



**MINUTES OF THE
ORDINARY COUNCIL MEETING
25 JANUARY 2023**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 25 JANUARY 2023
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Ansie Liebenberg from Warwick Uniting Church offered a prayer for the meeting and acknowledged condolences.

2. ATTENDANCE

Present: Crs Pennisi (Chair), Bartley, Gale, Gliori, Gow (via Teams), McDonald, McNally, Tancred and Windle

Officers: Dave Burges (Chief Executive Officer), Leon Love (Director Customer and Organisational Services), Gary Murphy (Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), Izelle Barnard (Media and Communications Coordinator), Angela O'Mara (Manager Planning and Development), Tonya Collier (Planning Services Coordinator) and Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 14 December 2022

Resolution

Moved Cr A Gale

Seconded Cr S Windle

THAT the minutes of the Ordinary Council Meeting held on Wednesday 14 December 2022 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 14 December 2022

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

9:20am *The Mayor handed the Chair to the Deputy Mayor while the Mayor sought advice from Councillors on whether they believed that the applicant referred to in Agenda Item 13.8 could be regarded as a competitor of the Mayor's Short Term Accommodation business, and whether the Mayor had a possible conflict of interest in that Agenda item.*

6.1 Conflict of Interest - Mayor Pennisi: Agenda Item 13.8

Resolution

Moved Cr A Gale

Seconded Cr M Giori

THAT Council determined that the applicant referred to in Agenda Item 13.8 could not be regarded as a competitor of the Mayor's Short Term Accommodation business, and therefor the Mayor did not have a conflict of interest in relation to that Agenda item.

Carried

9:29am *The Mayor resumed the Chair*

Cr McDonald raised concerns that Cr Tancred may have a conflict of interest in relation to Agenda Item 13.8.

6.1 Conflict of Interest - Cr Tancred: Agenda Item 13.8

Resolution

Moved Cr C McDonald

Seconded Cr J McNally

THAT Cr Tancred has a declarable conflict of interest in Agenda Item 13.8 due to a business relationship that exists between Cr Tancred's consultancy company and the applicant referred to that Agenda item, and that a reasonable person may not believe that Cr Tancred could make a decision in the public interest.

Lost

7. MAYORAL MINUTE

Nil.

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

THAT the report of the Chief Executive Officer in relation to Correspondence be received.

Carried

11.2 Financial Services - Financial Report as at 31 December 2022

Resolution

Moved Cr R Bartley

Seconded Cr S Tancred

THAT Council receive and note the Financial Report as at 31 December 2022.

Carried

The meeting adjourned for morning tea at 10:37am and reconvened at 10:57am at which time there were Crs Pennisi, Bartley, Giori, Gow (via Teams), McNally, Windle, McDonald, Bartley, Gale and Tancred.

11.3 Mount Colliery Recreation Reserve - Lot 62 & 38 on M34548

Resolution

Moved Cr R Bartley

Seconded Cr C McDonald

THAT Council:

1. Approve a trustee lease to the Warwick Cricket Association Inc. over Lots 38 & 62 on M34548 in accordance with Council's Lease Policy and pursuant to section 236 of the Local Government Regulation 2012; and
2. Grant delegated authority to the Chief Executive Officer to negotiate and finalise the terms of the trustee lease with the Warwick Cricket Association Inc.

Carried

11.4 Application for Permanent Road Closure - Leyburn Road, Cunningham

Resolution

Moved Cr J McNally

Seconded Cr A Gale

THAT Council advise the Department of Resources that Council has no objection to the permanent closure of road reserve through land described as Lots 1 SP260992, 1 SP106507 and 150 ML515 and located at 3733 Leyburn Road, Cunningham.

Carried

11.5 Regional Arts Development Fund 2022/23 - Applications for Recommendation

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council approve the following applications for funding under the 2022/23 Regional Arts Development Fund (RADF) as they meet the assessment criteria:

- Leah Kelly (Mine Yours Ours) \$1,250.00; and
- Warwick Potters Association Inc. (Workshop Series – Sculpting and Surfaces) \$3,400.00.

Carried

11.6 Stanthorpe Regional Art Gallery - Reporting (Period: October 2022 - November 2022)

Resolution

Moved Cr S Windle

Seconded Cr S Tancred

THAT Council note the outcome and financial reporting provided by the Stanthorpe Regional Art Gallery.

Carried

11.7 Warwick Art Gallery - Reporting (Period: September 2022 - November 2022)

Resolution

Moved Cr A Gale

Seconded Cr S Windle

THAT Council note the outcome and financial reporting provided by the Warwick Art Gallery.

Carried

12. INFRASTRUCTURE SERVICES REPORTS

12.1 Infrastructure Services Monthly Status Report

Resolution

Moved Cr J McNally

Seconded Cr M Gliori

THAT Council notes the operational details as outlined in the Infrastructure Services Monthly Status Report.

Carried

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

13.1 Planning & Environmental Services Monthly Status Report

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

THAT Council notes the operational details as outlined in the Planning & Environmental Services Monthly Status Report.

Carried

13.2 Quarterly Report on Development Approvals for the October to December 2022 Quarter

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

THAT Council receives the report and notes its contents.

Carried

13.3 Material Change of Use - RC Property 5 Pty Ltd - 75-77 and 79 Greenup Street, Stanthorpe

Resolution

Moved Cr S Tancred

Seconded Cr A Gale

THAT the application for Material Change of Use, Short-term accommodation (Existing dwelling house, more than six (6) guests) on Lots 128 and 129 on RP31667, located at 75-77 and 79 Greenup Street, Stanthorpe, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Greenup: Ground Floor – prepared by magicplan	-	16 September 2021
Greenup: Attic 1 st Floor – prepared by magicplan	-	26 May 2022

- Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

- This approval allows for the use of the building for the following uses only:
 - Short-term accommodation
- The maximum number of guests accommodated at any one time must not exceed 12 persons.
- No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
- The short term accommodation building is to be rented as a whole, not as individual rooms.

Building and Site Design

- A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
- A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

- All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
- One set of wheelie bins (one general waste and one recycling bin) must be provided for the Short-term accommodation. The wheelie bins are to be stored adjacent to the dwelling unit and screened from view from all roads and public places. A concrete pad is to be provided for the two bins in an appropriate location.
- Advertising Devices relating to the Short-term accommodation may **only** be erected on the subject land, i.e. Lots 128 and Lot 129 RP31667. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the

surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.

12. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Fencing, Landscaping and Buffers

13. The existing landscaping on the site is to be retained and appropriately maintained.

Car Parking and Vehicle Access

14. A concrete crossing is to be constructed at the Greenup Street entrance to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.)
15. All vehicular access to and from the Short-term accommodation must be via Greenup Street only. Entry gates located on Lot 128 RP31667 from Tyrel Street are to be removed.
16. At least eight (8) car parking spaces are to be provided on site. Provision is to be made for disabled parking.
17. Car parking spaces shall be provided on site in accordance with the approved Ground Floor plan dated 16 September 2021 prepared by magicplan. All car parking, driveway and loading areas shall be drained, laid out and regularly maintained. The four (4) car parking areas located closest to the dwelling entrance must be sealed.

The four (4) car parking spaces located adjacent to the driveway may remain grassed, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, these car parking spaces shall be sealed to Council's standards.

18. The unsealed car park area is to be defined by a low physical barrier along the edge of the car parking area.

Roadworks

19. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Infrastructure Services.

Stormwater Drainage

20. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Water Supply and Waste water

21. A reticulated water supply system, up to and including water meters, is to be maintained to service the building. This system is to be connected to Council's water supply system.
22. A sewerage reticulation system is to be maintained to service the building. This system is to be connected to Council's wastewater sewerage system.

Electricity, Street Lighting and Telecommunications

23. Reticulated electricity connections must be provided to the proposed development to the standards of the relevant authorities.
24. In accordance with the Federal Government's National Broadband Network (NBN) initiatives,

the Developer (at the Developer's expense) is to install telecommunications infrastructure, such as lead-in conduits (LIC) or a fibre ready pit and pipe network (including trenching and ducting, design and third party certification), to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that infrastructure network. Prior to commencement of the use, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.19 (Rental Accommodation Other Than Excluded Accommodation) 2011.
- (v) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (vi) **Building Approval is to be obtained** in accordance with the *Planning Act 2016* for a Change of Classification of Building from Class 1a to Class 1b, to allow the use of the existing building for accommodation purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.
- (vii) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (viii) Prior to constructing an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (ix) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (x) All Development Permits for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xi) This approval for Short-term Accommodation may potentially affect your rates and charges

levied on your property. The potential impact may include, but is not limited to:

- General Rates may change to a commercial category
- State Emergency Management Levy may change classes
- Sewerage Access Charges may change to a different category
- Domestic Waste Collection may be removed and require a separate waste collection direct from a waste collection provider

For further information, please contact Council's Revenue section on 1300 697 372.

Aboriginal Cultural Heritage

- (xii) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

Carried

13.4 Quik Spray Units

Resolution

Moved Cr C McDonald

Seconded Cr M Giori

THAT Council retain the Quik Spray units that are currently dry hired to the community for pest management weed control, with amended workplace arrangements to be implemented.

Carried

13.5 Amendment to Council's Schedule of Fees & Charges

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council adopt the proposed Fees and Charges nominated in this report for the remainder of 2022-2023 financial year.

Carried

13.6 Food Businesses - Amendment to Fees & Charges

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT:

1. Council adopt the proposed revised risk categories for existing food businesses in accordance with the amended food standards code; and
2. The revised categories are adopted and implemented in Council's licensing database before the issuing of the annual renewal notice; and
3. The food business fees associated with these revised categories be staged to minimise any immediate impact on existing food businesses that are re-classified as a consequence of these amendments; and
4. The annual renewal notices are issued in compliance with Council's legal obligation under the *Food Act 2006*, and the *Public Health (Infection Control for Personal Appearance Services) Act 2003*; and
5. The annual temporary food stall licences expire on 30 June each year in line with all other food businesses; and
6. Council apply pro rata annual fees to all new and transfer applications for existing premises (no plan assessment); and, the annual renewal component of new applications that require a plan assessment across all application types currently regulated by Council.

Carried

13.7 Request for Funding - Precious Paws

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

THAT Council consider the provision of some annual funding support to Precious Paws Animal Rescue, and Animal Rescue & Kare to ensure their ongoing engagement in the rehoming of cats and dogs in the region for the 2023 / 2024 budget.

Carried

13.8 Request for Fee Waiver for Non-resident Workforce Accommodation - EP Strawberries C/- Adapt Planning Pty Ltd - 3 Smythe Street, 28 Pierpoint Street, 37 Wallangarra Road and 18 Clarke Street, Stanthorpe

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council, in accordance with Section 109 of the *Planning Act 2016*, relating to Non-resident workforce accommodation for the purpose of making representation about an Infrastructure Charges Notice at 3 Smythe Street, 28 Pierpoint Street, 37 Wallangarra Road and 18 Clarke Street, Stanthorpe approve in-principle a refund of 50% of the application fees in accordance with Council's Schedule of General Fees and Charges 2022/23, to the amount of \$154.50 for each request (Total = 4 x \$154.50 = \$618.00).

Carried

12:13 pm Cr C McDonald left the meeting.

12:14 pm Cr C McDonald rejoined the meeting.

13.9 Request to Waive Waste Collection Charges for Properties within the Voluntary Designated Waste Collection Area

Resolution

Moved Cr S Tancred

Seconded Cr J McNally

THAT Council:

1. Not approve the waiver of the Domestic Waste and Recycling Collection charges associated with the waste collection expansion area, to the value of \$82.14 for PID 133740 and \$75.14 for PID 72765, as the charges are consistent with the Council decision from the Ordinary Council Meeting on 27 June 2022; and
2. Delegate authority to the Chief Executive Officer to consider any future applications for amendment and/or cancellation of the Domestic Waste and Recycling Collection charges for the expansion area in contrary to the Council decision from the Ordinary Council Meeting on 27 June 2022.

Carried

13.10 Request to Reduce Planning Application Fee - PID 108795

Resolution

Moved Cr A Gale

Seconded Cr J McNally

THAT Council refuse to provide an in-principle refund for the application fees associated with an Outdoor sport and recreation use (Gel blasting) at 88 Townsend Road, Glen Aplin in accordance with Council's Schedule of General Fees and Charges 2022/23, as the applicant is not a registered non-profit organisation.

Carried

In accordance with Section 8.7 of Council's Meeting Policy, Cr Bartley moved the following Procedural Motion.

13.11.1 Procedural Motion - Pest Management Advisory Committee Meeting

Resolution

Moved Cr R Bartley

THAT Agenda Item 13.11 be deferred to the next Ordinary Council Meeting to allow the correct Pest Management Advisory Committee Meeting Minutes to be provided.

Carried

13.11 Pest Management Advisory Committee Meeting

Recommendation

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held at Stanthorpe on Thursday, 8 December 2022.

Lapsed

14. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES

Nil

15. NOTICES OF MOTION

Nil

16. GENERAL BUSINESS

Nil

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 254J(3) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

17.1 60355 Relief from Water Consumption Charges

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

Meeting In Camera

Resolution

Moved Cr R Bartley

Seconded Cr J McNally

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 12:30pm.

Meeting Out Of Camera

Resolution

THAT the meeting resume in open session at 12:42pm.

Carried

In accordance with Section 8.7 of Council's Meeting Policy, Cr Bartley moved the following Procedural Motion.

17.1.1 Procedural Motion - 60355 Relief from Water Consumption Charges

Resolution

Moved Cr R Bartley

THAT Council defer consideration of this matter to a future Ordinary Meeting to allow further clarification to be obtained.

Carried

17.1 60355 Relief from Water Consumption Charges

Recommendation

THAT Council deny the request and approve relief from Water Consumption Charges to Property ID 60355.

Lapsed

MEETING CLOSURE

There being no further business, the meeting closed at 12:43pm.