Council Assessment Panel Meeting Minutes
Tuesday 04 September 2018 at 6pm
Council Chambers, 401 Greenhill Road, Tusmore

PRESENT
Bill Chandler (Presiding Member)
Ross Bateup, Graeme Brown, Kate Shierlaw and Di Wilkins (arrived at 6.12pm)

1 APOLOGIES
Nil

2 KAURNA ACKNOWLEDGEMENT
The Presiding Member acknowledged the Kaurna people.

3 CONFIRMATION OF MINUTES
P7199 It was the consensus of the Council Assessment Panel that the minutes of the Council Assessment Panel meeting held on Tuesday 07 August 2018 be taken as read and confirmed.

4 APPLICATIONS WITHDRAWN FROM THE AGENDA
Nil

5 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – PERSONS WISH TO BE HEARD

(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (HEARING)
Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)

Di Wilkins entered the meeting at 6.12pm.

<table>
<thead>
<tr>
<th>Report Number:</th>
<th>5731.1</th>
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</thead>
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<tr>
<td>Page:</td>
<td>7</td>
</tr>
<tr>
<td>Application Number:</td>
<td>180\0557\18</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Kelly Burns – City of Burnside</td>
</tr>
<tr>
<td>Location:</td>
<td>6 Conyngham Street GLENSIDE 5065</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Change of use from open space area to intensify existing public utilities space (depot) including demolition of existing depot building, new building housing community uses, clubroom/workshop, amenities, depot space, dog holding, glass house, associated car parking and fencing</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Representors:</td>
<td>• Nil</td>
</tr>
<tr>
<td>Applicant:</td>
<td>• City of Burnside PO Box 9 GLENSIDE 5065 (represented by Kelly Burns and Aaron Schroeder)</td>
</tr>
</tbody>
</table>
It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180055718, by City Of Burnside is granted Development Plan Consent subject to the following conditions:

**Conditions**

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

   **Reason:**
   To ensure the development is undertaken in accordance with the plans and details submitted.

2. The hours of operation of the Men’s Shed facility shall be limited to the following times:
   - 8am – 8pm Monday to Friday
   - 9am – 5pm Weekends/Public Holidays

   The hours of operation of the Nursery shall be limited to the following times:
   - 7am - 7pm Monday to Friday (staff or volunteers only)
   - 9am – 4pm – Nursery community days - Weekends only – Maximum of four per year

   **Reason:**
   To ensure the development does not unduly diminish the enjoyment of other land in the vicinity

3. The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the Local Government Act 1999.

   **Reason:**
   To ensure the applicant has secured all relevant consents/authorisations required prior to the commencement of development.

**Reserved Matters**

1. That pursuant to Section 33(3) of the Development Act 1993, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to Development Approval of the application:

  1.1 The applicant shall supply agreement from Council’s Principle Traffic Engineer regarding existing easement and stormwater management.

**Reserved Conditions**

1. Pursuant to Section 33(1) of the Development Act 1993 the DAP reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters, and this is delegated to the Manager of City Development & Safety.

CARRIED
(c) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)

P7201 The Panel resolved that all eligible persons who had previously advised that they wish to be heard for Category 2 development applications will have the opportunity to be heard.

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<td>Page:</td>
<td>135</td>
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<tr>
<td>Application Number:</td>
<td>180\0488\18</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Troppo Architects</td>
</tr>
<tr>
<td>Location:</td>
<td>40 Hauteville Terrace EASTWOOD 5063</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Alterations and additions to existing dwelling including upper level and balcony, decking, verandah, carport, outbuildings (sheds), fencing and associated landscaping</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Representors:</td>
<td>Debra Eckert – 6 Birkin Street (represented by Elvio Ferrara)</td>
</tr>
<tr>
<td></td>
<td>Strata Corporation 7866 (Michael Keelan) – 42A John Street, Eastwood (not present)</td>
</tr>
<tr>
<td></td>
<td>Simon Grose - 42A John Street, Eastwood</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Troppo Architects 28 East Terrace ADELAIDE 5000 (represented by Graham Burns and Ryan Horsnell)</td>
</tr>
</tbody>
</table>

P7202 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0488\18, by Troppo Architects, is granted Development Plan Consent subject to the following conditions:

Conditions

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:
To ensure the development is undertaken in accordance with the plans and details submitted.

2. All east facing upper level side windows as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.6m above the finished floor level.

The fixed and obscured glazing shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:
To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

3. The selected vegetation identified as ‘Xanthorrhoea semiplana’ (Kangaroo Island Grass Trees) shall be established within one (1) week of the substantial completion of the rooftop deck, and in any event, prior to the use or occupation of the development.
The *Xanthorrhoea seimplana* (Kangaroo Island Grass Trees) shall be established at 0.6m intervals, located within the 0.5m high planter boxes to the perimeter of the proposed rooftop deck, so as to form a screening device extending to a minimum height of 1.1m (total height including planter box minimum 1.6m above floor level), as delineated on the stamped and approved plans.

The vegetation shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

**Reason:**
To provide privacy and amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

The temporary reed screen as depicted on the stamped and approved plans granted Development Plan Consent nominated to a height of 1.6m above the floor level to the southern and western elevations of the proposed rooftop deck shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

**Reason:**
To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

The selected vegetation identified as ‘*Laurus nobilis*’ (Bay laurel) to be located adjacent the southern rear boundary of the site shall be established within three (3) months of the substantial commencement of development, and in any event, prior to the use or occupation of the development.

The ‘*Jacaranda mimosifolia*’ (Blue Jacaranda) to be located east of the proposed carport in the yard of the subject site, shall be established within three (3) months of the substantial commencement of development, and in any event, prior to the use or occupation of the development.

The vegetation shall be established at a semi-advanced height of 1.8m and maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

**Reason:**
To provide privacy and amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

**Advisory Notes**

**Driveway Conditions:**
- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council’s Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
- The existing second driveway/gutter crossing must be removed and reinstated to kerb upon completion of the proposed gutter crossing.
- A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
- A minimum distance of 1.0 metre shall be maintained from the closest point of the driveway to the stobie pole.
- The crossover requires a setback of 1.7 metres from the centrally located Crepe...
Myrtle street tree.
- The street tree is to be protected during development with bunting set 1.7 metres from the trunk for the duration of the works.
- The crossover shall be constructed using permeable materials.
- If you elect to carry out the works yourself (or via a contractor) evidence of Public Liability Insurance must be provided to Council before any works can commence on the public verge/road.

**Footpath Maintenance**
- Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.

**Stormwater Detention**
- Due to the increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council’s default detention and discharge requirements below:
  - The volume of any detention device shall be equal to the volume of water generated on the site with an impervious (Cp = 0.9) site coverage of 75% and pervious (Cp = 0.1) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
  - The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious (Cp = 0.9) site coverage of 40% and pervious (Cp = 0.1) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
- For stormwater management purposes, it is desirable that:
  - An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
  - The development utilises permeable paving for the proposed external paving work within the development site.

**Stormwater Discharge**
- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council’s standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council’s Standard Specification and General Conditions and to the overall satisfaction of Council.
- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.

CARRIED
Report Number: 5731.3
Page: 209
Application Number: 180/0585\18
Applicant: R D’Andrea
Location: 99 Alexandra Avenue TOORAK GARDENS 5065
Proposal: Alterations and additions to existing dwelling including carport, verandah, swimming pool, outbuildings and boundary retaining walls and fencing including new front fence
Recommendation: Development Plan Consent be granted
Representors: • Graham & Lisa Vasileff – 97 Alexandra Avenue, Toorak Gardens
• Barb & Tony Dalwood – 130 Watson Avenue, Toorak Gardens (not present)
Applicant: • R D’Andrea 11/467 Fullarton Road HIGHGATE 5063 (represented by Marcus Rolfe of URPS)

P7203 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180/0585\18, by R D’Andrea is granted Development Plan Consent subject to the following conditions:

Conditions

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason: To ensure the development is undertaken in accordance with the plans and details submitted.

2. All mechanical machinery associated with the heating, cleaning and filtration of the swimming pool shall not emit any noise which exceeds 45dB(A) when measured from the boundary of the subject land at the closest point to the mechanical machinery.

Reason: To ensure minimal amenity loss of adjacent properties.

3. There shall be no Colorbond fencing constructed along those portions of the walls of the garage and gym located on side and/or rear boundaries of the subject land.

Reason: To minimise adverse impacts to neighbouring properties mature vegetation.

Advisory Notes

1. Expiration Time of Approval
Pursuant to the provisions of Regulation 48 under the Development Act 1993, this Consent/Approval will lapse at the expiration of 12 months from the operative date of the Consent/Approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, in which case the Approval will lapse within 3 years from the operative date of the Approval subject
to the proviso that if the development has been substantially or fully completed within those 3 years, the Approval will not lapse.

2 **Boundaries**
It is recommended that as the Applicant is undertaking work on or near the boundary, the Applicant should ensure that the boundaries are clearly defined by a Licensed Surveyor, prior to the commencement of any building work.

3 **Building Consent**
Development Approval will not be granted until a Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

4 **Fences Act 1975**
The Applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or visit www.lsc.sa.gov.au

CARRIED

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<tr>
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<tr>
<td>Page:</td>
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<tr>
<td>Application Number:</td>
<td>180\0280\18</td>
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<tr>
<td>Applicant:</td>
<td>Buildtex Pty Ltd</td>
</tr>
<tr>
<td>Location:</td>
<td>10 Chisholm Avenue BURNSIDE 5066</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Two storey detached dwelling with swimming pool and associated boundary retaining walls, fencing and landscaping</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Representors:</td>
<td>• David &amp; Lois Reynolds – 8 Chisholm Avenue, Burnside (represented by Adam Williams of Access Planning)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>• Buildtex Pty Ltd 297 Kensington Road KENSINGTON PARK 5068 (represented by Garth Heynen of Heynen Planning Consultants)</td>
</tr>
</tbody>
</table>

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0280\18, by Buildtex Pty Ltd, is **granted** Development Plan Consent subject to the following conditions:

**Conditions**

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

**Reason:**
To ensure the development is undertaken in accordance with the plans and details submitted.
2 All mechanical machinery associated with the heating, cleaning and filtration of the swimming pool shall not emit any noise which exceeds 45dB(A) when measured from the boundary of the subject land at the closest point to the mechanical machinery.

**Reason:**
To ensure minimal amenity loss of adjacent properties.

3 The driveway depicted on the stamped and approved plans granted Development Plan Consent shall be tapered to a maximum width of 4.5m at the property boundary.

**Reason:**
To ensure minimal impacts to Council verge.

4 The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the *Local Government Act 1999*.

**Reason:**
To ensure the applicant has secured all relevant consents/authorisations required prior to the commencement of development.

5 All side and rear upper level windows including an additional front facing window to the “guest room” as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.6m above the finished floor level. The fixed and obscured glazing shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

**Reason:**
To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

6 The landscaping delineated on the stamped and approved plans shall be undertaken within three months of the substantial completion of development and in any event prior to the occupation or use of the development. Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

**Reason:**
To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

**Advisory Notes**

**Engineering Requirements:**

**Driveway Conditions:**
- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council’s Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
- The existing second driveway/gutter crossing must be removed and reinstated to kerb upon completion of the proposed gutter crossing.
- A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
• If you elect to carry out the works yourself (or via a contractor) evidence of Public Liability Insurance must be provided to Council before any works can commence on the public verge/road.

Footpath Maintenance
• Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.

Stormwater Detention
• Due to the increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council’s default detention and discharge requirements below:
  − The volume of any detention device shall be equal to the volume of water generated on the site with an impervious (Cp = 0.9) site coverage of 75% and pervious (Cp = 0.1) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
  − The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious (Cp = 0.9) site coverage of 40% and pervious (Cp = 0.1) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
• For stormwater management purposes, it is desirable that:
  − An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
  − The development utilises permeable paving for the proposed external paving work within the development site.

Stormwater Discharge
• The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
• If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council’s standards.
• The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
• Construction of the stormwater infrastructure is in accordance with Council’s Standard Specification and General Conditions and to the overall satisfaction of Council.
• Trenching and connections are to be undertaken as per Australian Plumbing Standards.
• Excess stormwater runoff from the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.

CARRIED
Previously deferred item returning to the Panel for further consideration.

Kate Shierlaw elected not to participate in the decision making process on the basis that she was not present at the previous meeting at which representations were made and the decision to defer was reached.

Kate Shierlaw left the meeting at 8.00pm.

P7205 The Council Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0862\17, by Modern Day Concepts, is refused Development Plan Consent for the following reasons:

   Residential Policy Area 24 – Glenunga (North) objectives and principles of development control:
   • The development is at variance with objective 1 in that the development does not enhance the low scale residential character that is derived from one-storeyed dwellings, and does not include a moderate building set-back from roads.
   • The development is at variance with principle of development control 1 in that the development does not respect the scale, bulk, siting and positive elements of existing dwellings.

   Residential Zone objectives and principles of development control:
   • The development is at variance with objective 2 in that the development does not protect and enhance the amenity of residential areas, with particular reference to the objectives for the relevant policy area.
   • The development is at variance with objective 5 in that the development does not enhance the attractive qualities of the streetscape through good design.
   • The development is at variance with principle of development control 2(d) in that the development is not consistent with the objectives of the Policy Area having regard to:
     o siting;
     o mass and proportion;
     o building materials, patterns, textures, colours and decorative elements;
     o roof form and pitch;
     o facade articulation and detailing, and window and door locations and proportions;
Council Wide objectives and principles of development control:

- The development is at variance with objective 11 in that the development does not respond to and reinforces positive aspects of the local environment and built form.
- The development is at variance with principle of development control 14 in that the development does not reflect the desired character of the locality having regard to:
  - Building height, mass and proportion;
  - Roof form and pitch;
  - Façade articulation and detailing; and
  - Verandahs, eaves, parapets and window screens.
- The development is at variance with principle of development control 22 in that the development does not incorporate appropriate screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity to improve privacy of adjoining neighbours.

CARRIED

Kate Shierlaw returned to the meeting at 8.11pm.

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (NO HEARING)

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<tbody>
<tr>
<td>Page:</td>
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<tr>
<td>Application Number:</td>
<td>180\0716\18</td>
</tr>
<tr>
<td>Applicant:</td>
<td>TEK Building &amp; Design</td>
</tr>
<tr>
<td>Location:</td>
<td>414 Portrush Road LINDEN PARK 5065</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Non-Complying - Freestanding signage and storage shed (store)</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Subject to concurrence from the State Commission Assessment Panel, that Development Plan Consent be granted</td>
</tr>
</tbody>
</table>

P7206 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to concurrence from the State Commission Assessment Panel, that Development Application 180\0716\18, by Tek Building & Design is granted Development Plan Consent subject to the following conditions:

Conditions

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:
To ensure the development is undertaken in accordance with the plans and details submitted.

CARRIED
(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

7 CATEGORY 1 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

8 OTHER BUSINESS

Graeme Brown raised the question of what is the official protocol for ordering the applications within the agenda. General consensus around the table that consideration should be given to ordering the applications based on people wishing to address the Panel.

Kate Shierlaw asked whether it is established procedure to include the quantitative data table in the assessment report for a deferred application. Several Panel members indicated a desire to have the data table included to assist in their deliberations.

Kate Shierlaw asked for confirmation as to whether new dwellings on battleaxe allotments can be considered under the Residential Code. Staff confirmed that the Residential Code is not applicable on battleaxe allotments, but assessment reports may identify the relevance of a Residential Code-designated area in a broader contextual sense when discussing characteristics of the locality. Such comments are not intended as supplanting the Development Plan for assessment purposes.

9 ORDER FOR EXCLUSION OF THE PUBLIC FROM THE MEETING TO DEBATE CONFIDENTIAL MATTERS

Nil

10 CONFIDENTIAL MATTERS

Nil

Closure

Meeting closed at 8:22pm.

CONFIRMED THIS ............................................. DAY ............................................. 2018

.................................................................

Presiding Member