

# Council Assessment Panel Minutes

**20 January 2021**

## **Our Vision**

*A City which values its heritage, cultural diversity,  
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable  
and socially cohesive, with a strong community spirit.*

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City of  
Norwood  
Payneham  
& St Peters

Page No.

1.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 DECEMBER 2020 .....	1
2.	STAFF REPORTS	
2.1	DEVELOPMENT APPLICATION 155/539/2020 – MR B SINGH – 184 PORTRUSH ROAD, TRINITY GARDENS .....	2
3.	OTHER BUSINESS .....	11
4.	CONFIDENTIAL REPORTS .....	11
5.	CLOSURE .....	11

**VENUE** Council Chambers, Norwood Town Hall

**HOUR** 7:00pm

**PRESENT**

**Panel Members** Mr Terry Mosel  
Mr John Minney  
Mr Phil Smith  
Ms Fleur Bowden  
Ms Jenny Newman

**Staff** Carlos Buzzetti General Manager Urban Planning & Environment  
Nenad Milasinovic Acting Manager Development Assessment  
Tala Aslat Planning Assistant

**APOLOGIES** Mark Thomson Manager Development Assessment

**ABSENT**

- 1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 DECEMBER 2020**

Seconded and Carried

## 2. STAFF REPORTS

### 2.1 DEVELOPMENT APPLICATION 155/539/2020 – MR B SINGH – 184 PORTRUSH ROAD, TRINITY GARDENS

<b>DEVELOPMENT APPLICATION:</b>	<b>155/539/2020</b>
<b>APPLICANT:</b>	<b>Mr B Singh</b>
<b>SUBJECT SITE:</b>	<b>184 Portrush Road, Trinity Gardens (Certificate of Title Volume and Folio: 5424/320)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Change of use from an office and motor vehicle showroom with an associated vehicle service workshop area to a hand carwash facility (including associated business identification signage)</b>
<b>ZONE:</b>	<b>Local Commercial Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 3</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the change of use from an office and motor vehicle showroom with an associated vehicle service workshop area to a hand carwash facility (including associated business identification signage).

Staff do not have delegated authority to determine the Application, as the Application has been processed as a Category 3 development for the purposes of public notification.

As such, the Application is referred to the Panel for determination.

In making its determination, the Panel is required to consider whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	20.12 metres
Depth:	52.83 metres
Area:	1062.94m <sup>2</sup>
Topography:	relatively flat
Existing Structures:	several buildings spread across the site
Existing Vegetation:	N/A

Prior to being vacant, the subject land has had a long standing use as a service trade premises (motor vehicle sales) and is occupied by several buildings that include a showroom, offices, vehicle workshop and servicing that up until recently, were associated with the Jarvis motor vehicle dealership directly to the south at 190 Portrush Road. The subject land is entirely comprised of buildings and hard surface areas and with no landscape or softscape areas. A crossover and driveway area is located adjacent to the northern side boundary of the subject land.

## Locality Attributes

Land uses: mix of commercial and residential land uses  
Building heights (storeys): predominantly single storey

The locality of the subject land contains a mix of commercial and residential land uses, as outlined in detail below.

All land within the locality to the north of the subject land is located within the Local Commercial Zone. Land uses within this portion of the locality include a service trade premises (ie. Kennards Hire and Forsters Landscape Supplies), a motor repair station, retail, warehousing and some residential properties (namely directly to the north at 182 Portrush Road).

On the western side of Portrush Road, there is predominantly residential development in the form of detached dwellings, within the Residential Zone. The exception to this is offices at 185 Portrush Road and a childcare centre at 193 Portrush Road.

To the south and southeast of the subject land, the Jarvis motor vehicle dealership occupies the land that is bound by Portrush Road, Albermarle Avenue and Amherst Avenue.

To the east of the subject land, is a commercial property at 29 Amherst Avenue comprising an original double-fronted cottage with a sheds and covered areas located to the rear of the former dwelling on this neighbouring property. The eastern side of Amherst Avenue is located within the Residential Character Zone and comprises predominantly single-storey detached dwellings

A plan of the subject land and its surrounds is contained in **Attachment A**.

## Proposal in Detail

The Applicant intends to change the use of the land from an office and motor vehicle showroom with an associated vehicle service workshop area to a hand carwash facility. The proposed development also comprises the erection of a 3.6 metre high freestanding sign that is to be located within the south-western corner of the subject land, as well as modifications to the existing fascia signage, located on the front of the westernmost building on the property, so as to increase the overall height of this existing sign.

The proposal does not involve the construction of any new buildings and/or increasing the floor area of the existing buildings on the subject land.

The hand carwash facility is to comprise two wash bays (located within the centrally located building adjacent the southern side boundary), four vehicle cleaning/detailing bays (located in the easternmost building on the land) and administration/office areas along with a customer waiting area in the building located adjacent the Portrush Road frontage. Six car parking spaces are proposed in between the Portrush Road frontage and the westernmost building. The six spaces are in a stacked configuration with three staff parking spaces adjacent the southern side boundary and three customer parking spaces directly behind the staff spaces.

The Applicant has indicated that there will be up to four employees working at the car wash facility when it is operating. The facility is intended to operate seven days a week, during the following hours:

- Monday to Friday: 9:00am – 5:00pm; and
- Saturday to Sunday: 8:00am – 5:00pm.

A car drop off and pick up space is proposed in the driveway adjacent the western most building.

Plans and details of the proposed development are contained in **Attachment B**.

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Proposed Buildings	Development Plan Merit Assessment Quantitative Guideline
Site Area	1,063m <sup>2</sup>	N/A
Allotment Width	20.12m	N/A
Allotment Depth	52.83m	N/A
Car Parking Spaces	6 (ie. 3 staff and 3 customers/visitors)	N/A

**Notification**

The proposal has been identified and processed as a Category 3 form of development.

No representations were received in response to this notification.

**State Agency Consultation**

The *Development Regulations 2008* do not require consultation with State Government Agencies.

**Discussion**

The subject land is located within the Local Commercial Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

The key issues, specific to this Development Application, are discussed in detail below.

Land Use

The following Development Plan provisions provide guidance relevant to the question of the suitability of the proposed use of the subject land:

- Local Commercial Zone Objectives: 1
- Local Commercial Zone Principles of Development Control: 1
- City Wide Objectives: 1, 2, 8, 10, 26 & 27.
- City Wide Principles of Development Control: 1, 2, 3, 4, 12, 16, 19, 83 – 87, 90 & 91.

Objective 1 of the Local Commercial Zone encourages:

*“a zone primarily accommodating local service activities which are compatible with the amenity of the locality”*

Consideration has been given to whether the proposed hand carwash facility on the existing commercial site would result in a scale of development which is beyond 'local' and whether the intensification is compatible with the amenity of the locality.

On the questions of both scale and amenity, it is relevant to consider the types of development which are listed as complying in the zone. The purpose of highlighting the complying land uses is to consider the land uses that can be established on the subject land 'as of right'. The Environment Resources and Development (ERD) Court places considerable emphasis when assessing merit and non-complying forms of development, on what can be established on a property 'as of right'. The implication is that 'as of right' development is somewhat of a benchmark of what can be anticipated in a zone, both in terms of built form and land use impacts.

Included in this list are hotels, motels, petrol filling stations, service industry, timber yard and warehouse. Pre-conditions of complying development are set out in Table NPSP/2. The only pre-condition of achieving complying status for any of those uses relevant to scale, is that warehouses cannot exceed 50% site coverage. Subject to that exception any of the complying land use types are able to establish in the zone at a scale and intensity which is limited only by the size of the relevant site.

Whilst considering what can be undertaken 'as of right' it is useful to understand the policy context. As the proposal is not a complying form of development and must be assessed on its merits, consideration should be given to the likely impacts associated with the operation of the proposed activities on the land in relation to the adjacent residential property at 182 Portrush Road.

City Wide Principle of Development Control 86 states:

*"Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises."*

The source of anticipated noise generating activities are from the four proposed cleaning (ie. vacuums) bays located within the easternmost building which previously accommodated workshop car serving bays. This building is approximately 11.7 metres in width and approximately 17 metres in length. The neighbouring residential property at 182 Portrush Road has a freestanding shed that is approximately 12 metres in length and projects approximately 5 metres beyond the western face of the former workshop car servicing building located on the subject land.

It is not anticipated that the use of vacuums within this buildings will unreasonably impact on the living amenity of the directly neighbouring property within the dwelling given the extent of separation and "buffering" from the neighbouring freestanding shed. In addition to this, the subject land is located directly adjacent to an arterial road carrying high traffic volumes and as such, the background noise levels are relatively high and accordingly, the noise from the vacuums are not likely to be obtrusive above the background traffic noise, particularly in light of the proposed hours of operation.

On balance, the hand car wash facility is considered to be an acceptable land use within the Local Commercial Zone and is considered to be compatible with the amenity of the locality.

#### Carparking/access/manoeuvring

The following Development Plan provisions provide guidance with respect to car parking access and manoeuvring considerations:

City Wide Objectives:	32 & 34.
City Wide Principles of Development Control:	98, 102, 103, 104, 113, 115, 117, 120, 122, 123, 124, 127, 129 & 130.

Currently the subject land has an informal car parking arrangement of up to four parking spaces situated in the western section of the site adjacent to the Portrush Road frontage.

The Applicant is proposing to formalise six car parking spaces (ie. in a stacked configuration) in the existing informal car parking location between the Portrush Road frontage and the westernmost building. Three of the six spaces are for staff parking with the remaining three car parking spaces, located direct behind the staff spaces, allocated for customers.

The manoeuvring area associated with the proposed car parking spaces in front of the western-most building is very tight in that the eastern most of the six spaces will be located adjacent the front facade of the building. However, the safety and convenience of these arrangements can be enhanced by the inclusion of line marking to delineate the individual car parking spaces.

The Council's Development Plan does not contain parking rates for car wash facilities.

The business operator intends to employ four staff which in turn would generate a demand for four car parking spaces. As only three staff spaces are provided for staff, this would result in a one space shortfall with respect to staff car parking.

With respect to customer car parking and again in a practical sense, up to nine cars can be accommodated on the land at any one time – ie. three within the visitor spaces, two in each wash bay and four within each cleaning/vacuumping bay. In addition, cars can be accommodated along the driveway, including in the proposed drop off and pick up zone in the event that there is a need for customer overflow parking to be accommodated on the site. It is recommended that the pick up/drop off car parking space in the driveway be clearly delineated by line marking.

There is sufficient manoeuvring space available on the subject land to enable all visitors to egress the site in a forward direction and all of the car parking layout is in compliance with the relevant Australian Standard.

In this context, the car parking provision is considered acceptable and the development is considered to enable safe and convenient access/egress to the subject land and therefore accords with City Wide Objective 34.

### Stormwater Management

The following Development Plan provisions provide guidance with respect to stormwater management considerations:

City Wide Objectives:	42
City Wide Principles of Development Control:	147, 148, 149 & 151

The Council's Project Manager, Assets, has advised that the indicative stormwater disposal details is considered to be acceptable in principle, but the Applicant should be required to prepare a Stormwater and Wastewater Management Plan to ensure that stormwater is not contaminated by water and/or cleaning products use within the proposed carwash. As such, if the Panel determines to approve the development proposal, it is recommended that a condition be imposed requiring a Stormwater and Wastewater Management Plan be submitted with the documentation for Building Rules Consent that adequately demonstrates this requirement.

### Landscaping

The following Development Plan provisions provide guidance with respect to considerations relating to regulated and significant trees, mature trees, street trees and landscaping:

City Wide Objectives:	24
City Wide PDCs:	73, 76, 77 & 78

The Applicant has provided a landscaping plan (contained in **Attachment B3**) which indicates the areas for landscaping and a proposed planting schedule. The landscaping proposed at the front and a portion of the northern side of the westernmost dwelling as well as the three staff car parking spaces and the southern side boundary, comprises dwarf Mondo grass. The extent of proposed landscaping is considered to be relatively tokenistic. That said, whilst the proposed landscaping is considered to be a shortcoming of the proposal, given the extent of both the existing buildings and hard surface areas occupying the property, it would be difficult to include any meaningful landscaping on the subject land.

### Signage

City Wide Objectives:	115 - 117
City Wide PDCs:	380 - 399

**Attachment B7** and **B8** contain details of the proposed business identification signage associated with the proposed hand carwash facility. More specifically, the proposal includes the erection of a 3.6 metre high freestanding sign (ie. containing a display area 2.0 metres wide by 1.5 metres deep) located within the south-western corner of the subject land and extending the height of the existing fascia signage by 500mm that is located on the front of the westernmost building on the property. Whilst the Applicant has not



provided specific details of the content that is to be contained on the two proposed signs, the extent and scale of the signage is considered to be compatible with the buildings on the subject land as well as those buildings on nearby properties as called for by City Wide Principle of Development Control 384.

In this regard, if the Panel determine to approve the proposed development, it is recommended that a condition be imposed requiring that further details of the proposed signage be provided to the Council subject to the satisfaction of the Council's Planning staff, prior to Development Approval being granted.

### Summary

The proposal to change the existing use to a hand carwash facility on the subject land is consistent with Objective 1 of the Local Commercial Zone, as it involves the introduction of a commercial land use of a scale and nature which is compatible with the locality.

The impacts associated with the proposed use on the amenity of the directly adjacent residential property, is considered to be reasonable.

Whilst the anticipated car parking demand is difficult to accurately quantify, it is considered that adequate car parking capacity is provided on site to cater for the likely demand.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accord with the relevant provisions of the Development Plan to warrant consent.

### RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/539/19 by Mr B Singh to change the use from an office and motor vehicle showroom with an associated vehicle service workshop areas to a hand car wash facility (including associated business identification signage), on the land located at 184 Portrush Road Trinity Gardens, subject to the following requirements, conditions and notes:

#### Relevant Plans and Details

Pursuant to Section 44 (2) and (3) of the *Development Act 1993* and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- plans and elevations (Project Number 1366 and dated 20 August 2020) prepared by Solution For Construction.

#### Conditions

1. Storm water run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
2. A Stormwater and Wastewater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land is not contaminated by water and/or cleaning products used within the proposed carwash.
3. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

4. All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
5. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
6. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
7. All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
8. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
9. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers where appropriate to facilitate the movement of disabled persons).
10. The customer and staff car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
11. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each of the three (3) staff parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
12. The content, materials and finishes of the proposed business identification signage shall be provided to the reasonable satisfaction of the Council, prior to Development Approval being granted

#### Notes to Applicant

1. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the requirements of the *Fences Act 1975* regarding permission from any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au). Alternatively a hard copy can be mailed to you on request by contacting the Planning Department on 8366 4530 or 8366 4508.

The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

2. The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.
3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

4. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
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## **MOVED**

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be granted to Development Application No 155/539/19 by Mr B Singh to change the use from an office and motor vehicle showroom with an associated vehicle service workshop areas to a hand car wash facility (including associated business identification signage), on the land located at 184 Portrush Road Trinity Gardens, subject to the following requirements, conditions and notes:*

### Relevant Plans and Details

*Pursuant to Section 44 (2) and (3) of the Development Act 1993 and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:*

- *plans and elevations (Project Number 1366 and dated 20 August 2020) prepared by Solution For Construction.*

### Conditions

1. *Storm water run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.*
  2. *A Stormwater and Wastewater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land is not contaminated by water and/or cleaning products used within the proposed carwash.*
  3. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.*
  4. *All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.*
  5. *All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.*
  6. *At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.*
  7. *All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.*
  8. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
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9. *That the landscaped area herein approved shall contain a suitable mix of grass, plants and shrubs to the reasonable satisfaction of the Council.*
10. *All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers where appropriate to facilitate the movement of disabled persons).*
11. *The customer and staff car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.*
12. *Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each of the three (3) staff parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.*
13. *The content, materials and finishes of the proposed business identification signage shall be provided to the reasonable satisfaction of the Council, prior to Development Approval being granted*

Notes to Applicant

1. *The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.*  
  
*The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding permission from any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au). Alternatively a hard copy can be mailed to you on request by contacting the Planning Department on 8366 4530 or 8366 4508.*  
  
*The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.*
2. *The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*
3. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.*  
  
*All works on Council owned land required as part of this development are likely to be at the Applicant's cost.*
4. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
5. *The Applicant be advised that any additional activities or substantial intensification of the land use herein approved may require further development approval from the Council.*

Seconded and Carried

3. **OTHER BUSINESS**
4. **CONFIDENTIAL REPORTS**  
Nil
5. **CLOSURE**

The Presiding Member declared the meeting closed at 7.26pm

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**Terry Mosel**  
**PRESIDING MEMBER**

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**Nenad Milasinovic**  
**ACTING MANAGER DEVELOPMENT ASSESSMENT**