

**Shire of Moora
Ordinary Council Meeting
12th December 2018**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 12th December 2018**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



AJ Leeson
Chief Executive Officer

7th December 2018

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to declare
 an interest in the following item to be considered by Council at its meeting to be held on ⁽²⁾
 _____ .

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
12 DECEMBER 2018
COMMENCING AT 5.30PM

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	7
1.1 DECLARATION OF OPENING.....	7
1.2 DISCLAIMER READING	7
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	7
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4. PUBLIC QUESTION TIME	7
5. PETITIONS AND PRESENTATIONS.....	7
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	7
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	7
8. CONFIRMATION OF MINUTES	7
8.1 ORDINARY COUNCIL MEETING - 21 NOVEMBER 2018.....	7
9. REPORTS OF OFFICERS.....	8
9.1 GOVERNANCE AND CORPORATE SERVICES.....	8
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	8
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2018.....	10
9.1.3 BUSH FIRES ACT – FIRE CONTROL OFFICER ADDITION.....	11
9.1.4 ADOPTION OF THE 2017/18 ANNUAL REPORT	13
9.2 DEVELOPMENT SERVICES.....	15
9.2.1 PLANNING APPLICATION – PROPOSED NEW OUTBUILDING (SHED) ON LOT 111 BEASLEY STREET, MOORA.....	15
9.2.2 PLANNING APPLICATION – PROPOSED NEW OUTBUILDING (SHED) ON LOT 146 (NO.97) MELBOURNE STREET, MOORA.....	21

9.2.3	PLANNING APPLICATION – PROPOSED NEW ANCILLARY ACCOMMODATION ON LOT 96 (NO.120) MELBOURNE STREET, MOORA.....	26
9.3	ENGINEERING SERVICES.....	31
9.3.1	TENDER No. 08/18 - SUPPLY AND SPRAY OF BITUMEN PRODUCTS; TENDER No. 09/18 - SUPPLY AND DELIVERY OF ROAD SEALING AGGREGATE; TENDER No. 10/18 - SUPPLY OF ROAD STABILISATION SERVICES.....	31
10.	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	33
11.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL.....	33
12.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	33
13.	CLOSURE OF MEETING.....	33

* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 November 2018*
- 9.1.4 *Annual Report 2017/2018*
- 9.2.1 *Attachment 1*
- 9.2.2 *Attachment 1*
- 9.2.3 *Attachment 1*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 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. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 21 NOVEMBER 2018**

That the Minutes of the Ordinary Meeting of Council held on 21 November 2018 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 6 December 2018

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors 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

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62376 to 62379</i>	<i>\$10,943.64</i>
	<i>EFT 20440 to 20626</i>	<i>\$1,065,326.54</i>
	<i>Credit Card 03/10/18 to 2/11/18</i>	<i>\$1,894.31</i>
	<i>Direct Debits DD12388 – DD12422</i>	<i>\$68,342.46</i>
	<i>Net Pays – PPE 13/11/18</i>	<i>\$89,601.22</i>
	<i>Net Pays – PPE 27/11/18</i>	<i>\$95,625.09</i>
<i>Trust Fund</i>	<i>Cheques 5403 to 5415</i>	<i>\$3,783.63</i>
<i>Total</i>		<i><u>\$ 1,335,516.89</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2018

REPORT DATE: 6 December 2018

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 November 2018

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 November 2018.

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 2018/19 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 November 2018.

9.1.3 BUSH FIRES ACT – FIRE CONTROL OFFICER ADDITION

FILE REFERENCE: LO/BUF1
REPORT DATE: 4 December 2018
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Confirmation of the appointment of the Acting Shire of Moora Community Emergency Services Manager (CESM) for 2018/2019.

BACKGROUND:

A Local Government may from time to time appoint such persons as it thinks necessary to be its Bush Fire Control Officers under and for the purposes of the Bush Fire Act 1954, and those officers shall appoint the Chief Bush Fire Control Officer and two (2) Deputy Bush Fire Control Officers who shall be first and second in seniority of the other bush fire control officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

The Local Government shall cause notice of appointment under the provisions of the Act to be published at least once in a newspaper circulating the district.

COMMENT:

Councils CESM Vicki Booth has been seconded to DFES Geraldton and therefore Council has utilised the services of Mr John Brennan as the Acting CESM in her absence for the Shire of Moora District Bush Fire Brigade network for the 2018/2019 season.

Council is required to adopt and authorise the publishing of the Acting position in the Northern Valley News and Shire of Moora website for public information.

POLICY REQUIREMENTS:

Shire of Moora Bush Fire Policy 2.1 adopted 18 May 2009

LEGISLATIVE REQUIREMENTS:

Bush Fires Act 1954 - (with amendments) and Regulations – Section 38 (1) & (2a).

STRATEGIC IMPLICATIONS:

Experienced Fire Control Officers throughout the Shire of Moora district for the protection of rural property.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
Efficient fire control and enforcement for fire breaks protects the natural environment and cereal crops.
- **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:

Funding for the Bush Fire Brigades operations is funded from the Local Government Grants Scheme (ESL).

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

The Shire of Moora adopt the addition of John Brennan as the Acting Community Services Manager to the list of current Bush Fire Control Officers for the 2018/2019 season, and that Council authorise the publishing in the Northern Valley News and the Shire of Moora website for public information.

9.1.4 ADOPTION OF THE 2017/18 ANNUAL REPORT

FILE REFERENCE: PD/ANR1

REPORT DATE: 7 December 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Annual Report 2017/2018

PURPOSE OF REPORT:

The Annual Report for the year ended 30 June 2018 is presented to Council for acceptance. The Annual report includes reports from the Shire President, Chief Executive Officer and Deputy Chief Executive Officer's summary of income and expenditure during the year. Also included is a full set of audited annual financial statements and the Independent Auditor's report.

Once formally received and accepted by Council, the Annual Report can be referred for discussion at the Annual Electors' Meeting.

BACKGROUND:

Section 5.53 of the Local Government Act 1995 requires a Local Government to prepare an Annual Report for each financial year. The Annual Report is to contain a report from the Shire President, a report from the Chief Executive Officer, the Financial Report for the Financial Year, the Auditor's Report for the Financial Year, a number of other matters in relation to principal activities and such other information as may be prescribed.

COMMENT:

Attached is the Annual Report for the year ended 30 June 2018, including the Financial Report and Independent Auditor's Report. The Financial Report comprising the Accounts for the year ended 30 June 2018 was completed for review by the Office of the Auditor General in September 2018 with the final copy signed by the CEO Alan Leeson 26 November 2018.

Once accepted, Council is then required by Section 5.27 of the Local Government Act of 1995 to hold a General Meeting of Electors once every financial year to discuss the contents of the Annual Report for the previous financial year and any other general business.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Sections 5.27, 5.29, 5.53, 5.54 and 6.4 of the Local Government Act 1995 respectively deal with the requirement for a General Meeting of Electors each financial year and the requirement for an Annual Financial Report.

STRATEGIC IMPLICATIONS:

The audited financial report informs Council 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:

Nil

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council adopt the 2017/18 Annual Report with the inclusion of;

- *Shire President's Report*
- *Chief Executive Officer's Report*
- *Deputy Chief Executive Officer's Report*
- *Report on the Strategic Community Plan 2017/2018*
- *Financial Report for the Period Ended 30 June 2018*
- *Independent Audit Report for the Period Ended 30 June 2018.*

9.2 DEVELOPMENT SERVICES

9.2.1 PLANNING APPLICATION – PROPOSED NEW OUTBUILDING (SHED) ON LOT 11 BEASLEY STREET, MOORA

FILE REFERENCE: TP/PA10/1819
REPORT DATE: 5 December 2018
APPLICANT/PROPONENT: Ms Melanie Machin – Action Outdoors on behalf of Mr G Poole (Landowner)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Mr Joe Douglas - Town Planning Consultant, Exurban
ATTACHMENTS: Attachment 1

PURPOSE OF REPORT:

Consideration and final determination of an Application for Planning Approval to construct and use a new outbuilding (i.e. shed) on Lot 11 Beasley Street, Moora for domestic storage purposes.

BACKGROUND:

The applicant is seeking Council's planning approval to construct and use a new 144m² shed in the south-eastern corner of Lot 11 Beasley Street, Moora for domestic storage purposes.

Lot 11 is located in the north-western part of the Moora townsite and has direct frontage and access to Beasley Street along its northern boundary and Long Street along its western boundary, both of which are sealed and drained local roads under the care, control and management of the Shire of Moora.



Location & Lot Configuration Plan (Source: Landgate 2018)

Lot 11 comprises a total area of approximately 1.0117 hectares and is generally flat throughout its entire area with the natural ground level being approximately 202.5 metres AHD. The subject land has been extensively cleared and contains a few small stands of native vegetation in its western half. The land is currently vacant, does not contain any built form improvements of any sort (except boundary fencing and firebreaks) and is not being used for any specific purpose/s.

Immediately adjoining and other nearby land uses are essentially residential in nature comprising single houses and outbuildings (i.e. sheds) on larger sized lots.

A full copy of the planning application, including plans for the proposed development, is provided in Attachment I. The applicant has also provided the following additional information in support of the proposal:

- i) The current landowners are planning to reside in Moora and have signed a contract with a registered builder to secure the necessary approvals to construct a new transportable dwelling in the north-eastern portion of the land in proximity to its Beasley Street frontage. Planning for the dwelling is well advanced with construction to commence as soon as the landowners have sold their current home in Belmont, Perth;
- ii) The Shire has recently constructed a new driveway crossover along the land's Beasley Street frontage to provide access to the land during the forthcoming construction process;
- iii) A new 2.5 metre wide gravel driveway will be constructed from the new crossover on Beasley Street to the proposed new dwelling and shed to provide safe and convenient access;
- iv) The external surfaces of the proposed shed will be finished using 'Wallaby' coloured (i.e. light grey) wall cladding with matching doors and trims and zincalume roof sheeting;
- v) All stormwater drainage will be contained and managed on-site using a suitable capacity rainwater tank;
- vi) Once constructed the shed will initially be used to store the landowners' furniture and other household items whilst their new home is being built. A ride-on mower and other equipment will also be stored for general maintenance purposes to help minimise the potential bushfire threat. Once construction of the new dwelling is complete the proposed shed will be used for caravan parking and domestic storage purposes.

COMMENT:

Lot 11 is classified 'Residential' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4) with a residential density coding of R12.5.

Council's stated objectives for the development and use of any land classified 'Residential' zone are as follows:

- (a) To provide for the predominant form of residential development to be single houses whilst providing for diversity with higher density close to the town centre;
- (b) To provide for diversity of lifestyle choice with a range of residential densities;
- (c) To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

Under the terms of the Zoning Table in LPS4 the development of a single house, including any associated outbuilding, is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it complies with all relevant development standards and requirements. Despite the permissibility of the proposed outbuilding on Lot 11, Council's planning approval is required due to the land's location within Special Control Area I of LPS4 entitled 'Land Subject to Flooding'.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies, the Residential Design Codes and the Deemed Provisions of the *Planning and Development (Local*

Planning Schemes) Regulations 2015. This assessment, which included formal consultation with the Department of Water and Environmental Regulation pursuant to the requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite, has confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land use compatibility;
- Lot boundary setbacks;
- Building size, height, bulk, scale, orientation and appearance;
- Amenity of the locality including potential environmental, visual and social impacts;
- Vehicle access and parking; and
- Bushfire, flood risk and stormwater drainage management.

Notwithstanding the above conclusion, Council should note Policy No.6.9 entitled 'Construction of Outbuildings prior to Construction of Residential Homes' expressly states no outbuildings are permitted to be constructed on 'Residential' zoned land prior to the construction of a Class 1A or 1B building and that a Class 1A or 1B residence is to be completed to lock up stage prior to Council approving plans for a Class 10 outbuilding on the same lot.

Given the requirements of the above policy and the fact there is currently no dwelling on the subject land despite the current landowners' intention to construct one in the short term future, the reporting officer is required to recommend that Council refuse the application due to the proposal's non-compliance with Council's current policy position.

Council should note it does have the discretion to vary or waive the requirements of any adopted policy if it is satisfied:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

In this particular instance the reporting officer has concluded Council could consider waiving the requirements of Policy No.6.9 and grant approval to the application for the following reasons:

- i) It is a small scale, low intensity residential related use that is compatible with the predominant residential use of the immediate locality;
- ii) It will not compromise the development and use of Lot 11 for low density residential purposes or the continued use of any immediately adjoining properties for the same purposes;
- iii) Given the location, size and finish of the proposed shed, it is unlikely to have any detrimental impact upon the existing residential character and amenity of the immediate locality or the local streetscape;
- iv) It is unlikely to cause any traffic difficulties as a result of the inadequacy of parking or increase in traffic volumes in the immediate locality; and
- v) It is understood from discussion with the Shire's Chief Executive Officer that Council has previously waived the requirements of this policy and granted planning approval for the development of outbuildings on other 'Residential' zoned properties in the Moora

townsite where no dwelling has been constructed (i.e. precedents have been established with other similar development proposals).

As previously mentioned, the reporting officer is required to recommend that Council refuse the application however an alternative motion is provided should Council resolve to conditionally approve the application.

POLICY REQUIREMENTS:

- State Planning Policy 3.1 – Residential Design Codes
- Shire of Moora Policy 6.5 – Outbuildings: Cladding & Reflectivity
- Shire of Moora Policy 6.7 - Outbuilding Policy - Maximum Sizes
- Shire of Moora Policy 6.9 - Construction of Outbuildings prior to Construction of Residential Homes

LEGISLATIVE REQUIREMENTS:

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

STRATEGIC IMPLICATIONS:

- Moora Flood Management Strategy 2000
- Shire of Moora Strategic Community Plan 2012-2022

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal provided it is implemented in accordance with the conditions of any planning approval that may ultimately be granted.

➤ **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. All costs associated with the proposed development are the responsibility of and will be met by the current landowners.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That the Application for Planning Approval submitted by Ms Melanie Machin – Action Outdoors on behalf of Mr G Poole (Landowner) to construct and use a new outbuilding (i.e. shed) on Lot 11 Beasley Street, Moora for domestic storage purposes be REFUSED due to the proposal's non-compliance with the specific requirements of Council's Policy No.6.9 entitled 'Construction of Outbuildings prior to Construction of Residential Homes' which expressly states no outbuildings are permitted to be constructed on any 'Residential' zoned land prior to the construction of a Class 1A or 1B building and that a

Class 1A or 1B residence is required to be completed to lock up stage prior to Council approving plans for a Class 10 outbuilding on the same lot.

Possible Alternative Motion for Council's Consideration

That the Application for Planning Approval submitted by Ms Melanie Machin – Action Outdoors on behalf of Mr G Poole (Landowner) to construct and use a new outbuilding (i.e. shed) on Lot 11 Beasley Street, Moora for domestic storage purposes be APPROVED subject to compliance with the following conditions and advice notes:

Conditions

- 1. The proposed development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Moora having first been sought and obtained.**
- 2. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.**
- 3. The final finished floor level of the proposed outbuilding shall be 203.15 metres AHD (i.e. 150mm above the March 1999 flood level of 203 metres AHD for Lot 11 which equates to a total minimum required build-up of 0.65 metres above the land's natural ground level of 202.5 metres AHD).**
- 4. The edges of the sand pad foundation for the proposed outbuilding shall slope away from the outbuilding at a gradient of 1 in 6 and stabilised to avoid any dust or erosion.**
- 5. All external surfaces of the proposed outbuilding shall be clad with new materials only with all walls to be painted 'Wallaby' in colour (i.e. light grey) with matching doors and trims and zincalume roof sheeting.**
- 6. All stormwater drainage generated by the proposed outbuilding shall be contained and managed on-site using a suitable capacity rainwater tank to be sited immediately adjacent to the proposed outbuilding.**
- 7. The proposed outbuilding shall be used for domestic hobby and storage purposes only unless otherwise approved by Council.**
- 8. The storage of any chemicals on the floor of the proposed outbuilding is not permitted.**
- 9. The storage of any goods, machinery, plant or vehicles on any open areas of the land is not permitted unless otherwise approved by Council.**

Advice Notes

- 1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.**
- 2. This is a planning approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required**

under any other law, and to commence and carry out development in accordance with all relevant laws.

- 3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:**
 - i) Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area less than 3,000m² to help guard against potential bushfire risk; and**
 - ii) Shire of Moora Health Local Law 2016.**
- 4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.**
- 5. The proposed outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.**
- 6. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.**
- 7. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.**
- 8. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.**
- 9. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.**

9.2.2 PLANNING APPLICATION – PROPOSED NEW OUTBUILDING (SHED) ON LOT 146 (NO.97) MELBOURNE STREET, MOORA

FILE REFERENCE: TP/PA11/1819
REPORT DATE: 5 December 2018
APPLICANT/PROPONENT: A & E Rossouw (Landowners)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Mr Joe Douglas - Town Planning Consultant, Exurban
ATTACHMENTS: Attachment 1

PURPOSE OF REPORT:

Consideration and final determination of an Application for Planning Approval to construct and use a new outbuilding (i.e. shed) on Lot 146 (No.97) Melbourne Street, Moora for domestic hobby and storage purposes.

BACKGROUND:

The applicants are seeking Council's planning approval to erect a new 18m² outbuilding (i.e. shed) at the rear of Lot 146 (No.97) Melbourne Street, Moora for domestic hobby and general storage purposes.

Lot 146 is located in the north-eastern part of the Moora townsite and has direct frontage and access to Melbourne Street along its western boundary which is a sealed and drained local road under the care, control and management of the Shire of Moora.



Location & Lot Configuration Plan (Source: Landgate 2018)

Lot 146 comprises a total area of approximately 2,772m² and is generally flat throughout its entire area with the natural ground level being approximately 203.5 metres AHD. The subject land has been partially cleared and contains a few small stands of native vegetation throughout. The land contains an existing single detached dwelling in its central parts which is currently used for low density residential purposes.

Immediately adjoining and other nearby land uses are essentially residential in nature comprising single houses and outbuildings (i.e. sheds) on lots ranging in size from 835 to 2,800m².

A full copy of the application, including plans for the proposed development, is provided in Attachment 1. The applicants' have also provided the following additional information in support of the proposal:

- vii) The proposed shed will have an overall height of 2.25metres;
- viii) The metal wall and roof cladding will be 'Slate Grey' in colour to complement the existing dwelling;
- ix) The natural ground level where the sand pad, concrete slab and shed are proposed to be constructed is 203.7 metres AHD;
- x) No vehicle access to the shed is required or proposed;
- xi) All stormwater drainage will be contained and managed on-site using a suitable capacity rainwater tank; and
- xii) The shed will only be used for domestic hobby and general storage purposes.

COMMENT:

Lot 146 is classified 'Residential' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4) with a residential density coding of R12.5.

Under the terms of the Zoning Table in LPS4 the development of a single house, including any associated outbuilding, is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it complies with all relevant development standards and requirements. Despite the permissibility of the proposed outbuilding on Lot 146, Council's planning approval is required due to the land's location within Special Control Area 1 of LPS4 entitled 'Land Subject to Flooding'.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies, the Residential Design Codes and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included formal consultation with the Department of Water and Environmental Regulation pursuant to the requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite, has confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land use compatibility;
- Lot boundary setbacks;
- Building size, height, bulk, scale, orientation and appearance;
- Amenity of the locality including potential environmental, visual and social impacts; and
- Bushfire, flood risk and stormwater drainage management.

In light of the above findings it is concluded the proposal for Lot 146 is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted

in support of the proposal and the relevant standards and requirements of the Shire's local planning framework.

POLICY REQUIREMENTS:

- State Planning Policy 3.1 – Residential Design Codes
- Shire of Moora Policy 6.5 – Outbuildings: Cladding & Reflectivity
- Shire of Moora Policy 6.7 - Outbuilding Policy - Maximum Sizes

LEGISLATIVE REQUIREMENTS:

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

STRATEGIC IMPLICATIONS:

- Moora Flood Management Strategy 2000
- Shire of Moora Strategic Community Plan 2012-2022

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal provided it is implemented in accordance with the conditions of any planning approval that may ultimately be granted.

➤ 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. All costs associated with the proposed development are the responsibility of and will be met by applicants/landowners.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That the Application for Planning Approval submitted by A & E Rossouw (Landowners) to construct and use a new outbuilding (i.e. shed) on Lot 146 (No.97) Melbourne Street, Moora for domestic hobby and storage purposes be APPROVED subject to compliance with the following conditions and advice notes:

Conditions

- 1. The proposed development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period, the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Moora having first been sought and obtained.***
- 2. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any***

modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.

- 3. The final finished floor level of the proposed outbuilding shall be 204.275 metres AHD (i.e. 150mm above the March 1999 flood level of 204.125 metres AHD for Lot 146 which equates to a total minimum required build-up of 0.575 metres above the land's natural ground level).**
- 4. The edges of the sand pad foundation for the proposed concrete slab and outbuilding thereon shall slope away from these improvements at a gradient of 1 in 6 and stabilised to avoid any dust or erosion.**
- 5. All external surfaces of the proposed outbuilding shall be clad with new materials only and painted 'Slate Grey' in colour with matching trims.**
- 6. All stormwater drainage generated by the proposed outbuilding shall be contained and managed on-site using a suitable capacity rainwater tank to be sited immediately adjacent to the outbuilding on the proposed new concrete pad.**
- 7. The proposed outbuilding shall be used for domestic hobby and general storage purposes only unless otherwise approved by Council.**
- 8. The storage of any chemicals on the floor of the proposed outbuilding is not permitted.**

Advice Notes

- 1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.**
- 2. This is a planning approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**
- 3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:**
 - i) Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area less than 3,000m² to help guard against potential bushfire risk; and**
 - ii) Shire of Moora Health Local Law 2016.**
- 4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.**
- 5. The proposed outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.**
- 6. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.**

- 7. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.**
- 8. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.**
- 9. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.**

9.2.3 PLANNING APPLICATION – PROPOSED NEW ANCILLARY ACCOMMODATION ON LOT 96 (NO.120) MELBOURNE STREET, MOORA

FILE REFERENCE: TP/PA13/1819
REPORT DATE: 5 December 2018
APPLICANT/PROPONENT: Mr Tom Bankier – Cabins WA on behalf of MK & KL Juhren (Landowners)
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Mr Joe Douglas - Town Planning Consultant, Exurban
ATTACHMENTS: Attachment 1

PURPOSE OF REPORT:

Consideration and final determination of an Application for Planning Approval to construct and use a new ancillary dwelling on Lot 96 (No.120) Melbourne Street, Moora for residential accommodation purposes.

BACKGROUND:

The applicant is seeking Council's planning approval to construct a new 25m² ancillary dwelling at the rear of Lot 96 (No.120) Melbourne Street, Moora for residential accommodation purposes. It is understood the proposed ancillary dwelling will be used by the current landowners to accommodate visiting family members with no intention to lease it out for commercial purposes such as a bed and breakfast facility or short stay holiday accommodation

Lot 96 is located in the north-eastern part of the Moora townsite and has direct frontage and access to Melbourne Street along its eastern boundary which is a sealed and drained local road under the care, control and management of the Shire of Moora. Access is also available from a public right-of-way at the rear of the land which has been constructed to a basic gravel standard.

Lot 96 comprises a total area of approximately 835m² and is generally flat throughout its entire area with the natural ground level being approximately 203.5 metres AHD. The subject land has been extensively cleared and contains an existing single detached transportable dwelling in proximity to its Melbourne Street frontage which is currently used for low density residential purposes.



Location & Lot Configuration Plan (Source: Landgate 2018)

Immediately adjoining and other nearby land uses are predominantly residential in nature comprising single houses and outbuildings (i.e. sheds) on lots ranging in size from 835 to 2,800m². The land immediately west of Lot 96 is classified 'Light Industrial' zone with a small scale fuel depot having been established on a number of lots adjacent to the rear boundary of Lot 96 on the opposite side of the public right-of-way.

A full copy of the planning application, including plans for the proposed development, is provided in Attachment 3. It should be noted the applicant has not provided the following information despite numerous attempts by the reporting officer to contact them to obtain it prior to finalisation of this report:

- i) The location, width and surface treatments for all vehicle access and parking areas for the proposed new ancillary dwelling;
- ii) The colours to be used on all external surfaces of the proposed dwelling; and
- iii) Details regarding stormwater drainage management arrangements.

Council should note the applicant's failure to provide this information does not preclude final determination of the application. Suitable conditions may be imposed on any approval ultimately granted requiring the submission of further details for consideration and approval prior to the commencement of any development on the land.

COMMENT:

Lot 96 is classified 'Residential' zone in the Shire of Moora Local Planning Scheme No.4 (LPS4) with a residential density coding of R12.5.

Under the terms of the Zoning Table in LPS4 the development of 'ancillary accommodation' is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it complies with all relevant development standards and requirements. Despite the permissibility of the proposed ancillary dwelling on Lot 96, Council's planning approval is required due to the land's location within Special Control Area I of LPS4 entitled 'Land Subject to Flooding'.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS4 and all relevant local planning policies, the Residential Design Codes and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment, which included formal consultation with the Department of Water and Environmental Regulation pursuant to the requirements of clause 4.11.2.2 of LPS4 as it applies to all land subject to flooding in the Moora townsite, has confirmed the proposal is generally compliant or capable of compliance with the following requirements:

- Land use compatibility including minimum buffer separation distance requirements between industrial and sensitive land uses;
- Lot boundary setbacks;
- Building size, height, bulk, scale, orientation and appearance;
- Vehicle access and parking;
- Potable water supply and effluent disposal;
- Amenity of the locality including potential environmental, visual and social impacts; and
- Bushfire, flood risk and stormwater drainage management.

In light of the above findings it is concluded the proposal for Lot 96 is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the

immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal and the relevant standards and requirements of the Shire's local planning framework.

POLICY REQUIREMENTS:

- State Planning Policy 3.1 – Residential Design Codes
- State Planning Policy 4.1 - State Industrial Buffer
- EPA Guidance Statement No.3 - Separation Distances Between Industrial and Sensitive Land Uses

LEGISLATIVE REQUIREMENTS:

- Planning and Development Act 2015
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Moora Local Planning Scheme No.4

STRATEGIC IMPLICATIONS:

- Moora Flood Management Strategy 2000
- Shire of Moora Strategic Community Plan 2012-2022

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal provided it is implemented in accordance with the conditions of any planning approval that may ultimately be granted.

➤ **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. All costs associated with the proposed development are the responsibility of and will be met by the current landowner.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That the Application for Planning Approval submitted by Mr Tom Bankier – Cabins WA on behalf of MK & KL Juhren (Landowners) to construct and use a new ancillary dwelling on Lot 96 (No.120) Melbourne Street, Moora for residential accommodation purposes be APPROVED subject to compliance with the following conditions and advice notes:

Conditions

- 1. The proposed development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period, the approval will lapse and be of no further effect. Where an approval has lapsed,***

- no development shall be carried out without the further approval of the Shire of Moora having first been sought and obtained.***
- 2. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.***
 - 3. The final finished floor level of the proposed ancillary dwelling shall be a minimum of 204.425 metres AHD (i.e. 300mm above the March 1999 flood level of 204.125 metres AHD for Lot 96 which equates to a total minimum required build-up of 0.925 metres above the land's natural ground level).***
 - 4. All external surfaces of the proposed ancillary dwelling shall be clad with new materials only.***
 - 5. Prior to the commencement of any development on the land the applicant shall prepare and submit a detailed schedule of all colours to be used on the external surfaces of the proposed ancillary dwelling for consideration and determination by the Shire's Chief Executive Officer.***
 - 6. All stormwater drainage generated by the proposed ancillary dwelling shall be contained and managed on-site unless otherwise approved by the Shire's Chief Executive Officer. Prior to the commencement of any development on the land the applicant shall provide details of the proposed stormwater drainage management arrangements for consideration and determination by the Shire's Chief Executive Officer.***
 - 7. Prior to occupancy the proposed ancillary dwelling shall be provided with a potable water supply from the Moora townsite's reticulated water supply system.***
 - 8. Prior to occupancy the proposed ancillary dwelling shall be connected to the Moora townsite's reticulated effluent disposal system to the specifications and satisfaction of the Shire's Chief Executive Officer.***
 - 9. A minimum of one (1) on-site car parking bay shall be provided in close proximity to the proposed ancillary dwelling to accommodate the parking demand likely to be generated. The car parking bay required by this condition and any associated driveway access shall be designed in accordance with Australian Standard AS2890.1 (as amended) and constructed (i.e. paved and drained) to the specifications and satisfaction of the Shire's Chief Executive Officer. Prior to the commencement of any development on the land the applicant shall prepare and submit a plan of all proposed vehicle access and parking arrangements on the land including their location, dimensions and surface treatments for consideration and determination by the Shire's Chief Executive Officer.***
 - 10. The proposed ancillary dwelling shall be used for ancillary accommodation purposes only unless otherwise approved by Council.***

Advice Notes

- 1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.***

- 2. This is a planning approval of the Shire of Moora under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**
- 3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:**
 - i) Shire of Moora Annual Firebreak Notice as this applies specifically to land within the Moora townsite comprising an area less than 3,000m² to help guard against potential bushfire risk; and**
 - ii) Shire of Moora Health Local Law 2016.**
- 4. In accordance with the Building Act 2011 and Building Regulations 2012, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.**
- 5. The proposed ancillary dwelling is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.**
- 6. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.**
- 7. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.**
- 8. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Moora Local Planning Scheme No.4 and may result in legal action being initiated by the local government.**
- 9. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.**

9.3 ENGINEERING SERVICES

9.3.1 TENDER No. 08/18 - SUPPLY AND SPRAY OF BITUMEN PRODUCTS; TENDER No. 09/18 - SUPPLY AND DELIVERY OF ROAD SEALING AGGREGATE; TENDER No. 10/18 - SUPPLY OF ROAD STABILISATION SERVICES

FILE REFERENCE: S/TER1

REPORT DATE: 28 November 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Spread sheets showing all tenders received to be presented to the meeting

PURPOSE OF REPORT:

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations for the value of services over \$100,000.

BACKGROUND

Each year tenders are called for the supply of road sealing aggregate, supply and spray of bitumen products and road stabilisation services. To assist with the tender process the WALGA Proforma tender document is used to simplify tenderers understanding of council requirements. Within the document under Appendix D there is a reference to a Regional Price Preference.

To undertake Councils road sealing and road works programme, it is necessary to call tenders for aggregate and bitumen for the current year along with road stabilisation of some rural roads.

COMMENT

Within councils' road programme this year there are several projects that require the engagement of external service providers to assist with councils' programme of works.

This will be on the Moora-Caro, Dandaragan Street and Dalwallinu West roads and therefore tenders were called for the following: -

Supply and Spray of Bitumen Products

To carry out the road-sealing programme this year Council requires approximately 301,000 litres of bitumen supplied and sprayed at various nominated locations throughout the shire.

Road Sealing Aggregate

Council will require approximately 1250 tonne of road sealing aggregate for their road programme this year.

Supply of Road Stabilisation Services

Council will require approximately 42,000m² of road pavement to be stabilised this year on the Moora-Caro Road and Dandaragan Street.

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 within this year's budget and Works Programme.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATIONS

That Council accept

- 1. Tender 08/18 - received from _____ for the supply and spray of bitumen products, as per the attached rates, for the 2018-19 year;*
- 2. Tender 09/18 - received from _____ for the supply and delivery of road sealing aggregated to nominated dumpsites as per the attached rates for the 2018-19 year by applying the Regional Price Preference;*
- 3. Tender 10/18 - received from _____ for the supply of road surface stabilisation services, as per the attached rates, for the 2018-19 year.*

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

Nil

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

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

13. **CLOSURE OF MEETING**