



MINUTES OF THE SPECIAL COUNCIL MEETING

15 NOVEMBER 2023

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
15 NOVEMBER 2023 COMMENCING AT 5.00PM**

Prior to the meeting commencing, Councillors-elect Cr GJ Cosgrove, Cr HM McTaggart, Cr JD Bagley and Cr RA Starick made the declaration in accordance with s.2.29 of the Local Government Act 1995.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 5.02pm and presided over the meeting until the Shire President Election results were declared.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr HR McTaggart	Deputy President
Cr JD Bagley	Councillor
Cr CV Farr	Councillor
Cr GF Pearse	Councillor
Cr RA Starick	Councillor

Staff

Mr Matt Fanning	Chief Executive Officer
Mrs Helen Sternick	Manager Corporate Services
Mr Shane Noon	Works Manager
Ms Erin Greaves	Governance and Community Manager

Apologies

Cr AR Smyth	Councillor
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3.0 ELECTION OF SHIRE PRESIDENT

The CEO called for nominations for Shire President.

One nomination was received from Cr GJ Cosgrove for Shire President at the close of nominations. As there were no other nominations, Cr GJ Cosgrove was elected Shire President unopposed.

Cr GJ Cosgrove made the declaration of office.

Cr GJ Cosgrove assumed the role of Presiding Member for the meeting.

4.0 ELECTION OF THE DEPUTY SHIRE PRESIDENT

The Presiding Member called for nominations for Deputy President.

One nomination was received from Cr HR McTaggart for Deputy President at the close of nominations. As there were no other nominations, Cr HR McTaggart was elected Deputy President unopposed.

Cr HR McTaggart made the declaration of office.

5.0 COUNCILLOR SEATING ALLOCATION

The Councillor seating allocation will be in accordance with Clause 7.2 of the Shire of Mingenew Standing Orders Local Law 2017 which states *"When present in the meeting room, a member will occupy the seating position allocated to him or her for each specific Council or Committee meeting."*

In order to determine the seating arrangements for Council meetings, seating positions were allotted by random draw, conducted by the CEO. The following seating positions are fixed:

1. Visitors
2. Cr AT Pearse
3. Cr JR Holmes
4. Manager Corporate Services
5. Cr HR McTaggart (Deputy President)
6. Cr GJ Cosgrove (President)
7. Chief Executive Officer
8. Governance & Community Manager
9. Cr JD Bagley
10. Cr RA Starick
11. Cr AR Smyth
12. Manager Works

1		12
2		11
3		10
4		9
5	6 7	8

6.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.0 DECLARATIONS OF INTEREST

Nil.

9.0 GOVERNANCE & COMMUNITY MANAGER

9.1 APPOINTMENT OF COMMITTEE DELEGATES

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	GV.CMT.5
Disclosure of Interest:	Nil
Date:	19 September 2023
Author:	Erin Greaves, Governance & Community Manager
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority / Simple Majority

Summary

Council is asked to nominate and appoint members to Council's Committees and the various organisations that have Council representation.

Key Points

- The Shire President and Chief Executive Officer reserve the right to attend any meeting
- The Shire of Mingenew Executive Management Committee is the only Committee of Council with delegated authority.
- The Audit & Risk Committee has statutory functions under the Local Government Act 1995
- The list of Committees and groups within the recommendation are based on previous appointments made by Council. It is up to Council to consider if the same level of Council representation is relevant and whether a reduction or increase to appointments are necessary

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1 – RESOLUTION# 01151123S
MOVED: Cr HR McTaggart SECONDED: Cr JD Bagley

Council:

1. **By Absolute Majority, appoints the following members to the Shire of Mingenew's Committees of Council:**

SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

Cr HR McTaggart, Cr AT Pearse and Cr GJ Cosgrove, Cr AR Smyth and Ms Jane Bagshaw, as the Independent Member.

SHIRE OF MINGENEW BEHAVIOUR COMPLAINTS COMMITTEE

Whole of Council, excluding the Elected Member/s who is/are subject to the complaint.

SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

Cr AT Pearse, and Cr AR Smyth as proxy delegate.

SHIRE OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE

Cr GJ Cosgrove, Cr HR McTaggart and Cr JD Bagley, and Cr JR Holmes as proxy delegate.

SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE

Cr AR Smyth, the Chief Executive Officer (or his/her nominee), and Cr RA Starick as proxy delegate.

SHIRE OF MINGENEW COMMUNITY ASSISTANCE SCHEME PANEL

Cr JR Holmes, Cr RA Starick, the Community Development Officer, and Governance and Community Manager.

SHIRE OF MINGENEW CBH EXPANSION PROJECT WORKING GROUP

Cr GJ Cosgrove, Cr JR Holmes, the Chief Executive Officer and Cr JD Bagley as proxy delegate.

2. Delegates the following members to represent Council on community-run committees:

MINGENEW COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE

Cr HR McTaggart and the Community Development Officer, and Cr JD Bagley as proxy delegate.

3. Delegates the following members to represent the Shire of Mingenew on external committees and groups:

JOINT DEVELOPMENT ASSESSMENT PANEL

Cr AT Pearse and Cr JD Bagley, and
Cr GJ Cosgrove and Cr JR Holmes as proxy delegates.

MID-WEST REGIONAL ROAD GROUP

Cr GJ Cosgrove, and
Cr JD Bagley, and Cr AT Pearse as proxy delegates.

NORTHERN COUNTRY ZONE OF WALGA

Cr GJ Cosgrove and Cr HR McTaggart, and
Cr JR Holmes as proxy delegate.

WILDFLOWER COUNTRY INC.

Cr Starick and Cr Smyth as proxy voting delegate, and the Community Development Officer and Chief Executive Officer as non-voting delegates.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr HR McTaggart, and Cr RA Starick, AGAINST: Nil)

Attachments

- 9.1.1 Audit & Risk Committee Terms of Reference
- 9.1.2 Bushfire Advisory Committee Terms of Reference
- 9.1.3 Local Emergency Management Committee Terms of Reference
- 9.1.4 Behaviour Complaints Committee Terms of Reference
- 9.1.5 Terms of Reference for Elected Member Representation on External Committees / Groups

Background

Following the 2023 ordinary local government election process, it is appropriate to reconsider Council representative positions for Council Committees and other representation appointments.

Section 5.8 of the Local Government Act 1995 enables Councils to form committees to assist it with its functions. Committee members can include elected members, employees and members of the public in a variety of combinations. Committees can operate with council delegated decision making powers or solely on an advisory basis. Advisory committees where members are drawn from both council and the community

give the community a significant opportunity to provide input into the council's decision making meeting process and is the current format for all of Council's Committees currently.

Where a Committee has a delegated authority, it is important to note that the same responsibilities apply to Committee meetings as council meetings, including making them available to the public, publishing agendas and minutes and giving public notice of meeting dates, times etc.

Comment

A summary of the purpose of each Committee and any additional information that may be pertinent is provided below:

Audit & Risk Committee (ARC)

The primary objective of the Audit and Risk Committee "the Committee" is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its statutory and fiscal affairs.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The Committee will ensure transparency in the Local Government's reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's systems and processes.

The Terms of Reference require that the Committee will consist of at least four members, including an independent member although it has been Council's past practice to have four Elected Members on the Committee plus an independent member.

The Audit & Risk Committee typically meet four times per year. The most recently appointed Elected Member representatives include Cr McTaggart, Cr Cosgrove, Cr Smyth and Cr Pearse, and Jane Bagshaw as the independent member.

Behaviour Complaints Committee (BCC)

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Local Government Act 1995 (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Mingenew's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The Terms of Reference for this Committee require at least three Council Members to be appointed and at least 3 proxy members. This ensures flexibility in Council Member attendance should the Committee be required to meet, as it will depend on who the complaint refers.

Meetings are only held as required (following the receipt of a complaint and upon completion of an investigation after which a report is prepared by the Behaviour Complaints Officer, in accordance with Council Policy 1.1.8).

Members include Cr Bagley, Cr Smyth and Cr Farr (former), with Cr Holmes, Cr McTaggart and Cr Cosgrove as proxies.

Executive Management Committee (EMC)

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year (and recruitment and termination of a CEO, as required). This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government*

(Administration) Regulations 1996 to "Review the performance of the Chief Executive Officer at least once in relation to every year of employment.". This authority is conditional on the following:

1. Authority is subject to the Local Government Act 1995 and its associated Regulations.
2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

Council have authorised the Committee, in consultation with the CEO, to:

- Set the date of the Performance Review; and
- Determine if an external facilitator is to be engaged to assist with future performance reviews and be involved in the selection of that third party.

The EMC meets at least twice a year to undertake the CEO Performance Review and then as required to deal with the recruitment and termination of the CEO.

Cr Cosgrove, Cr McTaggart and Cr Bagley are the most recently appointed delegates, with Cr Smyth as proxy.

Local Emergency Management Committee (LEMC)

The LEMC has been established in accordance with s38(1) of the *Emergency Management Act 2005* for the purpose of making the Shire of Mingenew a safe community by managing the risk of emergencies through the delivery and implementation of emergency prevention, preparedness, response and recovery strategies.

The Terms of Reference set out the specific objectives of the Committee and other management details. At least four meetings are held per year.

Voting membership is outlined in the Terms of Reference (agency representatives) and consists of Cr Smyth as the Councillor representative and the CEO, with Cr Farr (former) as proxy.

Community Assistance Panel (CAP)

The Community Assistance Panel is responsible for reviewing applications received under the Community Assistance Scheme. The most recent appointees are Cr McTaggart, Cr Holmes and the Shire's Community Development Officer.

CBH Expansion Project Working Group

This is a new group, included to enable Council to review and keep informed of any plans and information relevant to the future expansion of the Mingenew CBH facility to ensure that community impacts and priorities are considered and communicated.

This is not a formal Council Committee, but a working group which will report back to Council as required. Cr Bagley, Cr Cosgrove and the CEO are nominated representatives, with Cr Smyth as proxy.

Mingenew Community Resource Centre Management Committee (CRCMC)

The Mingenew Community Resource Centre (CRC) Management Committee oversees the management of the Mingenew CRC and is not a Committee of Council.

Council have previously provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on. Cr McTaggart and the Shire's Community Development Officer are the nominated representatives, with Cr Farr (former) the proxy.

Joint Development Assessment Panel (JDAP)

A Joint Development Assessment Panel (JDAP) is made up of specialist and local government members and are established to determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

There are currently 8 JDAPs in Western Australia, with the Shire of Mingenew being members of the Mid-west/Wheatbelt region. Local members are members of a local government council who are nominated by that local government to sit on a DAP. Local governments are required to nominate two councillors as local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

An information booklet has been provided as an attachment should Councillors and members of the community wish to learn more about Development Assessment panels and their role.

The structure of Development Assessment Panels are currently under review by the State Government and changes are foreshadowed but for the time being it is appropriate to follow the current established process.

Cr Cosgrove and Cr Bagley are the nominated local members, with Cr Holmes and Cr Farr (former) the Deputy members.

Mid-West Regional Road Group

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. Regional Road Group members serve a vital and valuable role in ensuring that road funding decisions maximise community benefits and preserve and improve the road system across Western Australia. The RRG is also responsible for reviewing the Restricted Access Vehicle (RAV) network.

Most decisions of this Committee are made by consensus and only one Council representative has voting rights. Council representatives are expected to keep Council informed of the business and decisions made by the Regional Road Group.

Cr Cosgrove and Cr Bagley are nominated members, and Cr Smyth is the proxy.

Northern Country Zone of WALGA

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical

alignment. Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

Zone delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level. In fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues. There is also an expectation that Zone delegates will report back to their Council about decisions made by the Zone.

WALGA have requested that they be notified of Elected Member delegates and deputy delegates to the Zone no later than Friday 5 November 2021. This will enable the Zone to elect WALGA State Council representatives. The Northern Country Zone (NCZ) will appoint its office bearers (President, Deputy President and State Council representative and Deputy) at the next NCZ meeting on 22 November 2021.

Please [click here](#) to view WALGA's Elected Member Prospectus. This document will assist in providing further information on becoming a Zone Delegate or State Councillor.

Cr Cosgrove and Cr McTaggart are the most recently nominated representatives, and Cr Holmes is proxy.

Wildflower Country Inc.

Western Australia's Wildflower Country has been the collective group of nine local government areas located just north of Perth in Western Australia; Carnamah, Coorow, Dalwallinu, Greater Geraldton – including Mullewa, Moora, Morawa, Mingenew, Perenjori and Three Springs. The future of this group is unknown, regardless a current nominee is necessary to finalise any outcomes under the current structure.

The "current" purpose of Wildflower Country Incorporated is to promote this beautiful region as a unique and captivating tourism destination, for the collective mutual benefit of the entire Wildflower Country region. Wildflower Country assists with collaborative destination marketing, and in producing memorable and positive visitor experiences, as well as assisting to develop the tourism industry within the area.

Each local government is entitled to one voting representative, which is Cr Farr, with the CEO and Community development Officer also appoint to attend as non-voting representatives. It is recommended that a proxy Council delegate be nominated.

Statutory Environment

Local Government Act 1995

Local Government (Administration) Regulations 1996

Emergency Management Act 2005

Policy Implications

As indicated within the report above, where applicable.

Financial Implications

Nil

Strategic Implications

Strategic Community Plan:

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

Strategy 1.3.2 Provide services and processes to enhance public safety

10.0 MANAGER CORPORATE SERVICES

10.1 FEES AND CHARGES AMENDMENT – DISPOSAL OF LIQUID WASTE

Location/Address: Shire of Mingenew
 Name of Applicant: Shire of Mingenew
 File Reference: FM.RVN.1
 Disclosure of Interest: Nil
 Date: 26 October 2023
 Author: Helen Sternick, Manager Corporate Services
 Approved by: Matt Fanning, Chief Executive Officer
 Voting Requirement: Absolute Majority

Summary

Seeking Councils' approval to amend the 2023/24 Fees and Charges to change the disposal of liquid waste charge.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 10.1 – RESOLUTION# 02151123S
MOVED: Cr Holmes SECONDED: Cr Bagley

That Council, by simple majority:

1. not accept septage liquid waste generated outside the Shire of Mingenew local government area; and;
2. not accept septage liquid waste generated by or associated with the mining and resource sector.

That Council, by absolute majority:

1. approves the revised Fees and Charges for the 2023/24 financial year for the disposal of liquid waste being:

Residential septic tank only	Per 2,000 litres or less	\$110 (including GST)
Townsite commercial	Per 1,000 litres	\$110 (including GST)

2. Gives local public notice of the imposition of the updated and new fees and charges applicable from 21 December 2023.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr HR McTaggart, and Cr RA Starick, AGAINST: Nil)

Background

In accordance with the *Local Government Act 1995*, Local Governments may impose and recover a fee or charge for any goods or services it provides. These fees and charges are to be set when adopting the annual budget but may be amended from time to time during the financial year.

The current licence applicable to the Shire of Mingenew allows the waste facility to receive up to 57,000 litres of septage liquid waste per year.

The current fees and charges for septage liquid waste of \$100 per load was initially established to recover the costs of septage waste disposal for Shire of Mingenew households. Council's staff have received enquiries from commercial businesses to use the facilities, when the fees and charges were not set with this in mind.

Comment

Due to the City of Greater Geraldton ceasing to accept septage liquid waste that is generated by the mining and resource sector and increasing fees and charges for septage liquid waste generated outside the city's local government area as of 26 September 2023, enquiries have been received to access the Shire of Mingenew facility.

Our current facility does not have the capacity to handle septage liquid waste generated outside the Shire of Mingenew local government.

Statutory Environment

Local Government Act 1995 Section 6.16

6.16 Imposition of fees and charges

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

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) supplying goods;*
 - (f) such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) imposed* during a financial year; and*
 - (b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

Policy Implications

Nil

Financial Implications

If approved, the amended fees and charges will generate additional income and define the users of the facility.

Strategic Implications

Strategic Community Plan 2019-2029

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

11.0 LATE ITEM

11.1 RFT 01 2023-24 – Mingenew Early Childhood Education Facility – Design and Construct

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.TEN.23.24
Date: 13 November 2023
Author: Matt Fanning, CEO
Voting Requirement: Simple Majority

Summary

Shire of Mingenew invited tenders from suitably qualified tenderers for the Design and Construction of a 24 place Early Childhood Education Facility. Offers of a modular or built on-site form we accepted. Only one response was received which excluded landscaping and exceeded the project budget. Council is requested to not accept any tenders and progress a tender exempt process.

Key Points

- RFT issued with only one responses
- Contractors offer is significantly higher than the current approved budget.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 – RESOLUTION# 03151123S

MOVED: Cr Pearce

SECONDED: Cr Starick

Council:

1. Notes the evaluation matrix, as included in Confidential Attachment 11.1.1,
2. In accordance with the *Local Government (Functions and General) Regulation 1996*, Regulation 18, resolves to not accept any tenders for RFT01 2023-24 Mingenew Early Childhood Education Facility – Design and Construct, as the only tender received in excess of the project budget.
3. Instructs the CEO to obtain alternate offers under a tender exempt process for the delivery of the Mingenew Early Childhood Education Facility, as per Regulation 11 of the *Local Government (Functions and General) Regulation 1996*.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr HR McTaggart, and Cr RA Starick, AGAINST: Nil)

Confidentiality

An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

- (c) “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.”
- (e) “Information that has a commercial value to a person”

Attachment

11.1.1 Confidential – Evaluation Report circulated as a separate confidential attachment as per s.5.23(2)(e)(ii)(iii)

Background

The Shire has been developing the delivery of a new increased capacity Early Childhood Education Facility.

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 15 November 2023

Tenders were advertised 7 October 2023 through the tenderlink portal and closed 14:30 AWST on 10 November 2023.

The tender was separated into two portions.

Comment

The Qualitative Criteria was approved prior to the advertisement of the RFT. Each Criterion was given the following weightings and included within the RFT document.

Criteria		Weighting
(a)	Experience and Capacity	15%
(b)	Experience and Capacity of Respondent's Key Personnel, Subcontractors, Suppliers and Consultants	15%
(c)	Methodology	15%
(d)	Proposed concept design, inclusions and technical data (noting the Principal's budget is \$900,000)	55%

The submissions were assessed against the Qualitative Criteria and each Criterion was given a score in accordance with the Evaluation Guide contained within the Evaluation Spreadsheets.

A rating scale of zero-to-ten (0 - 10) was used for evaluating the Tender submissions in accordance with the Qualitative Criteria, with 0 being lowest and 10 being highest.

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as confidential Attachment 11.1.1.

The evaluation of the submissions received against the quantitative and qualitative criteria resulted in the rankings (in order of priority) as shown below –

Ranking	Tenderer
1	Kilmore Group

Consultation

- Internal Staff

Statutory Environment

The *Local Government Act 1995* at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The *Local Government (Functions and General) Regulations 1996* at Regulation 11A (when tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000.

However, after having followed the appropriate tender process and it is determined that no acceptable tenders have been received, Council may consider other procurement options, other than public tender, in accordance with Regulation 11(2)(c)(i):

11. When tenders have to be publicly invited

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —

- (c) *within the last 6 months —*
 - (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment;*

18. Rejecting and accepting tenders

- (4) *Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.*

Policy Implications

In obtaining a public tender, the Shire's Purchasing Policy (1.3.1) requirements have been met. Our Local Price Preference Policy was also applied in the attached tender assessment document.

Financial Implications

A total of \$1,000,000 was included in the FY23/24 budget for these works allowing a contingency of \$100,000, resulting in a project budget of \$900,000 to perform the design and construction of the facility.

The tender response of \$1,530,245.39, excluding the landscaping portion, equates to \$3,600 per square meter which is significant given the concept design.

Strategic Implications

Strategic Community Plan 2019-2029:

2.2.1 Develop childcare service to full time full day care model

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 15 November 2023

12.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 6 December 2023 commencing at 5:00pm.

13.0 CLOSURE

The meeting was closed at 5:38pm.

These minutes were confirmed at an Ordinary Council meeting on 6 December 2023.

Signed _____
Presiding Officer

Date: _____