



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY **25TH JULY 2023**
AT
5.30 PM



Shire of Peppermint Grove

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

1. DECLARATION OF OFFICIAL OPENING

At 5.31pm, the Presiding Member declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

Council recognises that it is permissible to record the Shire's Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by Councillor Jackson.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Peppermint Grove. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We will observe the Shire's Code of Conduct and meeting procedures to ensure efficient, effective and orderly decision making within this forum.

2. RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Deputy Shire President (Presiding Member)	Cr C Hohnen
Elected Member	Cr P Macintosh
Elected Member	Cr D Horrex
Elected Member	Cr D Jackson
Elected Member	Cr K Farley (Arrived at 5.36pm)
Elected Member	Cr P Dawkins
Chief Executive Officer	Mr Don Burnett
Manager Development Services	Mr J Gajic
Manager Corporate & Community Services	Mr M Costarella
Manager Infrastructure Services	Mr D Norgard

Gallery 1 Members of the Public
 1 Members of the Press

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

Shire President

Cr R Thomas

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3. DELEGATIONS, SUBMISSIONS AND PETITIONS

Nil

4.0 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

Question from Greg Peters (Leake Street) – with the stormwater being diverted from lot 24 Johnston Street, where will the equipment on this lot be relocated too?

Answered by CEO – there is not equipment stored on this lot. It currently has the Shire's tree nursery and this will be relocated to the grounds of the Grove. The site was also used for impounded dinghy's, however it is no longer used for this purpose.

5.0 DECLARATIONS OF-INTEREST

Nil

5.1 FINANCIAL INTEREST

Nil

5.2 PROXIMITY INTEREST

Nil

5.3 IMPARTIALITY INTEREST

Nil

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Nil

Cr Farley entered the Chambers at 5.36pm.

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Michael Costarella is leaving after four years with Council and he finishes up end of this week. Michael has had a long career in local government as well as a couple of stints 'in the real world.'

He commenced working for MG Kailis Group of Companies in 1978 and stayed with them for 7 years, being at times Office Manager in Darwin and Assistant Manager at Exmouth.

He stepped into Local Government in Marble Bar, and after 12 months ended up back at Exmouth, as Deputy CEO with special responsibility for the Blue Light Disco and other responsibilities.

Then in 1989 he headed south to the Shire of Greenough, as Director of Finance and Administration with again, special responsibility for the Geraldton Library.

He then had a period as a "Financial Consultant" in places like Port Hedland, Lake Grace and Dalwallinu.

In 2000 he moved to be budgeting officer for the City of Cockburn. Then shortly thereafter off to the Town of Cottesloe. Then after four years move to the East Fremantle and then, after twenty years in local Government, he joined some friends in the music industry.

In 2007, he came back to Local Government as Director of Corporate Services for the Town of Bassendean, until he moved to the Shire for his present position.

Michael, in the absence of Rachel, I am honoured to have been given the job of thanking you for your four years here and wishing you well in your retirement.

On behalf of all of us, thank you for you from Peppermint Grove, a good job well done.

7.0 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 27th JUNE 2023

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 7.1
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Moved: Cr Dawkins

Seconded: Cr Jackson

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 27th June 2023 be confirmed as a true and accurate record.

CARRIED 6/0

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 Final Adoption Scheme Amendment No. 2 – Recoding Lot 24 and Lot 26 (No. 12)
Johnston Street, Peppermint Grove

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Scheme Amendment Report – Rowe Group

Voting Requirement	Simple
Location / Address	Lot 24 & Lot 26 (No.12) Johnston Street, Peppermint Grove
Application Number	LPS4 Scheme Amendment No. 2
LPS No 4 Zoning	Residential R15
Land Use	Single House & Vacant
Lot Area	1503m ²
Disclosure of Interest	Nil
Previous Items	8.1.3, 28 March Ordinary Council Meeting
Applicant	The Rowe Group
Owner	The Shire of Peppermint Grove & S L Yu
Assessing Officer	Mr J Gajic
Authorising Officer	Mr J Gajic

PURPOSE OF REPORT

To seek a Council resolution for final adoption of Local Planning Scheme 4 (LPS4) Scheme Amendment No. 2 (AMD2) as advertised for submission to the Department of Planning Lands and Heritage.

SUMMARY AND KEY ISSUES

- Item 8.1.3 contained in the 28 March Ordinary Council Meeting minutes provides a rationale to the merit of AMD2 and should be read in conjunction with this report.
- The Environmental Protection Agency (EPA) determined that AMD2 did not need an environmental review that enabled the commencement of advertising.
- AMD2 was advertised for a period of forty-two (42) days. No submissions were received.
- Ministerial endorsement of AMD2 will inform possible further investigation to similarly recode other properties in the same context, a recommended action to be included in the next Local Planning Strategy.

LOCATION

Lot 24 & Lot 26 (No.12) Johnston Street, Peppermint Grove. The subject site is located directly opposite and to the south of Cottesloe Primary School and is situated approximately

125 metres from commercial tenancies along Stirling Highway, 600 metres from the Mosman Park Train Station, and 700 metres from the Cottesloe Train Station.

BACKGROUND

AMD2 is considered to be a 'standard' amendment for which referral to Environmental Protection Agency (EPA) was required under section 81 of the *Planning and Development Act 2005*. The EPA determined that an environmental review was not required.

No submissions were received during the statutory advertising period that closed on 26 June 2023. As such, the Council must as soon as practical resolve to either not support the amendment or to support the amendment with or without modifications.

In accordance with section 87(1) of the *Planning and Development Act 2005* the WAPC has 60 days to consider a standard amendment and provide a recommendation to the Minister.

CONSULTATION

The EPA advised under section 48A of the *Environmental Protection Act 1986* that an environmental review was not required.

A public notice was published in The Post newspaper and in the 'latest news' page of the Shire's website. Additionally, 25 owner/occupiers of nearby properties were notified by direct mail.

No written submissions were received with the 42-day advertising period specified under regulation 47(1) and (4) of the *Planning and Development Regulations 2009*. A small number of telephone enquiries were received.

STRATEGIC IMPLICATIONS

Investigation of the merits to recode additional land enabling a better transition between R80 coded areas and commercial zones along the Stirling Highway corridor and immediately abutting IR10 and R12.5 coded areas is one of the strategic planning initiatives contained in the Report of Review recently submitted to the Department of Planning Lands and Heritage.

The Minister's determination in respect AMD2 will further inform whether the next Local Planning Strategy contains this strategic planning initiative.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Local Planning Policy.

STATUTORY IMPLICATIONS

There are no statutory implications evident at this time.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The merits of the proposed recoding were addressed in Item 8.1.3 contained in the minutes to the 28 March 2023 Ordinary Council Meeting.

No submissions were received during the 42-day advertising period.

Support of AMD2 without modifications is considered a procedural matter.

OFFICER RECOMMENDATION/COUNCIL DECISIONS – ITEM NO 8.1.1

Moved: Cr Horrex

Seconded: Cr Macintosh

That Council supports Scheme Amendment No. 2 without modification in accordance with regulation 50(3)(a) of the *Planning and Development Regulations 2009*, and to refer the Amendment with supporting documentation to the WAPC for approval.

CARRIED 6/0

8.2 MANAGER INFRASTRUCTURE

NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 List of Accounts Paid – June 2023

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Accounts Paid – June 2023 Credit Cards – May 2023

Voting Requirement : Simple Majority
 Subject Index : Financial Management
 Disclosure of Interest : Nil
 Responsible Officer : Michael Costarella, Manager Corporate and Community Services

PURPOSE OF REPORT

The purpose of this report is to advise the details of all cheques drawn, credit card, electronic funds payments, direct debits and BPAY since the last report.

SUMMARY AND KEY ISSUES

- Significant payments in June 2023 included the following:
 - ATO Pay as you go Tax
 - Superannuation
 - Emergency Services Levy Qtr. 4 contribution
 - Building Services Levy

BACKGROUND

The Attachment lists detail all payments made in June 2023. The following summarise credit card payments, electronic fund transfers, direct debits and BPAY included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00525-528	\$ 211,569.39
Direct Debits	DD00423-429	\$ 6,826.48
Credit Cards –May 2023		\$ 8,880.52
TOTAL		\$ 227,276.39

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Accounts are paid during the month in accordance with Delegation 2 “Payments from the Municipal Fund and the Trust Fund.” Power to delegate to the CEO is contained in Section 5.42 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2022/23 Adopted Budget.

COMMENT

The list of Accounts paid are provided to Council for information purposes and in accordance with the delegation to the CEO.

OFFICER RECOMMENDATION/COUNCIL DECISIONS – ITEM NO. 8.3.1

Moved: Cr Farley

Seconded: Cr Dawkins

That Council receive the list of payment of accounts by: -

- 1. Electronic funds transfers, cheque, direct debit & BPAY payments for the month of June 2023, totalling \$ 218,395.87.**
- 2. Credit Card payments for May 2023 totalling \$8,880.52.**

CARRIED 6/0

8.3.2 Interim Financial Statements for the period ending 30th June 2023

CORPORATE

<u>Attachment No</u>	<u>Details</u>
Attachment	Interim Financial Statements for the period ended 30/06/2023

Voting Requirement	Simple Majority
Subject Index	: Financial Statements 2022/23
Disclosure of Interest	: Nil
Author	: Michael Costarella, Manager Corporate and Community Services
Responsible Officer	: Michael Costarella, Manager Corporate and Community Services

PURPOSE OF REPORT

To receive the interim financial statements for the period ended 30th June 2023.

SUMMARY AND KEY ISSUES

The Financial Statements include the 2022/23 revised budget which provides for an end of year surplus of \$20,940. The surplus for the period of ended June 2023, includes amounts that will be transferred to Reserve funds and unspent CAPEX projects to date.

BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act 1995 & Financial Management regulations (1996). Monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 June 2023.

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan.

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies and Investment Policy.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no detrimental financial implications evident at this time.

OFFICER COMMENT

The major differences between the year-to-date budget and actual expenditure are shown below and which are less than the anticipated year to date budget. This is attributed to projected monthly cash flow not reflecting actual expenditure. There is no impact on the budget anticipated.

- Contributions & Donations-\$154,000

The amount is less than the expected year to date budget as there are CAPEX projects for the Grove Library that were anticipated to be completed.

- Employee Costs- \$108,000

The amount is more than the expected year to date budget as there were leave entitlements that were cashed out during the year. This reduces the leave liability for the period.

- Contract & Materials- \$217,000

The amounts are less than the expected year to date budget for the following accounts: -

- Materials & Contracts \$ 117,000
- Consultancies \$ 100,000

Estimated Surplus - 30 June 2023.

The Interim Financial Statements show a surplus of \$552,000, however this excludes the transfers to Reserves of \$347,000 as well as invoices not yet received. Staff are currently processing outstanding Purchase Orders for the 30 June 2023 and these will be completed for the Annual financial Statements.

Investment of Municipal and Reserve Funds- as at 30 June 2023.

The Shire has the following funds invested as ‘on call’ and fixed term deposits with the National Australia Bank:-

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves Funds	*\$1,723,666	TBA	TBA			TBA
	* Note: amount currently in PFA					
Reserves Interest Receivable						

8.4.1 CEO MANAGEMENT/GOVERNANCE/POLICY

MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Memorial Policy and Memorial Wall

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
Attachment 1	Amended Policy 4.10
Attachment 2	Concept design for Memorial Wall.

Voting Requirement	:	Absolute Majority
Subject Index	:	Strategic Management Plans
Disclosure of Interest	:	Nil
Author	:	Don Burnett, Chief Executive Officer
Responsible Officer	:	Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

The purpose of the report is for Council for Council to review the existing Policy for memorials and approve a design for a Memorial Wall

SUMMARY AND KEY ISSUES

- The Shire currently has a policy precluding memorials being installed to recognise deceased persons.
- An amended policy is presented that would allow memorial plaques to be installed on a memorial wall.
- A concept design for the memorial wall is presented.

BACKGROUND

Council's current policy 4.10 Memorials does not permit the installation of memorials, such as plaques, crosses, shrines or similar. There has also been requests for a seat or tree to be purchased with a memorial plaque. The requests for memorials are usually requested by family members to recognise a family member who has passed.

The Shire has been receiving an increase in requests for memorials and it is considered warranted to review the current policy.

CONSULTATION

There has been consultation with several residents who have requested memorials. No public consultation undertaken.

STRATEGIC IMPLICATIONS

The installation of a Memorial Wall will give residents a place of reflection and this aligns with the Shire's Community Strategic Plan Objective 1.4 Promote Community Connection and Activation.

POLICY IMPLICATIONS

Policy 4.10 Memorials will be changed to allow for memorial plaques to be installed on the Memorial Wall.

STATUTORY IMPLICATIONS

The proposed location of the Memorial Wall is where the demolished toilet block was along the foreshore walk near the Scotch rowing shed. Due to the proximity of the wall to the river, approval by the Department of Biodiversity Conservation and Attractions will be required and approval under the Aboriginal Cultural Heritage Act 2021.

FINANCIAL IMPLICATIONS

The 2023/24 budget makes provision for the installation of the Memorial Wall and surrounding landscaping. The Schedule of Fees and Charges has a fee of \$400 for the ordering and installation of a plaque.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The ability for residents to instal a plaque to remember family members who have passed and to have a place of reflection that is seen as providing a form of comfort for those grieving loved ones.

OFFICER COMMENT

The Shire is having an increase in the number of residents requesting approval to have a memorial placed in the Shire to recognise family members who have passed. The attached revised policy 4.10 memorials will now permit the installation of a plaque, at a designated size and style, to be attached to the proposed Memorial Wall on the foreshore. The site can be referred to as "Freshwater View" as a place of reflection.

The concept plan for the Memorial Wall is attached. It is intended that the design will use recycled jarrah and compliment the backdrop of the limestone cliff. An amount of \$80,000 is included in the 2023/24 budget, which includes the wall structure, path and step upgrades and landscaping to the site. Two near new seats at the site will be retained but moved on the site.

The plaques to be installed on the timber uprights will be 150mm x 150mm, made of stainless steel and will all have the same font and pitch. Wording is at applicants' discretion. The applicant will pay the \$400 fee, with the Shire ordering and installing the plaque.

The project will be subject to statutory approvals and can't proceed until all approvals are received.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.1

Moved: Cr Farley

Seconded: Cr Jackson

That Council, subject to statutory approvals being granted for the installation of the Memorial Wall,

- 1. adopts the amended policy 4.10 Memorials; and**
- 2. installs the Memorial Wall as per the attached concept design.**

CARRIED 6/0

MANAGEMENT/GOVERNANCE/POLICY

8.4.2 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment 1	Building/Planning Statistics
Attachment 2	Infringements Issued
Attachment 3	Library Statistics
Attachment 4	Recycling Statistics

Voting Requirement	:	Absolute Majority
Subject Index	:	Matters for Information June 2023
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Senior Administration Officer
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

The Shire of Peppermint Grove regularly receives and produces information for receipt by the Elected Members. The purpose of this item is to keep Elected Members informed on items for information received by the Shire.

The Matters of information report will be presented at each Council meeting and will provide an update on a number of areas of the Shire's operations and provide information and correspondence of interest to elected members.

It is intended that the following information is provided on a regular basis, either monthly or quarterly, noting some of this data is still to be collected in a presentable format.

- Building Permits issued.
- Demolition permits issued.
- Seal register advising of when the Shire seal has been applied.
- Infringements for parking and dogs etc.
- Recycling Statistics.
- Library Statistics.

SUMMARY AND KEY ISSUES

The following reports are presented to Council:

- Planning Approvals.
- Building Approvals.

OFFICER COMMENT

Library Management Agreement

The Cottesloe, Peppermint Grove and Mosman Park Library and Community Learning Centre Management Agreement (LMA) signed on 2nd December 2022, did not have the attached Ministerial approval letter. The letter with the Minister's signature has now been included in the Library Management Agreement, Annexure 2 – Consent of the Minister for Lands. The Shire's seal has been applied to the LMA.

40 Marine Parade, Cottesloe

The Seal of the Shire of Peppermint Grove was applied to the Agreement to Lease and Sub-Lease Tenancy One, 40 Marine Parade, Cottesloe. The Shire is the registered Lessor and Curtin Heritage Living is the registered lessee with respect to the land.

ADDITIONAL INFORMATION- 2023/24 Adoption of Budget – Interest Charges

Council resolution 8.3.3 (27 June 2023) included an amount of 6% for interest charge where ratepayer elects to pay rates and charges by instalments for 2023/24 financial year. It has been brought to the Shire's attention that pursuant to section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, that when Council adopts an interest charge where ratepayer elects to pay rates and charges by instalments, the maximum rate can only be 5.5%

Therefore Council is required to amend part 4 of Council resolution 8.3.3 to reflect the maximum amount of 5.5%.

The CEO has corrected the rates notices to keep to the timeline for the issuing of the notices. Council will need to ratify the CEO's action. The change does not affect the levying of the rates and charges for the 2023/24 financial year. Interest is only incurred where the ratepayer elects to pay the rates by instalments.

CONSULTATION

No community consultation was considered necessary in relation to the recommendations of this report.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.4.2
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Moved: Cr Macintosh

Seconded:

Cr Horrex

That Council:

1. receives the information in this report.
2. Amends part of 4 the resolution for motion 8.3.3 of the 27 July meeting to read *"Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 68*

of the Local Government (Financial Management) Regulations 1996, Council adopts an interest charge where ratepayer elects to pay rates and charges by instalments of 5.5%” and endorses the action of the CEO in amending the rate notice to reflect the change.

CARRIED 6/0

9. COMMITTEE REPORTS

Nil

10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL

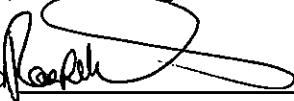
11. MOTIONS ON NOTICE

(Automatically sent back to administration for consideration at the next Council meeting)

12. CONFIDENTIAL ITEMS OF BUSINESS

13. CLOSURE OF MEETING

At 5.54pm, there being no further business the meeting closed.

Confirmed  this 22 day of AUGUST 2023

PRESIDING MEMBER