



'Together, We're Building Katanning's Future'

**MINUTES OF A
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Wednesday 27 May 2015, in the Shire of Katanning Council Chambers,
14 Austral Terrace, Katanning, commencing at 6:00pm

DISCLAIMER

The Council of the Shire of Katanning hereby
advises that before taking any action on an application or a
decision of the Council, any applicant or members of the
public should wait for written advice from the Council.

Cr Alan McFarland
SHIRE PRESIDENT

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at 6pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Deputy Shire President - Cr Robert Godfrey

Members: Cr Owen Boxall
Cr Richard Kowald
Cr Heather McCarley
Cr Danny McGrath
Cr Craig McKinley
Cr Alep Mydie
Cr Leisha Wood

Council Officers: Andrew Holden, Acting Chief Executive Officer
Sarah Taylor, Director of Corporate and Community Services
Uwe Striepe, Director of Engineering & Development Services
Sam Davis, Executive Manager – Strategic Projects
Diana Marsh, Manager of Finance

Council Observer: Taryn Human, Personal Assistant to CEO

Gallery: Matt Collis, Isabel Collis, Ernie Maples, Dean Taylor

Media:

Apologies: Shire President - Cr Alan McFarland

Leave of Absence:

3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

Nil.

5. PUBLIC QUESTION/STATEMENT TIME

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE**6.1 Application for Leave of Absence Cr Wood****MOVED: CR CRAIG MCKINLEY****SECONDED: CR DANNY MCGRATH****OC32/15 That Council:**

**Approve Cr Wood's application for leave for the July Ordinary
Council Meeting 2015.**

CARRIED: 8/0**Voting Requirement: Simple majority****6.2 Application for Leave of Absence Cr Boxall****MOVED: CR CRAIG MCKINLEY****SECONDED: CR DANNY MCGRATH****OC33/15 That Council:**

**Approve Cr Boxall's application for leave for the June Ordinary
Council Meeting 2015.**

CARRIED: 8/0**Voting Requirement: Simple majority****7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**8.1 Ordinary Council Meeting – 22 April 2015**
(SEE ATTACHED MINUTES)**MOVED: CR CRAIG MCKINLEY****SECONDED: CR OWEN BOXALL**

OC34/15 That the minutes of the Ordinary Council Meeting held on Wednesday 22 April 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED: 8/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Attended the Great Southern zone of WALGA on the 1st of May with Cr Kowald and the Acting CEO in Plantagenet.

The CEO Selection panel held the first set of interviews on the 4th of May.

On Wednesday 6 May I went down to Albany for the WALGA state Forum. That evening we did a tour of Denmark facilities.

Thursday 7 May, Acting CEO and myself attended WALGA forums in the morning, then in the afternoon, as part of a presentation on the Great Southern Zone, I did a presentation on Katanning and the Super Towns process and what's happening here. That afternoon we were shown over the new ANZAC interpretive centre and all the work that has been done on the surrounding areas. It's very impressive and may I suggest that if someone hasn't visited yet, they need to.

Friday 8 May I sat in as an observer for the State Council of WALGA strategic planning forum and State Council meeting.

On Wednesday 13 May, second interviews were held for the CEO position, involving all of the councillors.

Friday 15 May I attended a budget presentation in Albany by the Minister for Regional Development, Terry Redman, in Albany.

Monday 18 the Project Advisory Group met at the Shire discussing the various Supertowns projects.

Attended a KAN meeting on 21 May.

The Badgebup Bulletin is ceasing its hard copy publications which will now be done in an electronic format, the bulletin has been in print for 33 years, and the committee have written thanking council for the significant financial support in providing the paper and printing the bulletin over the years

Due to the lack of volunteers and a reduction in stories being provided, the committee decided to change to an electronic version in an attempt to keep it going, they have over fifty people so far taking up the subscription, so if you wish to receive an electronic copy of the Badgebup Bulletin, contact Sue McDougall

The CEO selection is still underway, and at the pointy end. A reminder to Councillors that the process is still confidential.

Congratulations to Mrs Sarah Taylor on her recent Wedding.

I wish to express my congratulations and I'm sure council's congratulations to Isobel Bradbury on being acknowledged by Rotary International as a "Paul Harris Fellow" following a nomination by Katanning Rotary for her work since 1972 with St John's Ambulance here in Katanning.

Its people like Isobel who have provided unwavering commitment to the community that's makes our community a better place

10. REPORTS OF COMMITTEES AND OFFICERS

Nil.

10.1 DIRECTOR OF ENGINEERING & DEVELOPMENT SERVICES REPORTS

10.1.1. Application for Planning Approval – Public Worship, Lot 2 Dumbleyung Road, Pinwernyng (SEE YELLOW ATTACHMENT)

File Ref: A2055
Reporting Officer: D Baesjou, Contract Planner
Date Report Prepared: 12 May 2015

Issue:

To determine whether a proposal for Public Worship on Lot 2, Katanning-Dumbleyung Road cnr Fenwick Road Katanning is consistent with the objectives of the Special Rural zone of Town Planning Scheme No. 4 (TPS4).

The recommendation is to proceed to advertising and subject to no significant planning objections delegate authority to the Chief Executive Officer to issue conditional planning approval.

Body/Background:

A proposal was received on 12 March 2015 from Soe Pwell Moo Kwa for Lot 2 Katanning-Dumbleyung Road to be used for a place of worship.

Lot 2 currently contains a Dwelling House, rural sheds, dams, pastured areas and plantings of olives and macadamia nuts. Access to the site is available from both frontages.

The property is under offer of sale, subject to receiving planning approval from the Shire of Katanning. It is anticipated that the proposed development will occur progressively over a number of years.

Officer's Comment:

The subject land is of sufficient size to accommodate the proposed development with a minimum setback of 30m to the 'Dumbleyung Road', including on-site parking. It is adjacent to the Cemetery and additional on-street parking is available within the Fenwick Road Reserve.

Staged development is anticipated and compliance with the Building Code of Australia and relevant Health statues will be necessary. These matters will further be addressed and confirmed at time of application for Building Permit.

Anecdotally there is community support for the proposal, however as the TPS4, is silent in regard to civic and religious uses within the Special Rural zone it is appropriate to advertise the proposed use of Lot 2 for Public Worship.

Statutory Environment:

Planning and Development Act 2005

Shire of Katanning Town Planning Scheme No. 4

The subject land is zoned `Special Rural` under the Shire of Katanning TPS4.

Public Worship is defined under TPS4 as 'land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution'.

Public Worship is not listed in the Zoning Table. Clause 3.2.5 sets out that when a use is not specifically mentioned in the Zoning Table, the Council may

- (a) Determine that the use is consistent with the zone objectives and is therefore permitted; or
- (b) Determine that the use may be consistent with the zone objectives and follow the advertising procedure of Clause 8.3 in considering the application; or
- (c) Determine that the use is not consistent with the zone objectives and therefore not permitted.

Policy Implications:

There are no policy implications.

Financial Implications:

The appropriate fee for Planning Approval has been paid.

The Developer is responsible for the costs of the works of the development.

Strategic Implications:

This item assists the Council to deliver on several of its strategic objectives as follows:

Shire of Katanning Strategic Plan 2013 – 2023***Community & Culture:***

- Community Spaces, Cultural Opportunity and Cultural Diversity.

Land Use Development:

- Establish a minimal hierarchy of plans required to facilitate development

PROCEDURAL MOTION**MOVED: CR RICHARD KOWALD SECONDED: CR HEATHER MCCARLEY****OC35/15 That Council suspend standing orders.****Voting Requirement: Simple Majority****CARRIED: 8/0****PROCEDURAL MOTION****MOVED: CR CRAIG MCKINLEY SECONDED: CR LEISHA WOOD****OC36/15 That Council resume standing orders.****Voting Requirement: Simple Majority****CARRIED:8/0****Officer's Recommendation/Council Motion:****MOVED: CR DANNY MCGRATH SECONDED: CR RICHARD KOWALD****OC37/15 That Council:**

- 1. Determine the proposal for Public Worship at Lot 2 Katanning-Dumbleyung Road, Pinwernying may be consistent with the objectives of the Special Rural zone and advertise in accordance with Clause 8.3.3 of Town Planning Scheme No. 4, and**
- 2. Subject to no significant planning objections being received during advertising, the Chief Executive Officer be authorised to issue conditional planning approval for the proposal for Public Worship at Lot 2 Katanning-Dumbleyung Road, Pinwernying, compliant with Clause 6.7.4 of Town Planning Scheme No.4.**

Voting Requirement: Simple Majority**CARRIED: 8/0**

Cr Danny McGrath spoke for the motion

10.2 DIRECTOR OF CORPORATE AND COMMUNITY SERVICES REPORTS**10.2.1 Receipt of Financial Reports**
(SEE ATTACHED FINANCIAL REPORTS)**RECOMMENDATION****MOVED: CR LEISHA WOOD****SECONDED: CR CRAIG MCKINLEY****OC38/15 That Council:**

1. **Receive the Schedule of Accounts for April 2015; and**
2. **Receive the Financial Statement for April 2015**

Voting Requirement: Simple Majority**CARRIED: 8/0****10.2.2 Adoption of Fees and Charges for the 2015/16 financial year**
(SEE ORANGE ATTACHMENT)

File Ref: RL/98/0004
Reporting Officer: D Marsh, Manager of Finance
Date Report Prepared: 21 May 2015

Issue:

To consider the adoption of the Schedule of Fees and Charges for the 2015/16 financial year to be applicable from 1st July 2015.

Body/Background:

Prior to 2010/11 the Schedule of Fees and Charges applicable each year was only adopted by Council as part of the adoption of the budget. Council has since adopted the Fees and Charges separately to the budget to avoid any delay in applying those new Fee's & Charges as of 1st July.

Officer's Comment:

The adoption of the Schedule of Fees and Charges will allow the application of updated Fees and Charges from 1st July 2015 avoiding the financial lag that would otherwise impact on the budget if introducible only after the adoption of the full budget.

Statutory Environment:

Local Government Act 1995 Section 6.16 Imposition of Fee and Charges. Fees and Charges adopted outside of the budget must be adopted by absolute majority and advertised locally after adoption.

Policy Implications: Nil.

Financial Implications:

As in 2014/15, the updated fees and charges will be able to be applied consistently for the full 2015/16 budget year.

Strategic Implications:

The proposed Schedule of Fees & Charges is consistent with the Shire's Corporate Business Plan and will form an integral part of the 2015/16 Budget.

Officer's Recommendation/Council Motion:

MOVED: CR OWEN BOXALL

SECONDED: CR DANNY MCGRATH

OC39/15 That Council:

1. That Council adopt the 2015/16 Schedule of Fees and Charges to be applied from 1st July 2015.
2. That the adoption of the 2015/16 Schedule of Fees and Charges be locally advertised in compliance with Section 6.16 of the Local Government Act.

Voting Requirement: Absolute Majority

CARRIED: 8/0

10.3 EXECUTIVE MANAGER – STRATEGIC PROJECTS

Nil.

10.4 ACTING/DEPUTY CHIEF EXECUTIVE OFFICER

**10.4.1 Road Dedication - Bond Street, Katanning
(SEE BLUE ATTACHMENT)**

File Ref: AT/11/0011
Reporting Officer: L Calneggia, Contractor
Date Report Prepared: 11 May 2015

Issue:

To consider approval of road dedication (as constructed) and inclusion of residue land as "Road Reserve".

Body/Background:

Many years ago Bond Street where it intersects Blantyre Street was truncated through Reserve 14321 to allow the road to be built around a substantial creek and so avoid major infrastructure costs in constructing the road. It seems that no administration since have yet arranged for the truncated road as constructed to be surveyed, and road reserve to be updated. Council have recently been asked to "tidy up" these

administrative arrangements and progress the appropriate actions necessary to dedicate the road as it was constructed. The Department of Land Administration have advised that even though the work is so old (in excess of 35 years) a council resolution is still required to progress and finalise the dedication process.

Officer's Comment:

The matter of road dedications can be a lengthy and onerous task and it is understandable how such a statutory process was overlooked in the past. The action of passing a retrospective resolution should only be a matter of formality.

Because the surrounding land is reserve land (Not Freehold) the dedication is made less complicated and it is suggested that any residue land, currently shown as reserve but actually within the road as constructed, be included as road reserve.

Statutory Environment:

Land Administration Act 1997 Sect 56

Land Administration Regulations 1998 (Reg 8)

Policy Implications:

Nil.

Financial Implications: There will be some minor survey and other administration costs that are manageable within the 2014/15 budgeted amount allocated for such issues.

Strategic Implications:

Nil.

Officer's Recommendation/Council Motion:

MOVED: CR LEISHA WOOD

SECONDED: CR CRAIG MCKINLEY

OC40/15 That Council:

Request the Minister for Lands to dedicate the "as constructed" land shown on the attached map as a road reserve (Bond Street) in accordance with Section 56 of the Land Administration Act 1997 and that any residue land as a result of such dedication be included as road reserve

Voting Requirement: Simple Majority.

CARRIED: 8/0

Cr Leisha Wood spoke for the motion

Cr Robert Godfrey spoke for the motion

10.4.2 Financial Assistance Grants (SEE YELLOW ATTACHMENT)

File Ref: AD/11/0026
Reporting Officer: A Holden, Acting Chief Executive Officer
Date Report Prepared: 18 May 2015

Issue:

To consider supporting the Australian Local Government Association (ALGA) & Western Australian Local Government Association (WALGA), in their endeavours to acknowledge and recognise the extremely important issue of the direct funding link between the Commonwealth and Local Governments by way of payments of Financial Assistance Grants (FAG's).

Body/Background:

FAG's are distributed by the Commonwealth Government to Local Governments throughout Australia by way of Grants Commissions in each state. Last year the Federal Government announced a freeze on the annual indexing of FAG's until the year 2017/18. ALGA with the support of WALGA are calling on all Local Governments to pass the following resolution:

1. Acknowledges the importance of FAG's in the delivery of council services and infrastructure.
2. Acknowledges that council have received \$1,968,449 in 2014/15.
3. Ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs is appropriately identified as Commonwealth grant funding in council publications, including annual reports.

As well as the above, ALGA are asking for council support to place pressure on the Federal Government to reverse its decision to freeze the FAG's until 2017/18. Such a freeze has cost this council a forecast increase of approximately \$60,000 in the current year with similar lost increases in each future year; being a cumulative total of approximately \$360,000. Even if the freeze is removed in 2017/18 without a one-off catch up payment to adjust the base the lower amount will be entrenched into the future.

Officer's Comment:

The decision of the Federal Government to freeze FAG's is a severe blow to the already cash strapped Local Authorities who have been adversely affected by reductions in other funding avenues (eg. Country Local Government Fund, Regional Road Funding) and will seriously affect Council's ability to carry out commitments and fulfil Council and community aspirations.

The wording of the ALGA suggested resolution supports the Commonwealth Government and the link with Local Government and seems to be based on an advocacy approach of praising this relationship and giving thanks for the FAG's as distributed. This is appropriate however It is the authors opinion the resolution should also highlight the impact of the freeze and call for it to be reconsidered.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Financial Implications:

The freeze on FAG's for as long as it lasts, and then forever without a catch up payment will have a significant impact on Council's plans and activities.

Strategic Implications:

Nil.

Officer's Recommendation/Council Motion:

MOVED: CR RICHARD KOWALD

SECONDED: CR LEISHA WOOD

OC41/15 That Council:

1. **Acknowledges the importance of FAG's in the delivery of council services and infrastructure.**
2. **Acknowledge that council has received \$1,968,449 in 2014/15 which is approximately \$60,000 less than the forecast figure, equivalent to a rate rise of 1.8% in the current year.**
3. **Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs is appropriately identified as Commonwealth grant funding in relevant council publications, including annual reports.**
4. **Reminds both Federal and State Government of the important role that Local Governments play in the delivery of services and infrastructure to the community and that Local Governments have constrained ability to replace such a shortfall in funding by rate increases on constituents.**
5. **Calls upon the Federal Government to recommence the indexing of FAG's in 2015/16 and maintain indexation in future years.**

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Richard Kowald spoke for the motion

Cr Robert Godfrey spoke for the motion

10.4.3 Delegation to CEO – Sale of Property for Unpaid Rates

File Ref: FF/11/0002
Reporting Officer: L Calneggia, Contractor
Date Report Prepared: 18 May 2015

Issue:

To consider making a specific delegation to the Chief Executive Officer of the authority to use Section 6.64 of the Local Government Act 1995 (Act) to effect the sale of property in order to recover.

Body/Background:

Normally Council's delegation register is reviewed and updated each year and was last done in October 2014. There is current a need to consider adding another specific delegation to progress administration procedures to recover outstanding rates.

Section 6.64 of the Local Government Act 1995 (Act) specifically deals with the action available to a Local Authority to seize and sell land for which there has been rates outstanding for a period of at least 3 years. There are a number of properties that currently fall into this category and there is a statutory as well as a fiduciary duty to take necessary action to recover unpaid rates from errant ratepayers.

Officer's Comment:

Council solicitors, McLeod's, have advised that they consider a specific delegation in regard to exercising the power under section 6.64 of the Act is required in addition to the delegation 20 which is in relation to section 6.56 of the Act. Once delegated this power will be added to the list of general delegations given to the Chief Executive Officer each year to ensure that functionary tasks associated with this section of the act can be fulfilled.

It is proposed that council delegates to the Chief Executive Officer the authority:

1. To decide under Section 6.64 of the Local Government Act 1995 (**Section 6.64**) that the Shire will take possession of land in respect of which rates or service charges have remained unpaid, and to exercise the powers including power of sale stipulated in Section 6.64.
2. To appoint and/or authorise persons to enter property so as to take and maintain possession acting as and on behalf of the Shire under Section 6.64.
3. To appoint and/or authorise persons to conduct an auction and all steps which in the delegate's opinion are necessary or desirable for or incidental to the auction and the settlement in respect of the sale of the land under Section 6.64
4. To determine on the Shire's behalf the terms and conditions with respect to the payment of the purchase money, the fixing of any reserve price and terms and conditions as to any other matter in respect of the sale of land for unpaid rates.

5. To give such notices and to seek such warrants and other remedies as may in the delegate's opinion be necessary or desirable to effectuate the process of taking and maintaining possession and exercising the power of sale and/or any other powers under Section 6.64.
6. Generally, to undertake and direct all steps, to appoint or authorise all persons, and to sign and issue all documents which in the delegate's opinion are necessary or desirable for or incidental to the taking and maintaining of possession, the sale of land and/or the exercise of other powers, under Section 6.64.

Statutory Environment:

Local Government Act 1995 Sect 5.42

Policy Implications:

In line with Council's policy in regard to collection of rates and services charges due.

Financial Implications:.

Nil.

Strategic Implications:

Nil.

Officer's Recommendation/Council Motion:

MOVED: CR RICHARD KOWALD SECONDED: CR HEATHER MCCARLEY

OC42/15 That Council:

Delegates its authority and power to the Chief Executive Officer in regards to the following:

1. **To decide under Section 6.64 of the Local Government Act 1995 (Section 6.64) that the Shire will take possession of land in respect of which rates or service charges have remained unpaid, and to exercise the powers including power of sale stipulated in Section 6.64.**
2. **To appoint and/or authorise persons to enter property so as to take and maintain possession acting as and on behalf of the Shire under Section 6.64.**
3. **To appoint and/or authorise persons to conduct an auction and all steps which in the delegate's opinion are necessary or desirable for or incidental to the auction and the settlement in respect of the sale of the land under Section 6.64.**

4. To determine on the Shire's behalf the terms and conditions with respect to the payment of the purchase money, the fixing of any reserve price and terms and conditions as to any other matter in respect of the sale of land for unpaid rates.
5. To give such notices and to seek such warrants and other remedies as may in the delegate's opinion be necessary or desirable to effectuate the process of taking and maintaining possession and exercising the power of sale and/or any other powers under Section 6.64.
6. Generally, to undertake and direct all steps, to appoint or authorise all persons, and to sign and issue all documents which in the delegate's opinion are necessary or desirable for or incidental to the taking and maintaining of possession, the sale of land and/or the exercise of other powers, under Section 6.64.

Voting Requirement: Absolute Majority.

CARRIED: 8/0

Cr Richard Kowald spoke for the motion

10.5 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

10.6 ADVISORY COMMITTEE MEETING

Nil.

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

MOVED: CR CRAIG MCKINLEY

SECONDED: CR DANNY MCGRATH

OC43/15 That the urgent business of 13.1 be accepted at tonight's meeting.

Voting Requirement: Simple Majority

CARRIED: 8/0

13. CONFIDENTIAL ITEM**PROCEDURAL MOTION****MOVED: CR OWEN BOXALL****SECONDED: CR LEISHA WOOD****OC44/15 That Council:**

Close the meeting to members of the public and staff and deal with this item behind closed doors Local Government Act s5.23 (2)(d)

CARRIED: 8/0**PROCEDURAL MOTION****MOVED: CR RICHARD KOWALD****SECONDED: CR LEISHA WOOD****OC45/15 That Council:**

Reopen the meeting to members of the public and staff.

Voting Requirement: Simple Majority.**CARRIED: 8/0****13.1 Appointment of new CEO – Ratification of employment contract.****OC46/15 That Council:**

- 1. Appoints Mr Julian Murphy to the position of Chief Executive Officer with the Shire of Katanning for a period of five (5) years commencing on or before 7 September 2015;**
- 2. Is of the belief that Mr Julian Murphy is suitably qualified for the position of Chief Executive Officer; and**
- 3. Is satisfied with the provisions of the proposed employment contract to be entered into with Mr Julian Murphy in accordance with the advertised package.**

MOVED: CR ROBERT GODFREY**SECONDED: CR CRAIG MCKINLEY****Voting Requirement: Absolute Majority****CARRIED: 8/0**

Cr Robert Godfrey spoke for the motion

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:53pm