

AGENDA

Ordinary Council Meeting

To be held in Council Chambers Corner King & Barrack Street's, Merredin Tuesday, 14 December 2021 Commencing 4.00pm

Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 14 December 2021 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2.00pm Briefing Session

4.00pm Council Meeting

LISA CLACK
CHIEF EXECUTIVE OFFICER
10 December 2021

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

	Common Acronyms Used in this Document	
СВР	Corporate Business Plan	
CEACA	Central East Accommodation & Care Alliance Inc	
CSP	Community Strategic Plan	
CWVC	Central Wheatbelt Visitors Centre	
DCEO	Deputy Chief Executive Officer	
EA	Executive Assistant to CEO	
EMCS	Executive Manager of Corporate Services	
EMDS	Executive Manager of Development Services	
EMES	Executive Manager of Engineering Services	
GECZ	Great Eastern Country Zone	
LGIS	Local Government Insurance Services	
LPS	LPS Local Planning Scheme	
MCO	Media and Communications Officer	
MoU	Memorandum of Understanding	
MRCLC	Merredin Regional Community and Leisure Centre	
SRP	Strategic Resource Plan	
CEO	Temporary Chief Executive Officer	
WALGA	Western Australian Local Government Association	
WEROC	Wheatbelt East Regional Organisation of Councils	



Shire of Merredin

December Ordinary Council Meeting

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Shire of Merredin Ordinary Council Meeting 4:00pm Tuesday, 14 December 2021



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie President

Cr L Boehme Deputy President

Cr R Billing

Cr C Crook

Cr J Flockart

Cr R Manning

Cr P Patroni

Cr M Simmonds

Cr P Van Der Merwe

Staff:

L Clack CEO
A Prnich DCEO
G Garside EMCS
L Mellor EMES
P Zenni EMDS
A Brice EA

Members of the Public:

Apologies:

Approved Leave of Absence:

3. Public Question Time

Members of the public may submit questions up to 2pm on the day of the meeting by emailing ea@merredin.wa.gov.au.

4. Disclosure of Interest

5. Applications of Leave of Absence

6.	Petitions	and Presentations
7.	Confirma	tion of Minutes of Previous Meetings
7.1	Ordinary Attachme	Council Meeting held on 23 November 2021 ent 7.1A
		Voting Requirements
	Simple M	ajority Absolute Majority
		Officers Recommendation
		of the Ordinary Council Meeting held on 23 November 2021 be confirmed trate record of proceedings.
8.	Announc	ements by the Person Presiding without Discussion
9.	Matters f	or Which the Meeting may be Closed to the Public
19.1.	Award of eQ	uotes Tender – Heavy Rigid Truck
19.2.	Award of eQ	uotes Tender – Front End Loader
10.	Receipt o	f Minutes of Committee Meetings
Nil		
11.	Recomme	endations from Committee Meetings for Council Consideration

11. Nil

12. Officers' Reports - Development Services

12.1 WAPC Subdivision Application No 161572 – Proposed Termination of Strata Lot 1 (No 50) Bates Street and Strata Lot 2 (No 40) Duff Street and Creation of Freehold Lot 800 Duff Street, Merredin

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	Planning and Development Act 2005, Residential Design Codes
File Reference:	A9410
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – Proposed creation of new lot and associated plans and details

	Purpose of Report	
Executiv	e Decision	Legislative Requirement
	Background	

The Western Australian Planning Commission (WAPC) has received a subdivision application for the proposed termination of strata Lot 1 (No 50) Bates Street and strata Lot 2 (No 40) Duff Street, Merredin and the creation of a new freehold Lot – Lot 800 Duff Street, Merredin. The application has been referred to the Shire of Merredin for comment.

Comment

The property in question comprises of two strata lots - Lot 1 (No 50) Bates Street, which is a vacant lot fronting Bates Street and Lot 2 (No 40) Duff Street, with an existing house on the lot fronting Duff Street.

Lot 1 (No 50) Bates Street and Lot 2 (No 40) Duff Street, Merredin are zoned "Residential" under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The owners of both of the strata lots have applied to the WAPC for the termination of the strata lots and the creation of a new freehold Lot - Lot 800 Duff Street, Merredin.

This will enable them to undertake proposed extensions to the existing dwelling as well as the erection of an oversized domestic shed on the newly created Lot.

The Shire of Merredin Council recently considered a Development Application for the erection of an oversized domestic shed on Lot 1 (No 50) Bates Street, Merredin, at its November meeting, where it in part resolved to issue development approval for the proposed shed subject to the amalgamation of Lot 1 (No 50) Bates Street and Lot 2 (No 40) Duff Street, so that the development is wholly contained on the one Lot - Lot 800 Duff Street, Merredin.

The newly created Lot will have the existing dwelling located it on it (facing Duff Street) and will be provided with all utility services as well as a crossover.

Policy Implications

Nil

Statutory Implications

Compliance with the Residential Design Codes

Strategic Implications

Strategic Community Plan

Theme: 5. Places and Spaces

Service Area Objective: 5.4. Town Planning and Building Control

5.4.2. The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably

guide future residential and industrial growth

Priorities and Strategies

for Change:

N/A

Corporate Business Plan

Key Action: 4.1.1 Continue to upgrade the Integrated Planning

Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations

required under other regulations

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

Strategic Resource Plan

Nil

Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy:	Nil		
Implications:	Nil		
	Risk Implications		
Nil			
	Financial Implications		
Nil			
	Voting Requirements		
Simple N	/lajority	Absolute Majority	
	Officers Recommendation		

That Council Advise the Western Australian Planning Commission (WAPC) that it unconditionally supports the WAPC Subdivision Application No: 161572, incorporating the termination of Strata Lot 1 (No 50) Bates Street and Strata Lot 2 (No 40) Duff Street, Merredin and the creation of freehold Lot 800, Duff Street, Merredin.

13. Officers' Reports - Engineering Services

13.1 South Avenue Upgrade Works

Engineering Services



Responsible Officer:	Lindon Mellor, EMES
Author:	Lindon Mellor, EMES
Legislation:	Local Government Act 1995, Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.1A – South Avenue Works

Purpose of Report Executive Decision Legislative Requirement Background

Main Roads Western Australia (MRWA) are due to commence road pavement repairs and reseal works to South Avenue, starting in January 2022. These works are to both lanes, between Todd Street through to the intersection of O'Connor Street (refer to Attachment 13.1A - South Avenue Works). These works will include; profiling of the existing road surface, removal of the base course, installation of a new base course, installation of a new S45R two coat seal and all associated pavement marking.

MRWA are responsible for a 7m width on each carriage way and the Shire is responsible for areas between the 7m edge and the kerb line (approximately 2m-3m). Due to cost efficiencies which can be achieved by conducting the whole of road works at the one time, MRWA agreed to complete the full width of each carriageway as part of their works, if the Shire was willing to contribute towards the project for areas under it's control. In the 2021/22 Budget adopted by Council, a total of \$207,500 was allocated for the Shire contribution towards this project, which was based on initial cost projections by MRWA.

Comment

MRWA tendered out the South Avenue upgrades works in early October 2021. Once final costings were received in early November 2021, prices came back much higher than originally expected, due to the current market. MRWA has been working with their preferred

contractor to reduce these costs further, however there are limits to cost savings which can be achieved without severely reducing quality. The Shires EMES met with MRWA and agreed that specification could not be reduced further, without severely impacting the Shires levels of service. As South Avenue is perceived by the public as a Shire road, it is important to ensure the road is suitable for the required traffic, while still meeting noise and comfort levels.

After some refinement in costing, the final awarded contract price (including a provisional sum) for works is \$ 1,727,785 (ex GST). MRWA has asked for the Shire to contribute a total of \$447,515 (ex GST) towards this project. This contribution covers the section under the Shire's control, with an 80/20 split of mobilisation costs. A total of \$207,500 has been allocated within the Shires 2021/22 budget, leaving a shortfall of \$240,015 towards the Shires contribution.

Given the current condition of South Avenue and the risks associated with the not going ahead with the full extent of these works, it is recommended that Council agree to the required increase in contribution. The suggested method of allocating the funding, is take the additional funds required (\$240,015) out of current Roads to Recovery funding(R2R) budget under GL R2R007 which is yet to be allocated. A table outlining how this will be achieved is listed under the financial implications section of this report.

During the acceptance of the 2021/22 budget Council agreed not to allocate R2R funding towards specific projects until the new EMES started and had a chance to review priorities. As that review is currently underway, the Officer recommendation is that South Avenue should take precedence for the funds, given it is a project already committed to by both MRWA and Council. Given R2R is government funded, it would be prudent to ensure this funding is spent before any further funds are taken from reserves for this project.

Policy Implications

Council Policy 3.8 – Implementing the budget

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Theme: 6. Transport and Networks

Service Area Objective: 6.1. Roads & Footpaths

6.1.1. The Shire's road system, footpaths and cycle trails are

well maintained and safe

Priorities and Strategies

Improving local roads

for Change:

Development of Roading Hierarchy and ten-year capital works plan to establish clear, transparent and affordable priorities

to meet the needs of residents and industry

Corporate Business Plan

Key Action: 6.1.2. Advocate for improved road infrastructure networks

across the region

Directorate: Engineering Services

Timeline: Ongoing

Sustainability Implications

Strategic Resource Plan

Nil

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

If Council do not agree to providing the increased contribution towards these works, South Avenue repairs and resealing works are likely to halt or be delayed entirely. MRWA's scope of works for this project includes the section of road under the responsibility of the Shire, so works will not be able to proceed in their current format without a contribution.

MRWA have already expressed that they have constrained budget for this project and if a contribution is not provided, then MRWA would only complete the 7m section of the road they are responsible for on either side of the carriageway. If this occurs the town of Merredin will end up with low quality south entrance into town, which would likely cause public backlash.

Should the works be completed as separate projects, and the Shire portion be completed at a later date, it is likely that overall costs to the Shire will significantly increase in the form of mobilisation costs. Under the MRWA proposal, the Shire will only contribute 20% of the mobilisation costs of the project.

Financial Implications

Council has set aside funds in the 2021/22 annual budget towards the South Ave works to a total of \$207,500. An additional \$240,015 is required to fund the total Shire contribution towards the project. It is proposed these funds be allocated from available R2R funds, which have not yet been allocated per project. The budget amendments to allocate this portion are reflected as per the table below. For accounting purposes the expenditure will be split over two line items to enable tracking of R2R funding.

Account	Description	Current Budget	Amendment	Revised Budget
RC277	South Avenue	\$207,500	Nil	\$207,500
R2R277	South Avenue	Nil	+\$240,015	\$240,015
Project Total: \$4			\$447,515	
R2R007	R2R Unallocated	\$368,363	-\$240,015	\$128,348

	Voting Requirements	
Simple Majority		Absolute Majority
	Officers Recommendation	

That Council;

- 1. Approve a capital expenditure of \$447,515 ex GST as a contribution to Main Roads WA towards South Avenue Upgrade works;
- 2. Approve the budget amendment as shown below:

Account	Description	Current Budget	Amendment	Revised Budget
R2R277	South Avenue	Nil	+\$240,015	\$240,015
R2R007	R2R Unallocated	\$368,363	-\$240,015	\$128,348

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

Corporate Services



Responsible Officer:	Geoff Garside, EMCS
Author:	Geoff Garside, EMCS
Legislation:	Local Government Act 1995, Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A - Payments Listing November 2021

Purpose of Report Executive Decision Legislative Requirement

Background

The attached list of Accounts Paid during the Month of November 2021 under delegated Authority is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

As outlined in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

Strategic Implications

Strategic Community Plan

Theme:	Nil
Service Area Obje	ective: Nil
Priorities and Stra for Change:	ategies Nil
Corporate Bu	isiness Plan
Key Action:	Deliver long term financial planning for asset replacement and new capital projects
Directorate:	2
Timeline:	Continue to provide prudent financial controls and compliance systems
:	Sustainability Implications
> Strategic Res	ource Plan
•	the Local Government (Administration) Regulations 1996 and to also give ection regarding its management of finance over an extended period of
Workforce Pl	an
Directorate:	Nil
Activity:	Nil
Current Staff:	Nil
Focus Area:	Nil
Strategy Code:	Nil
Strategy:	Nil
Implications:	Nil
	Risk Implications
	contravening the Local Government Act 1995 and Local Government ment) Regulations 1996 should this item not be presented to Council.
	Financial Implications
All liabilities settled	d have been in accordance with the Annual Budget provisions.
	Voting Requirements
Simple Ma	ajority Absolute Majority
	Officers Recommendation

That Council RECEIVE the schedule of accounts paid during November 2021 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$475,014.04 from Council's Municipal Fund Bank Account and NIL from Council's Trust Account.

14.2 Statement of Financial Activity (November 2021)

Corporate Services



Responsible Officer:	Geoff Garside, EMCS
Author:	Geoff Garside, EMCS
Legislation:	Local Government Act 1995, Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A – Statement of Financial Activity Attachment 14.2B – Detailed Statements Attachment 14.2C – Investment Statement Attachment 14.2D – Capital Works Progress Attachment 14.2E – Variances by Sub Program

	Purpose of Report	
Executiv	e Decision	Legislative Requirement
	Background	

The Statement of Financial Activity and Investment Register are attached for Council's information.

Comment

Statement of Financial Activity

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report.

Please note: the figures in the November 2021 financial reports as presented in the attachments are provisional. There are still some transactions and adjustments that are unable to be completed until the finalisation of the audit for the 2021-22 year. In addition, some functions like depreciation are unable to be run before the prior year is finalised.

Policy Implications

Statutory Implications

As outlined in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

Strategic Implications

Nil

> Strategic Community Plan

Theme: Nil

Priorities and Strategies Nil

Service Area Objective:

for Change:

Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement

and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and

compliance systems

Sustainability Implications

Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction regarding its management of finance over an extended period of time.

Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels,

which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the Local Government (Financial Management Regulations) 1996 regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

	Financial Implications	
•	the Monthly Financial Repo	etrospective. Accordingly, the financial nancial Report are nil.
	Voting Requirements	
Simple M	1ajority	Absolute Majority
	Officers Recommendation	

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receive the Statement of Financial Activity and the Investment Report for the period ending 31 November 2021.

14.3 CEACA – Transfer of Assets at Completion of Project

Corporate Services Responsible Officer: Geoff Garside, EMCS **Author:** Geoff Garside, EMCS Local Government Act 1995, Local Government (Financial Legislation: Management) Regulations 1996 File Reference: Nil **Disclosure of Interest:** Nil **Attachments:** Nil **Purpose of Report Executive Decision** Legislative Requirement **Background**

Central East Accommodation & Care Alliance Inc (CEACA) was formed in 2012 by 11 Wheatbelt Shires, to investigate resources and services for the aged in the wheatbelt. Support from the founding Shires and Royalties for Regions grants have enabled CEACA to construct 71 two-bedroom units across the region as part of the CEACA Housing Project. 27 of these units have been constructed in Merredin on a parcel of land that CEACA acquired from the State Government.

In Merredin CEACA acquired land from the old North Merredin Primary School site during the 2018-19 financial year. CEACA has also acquired land in the other 10 Shires. All the properties have been used for the construction of the 71 independent living units.

Whilst Royalties for Regions funding was available from the State Government for the CEACA Housing Project, under the terms of the grant the State would only deal with a Local Government as the proponent, rather than dealing with CEACA directly. To facilitate the grant funding, in April 2017 CEACA and the Shire entered into a Memorandum of Understanding stating that the Shire would "act as banker for the Project". However, the MOU omitted to state that all assets would transfer to CEACA at the completion of the project.

During the course of the project, the value of the work completed has been accruing Shire's balance sheet as "Work in Progress". At the conclusion of the 2019-20 financial audit, the auditors raised the issue of the CEACA Housing Project as an item of "significant audit focus" and noted that the issue of ownership of the assets would need to be resolved before the conclusion of the project.

Comment

The independent living units were technically complete and ready for occupation from January 2020. However, rectification of defects has been proceeding since this date. The rectification of defects was slowed due the major contractor (Pindan) suffering financial difficulties and proceeding to liquidation earlier this year. The Shire (on behalf of CEACA) has subsequently received funds from an insurance bond. It is planned that the rectification of defects will be completed by 30 June 2022

As at 30 June 2021 the Shire had \$19.65m of CEACA assets represented on the balance sheet as "Work in Progress". The 2021-22 budget includes an additional \$0.54m in works to complete the project, which is funded from the insurance bond and remaining grant funds.

Units have been constructed on land owned by CEACA (ie: not owned or leased by Shire), so cannot be Shire assets.

The Administration recommends that Council agrees to transfer all assets to CEACA at the completion of project on the condition that, should CEACA be wound-up that no assets will be distributed to any member shires, but be distributed to a similar charitable entity (or entities), as per clause 29 of the CEACA constitution.

From an accounting perspective the transfer of assets will result in loss on disposal of those assets — totalling around \$20.2m. The reason for the loss being recorded is that all consideration or contributions to the project will have been received in prior years. The Shire will not be 'out-of-pocket'.

CEACA has already assumed all rights and responsibilities relating to owning and operating the assets.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995:

3.58. Disposing of Property

It is not considered that Section 3.58 of the Act applies in this instance, as the Shire has no financial interest in the properties or assets. Instead, this is an Administrative correction of an oversight in the original Memorandum of Understanding.

Strategic Implications

Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2. Decision Making

4.2.2. The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Priorities and Strategies

for Change:

Nil

Corporate Business Plan Key Action: 4.4.1. Maximise advocacy benefits with membership of Great Eastern Country Zone, Wheatbelt East Regional Organisation of Councils, Western Australian Local Association and CEACA 4.4.2. Increase collaboration amongst stakeholders and surrounding local governments to improve local and regional service delivery and identify opportunities Directorate: Timeline: Sustainability Implications Strategic Resource Plan Nil Workforce Plan Directorate: Nil Activity: Nil **Current Staff:** Nil

Risk Implications

Nil

Nil Nil

Nil

As the CEACA Housing Project has been identified as an item of "significant audit focus" there is a risk of an adverse audit outcome should the issue of ownership of the assets not be resolved prior to the conclusion of the project.

Financial Implications

Disposal of the assets from the Shire's balance sheet (Statement of Financial Position) will result in a Loss on Disposal of around \$20.2m. This will be recorded on the Statement of Comprehensive Income in the year the project is completed.

		Voting Requirements	
Simple Majority		Absolute Majority	
		Officers Recommendation	

That Council:

Focus Area:

Strategy:

Strategy Code:

Implications:

1. RESOLVES that, at the completion of the CEACA Housing Project, all assets related to the project will transfer to Central East Accommodation & Care Alliance Inc (CEACA);

- 2. NOTES that should CEACA be wound-up, no assets will be distributed to any member Shires, but be distributed to a similar charitable entity (or entities), as per clause 29 of the CEACA constitution; and
- 3. NOTES that disposal of the CEACA Housing Project assets will result in an accounting loss on disposal of those assets equivalent to the value of the "work in progress" assets at the completion of the project.

- 15. Officer's Reports Administration
- 16. Motions of which Previous Notice has been given
- 17. Questions by Members of which Due Notice has been given
- 18. Urgent Business Approved by the Person Presiding or by Decision

19. Matters Behind Closed Doors

In accordance with Section 5.23 (2) (c) of the *Local Government Act 1995* Council will go Behind Closed Doors to discuss these matters.

19.1 Award of eQuotes Tender – Heavy Rigid Truck

Engineering Services



Responsible Officer:	Lindon Mellor, EMES
Author:	Lindon Mellor, EMES
Legislation:	Local Government Act 1995, Local Government (Functions and General) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.1A – Confidential - List of eQuotes or evaluation matrix

19.2 Award of eQuotes Tender – Front End Loader

Engineering Services



Responsible Officer:	Lindon Mellor, EMES
Author:	Lindon Mellor, EMES
Legislation:	Local Government Act 1995, Local Government (Functions and General) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.2A – Confidential - List of eQuotes or evaluation matrix

20. Closure

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