



# **Minutes**

**Ordinary Meeting of Council**

**11 October 2022**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 11 OCTOBER 2022**

<b>MINUTES</b>
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<b>1. WELCOME .....</b>	<b>1</b>
<b>2. ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>1</b>
<b>3. EVACUATION MESSAGE .....</b>	<b>1</b>
<b>4. APOLOGIES.....</b>	<b>1</b>
<b>5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>2</b>
<b>6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA .....</b>	<b>2</b>
<b>7. MAYORAL REPORTS .....</b>	<b>3</b>
Nil	
<b>8. NOTICES OF MOTION .....</b>	<b>3</b>
Nil	
<b>9. QUESTIONS ON NOTICE FROM COUNCILLORS .....</b>	<b>3</b>
Nil	
<b>10. PETITIONS .....</b>	<b>3</b>
Nil	
<b>11. GENERAL MANAGER'S REPORTS .....</b>	<b>4</b>
GMR22/097 Draft Financial Statements for the year ended 30 June 2022 - Referral to Audit .....	4
GMR22/098 Disclosure of Pecuniary Interest and other Matters Returns .....	5
GMR22/099 Policy Adoption - July Review .....	6
GMR22/100 Policy Adoption - August Review .....	7
GMR22/101 Attendance at the 2022 National Local Roads and Transport Congress .....	8
<b>12. PLANNING AND SUSTAINABILITY REPORTS .....</b>	<b>9</b>
PSR22/040 Draft Open Coast Coastal Management Plan .....	9
PSR22/041 Draft Moruya River, Mummaga Lake, Wagonga Inlet Estuarine Coastal Management Program.....	10
PSR22/042 Lease - Eurobodalla Regional Botanic Garden .....	11
PSR22/043 Lease Renewals for Telecommunications Facility, Malua Bay.....	12

PSR22/044 Land Acquisition for Road Widening - Tomakin Road .....	13
PSR22/045 Land Acquisition for Road Widening - The River Road, Nelligen .....	14
PSR22/046 Alcohol Restricted Zones .....	15
<b>13. INFRASTRUCTURE REPORTS .....</b>	<b>16</b>
IR22/025 Eurobodalla Regional Collocated Emergency Services Precinct, Moruya .....	16
IR22/026 Local Traffic Committee No 2 for 2022-23 .....	18
IR22/027 Replacement of timber bridges - successful grants .....	19
<b>14. COMMUNITY, ARTS AND RECREATION REPORTS.....</b>	<b>20</b>
CAR22/016 Aboriginal Advisory Committee Recommendations .....	20
CAR22/017 Children's Services Fees and Charges .....	21
CAR22/018 Policy Adoption - Property Land Use By Community Organisations.....	22
CAR22/019 Tech Savvy Seniors Funding .....	23
<b>15. DELEGATE REPORT .....</b>	<b>24</b>
<b>16. URGENT BUSINESS .....</b>	<b>24</b>
<b>17. DEALING WITH MATTERS IN CLOSED SESSION .....</b>	<b>24</b>
<b>18. CONFIDENTIAL MATTERS .....</b>	<b>24</b>

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 11 OCTOBER 2022  
COMMENCING AT 12.30PM**

**PRESENT:** Councillor Mathew Hatcher, Mayor (in the Chair)  
Councillors Tanya Dannock, Peter Diskon, David Grace, Tubby Harrison,  
Anthony Mayne, Amber Schutz and Rob Pollock OAM

**Staff:** Kathy Arthur, Acting General Manager  
Mr L Usher, Director, Planning and Sustainability Services  
Mr T Swallow, Acting Director, Infrastructure Services  
Ms K Bush, Acting Director, Community, Arts and Recreation  
Mr J Phillips, Corporate Manager, Governance and Administration  
Miss L Evans, Minute Secretary

**1. WELCOME**

The Mayor welcomed everyone to the meeting.

**2. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the Traditional Custodians of the Land, of Elders past and present, whose land we are gathered here today.

**3. EVACUATION MESSAGE**

The Mayor advised of the Evacuation Procedures.

**4. APOLOGIES**

**22/260 MOTION** Councillor Schutz/Councillor Diskon

THAT apologies be received from Councillor Alison Worthington and leave of absence be granted.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 22/261 MOTION Councillor Harrison/Councillor Diskon

THAT the minutes of the Ordinary Meeting held on 13 September 2022 be confirmed with an amendment to remove: 'Catherine's continued commitment to customer service saw Council recognised as a leader in Australia under a benchmarking program.'

(The Motion on being put was declared **CARRIED**)

#### Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

### 22/262 MOTION Councillor Grace/Councillor Diskon

THAT the minutes of the Extraordinary Meeting held on 19 September 2022 be confirmed.

(The Motion on being put was declared **CARRIED**)

#### Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

## 6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Mayor Hatcher declared a significant, pecuniary conflict of interest in PSR22/042 Lease - Eurobodalla Regional Botanic Garden and stated that he did believe his interest would preclude him from voting.

**Reason:** Mayor Hatcher declared an interest as his business is a supplier of the lessee.

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in PSR22/043 Lease Renewals for Telecommunications Facility, Malua Bay and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Mayne declared an interest as he works for a local telecommunications company.

**7. MAYORAL REPORTS**

Nil

**8. NOTICES OF MOTION**

Nil

**9. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**10. PETITIONS**

Nil

**11. GENERAL MANAGER'S REPORTS**

**GMR22/097 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022 -  
REFERRAL TO AUDIT**

File Ref: S011-T00002

**22/263 MOTION** Councillor Grace/Councillor Dannock

THAT:

1. The Draft Annual Financial Statements for the year ended 30 June 2022 be referred to audit.
2. The statement by Councillors and Management be made pursuant to section 413(2)(c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer at the Council meeting on 25 October 2022.
3. The audited Financial Statements, together with the Auditor's report and financial commentary, be presented to the public at the Council meeting to be held on 22 November 2022.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.



**GMR22/098      DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS**

File Ref: S012-T00031, S021-T00004

**22/264 MOTION** Councillor Harrison/Councillor Diskon

THAT the report on the Disclosure of Pecuniary Interest and Other Matters returns be received and noted.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion:      Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R  
                                 Pollock OAM and A Schutz.

Against the Motion: Nil.

**GMR22/099 POLICY ADOPTION - JULY REVIEW**

File Ref: S004-T00060

**22/265 MOTION** Councillor Dannock/Councillor Schutz

THAT the following policies be adopted:

- Privacy and Information Protection
- Financial Hardship (formally named Rates and Debtors Hardship Policy)
- Debt Recovery
- Recreational Horse-Riding on Beaches
- Recycled Water
- Related Party Disclosures Policy
- Road and Pathway Opening
- Road Naming
- Rural School Bus Routes and Bus Stops

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**GMR22/100 POLICY ADOPTION - AUGUST REVIEW**

File Ref: S004-T00060

**22/266 MOTION** Councillor Dannock/Councillor Schutz

THAT the following policies be adopted.

- Public Art
- Sporting and Recreational Facilities Seasonal Hire
- Art Acquisition Policy
- Records Management Policy
- Waste Minimisation
- Stormwater Disposal - Urban Land
- Water And Sewer Construction By Private Contractor

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**GMR22/101 ATTENDANCE AT THE 2022 NATIONAL LOCAL ROADS AND TRANSPORT  
CONGRESS**

File Ref: S012-T00025, S004-T00019

**22/267 MOTION** Councillor Mayne/Councillor Schutz

THAT Mayor Hatcher attend the 2022 National Local Roads and Transport Congress in Hobart, Tasmania from 2-3 November 2022

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**12. PLANNING AND SUSTAINABILITY REPORTS**

**PSR22/040 DRAFT OPEN COAST COASTAL MANAGEMENT PLAN**

File Ref: S017-T00013, S014-T00007

**22/268 MOTION** Councillor Grace/Councillor Schutz

THAT:

1. Council publicly exhibits the draft Open Coast Coastal Management Plan for a period of 28 days.
2. Following the exhibition and consideration of any submissions, a further report regarding the draft Open Coast Coastal Management Plan will be provided to Council for determination.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**PSR22/041 DRAFT MORUYA RIVER, MUMMAGA LAKE, WAGONGA INLET ESTUARINE  
COASTAL MANAGEMENT PROGRAM**

File Ref: S017-T00013, S014-T00007

**22/269 MOTION** Councillor Hatcher/Councillor Schutz

THAT Council defer the adoption of the draft Moruya River, Mummaga Lake and Wagonga Inlet Estuarine Coastal Management Program to the next meeting due to the attachment not being uploaded to the Council website at the time of the agenda.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**PSR22/042 LEASE - EUROBODALLA REGIONAL BOTANIC GARDEN**

File Ref: S023-T00015

Mayor Hatcher declared a significant, pecuniary conflict of interest in PSR22/042 Lease - Eurobodalla Regional Botanic Garden and stated that he did believe his interest would preclude him from voting and he will leave the Chamber.

**Reason:** Mayor Hatcher declared an interest as his business is a supplier of the lessee.

As the Deputy Mayor is an apology, the Mayor called for nominations from present Councillors to Chair the meeting.

Councillor Grace nominated to Chair. The Councillors unanimously declared Councillor Grace as Chair.

At **12:41 pm** Mayor Hatcher left the Chambers.

Councillor Grace took the Chair.

**22/270 MOTION** Councillor Harrison/Councillor Schutz

THAT:

1. Council grant a five-year lease to a business owner to operate the café within the Eurobodalla Regional Botanic Garden with conditions including the following:
  - (a) Application of provisions of the Retail Leases Act 1994
  - (b) Trading days must be consistent with the opening hours of the ERBG
  - (c) A lease term of 5 years with options
2. The General Manager be given delegated authority to negotiate further leases to operate the café within the Eurobodalla Regional Botanic Garden.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

At **12.42 pm** Mayor Hatcher returned to the Chambers and resumed his role as Chair.

**PSR22/043 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY, MALUA BAY**

File Ref: S023-T00016/ LI: 27651

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in PSR22/043 Lease Renewals for Telecommunications Facility, Malua Bay and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Mayne declared an interest as he works for a local telecommunications company.

At **12:43 pm** Councillor Mayne left the Chambers.

**22/271 MOTION** Councillor Grace/Councillor Diskon

THAT:

1. Council grant lease renewals to telecommunication carriers to operate telecommunications facilities within Lot 11 DP 850712 at Malua Bay in accordance with the following conditions:
  - (a) Rental be determined with regard to the market valuation and as outlined in the Confidential Attachment to this report.
  - (b) The provisions for \$20 million public liability insurance
  - (c) Conditions generally be in line with similar leases.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, R Pollock OAM and A Schutz.

Against the Motion: Nil.

At **12:44 pm** Councillor Mayne returned to the Chambers.



**PSR22/044 LAND ACQUISITION FOR ROAD WIDENING - TOMAKIN ROAD**

File Ref: Land IDs 20121, 20132

**22/272 MOTION** Councillor Harrison/Councillor Schutz

THAT:

1. Application be made to the Minister for Local Government and Governor to acquire by compulsory process Lot 2 DP 1286986 for road purposes.
2. All actions necessary be taken for the acquisition Lot 1 DP 1286462, Lot 1 DP 1286986 and Lot 2 DP 1286986 for road purposes in accordance with Council's *Land Acquisition and Disposal Policy*.
3. If the acquisition of Lot 1 DP 1286462 and Lot 1 DP 1286986 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire the land for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the Roads Act 1993.
4. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
5. All costs associated with the proposed land acquisitions including landowner's reasonable costs be borne by Council.
6. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**PSR22/045 LAND ACQUISITION FOR ROAD WIDENING - THE RIVER ROAD, NELLIGEN**

File Ref: Land IDs 18284, 18275, 18283

**22/273 MOTION** Councillor Grace/Councillor Mayne

THAT:

1. All actions necessary be taken for the acquisition of part Lots 27, 29 and 30 DP 755969 for road purposes in accordance with Council's *Land Acquisition and Disposal Policy*.
2. If the acquisition of part Lots 27, 29 and 30 DP 755969 cannot be negotiated by agreement, Council make application to the Minister for Local Government and Governor to acquire by compulsory process part Lots 27, 29 and 30 DP 755969 for road purposes in accordance with Council's power under Section 177(1) of the *Roads Act 1993*.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
4. All costs associated with the proposed land acquisitions including landowner's reasonable costs be borne by Council.
5. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**PSR22/046 ALCOHOL RESTRICTED ZONES**

File Ref: S024-T00014

**22/274 MOTION** Councillor Schutz/Councillor Diskon

THAT:

1. In accordance with Section 644 of the *Local Government Act 1993*, Council endorse consultation with the community, Local Aboriginal Lands Councils, liquor licensees/secretaries of registered clubs in the immediate area of the zone and the Police in regard to the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.
2. Following receipt of submissions, a report be prepared for Council seeking determination for the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**13. INFRASTRUCTURE REPORTS**

**IR22/025 EUROBODALLA REGIONAL COLLOCATED EMERGENCY SERVICES PRECINCT,  
MORUYA**

File Ref: S008-T00023

**22/275 MOTION** Councillor Pollock OAM/Councillor Mayne

THAT:

1. Council approve the acquisition of the land identified in the Confidential Attachment for the Eurobodalla Regional Collocated Emergency Services Precinct, and if necessary by compulsory process, in accordance with all relevant legislation including the *Local Government Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Council engage Public Works Advisory to acquire the land on Council's behalf.
3. Council formally request Public Works Advisory to seek approval from the Minister Administering the *Public Works and Procurement Act 1912*, currently the Minister for Regional New South Wales and the Executive Council, to declare the Eurobodalla Regional Collocated Emergency Services Precinct as an "Authorised Work" pursuant to the *Public Works and Procurement Act 1912* and seek the Minister's approval to acquire the land identified in the confidential attachment using the power of acquisition confirmed within the *Public Works and Procurement Act 1912* for the purpose of the Eurobodalla Regional Collocated Emergency Services Precinct.
4. If necessary, Council seek the approval of the Minister for Local Government and the Governor to the compulsory acquisition of the land identified in the Confidential Attachment.
5. The General Manager be authorised to finalise negotiations and take all necessary action to finalise the acquisition in accordance with the confidential attachment and provisions of the *Land Acquisition (Just Terms Compensation) Act*.
6. Council enters into a binding agreement with Public Works confirming the roles and responsibilities of each party with respect to reimbursement of costs associated with the acquisition of the land by Public Works as outlined in the confidential attachment.
7. All reasonable survey, legal and valuation costs associated with the land acquisitions be borne by Council.
8. Public notice be given of Council's intention to resolve that the land when acquired becomes operational land and that:
  - (a) A period of 28 days is given for members of the public to make submissions in relation to the proposed operational land and;
  - (b) A further report be presented following the acquisition to classify the land.
9. Consent be given to affix the Common Seal of Council to the applicable documentation.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R  
Pollock OAM and A Schutz.

Against the Motion: Nil.

**IR22/026 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2022-23**

File Ref: S030-T00018

**22/276 MOTION** Councillor Schutz/Councillor Diskon

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 for 2022-23 be received and noted.
2. Plan 5156-BQ-00 Sheet 30 detailing the signage associated with the No Stopping zone at the intersection of Campbell Street and Foreman Street Moruya, be approved.
3. Plan 5156-BQ-00 sheet 28 detailing the signage associated with two (2) hour parking in Church Street, Moruya, be approved.
4. Plan 5156-BQ-00 sheet 29 detailing the signage associated with No Stopping zone in Church Street, Moruya, be approved.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**IR22/027 REPLACEMENT OF TIMBER BRIDGES - SUCCESSFUL GRANTS**

File Ref: S014-T000019

**22/277 MOTION** Councillor Pollock OAM/Councillor Schutz

THAT:

1. Council endorse the acceptance of \$528,000 grant funding under the NSW Government Fixing Country Bridges Program Round 2 for the replacement of Old Mill Road bridge.
2. Council endorse the acceptance of the additional \$900,000 grant funding under the Australian Government's Bridges Renewal Program for the replacement of Silo Farm Bridge.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**14. COMMUNITY, ARTS AND RECREATION REPORTS**

**CAR22/016 ABORIGINAL ADVISORY COMMITTEE RECOMMENDATIONS**

File Ref: S003-T00035

**22/278 MOTION** Councillor Grace/Councillor Mayne

THAT Council receive and note the report.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R  
Pollock OAM and A Schutz.

Against the Motion: Nil.



**CAR22/017 CHILDREN'S SERVICES FEES AND CHARGES**

File Ref: S003 T00030

**22/279 MOTION** Councillor Grace/Councillor Diskon

THAT the Children's Services Electronic Administration Fee of \$5.00 per week be adopted and Council's fees and charges 2022-23 be updated to reflect the new fee.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Nil.

**CAR22/018      POLICY ADOPTION - PROPERTY LAND USE BY COMMUNITY ORGANISATIONS**

File Ref: S004 T00014

**22/280 MOTION** Councillor Dannock/Councillor Pollock OAM

THAT the Public Land Use by Community Organisations policy be adopted.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion:      Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R  
                                 Pollock OAM and A Schutz.

Against the Motion: Nil.

**CAR22/019      TECH SAVVY SENIORS FUNDING**

File Ref: S003 T00017

**22/281 MOTION** Councillor Schutz/Councillor Diskon

THAT Council accept a total of \$4,048.00 including GST from Telstra via the NSW State Library for the continuation of the existing 'Tech Savvy Seniors' training program.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion:      Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R  
                                 Pollock OAM and A Schutz.

Against the Motion: Nil.

**15. DELEGATE REPORT**

Nil

**16. URGENT BUSINESS**

Nil

**17. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**18. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 12.50PM**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 25 October 2022 at which meeting the signature hereon was subscribed.