



Special Council Meeting Minutes 30 June 2014

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 17 July 2014 as a true and accurate record of the Special Council Meeting held on 30 June, 2014.

.....
C (Turk) Shales
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire office


DISCLAIMER

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

Please note this agenda contains recommendations which have not yet been adopted by Council.

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In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application.

Signed at Exmouth  (B Price), Chief Executive Officer Shire of Exmouth

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SPECIAL COUNCIL MEETING MINUTES

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- ❖ To provide sustainable management of the organisation
- ❖ To consistently apply the principles of Good Governance
 - ❖ To communicate effectively
 - ❖ To promote socioeconomic development
 - ❖ To value our environment and heritage

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at 4:04pm.

2. **RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

Councillor C (Turk) Shales	Shire President
Councillor M Hood	Deputy Shire President
Councillor R Winzer	
Councillor G Thompson	
Councillor R (Bob) Todd	
Mr B Price	Chief Executive Officer
Mrs S O'Toole	Executive Manager Corporate Services
Mrs J Kox	Executive Manager Aviation Services
Mr R Kempe	Executive Manager Community Engagement
Mr R Manning	Executive Manager Health & Building
Mr K Woodward	Executive Manager Engineering Services

GALLERY

Visitors: 0

APOLOGIES

Councillor S McHutchison
Mr R Mhasho Executive Manager Town Planning

3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

One question was submitted by Natalie Burke from Ningaloo Horse Riding Adventures.

Q1. Will you support my application to sub lease lot 614 on Mortiss St to temperately use or establish my potential riding school and horse tour business 'Ningaloo Horse Riding Adventures'?

I am currently on the block by mistake and have been given to the end of the month to vacate the premises. I have already improved the property and it is now suited to paddock horses on. I am

giving horse riding lessons as a hobby and in three weeks I have 37 children from the community attending, each day I am gaining more interest. I also have disable children using my ponies as therapy and plan to start a program for troubled youths. There is no other land options for my horses in Exmouth and I have also been on the dept. of lands waiting list for 3 1/2 years. I understand that the shire are looking into more land for horses but at least in the interim I am asking to utilize this unused and very useful property.

The above issue has been provided to Council as a formal Report for Council consideration and resolution.

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Nil

6. REPORTS OF OFFICERS

6.1 Executive Manager Town Planning

6.1.1 Reserve 30625, Lot 614 (26) Mortiss St

Location: Reserve 30625, Lot 614 (26) Mortiss St, Exmouth
Applicant: Natalie Bourke
File Reference: R30625
Disclosure of Interest: Nil
Date: 26 June 2014
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



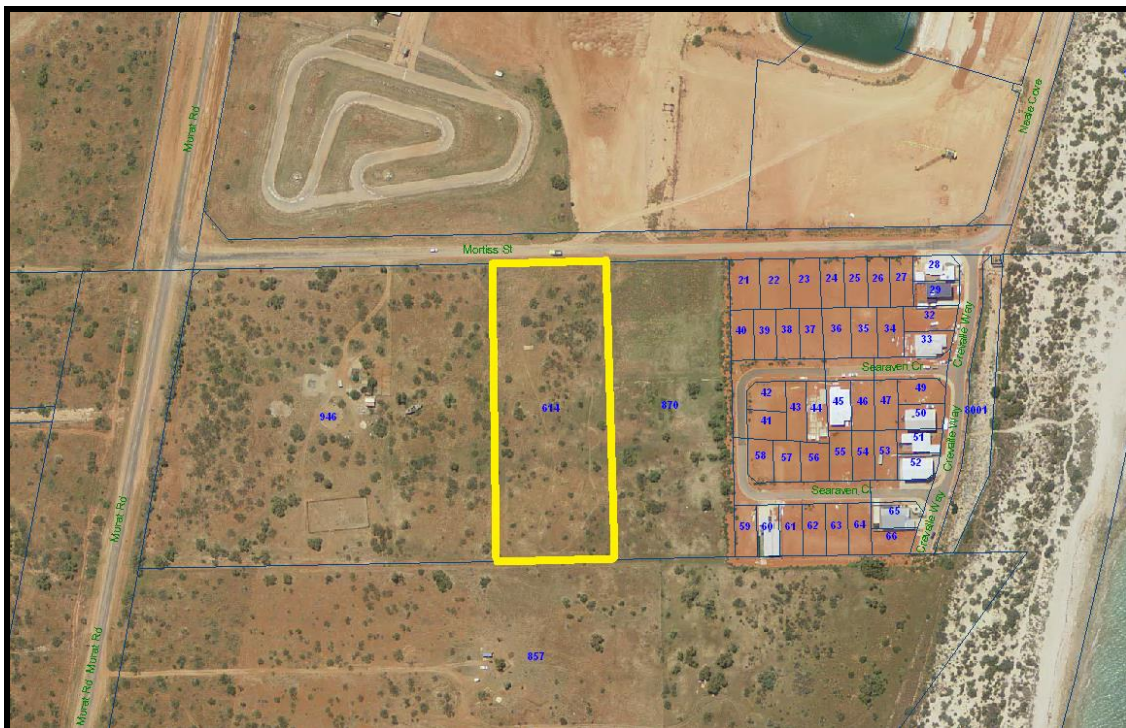
Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth, refuse the applicants request to lease Lot 614 Mortiss Street and enforce the compliance notice issued by Council Officers which requires Natalie Bourke to vacate Lot 614 Mortiss St, Exmouth granting an extension to vacate by 4 July 2014.

BACKGROUND

On Thursday 19 June 2014 Council received a question relating to Lot 614 (26) Mortiss Street which involves Shire managed land and requires Council determination.



Reserve 30625, Lot 614 (26) Mortiss St, Exmouth

QUESTION

"My question to the shire is; Will you support my application to sub lease lot 614 on Mortiss st to temperately use or establish my potential riding school and horse tour business 'Ningaloo Horse Riding Adventures'.

I am currently on the block by mistake and have been given to the end of the month to vacate the premises.

I have already improved the property and it is now suited to paddock horses on. I am giving horse riding lessons as a hobby and in three weeks I have 37 children from the community attending, each day I am gaining more interest.

I also have disable children using my ponies as therapy and plan to start a program for troubled youths.

There is no other land options for my horses in exmouth and I have also been on the dept of lands waiting list for 3 1/2 years.

I understand that the shire are looking into more land for horses but at least in the interim I am asking to utilize this unused and very useful property. “

COMMENT

Lot 614 Mortiss Street (Reserve 30625) has current management order issued to the Shire of Exmouth with the power to lease for up to 21 years. The reserve has a designated purpose of ‘Stables’. The current land tenure facilitates the intended Horse Agistment use. The lot has been vacant for some time and is earmarked to be allocated to interested persons seeking to use the land for Horse Agistment use.

Council officers do not support the intention to apply for a sub-lease of Lot 614 Mortiss Street by the applicant for the following reason:

Precedence to Acquire Land via Illegal Occupation

Council Officers cannot ascertain from the information and evidence provided whether the applicant intentionally allocated herself to Lot 614 or not. If Council approves Natalie Bourke’s request to lease lot 614 Mortiss Street it will set a precedence and perception to the public that anyone can illegally occupy Council land to easily obtain retrospective approval.

Waiting list for Horse Blocks

The Shire has a current waiting list of six (6) other interested persons seeking to lease land for the purpose of Horse Agistment. Council Officers are currently working with the Department of Lands to release land for the agistment of horses. The illegal occupation of Council land by Natalie Burke has caused discontent amongst interested people on the waiting list, as many have been waiting for years.

Considering the above Officers recommend refusal of Natalie Bourke’s request to lease Reserve 30625, Lot 614 (26) Mortiss St, Exmouth.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.2 - Planned and balanced economic growth.

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities..
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
- Outcome 4.2: A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 6.1.1

That Council of the Shire of Exmouth:

1. *Refuse the applicants request to lease Reserve 30625, Lot 614 (26) Mortiss Street from the Shire of Exmouth; and*
2. *Enforce the compliance notice issued by Council Officers which requires Natalie Bourke to vacate Reserve 30625, Lot 614 (26) Mortiss St, Exmouth granting an extension to vacate by Friday 4 July 2014.*

COUNCIL DECISION – 26-0614 – 6.1.1

Moved Councillor Todd, Seconded Councillor Thompson.

That Council of the Shire of Exmouth:


1. *Refuse the applicants request to lease Reserve 30625, Lot 614 (26) Mortiss Street from the Shire of Exmouth; and*
2. *Enforce the compliance notice issued by Council Officers which requires Natalie Bourke to vacate Reserve 30625, Lot 614 (26) Mortiss St, Exmouth granting an extension to vacate by Friday 4 July 2014.*

CARRIED 5/0

6. REPORTS OF OFFICER

6.2 Chief Executive Officer

6.2.1 Nomination to Gascoyne Development Commission Board

Location: Exmouth
Applicant: Gascoyne Development Commission
File Reference: GR.LO.1
Disclosure of Interest: Nil
Date: 26 June 2014
Author: Chief Executive Officer, Bill Price
Signature of Author: 

SUMMARY

That Council consider nominating Councillor representation on the Gascoyne Development Commission Board.

BACKGROUND

Under *Regulation 12(1) of the Regional Development Commissions Act (1993)*, in February 2013 the Commission wrote to all Local Governments in the region seeking nominations for a position available for local government representation on the board.

Councillor Michael Hood was the subsequent nomination however unfortunately due to work commitments has been unable to attend the minimum requirement of meetings and has therefore resigned from the position.

Council is recommended to nominate an alternate elected member to fill his position on the board.

Appointment to the Board is for a term of up to 3 years and will be determined by the Minister for Regional Development.

COMMENT

It is critical for Exmouth to be appropriately represented on this Regional Board, particularly as Exmouth is experiencing considerable growth within the region and that we currently only have one representative on the Board being Cr Shales. It is considered that there is an unfair 'Balance of Power' with the current representation on the board.

Cr Winzer has registered his interest on this committee.

Information booklets and nomination forms are available on www.gdc.wa.gov.au

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Regulation 12(1) of the Regional Development Commissions Act (1993)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

Economic

Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.

- Outcome 1.1: To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth
- Outcome 1.2: Planned and balanced economic growth

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 6.2.1

That the Council of the Shire of Exmouth nominate Councillor _____ as a representative to the Gascoyne Development Commission Board.

COUNCIL DECISION – 27-0614 – 6.2.1

Moved Councillor Hood, Seconded Councillor Thompson.


That the Council of the Shire of Exmouth nominate Councillor Winzer and Councillor Todd for Ministerial consideration and appointment as a representative to the Gascoyne Development Commission Board.

CARRIED 5/0

6. REPORTS OF OFFICERS

6.3 Executive Manager Corporate Services

6.3.1 Corporate Business Plan

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FC.0
Disclosure of Interest:	Nil
Date:	26 June 2014
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends the Council of the Shire of Exmouth adopt the Corporate Business Plan 2014-2018.

BACKGROUND

On 26 August 2010, the Minister for Local Government introduced regulations to establish new requirements for local governments in Western Australia for Integrated Planning and Reporting (IPR). Council's are to develop and adopt a Corporate Business Plan, supported and informed by resourcing and delivery strategies.

COMMENT

The Corporate Business Plan has been created as a practical statement of how Council aims to achieve community objectives, as articulated in the Strategic Community Plan. The Corporate Business Plan has a clear assignment of responsibility, timeframe of projects and key measures for activities. Progress against actions is measured and will be reported in our annual report to the Council and the community, providing a clear and transparent understanding of meeting our sustainable challenges. (Refer *Attachment 1*)

The Corporate Business Plan is Council's core strategic document for a 4 year period, commencing from 2014 to 2018. This Plan activates the Strategic Community Plan and integrates with other informing strategies including the Long Term Financial Plan and Workforce Plan.

CONSULTATION

CEO

Executive Managers

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 19DA(1)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 6.3.1

That the Council of the Shire of Exmouth adopt the Corporate Business Plan 2014-2018.

COUNCIL DECISION – 28-0614 – 6.3.1

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth adopt the Corporate Business Plan 2014-2018.

CARRIED by ABSOLUTE MAJORITY 5/0

6. REPORTS OF OFFICER

6.4 Executive Manager Health & Building

6.4.1 Application for Temporary Caravan Park License – Bullara Station

Location:	Exmouth
Applicant:	T & E Shallcross
File Reference:	LE.RE.5
Disclosure of Interest:	Nil
Date:	25 June 2014
Author:	Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council for the Shire of Exmouth grant conditional approval for a Temporary Nature Based Park Licence to be issued for camping sites at Bullara Station.

BACKGROUND

At the 20 June 2013 Ordinary Council Meeting the Council considered a very detailed report in relation to granting a Temporary Nature Based Park License to Bullara Station. A copy of that report is provided at *Attachment 1*.

COMMENT

The Caravan & Camping Ground Act (the Act) and Regulations (the Regs) make provision that a 'Caravan Park' may be issued with a 'Temporary Licence'. Council Officers within the Town Planning Department and the Environmental Health Department are satisfied that the approval of a Temporary Licence can be used as an interim measure to facilitate approval of the camping use prior to the revision of the TPS. Approval of seasonal/temporary caravan park licences upon application for the next couple of years is not regarded as being in conflict with the TPS as it is not a permanent use approval and it is only incidental to the predominant pastoral operations at the station.

The Regs make provision for the classification or type of establishment being approved e.g. Caravan Park, Caravan Park & Camping Ground, Camping Ground, Park Home Park, Transit Park or Nature Based Park. The Regs also provide very specific detail about the type and number of many and varying services/facilities to be provided for each type of establishment to meet minimum requirements for approval. Such services and facilities specified by the Regs include (but are not limited to) the following:-

- Number of sanitary facilities per sites and the type of facilities available;
- Number and type of laundry facilities per sites;
- Distance to potable water;
- Distance to and type of waste water disposal;
- Number and type of fire fighting equipment; and
- Type, distance to frequency of servicing rubbish receptacles.

In relation to Nature Based Parks, the Regs are less prescriptive for many of the services and facilities required to be provided and thereby give the local authority some flexibility to approve number of sanitary facilities, distance to potable water, distance to rubbish receptacles as considered appropriate.

In consideration of the remoteness of the proposed camp ground and that the applicant is seeking to offer a pastoral station/wilderness type experience it is reasonable to assess the proposal as a Nature Based Park (NBP) as classified by the Regs. The only 'definition' offered by the Regs in relation to a NBP is "a facility where an occupier may stay no longer than 3 consecutive months".

Following the conditional approval of the Temporary License last year the following improvements have been made at the Bullara Station Camping Area:-

- Internationally recognisable signage to identify taps that are not for drinking water;
- Improved/safer access to a couple of the ablution facilities;
- One disabled accessible compliant WC, shower, power point and hand basin;
- Fire fighting equipment and/or fire management plan; and
- Safety barriers around wood fired water heaters.

There are still some additional improvements required to be made to some on-site waste water treatment and disposal systems. The owner currently has applications before the Dept of Health seeking approval for the same. Until such time as the above approvals can be obtained and improvements completed, the Temporary License must be limited to 20 Short Stay Sites only. Should the application be approved Council Officers recommend the following Special Conditions be applied in accordance with Section 13 of the Caravan Parks and Camping Grounds Act 1995:-

1. Camping areas must be provided with fire extinguishers in accordance with Clause 35 (4) of Schedule 7 of the Regulations and other fire fighting equipment to be available and fire control measures detailed in the approved Fire Prevention & Management Plan shall be maintained.
2. Provide fire protection equipment (e.g. fire blanket/extinguisher) to camper's kitchen located, installed and maintained in accordance with AS2444.
3. All sites to be within 90m of potable water.
4. Sullage/grey water from sites to be managed via an approved method.
5. Approved signage to be installed and maintained throughout the facility identifying which taps are drinking water and those which are not.
6. All sites to be within 90m of (approved) sanitary facilities.
7. Unauthorised ablution facilities located in the NW section of the park shall not be used until required Building & Environmental Health Permits have been granted.

In consideration of the above, it is recommended that the Council grant a conditional approval for the Temporary Nature Based Park at Bullara Station. The conditions relating to the licence only being for the 2014 peak tourist season (June-October) and the above mentioned Special Conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks & Camping Grounds Act 1995
Caravan Parks & Camping Grounds Regulations 1997
Shire of Exmouth Town Planning Scheme #3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Environment

Objective 2: To have a balanced respect for our environment and heritage, both natural and built.

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected.

Social

Objective 3: To be a dynamic, passionate and safe community valuing natural and cultural heritage.

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.

Civic Leadership

Objective 4: To work together as custodians for now and the future.

- Outcome 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 6.4.1

That the Council of the Shire of Exmouth grant approval for a Temporary Nature Based Park Licence to be issued pursuant to the Caravan Parks and Camping Grounds Act 1995 for 20 Short Stay camping sites at Bullara Station, Burkett Road, Exmouth Gulf for the Peak 2014 tourist season (June – October 2014) subject to the following conditions:-

1. *Camping areas must be provided with fire extinguishers in accordance with Clause 35 (4) of Schedule 7 of the Regulations and other fire fighting equipment to be available and fire control measures detailed in the approved Fire Prevention & Management Plan shall be maintained.*
2. *Provide fire protection equipment (e.g. fire blanket/extinguisher) to camper's kitchen located, installed and maintained in accordance with AS2444.*
3. *All sites to be within 90m of potable water.*
4. *Sullage/grey water from sites to be managed via an approved method.*
5. *Approved signage to be installed and maintained throughout the facility identifying which taps are drinking water and those which are not.*
6. *All sites to be within 90m of (approved) sanitary facilities.*
7. *Unauthorised ablution facilities located in the NW section of the park shall not be used until required Building & Environmental Health Permits have been granted.*

COUNCIL DECISION – 29-0614 – 6.4.1

Moved Councillor Hood, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth grant approval for a Temporary Nature Based Park Licence to be issued pursuant to the Caravan Parks and Camping Grounds Act 1995 for 20 Short Stay camping sites at Bullara Station, Burkett Road, Exmouth Gulf for the Peak 2014 tourist season (June – October 2014) subject to the following conditions:-

1. *Camping areas must be provided with fire extinguishers in accordance with Clause 35 (4) of Schedule 7 of the Regulations and other fire fighting equipment to be available and fire control measures detailed in the approved Fire Prevention & Management Plan shall be maintained.*
2. *Provide fire protection equipment (e.g. fire blanket/extinguisher) to camper's kitchen located, installed and maintained in accordance with AS2444.*
3. *All sites to be within 90m of potable water.*
4. *Sullage/grey water from sites to be managed via an approved method.*
5. *Approved signage to be installed and maintained throughout the facility identifying which taps are drinking water and those which are not.*
6. *All sites to be within 90m of (approved) sanitary facilities.*
7. *Unauthorised ablution facilities located in the NW section of the park shall not be used until required Building & Environmental Health Permits have been granted.*

CARRIED 5/0

7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

9. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

10. CLOSURE OF MEETING

The Shire President closed the meeting at 4:15pm.