



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDIINARY COUNCIL

28 SEPTEMBER 2021

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written in a cursive style.

VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 28 SEPTEMBER 2021 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 24 August 2021.

Note: The Minutes of the Ordinary Council Meeting held on 24 August 2021 are provided under separate cover via www.swek.wa.gov.au.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16.1. *Airport Café Lease*

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	28 September 2021
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

Goal 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Not applicable as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the August 2021 Council resolutions are detailed in Attachment 1.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register - August 2021

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.4. CORPORATE SERVICES

12.4.1. Interim Monthly Financial Reports July and August 2021

DATE:	28 September 2021
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Interim Monthly Financial Reports for the periods ended 31 July 2021 and 31 August 2021.

PURPOSE

For Council to receive the Interim Monthly Financial Reports for the periods ended 31 July 2021 and 31 August 2021.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 27 July 2021 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 27/07/2021 - 11496

That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

Moved: Cr G Lodge

Seconded: Cr M McKittrick

Decision 9/0

The above materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

(2) The financial report is to —

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996, Regulation 34.

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the month to which the statement relates; and

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

CP/FIN-3201 Significant Accounting Policies has been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

Comments in relation to budget versus actual variances are included as notes in the Interim Financial Report attached.

It should be noted that the Interim Monthly Financial Reports for the periods ended July 2021 and August 2021 do not include final figures and end of year adjustments for the year ended 30 June 2021. The final position for the 2020/21 financial year will be reported in the 2020/21 Annual Financial Statements.

ATTACHMENTS

Attachment 1 - Interim Monthly Financial Report July 2021

Attachment 2 - Interim Monthly Financial Report August 2021

12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund

DATE:	28 September 2021
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.29
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for August 2021, being:

Municipal EFT 141168 - 141352 (06/08/2021-31/08/2021)	\$ 3,084,872.76
Municipal Cheques 52014 - 52019 (16/08/2021)	\$ 179.95
Trust EFT 502221- 502234 (04/08/2021 - 27/08/2021)	\$ 6,186.90
Payroll (11/08/2021 - 25/08/2021)	\$ 502,044.75
Direct Bank Debits (02/08/2021-23/08/2021)	\$ 105,973.32
Total	\$ 3,699,257.68

PURPOSE

To present the list of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 October 2020, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO

Local Government (Financial Management) Regulations 1996 -

Regulation 5. CEO's duties as to financial management.

Regulation 11. Payments, procedures for making etc.

Regulation 12. Payments from municipal fund or trust fund, restrictions on making.

Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.

POLICY IMPLICATIONS

Sub-delegation 12 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2021/22 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability.

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; the amount of the payment; the date of the payment; and sufficient information to identify the transaction. The list is to be presented to Council at the next ordinary meeting of Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid August 2021

12.5. INFRASTRUCTURE

12.5.1. Proposed sale of 28 Eugenia Street to the Airport (Proposed Airport Managers House)

DATE:	28 September 2021
AUTHOR:	Asset Officer (Housing)
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
ASSESSMENT NO:	A2160
FILE NO:	CP.16.13
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves the transfer of 28 Eugenia Street Kununurra to the East Kimberley Regional Airport as an airport asset;**
- 2. Approves the transfer of funds of \$440,000 from the Airport General Reserve to the Property Reserve.**

PURPOSE

To seek Council approval to transfer funds from the Airport Reserve to the Property Reserve to reflect the transfer of 28 Eugenia Street, Kununurra to become an Airport asset.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The East Kimberley Regional Airport is a standalone business within the Shire. To ensure this remains the case and in line with future strategic plans, Officers are recommending that the property currently occupied by the Airport Manager becomes part of the Airport's assets.

In August 2021, the Shire obtained an appraisal of the property at 28 Eugenia Street, Kununurra (Lot 1679 on Deposited Plan 218383). The appraisal indicated the current market value to reach between \$430,000 and \$450,000. A copy of the property appraisal is at Attachment 1.

It is proposed that the Shire allow the transfer of the above property to the Airport Services business unit. Allowing this transfer will assist with enabling Airport Services to continue to run as a separate business entity with all maintenance and repairs for the property to

become the responsibility of Airport Services to undertake. All assets that are used for the running of the airport operations should therefore be allocated as airport assets. This would include the Airport Manager's residence.

Funds received from the sale of 28 Eugenia Street will allow the Shire to purchase or build properties that are fit for purpose, for example 2 bedroom, 1 bathroom units which are in demand within the Shire's (staff) property portfolio.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Regulation 34. Financial activity statement required each month (Act s. 6.4) states (in part)

(3) The information in a statement of financial activity may be shown —

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The transfer of the 28 Eugenia Street property to Airport Services will result in a transfer from the Airport Reserve of \$440,000 and a transfer to the Property Reserve of \$440,000. There will be no impact on the overall reserve balances.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: PROSPERITY - Economic Prosperity

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Strategy 3.2.4: Support the identification and development of investment opportunities that create jobs

RISK IMPLICATIONS

Risk:

Failure to plan and resource a suitable airport facility which meets the long term strategic goals and the region's economic development initiatives.

Control:

Planning and transparency in transactions to enable the airport to run as a separate business entity.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

As this asset is currently reflected as a Shire asset as opposed to being an Airport asset, it is recommended to transfer the asset to the EKRA. As the EKRA has always operated without ratepayer funding it is appropriate to transfer funds from the Airport Reserve to the Property Reserve. This will also mean that for Financial Reporting purposes the property will be transferred to the Aerodrome's sub-program and for Corporate Business Plan reporting purposes the property will sit within the Airport Services area.

ATTACHMENTS

Attachment 1: Appraisal - 28 Eugenia Street Kununurra

Attachment 2: Market Comparison

12.5.2. Main Roads WA Funding Acceptance

DATE:	28 September 2021
AUTHOR:	Senior Assets Officer
RESPONSIBLE OFFICER:	Director Infrastructure, Stuart Dyson
FILE NO:	GS.05.26
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council amend the 2021/2022 Annual budget to reflect the following additions:

- 1. Accepts the Main Roads Western Australia funding in the amount of \$520,000; and**
- 2. Approve adding two additional capital works projects, those being Weaber Plain Road/Mulligans Lagoon Road (Kununurra) intersection for \$255,000 and St Peters Way (Wyndham) for \$265,000 to the 2021/2022 Capital Works Program.**

PURPOSE

To accept and allocate the above funding for the two projects listed noting that the projects are 100% funded by Main Roads WA.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The McGowan Government made a commitment during the recent State Election to provide funding to a number of projects on local government roads, in which the Shire of Wyndham East Kimberley (SWEK) have received full funding for the below projects:

- Weaber Plain Road/Mulligans Lagoon Road: Improve intersection visibility, widen intersection, install signs and delineation: with the State contribution capped at \$255,000
- St Peters Way: Modify and formalise parking for cars and busses at Primary School, improve drainage, upgrade pedestrian facilities, install signs and pavement markings: with the State contribution capped at \$265,000

These two projects were flagged in 2019 by two separate Road Safety Audits undertaken by an independent Traffic Engineer engaged by SWEK, Donald Veal Consultants. A number of issues were flagged at each site and a Black Spot Application was submitted and subsequently deemed unsuccessful.

Unlike the Blackspot Funding arrangement of 2/3-1/3 the State Government funding for each project is provided as a grant, capped at the value shown above (GST exclusive). It is expected that any savings will be returned to the State at the completion of each project.

STATUTORY IMPLICATIONS

There will be no specific statutory implications related to Council's consideration of this matter.

POLICY IMPLICATIONS

CP FIN-3204 Purchasing Policy applies to purchases relating to the projects outlined in this report.

FINANCIAL IMPLICATIONS

The Shire receives \$520,000 to be wholly expended on the nominated projects in line with usual State Road Funds to Local Government Procedures.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: PLACE - Enhancing the environment

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

Corporate Business Plan

CBP Action: #207 Road Upgrade and Creation Program

RISK IMPLICATIONS

Risk: Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

Control: Consider the safety findings/recommendations of the Road Safety Audits and accept the funding in accordance with CP FIN-3204 Purchasing Policy

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The scope of works include the following:

Weaber Plain Road/Mulligans Lagoon Road: Improve intersection visibility, widening of the intersection, installation of signage and delineation.

St Peters Way: Modify and formalise parking for cars and busses at the Primary School, improve drainage, upgrade of pedestrian facilities, installation of signage and pavement markings.

ATTACHMENTS

Attachment 1 - Letter to LGs Election Commitment Kimberley

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

**15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY
DECISION**

16. MATTERS BEHIND CLOSED DOORS

16.1. AIRPORT CAFE LEASE

DATE:	28 September 2021
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	TT.14.6
DISCLOSURE OF INTERESTS:	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995* section 5.23(2)(b) and (e):

5.23. Meetings generally open to public

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to consider Expressions of Interest received for the lease of the East Kimberley Regional Airport Cafe.

17. CLOSURE