

Minutes

**Council Meeting
Wednesday 25 May 2022 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**

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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting was recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings Policy, which can be viewed on Council's website.

3 PRESENT

Cr Jennifer Anderson (Mayor), Cr Rob Guthrie (Deputy Mayor), Cr Dominic Bonanno, Cr Annette Death, Cr Anne Moore, Cr Geoff Neil, Cr Janet Pearce, Cr Mark Ridgeway, Cr Bill West

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Rebecca Stockfeld (Director Planning and Environment), Shane Walden (Director Assets and Operations), Maria Weiss (Director Community), Joe Spiteri (Senior Governance Consultant)

4 APOLOGIES

Adele Drago-Stevens (Director Corporate)

5 CONFLICTS OF INTEREST

Nil

6 PETITIONS

Nil

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**Resolution 2022/50**

Moved: Cr Rob Guthrie
Seconded: Cr Mark Ridgeway

That Council suspends standing orders to hear deputations, presentations and public questions.

CARRIED

Standing orders were suspended at 7:03pm

Two questions were received from a member of the public. The questions and responses provided by Council officers were read by the Mayor.

Background

Lloyd Delyth has provided 5 questions; our governance rules state up to two questions to be presented from the gallery per person. Two questions have been chosen to provide the detailed response sought by Lloyd. These with their introduction are;

We refer to page 14 of the Meeting Attachment which reads as follows:

“The scope of works now include a Wombat Crossing at the Templeton and Urquhart Street intersection and design of the pedestrian safety works at the Brooke and Templeton Street intersection, with construction to be considered for future budgets. Council Officers are aiming to deliver these works in the July school holidays”

We request that council kindly respond to the following questions at the meeting on Wednesday 25th May 2022

Question – from Lloyd Delyth:

Funding was available for this work (Brooke and Templeton Street) in the 2021/22 FY. Why was it not spent?

Response:

Funding was provided in the 21/22 FY. This was not spent due to complication in the design requirements for the works at this location. As a result these funds were moved to address issues the school community identified adjacent the Urquhart St/ Templeton St intersection. Additional funds were allocated at the midyear budget review to ensure the Urquhart St/ Templeton St intersection could be constructed and design works for Brooke and Templeton were also undertaken. Council is confident that there will be adequate funding to complete both the construction at Urquhart St and the design works for Brooke St.

Question – from Lloyd Delyth:

After funding the Wombat crossing at Templeton and Urquhart, how will council ensure that there are sufficient funds left over from the available \$93,310 to fund a comprehensive build-ready design for Brooke and Templeton Phase 1 (top of rise)?

Response:

The design is complete for the traffic calming treatment at the top of the rise. Staff are completing the pedestrian crossing design during the 22/23 FY, this work is funded through their operational budget. Both stages 1 and 2 works have budget estimates identified. Council is aware of community sentiments regarding the Brooke and Templeton Street intersection and understands that there have been community submissions to the current budget process. Council will consider these submissions to the budget process along with other funding sources during budget deliberations.

Resolution 2022/51

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

That Council resumes standing orders to consider the remaining items on the agenda.

CARRIED

Standing orders resumed at 7:07pm

8 ADOPTION OF MINUTES**Resolution 2022/52**

Moved: Cr Mark Ridgeway

Seconded: Cr Geoff Neil

That Council confirms the minutes of the Schedule Council Meeting of Macedon Ranges Shire Council held on 27 April 2022, as circulated.

CARRIED**9 MAYOR'S REPORT****9.1 MAYOR'S REPORT - APRIL TO MAY 2022****Resolution 2022/53**

Moved: Cr Annette Death

Seconded: Cr Rob Guthrie

That Council receives and notes the Mayor's report as per the agenda with the changes notified by Mayor Anderson.

- (a) The Volunteer Week afternoon tea was held on the Monday 23 May 2022.**
- (b) The flag raising for IDAHOBIT was held at the Gisborne Office.**

CARRIED**10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**

10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL OFFICERS - APRIL - MAY 2022

Summary

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councillors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Recommendation

That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report.

Amended Officer Recommendation:

Resolution 2022/54

Moved: Cr Mark Ridgeway

Seconded: Cr Bill West

That Council receives and notes the record of meetings of Councillors and Council

staff as outlined in this report with the following amendments:

2. Adam Melis (DELWP) present at the meeting on 10 May 2022;
3. Isobel Maginn (Senior Strategic Planner) present at the meeting of 17 May 2022; and
4. Rebecca Stockfeld (Director Planning & Environment) was an apology for the meeting of 3 May 2022.

CARRIED

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1 DRAFT MOBILE TRADING GUIDELINES

Summary

Council has a Roadside and Footpath Trading Policy that is to be reviewed commencing June 2022. Council staff are in the process of preparing a related new set of guidelines for Mobile Trading. Both documents will establish how and where trading can occur – either on the roadside and footpaths – and where mobile food vans may be able to locate on roadsides.

Both documents will be reviewed and created after community and business engagement. Engagement on both topics will be undertaken together.

It was planned to engage at different times on both documents, with new Mobile Trading Guidelines due to be implemented by 1 July 2020. This was to support the introduction of permits for mobile trading activities (e.g. mobile food trucks) on Council land and roads, where the trading is unrelated to approved events or markets. Staff commenced consultation on the Mobile Trading Guidelines; however, Covid-19 impacted on stakeholder responses.

In June 2020, Council resolved to note the lack of feedback and required officers to bring the matter back to Council by June 2021, proposing a timeline to recommence the public consultation process for the draft Mobile Trading Guidelines.

In September 2021, Council further resolved to note that due to the ongoing economic uncertainty for many local businesses (brought about by the COVID-19 pandemic and the associated restrictions on free movement) and required a further report be presented to Council by no later than May 2022 to propose recommencement of public consultation on the draft Mobile Trading Guidelines.

This report proposes to consolidate consultation on the Mobile Trading Guidelines and the Roadside and Footpath Trading Policy, as the two are related, and create one document.

Recommendation

That Council:

1. Notes that a review of the Roadside and Footpath Trading Policy will commence in June 2022, including stakeholder engagement.
2. Notes that a new set guidelines for Mobile Trading (the Mobile Trading Guidelines) will be developed commencing June 2022, including stakeholder engagement.

3. Notes that community engagement on both the Roadside and Footpath Trading Policy and the Mobile Trading Guidelines will be undertaken together as the guidelines will be incorporated into the policy.
4. Requests that a draft policy be presented to Councillors by August 2022 to commence community consultation for the review of the Roadside and Footpath Trading Policy (incorporating draft Mobile Trading Guidelines).

Cr Guthrie moved the following motion:

Resolution 2022/55

Moved: Cr Rob Guthrie
Seconded: Cr Mark Ridgeway

That Council:

1. Notes that a review of the Roadside and Footpath Trading Policy will commence in June 2022, including stakeholder engagement.
2. Notes that a new set of guidelines for Mobile Trading (the Mobile Trading Guidelines) will be developed commencing June 2022, including stakeholder engagement.
3. Notes that community engagement on both the Roadside and Footpath Trading Policy and the Mobile Trading Guidelines will be undertaken together as the guidelines will be incorporated into the policy.
4. Requests that a draft policy be presented to Councillors by August 2022 to commence community consultation for the review of the Roadside and Footpath Trading Policy (incorporating draft Mobile Trading Guidelines).

CARRIED

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1 COMMUNITY ENGAGEMENT POLICY REPORT AND REVIEW

Summary

This report provides Council with an update on the Community Engagement Policy (the Policy) review findings, as detailed in the Final Community Engagement Report, and proposes alterations to the Policy via a new draft Policy document.

Recommendation

That Council:

1. Adopts the updated Community Engagement Policy; and
2. Notes the Community Engagement Policy review report and recommendations.

Amended Officer Recommendation:

Resolution 2022/56

Moved: Cr Geoff Neil
Seconded: Cr Annette Death

That Council:

Agrees to defer item CX.1 Community Engagement Policy Report and Review, and consider it at the 22 June 2022 Scheduled Council Meeting, in order to allow further time to consider and update the draft policy.

CARRIED

13 DIRECTOR CORPORATE REPORTS

COR.1 QUARTERLY REPORT FOR PERIOD ENDING 31 MARCH 2022

Summary

The Quarterly Report for the period ended 31 March 2022 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements
- Section 2 – Capital works progress report
- Section 3 – Council plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council resolutions
- Section 6 – People, Culture and Performance Report
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

The report also provides a high-level summary of the organisation's performance to 31 March 2022.

Recommendation

That Council notes the Quarterly Report for the period ended 31 March 2022.

Amended Officer Recommendation:

Resolution 2022/57

Moved: Cr Rob Guthrie
Seconded: Cr Anne Moore

That Council notes the Quarterly Report for the period ended 31 March 2022, and that Section 6 – the Implementation of Council Resolutions – will be updated to reflect the Council motion resolved at the 15 December 2021 Scheduled Council Meeting related to Stanley Park.

CARRIED

COR.2 EAST PADDOCK COMMUNITY CONSULTATION & PROPOSED SALE**Summary**

This report provides Council with a summary of feedback received following the community consultation process which was undertaken regarding the Victorian State Government's offer to purchase 139 South Rock Road, Newham (East Paddock, Hanging Rock), and a revised recommendation regarding the ongoing process to consider the sale.

Recommendation**That Council:**

- 1. Notes the community feedback received regarding the proposal from the Department of Environment, Land, Water and Planning (DELWP) to purchase 139 South Rock Road, Newham (East Paddock, Hanging Rock).**
- 2. Continues the statutory process to sell the land to the Victorian Government by authorising the Chief Executive Officer to:**
 - (a) negotiate the sale of the land in accordance with the agreed valuation; and**
 - (b) sign the transfer of land with any additional documentation in association with the transfer.**

Subject to the following conditions being met:

- (i) the proposed valuation and offer for purchase be an amount equal to, or within 10% of, the current valuation assessed by Council's appointed valuer;**
- (ii) appropriate legal mechanisms are put in place to retain the use of the land as public open space in perpetuity, and to ensure any development on the East Paddock is consistent with protecting the significant natural and cultural values and views of the site;**
- (iii) Macedon Ranges Shire Council remains the Committee of Management for the Hanging Rock Precinct (current Crown Land) and the East Paddock for a transition period of at least three years (or a duration mutually agreed by Council and the Victorian Government), during which period the finalisation and implementation of appropriate, orderly, and long term governance and operational arrangements will occur;**
- (iv) limited concerts, events and markets can continue to be held on East Paddock, as per current practice and the agreement in place between Macedon Ranges Shire Council and The Frontier Touring Company (Frontier); and**
- (v) Council writes to the Victorian Minister for Energy, Environment and Climate Change, highlighting the importance of alternative facilities for existing Hanging Rock sporting groups being identified, planned, funded and delivered (Stage 1 of *Draft Hanging Rock Precinct Master Plan* (DELWP)), should these groups be required to relocate as a result of implementing the master plan in its final form.**

3. Approves the creation of a new financial reserve in accordance with Council's Financial Reserve Policy that will retain the sale proceeds, less any professional costs incurred by Council, from the sale of East Paddock, and that:
- (a) officers present a report to Council no later than three (3) months post the completion of the sale, which will include initiatives within the Shire that the funds could be allocated to; and
 - (b) the allocation of any funds from the Reserve will occur in line with the current annual budget and mid-year budget processes under existing Council policy.

Cr Neil moved the following motion:

Moved: Cr Geoff Neil

Seconded: Cr Bill West

That Council:

Does not proceed with the sale of the East Paddock to the Victorian Government, unless the Victorian Government provides a suitable alternative site for sporting groups to relocate, should they be required to do so, as a result of the implementation of the Hanging Rock Precinct Master Plan (DELWP).

In Favour: Crs Rob Guthrie, Anne Moore, Geoff Neil and Bill West

Against: Crs Jennifer Anderson, Dominic Bonanno, Annette Death, Janet Pearce and Mark Ridgeway

LOST 4/5

Cr Pearce moved the following motion:

Resolution 2022/58

Moved: Cr Janet Pearce
Seconded: Cr Dominic Bonanno

That Council:

- 1. Notes the community feedback received regarding the proposal from the Department of Environment, Land, Water and Planning (DELWP) to purchase 139 South Rock Road, Newham (East Paddock, Hanging Rock).**
- 2. Continues the statutory process to sell the land to the Victorian Government by authorising the Chief Executive Officer to:**
 - (a) negotiate the sale of the land in accordance with the agreed valuation; and**
 - (b) sign the transfer of land with any additional documentation in association with the transfer.**

Subject to the following conditions being met:

- (i) the proposed valuation and offer for purchase be an amount equal to, or within 10% of, the current valuation assessed by Council's appointed valuer;**
 - (ii) appropriate legal mechanisms are put in place to retain the use of the land as public open space in perpetuity, and to ensure any development on the East Paddock is consistent with protecting the significant natural and cultural values and views of the site;**
 - (iii) Macedon Ranges Shire Council remains the Committee of Management for the Hanging Rock Precinct (current Crown Land) and the East Paddock for a transition period of at least three years (or a duration mutually agreed by Council and the Victorian Government), during which period the finalisation and implementation of appropriate, orderly, and long term governance and operational arrangements will occur;**
 - (iv) Council write to the Victorian Minister for Energy, Environment and Climate Change, requesting that Macedon Ranges Shire Council is formally represented as a permanent member of the future governance and management arrangements of the Hanging Rock Precinct;**
 - (v) limited concerts, events and markets can continue to be held on East Paddock, as per current practice and the agreement in place between Macedon Ranges Shire Council and The Frontier Touring Company (Frontier); and**
 - (vi) Council writes to the Victorian Minister for Energy, Environment and Climate Change, highlighting the importance of alternative facilities for existing Hanging Rock sporting groups being identified, planned, funded and delivered (Stage 1 of Draft Hanging Rock Precinct Master Plan (DELWP)), should these groups be required to relocate as a result of implementing the master plan in its final form.**
- 3. Approves the creation of a new financial reserve in accordance with Council's Financial Reserve Policy that will retain the sale proceeds, less any**
-

professional costs incurred by Council, from the sale of East Paddock, and that:

- (a) officers present a report to Council no later than three (3) months post the completion of the sale, which will include initiatives within the Shire that the funds could be allocated to; and
- (b) the allocation of any funds from the Reserve will occur in line with the current annual budget and mid-year budget processes under existing Council policy.

In Favour: Crs Jennifer Anderson, Dominic Bonanno, Annette Death, Janet Pearce, Mark Ridgeway and Bill West

Against: Crs Rob Guthrie, Anne Moore and Geoff Neil

CARRIED 6/3

14 DIRECTOR COMMUNITY REPORTS

COM.1 MACEDON RANGES MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE MEMBERSHIP

Summary

At its meeting on 29 March 2022, the Macedon Ranges Municipal Emergency Management Planning Committee resolved to invite a Macedon Ranges Shire Councillor to attend its meetings as an observer. The Committee is seeking notification of the nominated representative.

Recommendation

That Council endorses Cr X as the nominated observer and Cr Y as substitute for the remaining scheduled meetings of the Macedon Ranges Municipal Emergency Managing Planning Committee for 2022.

Cr Pearce moved the following motion:

Resolution 2022/59

Moved: Cr Janet Pearce
Seconded: Cr Annette Death

That Council endorses the Mayor as the nominated observer and Deputy Mayor as substitute on an ongoing basis for the remainder of this Council term unless resolved otherwise, to attend as the nominated observer for meetings of the Macedon Ranges Municipal Emergency Managing Planning Committee for 2022.

CARRIED

15 DIRECTOR ASSETS AND OPERATIONS REPORTS**AO.1 FY21/22 CAPITAL WORKS - CARRY FORWARD PROJECTS****Summary**

A range of internal and external factors have impacted the delivery of the 2021/22 Capital Works Program resulting in delays and budget constraints for several projects. Construction activities across the public and private sectors have been significantly impacted by the effects of COVID-19, particularly in terms of lockdowns, material and labour cost escalation, supply chain disruptions, and contractor shortages. Other factors affecting project delivery include delays in obtaining approvals, delays to project funding, or other project management related issues.

This Report recommends a list of projects from the 2021/22 Council budget to be cancelled or carried forward for completion in the 2022/23 financial year.

Recommendation**That Council:**

- 1. Approves the cancellation of the following four projects:**
 - (a) RV Dump Point - Kyneton**
 - (b) Building Renewal – Barkly Square Small Bore Range;**
 - (c) Building Renewal – Gisborne Rotunda and Gazebo Audits, Design and Cost Plan**
 - (d) Kyneton Town Hall Equipment Renewal**
- 2. Approves the carry forward of forty-one projects listed as Attachment 3 for delivery in the Financial Year 2022-2023;**
- 3. Approves the carry forward of the following two projects pending approval of additional funds as part of the Financial Year 2022-2023 budget consideration. If additional funds are not forthcoming, these projects will be cancelled.**
 - (a) Kyneton Barkly Square Field**
 - (b) Woodend Golf Clubhouse;**
- 4. Approves the carry forward of the following two building renewal projects utilising the \$56,000 from cancelled projects:**
 - (a) Building Renewal – Kyneton Airfield Toilets**
 - (b) Building Renewal – Demolition Program – Kyneton Airfield Toilets;**
- 5. Approves a scope change and carry forward of the following four projects for delivery in the 2022/2023 financial year:**
 - (a) Building Renewal - Kyneton Obedience Dog Club building at Barkly Square**
 - (b) Building Renewal - Demolition Program - Kyneton Obedience Dog Club building at Barkly Square**
 - (c) Building Renewal - Kyneton Rifle Range Club Rooms**
 - (d) New Gisborne Tennis Courts LED renewal;**

6. Approves a scope change for the Woodend Golf Clubhouse project and carry forward funds from the Financial Year 2021-2022, pending approval of additional funds as part of the Financial Year 2022-2023 budget consideration. If additional funds are not forthcoming, this project will be cancelled.

Amended Officer Recommendation:

Resolution 2022/60

Moved: Cr Mark Ridgeway

Seconded: Cr Anne Moore

That Council:

1. Approves the cancellation of the following four projects:
 - (a) RV Dump Point - Kyneton
 - (b) Building Renewal – Barkly Square Small Bore Range
 - (c) Building Renewal – Gisborne Rotunda and Gazebo Audits, Design and Cost Plan
 - (d) Kyneton Town Hall Equipment Renewal;
2. Approves the carry forward of forty one projects listed as Attachment 3 for delivery in the Financial Year 2022-2023; Approves the cancellation of the following four projects:
 - (a) RV Dump Point - Kyneton
 - (b) Building Renewal – Barkly Square Small Bore Range
 - (c) Building Renewal – Gisborne Rotunda and Gazebo Audits, Design and Cost Plan
 - (d) Kyneton Town Hall Equipment Renewal;
3. Approves the carry forward of the following two projects pending approval of additional funds as part of the Financial Year 2022-2023 budget consideration. If additional funds are not forthcoming, these projects will be cancelled.
 - (a) Kyneton Barkly Square Field
 - (b) Woodend Golf Clubhouse;
4. Approves the carry forward of the following two building renewal projects utilising the \$56,000 from cancelled projects:
 - (a) Building Renewal – Kyneton Airfield Toilets
 - (b) Building Renewal – Demolition Program – Kyneton Airfield Toilets;
5. Approves a scope change and carry forward of the following two projects for delivery in the 2022/2023 financial year:
 - (a) Building Renewal - Kyneton Rifle Range Club Rooms
 - (b) New Gisborne Tennis Courts LED renewal;
6. Approves a scope change for the Woodend Golf Clubhouse project and carry forward funds from the Financial Year 2021-2022, pending approval of additional funds as part of the Financial Year 2022-2023 Budget consideration. If additional funds are not forthcoming, this project will be cancelled;

7. Carry forward the Building Renewal and Demolition budgets for the Kyneton Obedience Dog Cub building at Barkly Square;
8. Utilise the savings identified within the Drainage Works line item in Attachment 1 to cover any required funding for the Woodend Community Centre Design works.

CARRIED

Cr Neil wishes to note he has an association with the Dog Obedience Club but as this was a decision of a previous Council that is simply being carried forward that it is not a conflict.

16 NOTICES OF MOTION AND RESCISSION

NO. 43/2021-22: NOTICE OF MOTION - SUPPORT FOR CAMPASPE SHIRE COUNCIL'S MOTION TO THE NATIONAL GENERAL ASSEMBLY

I, Councillor Jennifer Anderson, give notice that at the next Meeting of Council to be held on 25 May 2022, I intend to move the following motion:

Resolution 2022/61

Moved: Cr Rob Guthrie
Seconded: Cr Geoff Neil

That Council:

1. Supports Campaspe Shire Council's following motion to the Australian Local Government Association National General Assembly 2022 (which will be held in Canberra between 19-22 June 2022) as endorsed at their Scheduled Council Meeting on 16 March 2022:
 - (a) This National General Assembly calls on the Australian Government to continue the Local Roads and Community Infrastructure (LRCI) program funding for local governments and allocate a proportion of this funding for infrastructure design of community infrastructure in partnerships with local communities.
 - (b) This National General Assembly calls on the Australian Government to amend the necessary legislation, regulations and/or contractual arrangements to ensure that both Telstra and NBNC, their subsidiaries and contractors, cannot pass the cost of relocating their buried infrastructure on to local government if the publicly available 'as built' (or 'as laid') plans do not accurately record the location(s) of their assets.
2. Requests that the Chief Executive Officer write to the Australian Local Government Association to advise of Macedon Ranges Shire Council's support as outlined above.

CARRIED

17 URGENT BUSINESS

NIL

18 CONFIDENTIAL REPORTS

Nil

The meeting closed at 8:25pm.

The minutes of this meeting were confirmed at the Council Meeting held on 22 June 2022.

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CHAIRPERSON