



# Ordinary Council Meeting Minutes

**Date: 21 October 2015**

**Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.**

## **The Shire of Moora Vision and Mission Statement**

### **Vision**

Our vision is that:

*Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.*

### **Mission**

Our mission is:

*To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.*

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**21 OCTOBER 2015**

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## **I. DECLARATION OF OPENING BY CEO / ANNOUNCEMENT OF VISITORS**

### **I.1 DECLARATION OF OPENING**

*The Chief Executive Officer declared the meeting open at 5.31pm, welcomed visitors and assumed the chair until the election of the Shire President.*

### **I.2 DISCLAIMER READING**

*No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.*

*It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.*

## **2. ELECTION OF SHIRE PRESIDENT**

The Chief Executive Officer conducted an election for the position of Shire President for a term of two years.

The Chief Executive Officer advised that prior to the meeting he had received written nominations for the position of Shire President for Cr Seymour and Cr Humphry.

There being no further nominations the Chief Executive Officer closed the nominations and declared an election would be held.

All votes were counted resulting in 6 votes for Cr Seymour and 3 votes for Cr Humphry. The Chief Executive Officer then declared Cr Seymour elected as Shire President for a term of two years.

Cr Seymour made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Cynthia McMorran, OAM JP.

## **3. ELECTION OF DEPUTY SHIRE PRESIDENT**

The Shire President conducted an election for the position of Deputy Shire President for a term of two years. He advised that written nominations had been received for Councillors Humphry, Pond and Clydesdale-Gebert prior to the meeting.

The Shire President called for any further nominations. There being no further nominations the Shire President closed the nominations and declared an election would be held. The Shire President requested the Chief Executive Officer conduct the election.

All votes were counted resulting in 3 votes for Cr Humphry, 5 votes for Cr Pond and 1 vote for Cr Clydesdale-Gebert. The Chief Executive Officer then declared Cr Pond elected as Deputy President for a term of two years.

Cr Pond then made the declaration required by Section 2.29 of the Local Government Act 1995 before Mrs Cynthia McMorran, OAM JP.

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

KM Seymour	-	Shire President / Presiding Member
MR Pond	-	Deputy Shire President
CE Gardiner	-	Councillor
TG Humphry	-	Councillor
DV Clydesdale-Gebert	-	Councillor
MR Holliday	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
LC House	-	Councillor
AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services
MM Murray	-	Executive Support Officer (minute taker)

**PUBLIC**

Cynthia McMorran	-	Shire Freeman / Justice of the Peace
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**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6. PUBLIC QUESTION TIME**

Nil

**7. PETITIONS AND PRESENTATIONS**

Nil

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Shire President, Cr Seymour  
Wheatbelt Railway Retention Alliance meeting

Cr Pond  
5/10 ICMWA Board meeting  
13/10 ICMWA AGM in Dalwallinu  
19/10 Alcohol & other Drug Management Plan workshop, Council Chambers  
20/10 Central Midlands Construction meeting in Wongan Hills

Cr House

17/10 Assisted with the Gravel Grinder event. It's in its 5<sup>th</sup> year running with 112 riders taking part on the day. Local guest speaker in the evening was Corey Payne.

Cr Gardiner

CBH meeting in Moora

13/10 ICMWA AGM in Dalwallinu

Cr Holliday

20/10 CRC Committee meeting followed by the AGM

Health Advisory Group meeting

Cr Humphry

13/10 Tidy Towns presentation

## 10. **CONFIRMATION OF MINUTES**

### 10.1 **ORDINARY COUNCIL MEETING - 16 SEPTEMBER 2015**

#### **COUNCIL RESOLUTION**

*140/15 Moved Cr Pond, seconded Cr Holliday that the Minutes of the Ordinary Meeting of Council held on 16 September 2015 be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

### 10.2 **SPECIAL COUNCIL MEETING - 7 OCTOBER 2015**

#### **COUNCIL RESOLUTION**

*141/15 Moved Cr Humphry, seconded Cr Clydesdale-Gebert that the Minutes of the Special Meeting of Council held on 7 October 2015 be confirmed as a true and correct record of the meeting.*

**CARRIED 9/0**

## **II. REPORTS OF OFFICERS**

### **II.1 GOVERNANCE AND CORPORATE SERVICES**

#### **II.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

**REPORT DATE:** 12 October 2015

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance Creditors Officer

**ATTACHMENTS:** Accounts Paid Under Delegated Authority

#### **PURPOSE OF REPORT**

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

#### **BACKGROUND**

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

#### **COMMENT**

Accounts Paid under delegated authority are periodically presented to Council.

#### **POLICY REQUIREMENTS**

Delegation 1.31 – Payments from Municipal and Trust Funds.

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications associated with this proposal.

#### **SUSTAINABILITY IMPLICATIONS**

##### ➤ **Environment**

There are no known significant environmental implications associated with this proposal.

##### ➤ **Economic**

There are no known significant economic implications associated with this proposal.

##### ➤ **Social**

There are no known significant social implications associated with this proposal.

#### **FINANCIAL IMPLICATIONS**

Payments are in accordance with the adopted budget.

#### **VOTING REQUIREMENTS**

Simple Majority Required

<b>COUNCIL RESOLUTION</b>
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***142/15 Moved Cr Pond, seconded Cr Humphry that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31***

<b><i>Municipal Fund</i></b>	<b><i>Cheques 62063 - 62076</i></b>	<b><i>\$16,931.41</i></b>
	<b><i>EFT 14279 - 14434</i></b>	<b><i>\$450,371.53</i></b>
	<b><i>Credit Card 17-08-15 to 14-09-15</i></b>	<b><i>\$12,098.47</i></b>
	<b><i>Net Pays – PPE 08/09/15</i></b>	<b><i>\$86,942.59</i></b>
	<b><i>Net Pays – PPE 22/09/15</i></b>	<b><i>\$89,167.89</i></b>
<b><i>Trust Fund</i></b>	<b><i>Cheques 5113-5118</i></b>	<b><i>\$141.65</i></b>
<b><i>Total</i></b>		<b><u><i>\$655,653.54</i></u></b>

**CARRIED 9/0**

### **11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2015**

**REPORT DATE:** 12 October 2015

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 30 September 2015

**PURPOSE OF REPORT:**

To note and receive the Statement of Financial Activity for the period ended 30 September 2015.

**BACKGROUND:**

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

**COMMENT:**

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

**STRATEGIC IMPLICATIONS:**

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.



**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
There are no known significant economic implications associated with this proposal.
- **Social**  
There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

Year to date income and expenditure is provided by program to enable comparison to 2015/16 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*143/15 Moved Cr Gardiner, seconded Cr Holliday that Council notes and receives the Statement of Financial Activity for the period ended 30 September 2015.*

**CARRIED 9/0**

**11.2 DEVELOPMENT SERVICES****11.2.1 SHED CONSTRUCTION 74 MELBOURNE STREET MOORA**

**FILE REFERENCE:** TP/PA15/1516

**REPORT DATE:** 2 October 2015

**APPLICANT/PROPONENT:** Ian Manns

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

**PURPOSE OF REPORT:**

Council is in receipt of an application from Mr Ian Manns (Proponent) of Jurien Bay to construct a shed at his sons property at Lot 80/Hn74 Melbourne Street, Moora.. The shed is a 6.0m x 6.0m x 3.05m steel framed and clad for the purpose of vehicle storage.

**BACKGROUND:**

Lot 80/74 Melbourne Street is located in the residential zone and has an R Code of R12.5. The proposed shed is to be used for vehicle storage purposes and is the only outbuilding on the property so it meets the requirements of Councils Policy Maximum size of out buildings.

The shed meets Council requirements in that it is not oversized and the finished Floor Level of the shed will have to be in accordance with Department of Water requirements.

**COMMENT:**

Council has discretion to consider a minimum Finished Floor Level less than 300mm above the March 1999 flood levels where the Local Government determines that:

- (i) The non-habitable buildings and structures are ancillary to a dwelling on the same lot inclusive of a car port, garage, patio, pergola, gazebo and outbuilding.

As mentioned above the shed meets Councils requirements including policy on oversized outbuildings. It is recommended that Council uses its discretion to allow for a reduced Finished Floor Level of 0.15metres above the 1999 March flood levels.

**POLICY REQUIREMENTS:**

The shed meets Councils requirements including policy on oversized outbuildings.

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
There are no known significant economic implications associated with this proposal.
- **Social**  
There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

There are no financial implications to Council in relation to this item.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***144/15 Moved Cr Humphry, seconded Cr Holliday that Council approve the proponent Mr Ian Manns application to construct a 6.0m length x 6.0m width x 3.05m high steel framed and clad shed at Lot 80/Hn74 Melbourne Street, Moora for the purpose of vehicle storage subject to the following conditions:***

- 1. That the shed is not constructed out of second hand materials;***
- 2. The shed is not used for the purpose of habitation;***
- 3. Proponent/Owner is to investigate whether the premises is connected to sewerage and if not take the necessary steps to connect to sewerage as the premises is within 91 metres of sewerage connection as required by Draft Country Sewerage Policy requirements as required by Health Department WA.***
- 4. This is not an approval for construction; a Building Application is required to be submitted to the shire for approval by the Shire's Building Surveyor.***

- 5. Council uses its discretion to allow for a reduction in the height of the Finished Floor Level to 0.15m above the 1999 March Flood Level requirements instead of the required 300mm above the 1999 March Flood Level requirements.**

**CARRIED 9/0**

### **11.2.2 LOT 7 KIAKA STREET COOMBERDALE - SECONDHAND ACCOMMODATION UNIT**

**FILE REFERENCE:** TP/PA14/1516

**REPORT DATE:** 14 October 2015

**APPLICANT/PROPONENT:** Rob Brooks

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Peter Williams, Manager Development Services

**ATTACHMENTS:** Plans

#### **PURPOSE OF REPORT:**

An application to construct/install 2<sup>nd</sup> hand Transportable Dwelling 12m x 3m to be used as bedroom/storeroom which is currently detached from existing dwelling has been received from Mr and Mrs Rob Brooks (Proponents) of Lot 7 Kiaka Street, Coomberdale.

#### **BACKGROUND:**

Lot 7 Kiaka Street Coomberdale is zoned as Rural Townsite with a Residential Design Code of R10.

#### **Objectives**

To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

#### **Site Requirements**

In accordance with the Residential Design Codes.

The Shire of Moora has a Policy on second hand transportable accommodation units however this has been superseded by new Planning Regulations. These Regulations come into effect on the 19<sup>th</sup> October 2015. These regulations permit dongers as accommodation units without planning approval as they are deemed as an approved dwelling even though they are second hand and as such are devoid of any bond.

#### **COMMENT:**

They are living in a small two bedroom dwelling which is too small for their family. An ancillary dwelling is accepted by the New Regulations and is permitted in the updated Residential Design Codes.

It is therefore recommended that Council approve this development application subject to Compliance with the Building Code of Australia as for footings and tie down requirements of the building and attaching a porch veranda to the front of the unit to take the sun off the front of the building and make the building more aesthetically pleasing to the eye.

#### **POLICY REQUIREMENTS:**

There are no policy requirements that affect this application

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements related to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
There are no known significant economic implications associated with this proposal.
- **Social**  
There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

There are no financial implications to Council in relation to this item.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*145/15 Moved Cr Holliday, seconded Cr Pond that Council approve the planning application submitted by the proponent Mr Rob Brooks of Lot 7 Kiaka Street, Coomberdale to install an ancillary dwelling unit (Donger) on his property at Lot 7 Kiaka Street, Coomberdale subject to the following conditions:*

- *A separate building application is required to ensure footing and tie down requirements of the building Code of Australia are being met. These details are required to be provided on building application.*
- *A veranda is required to be provided to the front of the ancillary dwelling to ensure aesthetics and environmental requirements are being maintained.*
- *Apart from the second hand donger structure no second hand materials are to be used for the veranda.*

**CARRIED 9/0**

### **11.3 ENGINEERING SERVICES**

#### **11.3.1 TENDER No. 19/15 - SUPPLY AND DELIVERY OF ONE ONLY 21 TONNE EXCAVATOR**

**FILE REFERENCE:** L/TEPI

**REPORT DATE:** 14 October 2015

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 16/9/15 (129/15)

**AUTHOR:** John Greay, Manager Engineering Services

**ATTACHMENTS:** Schedule of tenders

**PURPOSE OF REPORT:**

Budgeted item –an amount of \$330,000 ex GST has been allowed for in this years budget.

**BACKGROUND:**

Quotes were called through the WALGA on-line procurement service. Some 7 tenders were received pricing some 12 different excavators. (Refer to attached schedule)

**COMMENT:**

Pleasingly Councils budget allocation has been within market parameters.

**POLICY REQUIREMENTS:**

**Council Policy 9.12 – Purchasing and Procurement**

*Adopted by Council 15th March 2000*

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora
- Offering competitive prices the first time
- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry with the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services for local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

In terms of Councils existing policy the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”**

After some detailed analysis by the Chief Executive Officer and Manager of Engineering Services, it has been concluded that the Case 721F XT loader represents the best overall value in terms of;

- Specification of machine in terms of horsepower, weight and capacity;
- Case is a very reputable machine in the loader market;
- Reference checks with those Councils who have purchased the Case 721f XT were very positive;
- Supplier is a locally based business, in McIntosh & Son.

#### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995

#### **STRATEGIC IMPLICATIONS:**

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

There are no known significant environmental implications associated with this proposal.

##### ➤ **Economic**

It is important that this loader be replaced, due to its age and the number of hours that it has performed.

➤ **Social**

There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

Council has allowed a changeover of \$330,000 (ex GST)

**VOTING REQUIREMENTS:**

Simple Majority Required

At 6.25pm Cr Holliday left the meeting and returned at 6.27pm

**COUNCIL RESOLUTION**

*146/15 Moved Cr Gardiner, seconded Cr Humphry that Council accept Quotation/Tender 19/15 from McIntosh and Son for the purchase of one Case CX210C Excavator, complete with mulcher, rubber track pads, tilt hitch, .8m<sup>3</sup> and .6m<sup>3</sup> buckets for \$260,300 ex GST plus the addition of a skeleton bucket at a cost of \$9,800 ex GST totalling \$270,100 plus GST.*

**CARRIED 9/0**

Note: Council requested the purchase of a skeleton bucket and for it to be included in the total purchase price, which is in addition to the original procurement specification.

**11.3.2 TENDER NO. 18/15 MICROSURFACING OF NOMINATED TOWN STREETS, MOORA**

**FILE REFERENCE:** S/TERI-2

**REPORT DATE:** 15 October 2015

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 16/9/15 (130 /15)

**AUTHOR:** John Greay, Manager Engineering Services

**ATTACHMENTS:** Schedule of tenders

**PURPOSE OF REPORT:**

Within councils budget of road works for this financial year.

**BACKGROUND:**

Council has chosen to carry out the micro surfacing of some of the streets within the Moora Townsite. About 15years ago a number of streets were done with a similar product which produced very good results

**COMMENT:**

Micro surfacing extends the life of the pavement and produces a much quieter street for residents to live in. The surface is also much smoother

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

Section 3.57 of the Local Government Act 1995

Regulations 11(1) &18 of the Local Government (Functions & General Regulations 1996

**STRATEGIC IMPLICATIONS:**

Council needs to continue with the upgrading and maintenance of their road network

**SUSTAINABILITY IMPLICATIONS:**➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

Allowances have been provided in this year's budget and Works Programme  
Council has budgeted \$266,237 plus GST for this work in this year

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

*147/15 Moved Cr Holliday, seconded Cr Pond that Council accept tender 18/15 from Downer EDI Works for micro surfacing Moora town streets for the 2015-16 year for the tendered amount of \$190,089.90 inclusive of GST.*

**CARRIED 9/0**

**12. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

Nil

**14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**15. CLOSURE OF MEETING**

*There being no further business, the President declared the meeting closed at 6.39pm.*

**CONFIRMED**

**PRESIDING MEMBER**