor and tourist experience
- 2.1 Support the diverse industry across the Shire
- 4.2 We are a compliant and resourced Local Government

Strategy

- 1.1.1 We hold well attended local events and activities
- 1.1.2 We collaborate with CRCs and local organisations to deliver community programs and activities
- 1.1.3 Positive engagement and co-design of projects with young people occurs
- 1.1.4 We are showcasing local artists and attracting cultural events to our communities
- 2.3.2 Visitors receive timely and up to date information on experiences, attractions and amenities
- 2.1.3 Coordinated communication and promotion of business, employment and lifestyle opportunities occurs
- 4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

COMMENT

The Shire of Kondinin were gifted 'The West Shops' in 2017 comprising Nos. 34 (Lot 16) and 36 (Lot 15) Rankin Street, Kondinin. The shops have primary frontage to Gordon Street, with the Lions Shop located on the western end and the Harvest Place located on the eastern end, both administered by the Kondinin Lions Club and run by local volunteers as Opportunity Shops and informally a location for social interaction for over 20 years. Since 2017 the middle two shops have been utilised by several private businesses including, a hairdresser, a beauty salon, yoga retreat and two gift shops, the latter two of which have lasted the shortest period, being less than two (2) years.

Whilst these row of shops have strong historic value and aesthetic appeal to the streetscape, the buildings require significant maintenance, largely attributed to issues associated with water ingress, which in turn has limited the appeal for long term leases, particularly for private businesses.

An Engineering Assessment was prepared for the row of shops dated January 2023 and is now with the Shire's building maintenance contractors who are using the Assessment as a basis to prepare a scope of works to remediate and address issues to improve the condition, appearance and functionality of the shops.

As a point of reference and for general information, the Shire is currently conducting a community survey scheduled to be closed end of February 2026. While the survey remains open, it should not be relied upon until further responses are received and compiled, however current trends are identifying that over 50 percent of respondents do not believe the history of the region is adequately displayed throughout the Shire.

Considering the above, it is recommended that the Council offer the lease to XXXXX that will ensure a long-term use for the property bringing strong community benefit.

CONSULTATION

Advertising of the Expression of Interest commenced on 24 November 2025 and closed on 10 December 2025.

9.1.2 Tender 03/2025 - 2026: Sealing of the Kondinin Airstrip and Associated Asphalt of Taxiway and Apron

FILE NUMBER:	ET 1.2
DATE:	13 February 2026
AUTHOR:	Tory Young, Manager Planning & Assets
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Yes Authoriser - Yes
ATTACHMENTS:	1. Tender Documentation 03/2025 - 2026 - <i>Confidential Under Separate Cover</i>

RECOMMENDATION

That Council:

ACCEPTS and awards the tender received from XXXXXX for RFT 03/2025-2026 - Sealing of the Kondinin Airstrip and Associated Asphalt of Taxiway and Apron in the amount of \$XXXXXXX

AUTHORISES the Chief Executive Officer to prepare the necessary documentation to engage in contractual arrangements with XXXXX to complete the project.

SUMMARY

This report is for Council to accept XXXXXX as the preferred tenderer for 03/2025-2026 relating to the Sealing of the Kondinin Airstrip and Associated Asphalt of Taxiway and Apron.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE

Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

Council at its Ordinary Meeting held on the 21 August 2025 considered Item 9.1.2 relating to the Sealing of the Kondinin Airstrip and Associated Asphalt of Taxiway and Apron and resolved as follows:

- 1 *AUTHORISES the Chief Executive Officer to apply for funding through the Department of Transport's 2025 – 2027 Regional Airports Development Scheme (RADS) for the sealing of the Kondinin Airstrip.*
- 2 *SUPPORTS the allocation of \$225,000 towards the project in the 2025/2026 financial year budget*

3 *AUHTHORISES the Chief Executive Officer to seek a financial contribution from the Shire of Kulin for the project.*

Following the above decision of Council, the Shire's Administration applied and received the full funding requested of \$234,340 through the Department of Transport's 2025 – 2027 Regional Airports Development Scheme (RADS). A letter of commitment was received from the Shire of Kulin dated 4 November 2024 endorsing a \$50,000 cash contribution and \$25,000 in-kind contribution towards the project in the 25/26 financial year.

On 20 December 2025, Request for Quotation (RFT 03/25-26) for the Sealing of the Kondinin Airstrip and Associated Asphalt of Taxiway and Apron was released. The scope of the Request for Tender is considered as being comprehensive and accordingly, a copy of the Request for Tender is attached for reference.

Two site visits were facilitated by the Shire's Administration on the 7 January 2026 and 29 January 2026 respectively. Attendance at a site visit was compulsory to be eligible to tender.

The Request for Tender criteria included a series of compliance and qualitative criteria including:

Compliance

Respondents were required to meet 100% of the compliance criteria to qualify for evaluation.

Description of Compliance Criteria
a) Compliance with the condition of submitting this request
b) Compliance with relevant licences, registrations and insurances
c) Compliance with Specification contained in the request
d) Compliance with attendance at mandatory site visit
e) Compliance with Quality Assurance contained in this request
f) Compliance with Delivery Date

Qualitative Criteria

Qualitative criteria had an overall total score weighting of 100%.

Description of Qualitative Criteria	Weighting
Relevant Experience	20%
Skills and Experience of Key Personnel	20%
Tender's Resources	10%
Demonstrated Understanding of Project	30%
Price	20%

Tenders closed at 4.00PM, Wednesday 4 February 2026 and ten (10) responses were received:

1. Fulcher Contractors
2. Jackson Asphaltting
3. Key Civil
4. Bitutek
5. Industrial Road Pavers

6. Comiskey's
7. WPC Civil
8. Colas
9. Sterra
10. Raubex

On 11 February 2025, an evaluation panel was convened to undertake the evaluation of the proposals. The panel included:

- Manager Planning and Assets – Shire of Kondinin
- A/Manager of Works – Shire of Kondinin
- Chief Executive Officer – Shire of Kondinin

The evaluation panel determined that XXXX presented the Shire of Kondinin with the best value for money considered against cost and non-cost considerations. These included:

- A strong demonstration of past and current experience in the provision of similar services in the regions
- A strong demonstration of competency and proven past and current performance in achieving outcomes
- A well-resourced and compliant regulatory and procedural operating model
- A strong demonstration in the utilization of locally based contractors and plant and equipment to improve efficiency and reduce mobilisation and operating costs.

The panel evaluation is attached for reference. Subsequent reference checks identified that XXXX is well regarded by existing clients as competent organisation that meets expectations.

FINANCIAL

Suitable funds have been allocated in the 25/26 budget to cover the cost of the project.

Regional Airports Development Scheme \$224,340

Shire of Kulin \$50,000

Shire of Kondinin \$225,000

**Shire of Kulin \$25,000 in-kind contribution*

RISK

Medium. The project must be completed 15 May 2026 to ensure compliance with the RADS grant funding.

POLICY

Shire of Kondinin Policy - FIN 005 – Purchasing

STATUTORY

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

STRATEGIC

Theme

1. COMMUNITY
2. ECONOMY

Goal

- 1.2 Facilitate and advocate for quality health services, health facilities and programs in the Shire
- 1.5 Support local volunteer organisations
- 2.1 Support the diverse industry across the Shire

Strategy

- 1.2.2 Seniors have access to local support services and social programs
- 1.2.1 Local health facilities, visiting allied health and volunteer health services are retained
- 1.5.1 Clubs and service organisations feel supported
- 2.1.2 We support and advocate for the agricultural industry in our Shire

COMMENT

On assessment of all ten (10) tenders received, the Evaluation Panel considered that best met the criteria and provided the best value for money was XXXXXX.

CONSULTATION

Invitation for public tender opened on 20 December 2025 and closed on the 4 February 2026, meeting the requirements of the Local Government Act 1995.

9.2 CHIEF EXECUTIVE OFFICER

9.2.1 Shire of Kondinin - Community Leasing Policy

FILE NUMBER:**DATE:** 12 February 2026**AUTHOR:** Bruce Wright, Chief Executive Officer**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Draft Shire of Kondinin Community Leasing Policy - *Under Separate Cover* [⇒](#)**RECOMMENDATION**

That Council:

1. Pursuant to section 2.7(2)(b) of the Local Government Act 1995, adopts the Community Leasing Policy as attached to this report;
2. Notes that the granting of leases and licences constitutes a disposal of property and will be undertaken in accordance with section 3.58 of the Act and any applicable provisions of the Local Government (Functions and General) Regulations 1996; and
3. Authorises the Chief Executive Officer to implement the Policy and make minor administrative amendments that do not alter the intent or substance of the Policy.

SUMMARY

The Shire of Kondinin manages land and buildings for community benefit. From time to time the Shire grants leases (exclusive possession) or licences (non-exclusive use) to community organisations and not for profits to support sport, recreation, wellbeing, arts and other community centric outcomes.

This report seeks Council endorsement and adoption of a draft Community Leasing Policy to articulate a consistent and transparent framework for the:

- Eligibility criteria and assessment of community leases and licences.
- Minimum terms and renewal processes.
- Rent setting.
- Maintenance, insurance and compliance responsibilities.
- Statutory compliance when disposing of property by lease.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE**Legislative**

Includes adopting local laws, town planning schemes and policies.

BACKGROUND

The Shire currently provides tenure arrangements to a range of community organisations. In the absence of a guiding policy, leasing decisions can be perceived as being inconsistent and can expose the Shire to:

- Non-compliance with disposal requirements for leasing.
- Inequitable terms and conditions and subsidies.
- Blurred maintenance & asset responsibilities.
- Inconsistent insurance and risk controls.

A formal policy supports good governance and ensures that Council decisions are defensible and aligned with the best possible community outcomes.

FINANCIAL

Nil

RISK

In the absence of a formal policy, latent risk includes, but is not limited to:

- Noncompliance against legislated land disposal rules and regulation.
- Inconsistent tenure arrangements.
- Maintenance and asset management responsibilities are not clearly defined.
- Risk controls, governance and insurance requirements are inconsistent.

POLICY

This policy supports:

- strong governance and transparent decision-making,
- community participation and access to facilities,
- sustainable asset management and financial stewardship.

This policy will be accompanied by a series of Business Operating Procedures.

STATUTORY

Local Government Act 1995 – Section 3.58

Local Government (Functions and General) Regulations 1996 – Regulation 30

STRATEGIC

Theme

1. COMMUNITY
4. CIVIC LEADERSHIP

Goal

- 1.1 Community members have the opportunity to be active, engaged and connected
- 1.3 Celebrate our pioneers, community members and protect our heritage
- 1.5 Support local volunteer organisations
- 4.2 We are a compliant and resourced Local Government

Strategy

- 1.1.2 We collaborate with CRCs and local organisations to deliver community programs and activities
- 1.3.2 Shire owned heritage buildings and places of interest are maintained and managed appropriately
- 1.5.1 Clubs and service organisations feel supported
- 4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

COMMENT

The proposed Community Leasing Policy establishes a consistent and transparent framework for the granting and management of leases and licences over Shire owned or controlled property to community organisations.

CONSULTATION

Manager Planning & Assets

Community Projects Officer

Community Development Officer

9.2.2 Shire of Kondinin - Policy Framework

FILE NUMBER:**DATE:** 13 February 2026**AUTHOR:** Bruce Wright, Chief Executive Officer**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Shire of Kondinin Policy Framework Policy - Draft - *Under Separate Cover* [⇒](#)**RECOMMENDATION**

That Council:

1. Pursuant to section 2.7(2)(b) of the Local Government Act 1995, adopts the Policy Framework Policy as attached to this report;
2. Authorises the Chief Executive Officer to implement the Policy and make minor administrative amendments that do not alter the intent or substance of the Policy.

SUMMARY

The purpose of this report is to seek Council's adoption of a formal Policy Framework to provide a structured and consistent approach to the development, approval, review and management of all Shire policies and related governance documents.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE**Legislative**

Includes adopting local laws, town planning schemes and policies.

BACKGROUND

A formal policy framework is required to:

- Clarify the hierarchy of governing documents, including legislation, regulations, Council policies and operational procedures;
- Define the respective roles of Council and the Chief Executive Officer in policy development and implementation;
- Establish clear processes for drafting, reviewing and amending policies; and
- Promote transparency, consistency and sound governance practices.

The introduction of a Policy Framework supports improved governance maturity and ensures that policy instruments are developed and maintained in a lawful, risk-informed and strategic manner.

FINANCIAL

Nil

RISK

The absence of a structured policy framework presents governance risks including:

- Inconsistent policy development and application;
- Policies that are outdated or inconsistent with current legislation;
- Encroachment into CEO operational functions; and
- Increased exposure to audit findings or regulatory scrutiny.

Adoption of the Framework mitigates these risks by establishing clear accountability, review mechanisms and legislative alignment.

POLICY

Nil.

STATUTORY

Local Government Act 1995 – Section 2.7(2)(b)

STRATEGIC**Theme**

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

COMMENT

The adoption of a formal Policy Framework will strengthen governance practices, ensure legislative compliance, and provide clarity regarding the development and management of policies across the organisation.

For these reasons, adoption of the Policy Framework is recommended.

CONSULTATION

Manager Planning & Assets

Manager Corporate Services

9.2.3 No.6 (Lot 276) Cottle Way, Kondinin - Proposed Disposal of Property

FILE NUMBER:

DATE: 13 February 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

- ATTACHMENTS:**
1. OCM 19 November - Report & Attachments - *Confidential Under Separate Cover*
 2. OCM 17 December - Report - *Under Separate Cover* [⇒](#)
 3. OCM Minutes - 11 February 2015 - *Under Separate Cover* [⇒](#)
 4. GSF Offer to Transfer Land - 24.2.2015 - *Under Separate Cover* [⇒](#)
 5. Land Transfer Documents - 19.2.2015 - *Under Separate Cover* [⇒](#)
 6. Certificate of Title - *Under Separate Cover* [⇒](#)
 7. Kondinin Men's Shed Lease Renewal - *Under Separate Cover* [⇒](#)
 8. Property Valuation - Land - *Under Separate Cover* [⇒](#)
 9. Offer to Purchase Land - 11.11.25 - *Confidential Under Separate Cover*
 10. Legal Advising - McLeods Lawyers - *Confidential Under Separate Cover*
 11. Kondinin Mens Shed Submission - *Under Separate Cover* [⇒](#)

RECOMMENDATION

That Council:

1. Receives and notes Council Resolution #4671 from the Ordinary Meeting of Council on 19 November 2025 and Council Resolution #4677 from the Ordinary Meeting of Council on 17 December 2025, together with the associated Officer reports and attachments as presented in the attachments to this report; and
2. Endorses those documents as forming the background, basis and historical record relevant to the matter currently before Council.
3. Notes that the report adopted by Council at its Ordinary Meeting held on 19 November 2025 contained a typographical error in reference to a relevant section of the Local Government Act 1995; and
4. Endorses and authorises the change to read “section 3.58(3)” correcting the initial reference of “section 3.8.3”; and
5. Confirms that this correction is administrative in nature only and does not alter the intent, substance or effect of the original Council resolution #4671 and supporting Officer report and attachments.
6. Receives, notes and endorses a legal advising from McLeods Lawyers dated 7 January 2026 (attached).
7. Authorises the Chief Executive Officer to provide a written response to Mr Greg Gleeson acting on behalf of the Kondinin Men’s Shed submission titled “*Letter Requesting Deferral or*

Revocation of Council Resolution – Proposed Sale of Lot 6, Cottle Way” dated 10 December 2025.

8. Receives and notes this updated Officer Report; and
9. Defers consideration of this matter to the March Ordinary Meeting of Council Meeting, subject to the receipt of further correspondence from Great Southern Fuels.

SUMMARY

On 10 December 2025, Mr. Greg Gleeson acting on behalf of the Kondinin Men’s Shed made a formal submission to the Shire in relation to the proposed sale of Lot 6 Cottle Way Kondinin.

The purpose of this report is to provide further clarity in relation to the proposed sale and specifically, the report identifies the key issues pertaining to this matter as raised in the Men’s Shed submission to include:

- On 24 February 2015, the Proprietor of Great Southern Fuels conditionally gifted Lot 276, 6 Cottle Way to the Shire on the basis that consideration be given to the Kondinin Men’s Shed to lease the land.
- At the Ordinary Meeting of Council on 11 February 2015, Council resolved to enter a ten (10) year lease over Lot 276 with the Kondinin Men’s Shed.
- The absence of a documented agreement of parties to execute the lease.
- Consideration of the Benefactors intent at the time of gifting the land to the Shire.

VOTING REQUIREMENT

Simple Majority

COUNCIL’S ROLE

Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

On 11 November 2025, the Shire Administration received an offer to purchase a vacant block of land at 6 Cottle Way Kondinin from a local business operator. The land sits immediately adjacent to the Kondinin Men’s Shed at Lot 7 Cottle Way.

The offer was presented to the ordinary Meeting of Council on 19 November 2025, and resolution number 4671 was passed accepting the offer *in principle* and pending a period of public consultation in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

A public notice was subsequently issued for public consultation and acceptance of submissions in relation to the *proposed* sale. The submission period that was the subject of the notice was from 24 November 2025 to 10 December 2025 – a total of seventeen (17) days inclusively.

On 10 December 2025, Mr. Greg Gleeson made a written submission to the Shire on behalf of the Kondinin Men’s Shed. The submission included information that was considered as being material to the outcome of the offer of sale currently being considered by the Council. Accordingly, under the provisions of Section 3.58(3)(b) of the Local Government Act 1995 the Chief Executive Officer discontinued the public notice period to obtain further information and to return the matter to Council at the first available opportunity.

Concurrent to the Men's Shed submission, the Shire received several additional submissions relating to the Men's Shed. The additional submissions are not considered as being relevant to this matter before the Council and will not be referenced in this report.

Mr Gleeson provided information to the Shire that identified that the land that is the subject of the proposed sale was gifted to the Shire contingent on consideration being given to the Kondinin Men's Shed to enter a lease over the property to support the Men's Shed in revenue raising activities akin to the sale of firewood.

It is not the author's intent to address the full content of the Men's Shed submission of 10 December 2025 nor a deputation made to the Ordinary Meeting of Council on 17 December 2025 in the body of this report, rather, Council endorsement and authorization for the Chief Executive Officer to provide a written response is sought. Notwithstanding, the previously referenced points of the submission are contained within this report.

As a matter of record, a typographical error was identified in the report that references section 3.5.8 of the Local Government Act 1995. This is an administrative error that does not alter the intent, substance or effect of the original Council resolution 4671 and the supporting Officer report and attachments. This report seeks to correct the error as noted in the Men's Shed submission.

The historical context of the acquisition of Lot 6 Cottle Way Kondinin was unbeknown to this author prior to the Men's Shed submission being received and during correspondence with Mr Gleeson. A search of past and current Shire leases did not identify any form of tenure arrangement between the Shire and the Men's Shed over Lot 6 Cottle Way Kondinin. The content of the Men's Shed submission relating to the history of the acquisition of the land and the subsequent Council resolution to enter tenure with the Men's Shed is *not* disputed and it is accurately reflected within the attachments to this report.

As a matter of record, it is noted that during all correspondence and within the submission received from the Men's Shed, that no lease agreement or other form of tenure arrangement over Lot 276 was presented. Inquiries with former staff of the Shire employed at the time of the transfer of the land in 2015 have failed to confirm or dispel if a tenure arrangement was entered. Former Office Bearers of the Men's Shed at the time of the land transfer have now sadly passed and surviving members can neither independently confirm nor dispel the existence of a tenure arrangement. The Shire holds no electronic or physical record of a lease arrangement being entered.

Within an annexure to the submission of the Men's Shed, in an email dated Wednesday 26 November 2025 from Mr Gleeson to officers and employees of Great Southern Fuels (the original Benefactor), Mr Gleeson states *"I believe the transfer was done in 2015, but at that time, we had been operating out of the block under what we gather was a Gentlemen's Agreement handshake for at least a couple of years, according to our records"*. Additional records supplied from 2011 also confirm that the site was used by the Men's Shed *"...at no cost – no contract – just a handshake"*. These references infer that a form of arrangement was in place between the Men's Shed and the Benefactor for the Men's Shed to use the land *prior* to the land being transferred to the Shire.

The Men's Shed have also presented a cheque butt 099 dated 20 October 2015, in the amount of \$10 in favour of the Shire with written reference *"Kon Shire Woodyard Lease"*. It is understood that this relates to the period of the proposed tenure (10 years) over the land. In the minutes of the Men's Shed Annual General Meeting convened on 28 October 2025, reference is made to *"Have signed lease for wood yard with Shire"*

All reasonable efforts to identify a formal tenure arrangement have now been exhausted and have failed to identify a lease or other form of tenure over the land. Should the meeting minutes from 28 October 2025 be accepted as being an accurate record, any form of agreement that may have been in existence expired during October 2025. No lease exists.

Throughout correspondence with Mr Gleeson and as identified in the Men's Shed submission, the land that is the subject of the proposed sale was gifted by Mr Allan McWhirter, the Principal of Great

Southern Fuels to the Shire with consideration to be given to the Men's Shed to lease the property. Unfortunately, this was not known by the Administration prior to the November 2025 Ordinary Meeting of Council and unfortunately, Mr McWhirter was not consulted about the proposed sale. In legal advice from McLeods Lawyers it is noted that equitable estoppel may apply to the Benefactor (Mr McWhirter) and for this reason, the sale of Lot 276 should not proceed at this time.

Communication with the office of Great Southern Fuels commenced during early January 2025 but was impeded by the seasonal break. Upon resumption, the Benefactor was briefed on the circumstances giving rise to this matter and their advice was sought. It is not prudent to provide further commentary, save to say, that pending written communication from the Benefactor it is recommended that this matter be held in abeyance and deferred to the Ordinary Meeting of Council in March 2026.

Advice from McLeods Lawyers suggests that in the absence of any documented agreement of the parties to exercise a lease over the land, the Kondinin Men's Shed current tenure would most likely be a "tenancy at will" – this constitutes a tenancy agreement that may be terminated by either party by notice to the other. It is not recommended that a termination action is taken until such time as the Administration receives written communication from the Benefactor.

FINANCIAL

Nil pending further inquiry.

RISK

As identified by McLeods Legal Advising (under confidential cover).

POLICY

Nil

STATUTORY

Local Government Act 1995

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

COMMENT

This report provides an overview of the key issues relating to this matter in consideration of the submissions of the Kondinin Men's Shed.

CONSULTATION

Kondinin Men's Shed – email correspondence

McLeods Lawyers

Great Southern Fuels

Manager Planning & Assets

Shire Records Officer

9.2.4 Award of RFT 05-2025-2026 - Panel of Pre-Qualified Suppliers - Unsealed Road Maintenance

FILE NUMBER:**DATE:**

13 February 2026

AUTHOR:

Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER:

Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST:

Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. RFT 05-2025-2026 - Tender Documentation - *Under Separate Cover* ➡
2. RFT 05-2025-2026 - Tender Compliance Matrix - *Confidential Under Separate Cover*
3. RFT 05-2025-2026 - Tender Evaluation - Bruce Wright - *Confidential Under Separate Cover*
4. RFT 05-2025-2026 - Tender Evaluation - Deb Wright - *Confidential Under Separate Cover*
5. RFT 05-2025-2026 - Tender Evaluation - Tory Young - *Confidential Under Separate Cover*

RECOMMENDATION

That Council:

1. Acknowledges and accepts the compliant tender submissions against RFT 05-2025-2026 *Panel of Pre-Qualified Suppliers – Unsealed Road Maintenance* as identified in the attached evaluation report in accordance with the provisions of Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996.
2. Authorises the Chief Executive Officer to enter negotiations with the compliant tenderers, strictly within the original scope, specifications and evaluation criteria of the Request for Tender for the purpose of incorporating additional plant, equipment and materials categories where such inclusions do not materially alter the scope of works or compromise the integrity and fairness of the tender process.
3. Authorises the Chief Executive Officer to execute contracts with the successful tenderers in accordance with the adopted tender outcomes and the provisions of the Local Government Act 1995 for three (3), one (1) year terms.

SUMMARY

This report seeks Council endorsement and approval to accept compliant tenders received against RFT 05-2025-2026.

The intent of the tender is to develop a panel of pre-qualified suppliers of wet hire plant and equipment used in the construction and maintenance of unsealed roads and to supply materials used for road maintenance activities. Further, the panel will be utilised to support emergencies within the Shire including bush fires.

This report seeks Council endorsement and approval to enter pre-contract negotiations with **compliant** tenderers to include additional plant types and materials that are strictly within the original scope of works, specifications and evaluation criteria of the RFT. Such inclusions will not materially alter the scope of works or compromise the integrity and fairness of the tender process.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE

Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

On 7 January 2025, RFT 05-2025-2026 was released and advertised in accordance with the provisions of the Local Government Act 1995 and informing regulations.

The scope of works of the tender clearly identified that the Shire sought wet hire of plant and equipment, and road making materials to be positioned within a fifty (50) kilometre radius of Hyden and a twenty (20) kilometre radius of Kondinin. The physical location of plant, equipment and materials is considered as a critical point of compliance to facilitate emergency responses and to assist in the management of emergency situations.

The RFT incorporated a series of compulsory compliance and qualitative criteria including:

Compliance

Respondents were required to meet 100% of the compliance criteria to qualify for evaluation.

Description of Compliance Criteria
a) Operator Licenses & Tickets
b) Plant & Equipment Certificates of Registration
c) Compliance with the Specifications contained in the tender
d) Risk Assessment
e) Compliance with Quality Assurance principles
f) Compliance with Delivery Date

Qualitative Criteria

Qualitative criteria had an overall total score weighting of 100%.

Description of Qualitative Criteria	Weighting
Relevant Experience	40%
Skills and Experience of Key Personnel	20%
Tenderers resources	20%
Demonstrated understanding	10%

The tender closed at 4pm on 21 January 2026 and thirteen (13) proposals were received:

1. Brooks Hire Service Pty Ltd
2. Cardinal Contractors Pty Ltd
3. Deon Lovering Hyden Transport
4. Gardners Complete Earthmoving
5. Key Civil Pty Ltd
6. McCubbing Transport
7. Yonga Ma Group
8. Nexgen Crushing & Screening
9. Proquip Rental & Sales operations Pty Ltd
10. Tamaluna Contracting
11. WM & CL Gardner
12. Sterra
13. Lees Earthmoving

On 11 February 2025, an evaluation panel was convened to undertake the evaluation of the proposals.

The panel consisted of:

- Manager Planning and Assets – Shire of Kondinin
- A/Manager of Works – Shire of Kondinin
- Chief Executive Officer – Shire of Kondinin

The evaluation panel determined that of the thirteen (13) submissions, six (6) were compliant against the mandatory criteria. These included:

1. Deon Lovering Hyden Transport
2. Gardners Complete Earthmoving
3. McCubbing Transport
4. Tamaluna Contracting
5. WM & CL Gardner
6. Lees Earthmoving

Panel evaluations and the compliance matrix are attached for reference.

The panel determined that not all items of plant, equipment and materials were covered in the submissions of the compliant tenderers. Accordingly, this report seeks the endorsement and approval of Council to enter negotiations with each compliant tenderer to augment equipment and materials schedules in accordance with the scope of works and specification of the tender.

These negotiations will in no way materially affect the scope of works, specifications, evaluation criteria of the tender and will not compromise the integrity or fairness of the tender process.

FINANCIAL

This panel arrangement is formed to undertake various planned and reactive road works primarily within the eastern sector of the Shire and in areas of high road use by industrial operators. Works will be undertaken on a work order basis in consultation with commercial operators. All works will be undertaken on a full cost recovery basis.

RISK

Asset deterioration – this panel arrangement will provide for regular planned and unplanned road maintenance in areas of high road use.

POLICY

Shire of Kondinin Policy - FIN 005 – Purchasing

STATUTORY

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

STRATEGIC**Theme**

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

COMMENT

The development of a panel of service providers will provide the Shire with a strong response to planned, unplanned and emergent road works and emergency response services. Concurrently, it will provide an opportunity to re-deploy Shire Works teams to other areas of the Shire road network.

CONSULTATION

Manager Works

Manager Planning & Assets

Regional Commercial Operators – resources and energy sectors.

9.2.5 RFT 03-2025-2026 - Rejection of Tenders

FILE NUMBER:**DATE:** 13 February 2026**AUTHOR:** Bruce Wright, Chief Executive Officer**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. RFT 04-2025-2026 - Evaluation - Bruce Wright - *Confidential Under Separate Cover*
2. RFT 04-2025-2026 - Evaluation - Deb Wright - *Confidential Under Separate Cover*
3. RFT 04-2025-2026 - Evaluation - Tory Young - *Confidential Under Separate Cover*
4. RFT 04-2025-2026 - Tender Documents - *Under Separate Cover* [↗](#)

RECOMMENDATION

That Council:

1. That Council declines to accept any tender received for RFT 04-2025-2026 *East Hyden Bin Road - Widenings & Audible Edge & Centre Lines* in accordance with regulation 18(5) of the Local Government (Functions and General) Regulations 1996.
2. Notes that tenderers will be advised in writing that no tender was accepted in accordance with regulation 19 of the Local Government (Functions and General) Regulations 1996.
3. Notes that tenders were publicly invited within the preceding six (6) months for the relevant works in accordance with regulation 11(1) of the Local Government (Functions and General) Regulations 1996.
4. Determines that no tender submitted was considered satisfactory due to a revised scope to include works relevant and complimentary to the tender and operational requirements.
5. Pursuant to regulation 11(2)(c) of the Local Government (Functions and General) Regulations 1996, authorises the Chief Executive Officer to undertake a further procurement process without public invitation of tenders, including issuing a Request for Quotation to respondents to the original tender.

SUMMARY

The Shire is the recipient of grant funding under the Regional Road Safety Program – Local Roads (RRSP LR) Project 30004674 East Hyden Bin Road Works. The grant funding proposal submitted by the Shire included road widening and the installation of audible road markings and centre lines. The submission also included additional works akin to shoulder formation, grading and rolling (not including a gravel top up).

Tender reference RFT 04-2025-2026 was released by the Shire in support of the project and incorporated road widening works and the installation of audible road markings and centre lines. The

original intent for the shoulder formation works was to self-perform a portion of the roadway approximately 26 kilometres in total.

This report seeks to reject all tenders in response to RFT 04-2025-2026 and to issue a closed Request for Quotation to respondents to incorporate the shoulder formation works.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE

Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

The Shire was awarded an RRSP-LP grant from Main Roads Western Australia to undertake road widening and audible marking installation on the East Hyden Bin Road. The approved project also included shoulder formation works along a further stretch of approximately 26 kilometres.

On 7 January 2026, RFT 04-2025-2026 was released and scoped to support road widening and the installation of audible road markings and centre lines.

At 4pm, 2 February 2026, the tender was closed and seven (7) responses were received from:

1. Fulcher Contractors
2. MC Civil
3. Riverhill WA
4. Safe Roads WA
5. Industrial Roadpavers
6. Comiskey's Contracting
7. Raubex

Under regulation 18(5) of the Local Government (Functions and general) Regulations 1996, Council endorsement and approval is now sought to reject these tender submissions as a change of scope means the tenders are no longer satisfactory for the Shire's needs.

The scope change is intended to incorporate the shoulder widenings into the original scope of works and in so doing, fulfil the Mainroads Grant project in its entirety.

The decision to incorporate the additional works is made in consideration of the Shire's capacity to undertake the works at this time, and the change is considered as being minor against the substantive tender requirement and provides consistency in the completeness of the project.

Mainroads are supportive of the Shire in taking this approach and have confirmed that the shoulder formation works are included within the grant funding package and project scope.

Further Council endorsement and approval is sought to release a closed request for quotation process and inviting the prior tenderers to submit a proposal against the modified scope of works. This approval is sought under the provisions of Regulation 11(2) of the Local Government (Functions and General) Regulations 1996 wherein the Shire has undertaken a tender process within the last six months.

FINANCIAL

Nil.

RISK

Nil

POLICY

Nil

STATUTORY

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

STRATEGIC**Theme**

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

COMMENT

Tenders were publicly invited in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996. Following assessment, it has been determined that due to changes in the scope of works and operational requirements, no tender received is considered satisfactory for the Shire's revised needs.

In accordance with regulation 18(5), Council may decline to accept any tender. Tenderers will be formally notified that no tender has been accepted in accordance with regulation 19.

As tenders were publicly invited within the preceding six (6) months and no submission was considered satisfactory, the Shire may rely on regulation 11(2)(c) to undertake a further procurement process without publicly inviting tenders. Accordingly, it is proposed that a closed Request for Quotation (RFQ) be issued to suitably qualified contractors, including those who previously submitted tenders, to address the revised scope of works.

This approach ensures compliance with the Regulations while enabling the Shire to efficiently procure the amended works within required timeframes.

CONSULTATION

Acting Manager Works

Manager Planning & Assets

Main Roads Western Australia – Grants Officer.

10 BUSINESS OF AN URGENT NATURE

11 MATTERS FOR WHICH MEETING MAY BE CLOSED CONFIDENTIAL ITEMS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

11.1 Conflict of Interest Declaration - Management Plan

This matter is considered to be confidential under Section 5.23(2) - ((b)), ((c)) and ((e)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

11.2 Organisational Enhancement program

This matter is considered to be confidential under Section 5.23(2) - ((a)) and ((e)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

12 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

13 CLOSE OF MEETING

13.1 DATE OF NEXT MEETING

13.2 CLOSURE