

**MINUTES OF A MEETING OF DEVELOPMENT ASSESSMENT PANEL HELD IN THE  
ALEXANDRINA COUNCIL COMMUNITY CHAMBERS  
"WAL YUNTU WARRIN", GOOLWA,  
ON 19 JUNE 2014 AT 11:00 AM**

**PRESENT**

D Donaldson (chair) Cr G Gartrell, Cr M Walker, M Penhall, D Dawson, Cr A Woolford

**APOLOGIES**

R Sage

**IN ATTENDANCE**

Andrew Sladden (Senior Town Planner),  
Andrew Houlihan (Town Planner),  
Bianca Veenstra (Administration),  
Rebecca Panuccio (Administration)

**CONFLICT OF INTEREST**

Alexandrina Development Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in a matter listed for consideration on the Agenda.

Section 56A of the Development Act 1993 requires that any Member declares any interest and provide full and accurate details of the relevant interest to the Panel prior to consideration of that item on the Agenda.

Each Member of the Development Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

All discussion and consideration of decisions about development applications before Council's Development Assessment Panel will be made in public unless otherwise determined by the Panel in accordance with Section 56A(12) (b) of the Development Act 1993.

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 15 May 2014.

**Moved Cr A Woolford seconded M Penhall that the minutes of the Alexandrina Council Development Assessment Panel held on 15 May 2014 as circulated to members be received as a true and accurate record.**

**CARRIED UNANIMOUSLY**

**ITEM 2. DEVELOPMENT APPLICATIONS**

**ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING**

**ITEM 3.1 455/D007/14 - Land Division Creating One Additional Allotment (Non-Complying)**

**SUMMARY TABLE**

Date Of Application	30.01.2014
Subject Land	1017 Point Sturt Road, Point Sturt
Relevant Authority	Alexandrina Council
Planning Zone	WATERFRONT ZONE
Nature Of Development	Land Division Creating One (1) Additional Allotment (Non-Complying)
Type Of Development	NON-COMPLYING
Public Notice	CATEGORY 3
Referrals	ENVIRONMENT PROTECTION AUTHORITY, DEPARTMENT OF ENVIRONMENT, WATER AND NATURAL RESOURCES – COAST AND RIVER MURRAY UNIT, DEVELOPMENT ASSESSMENT COMMISSION, SA WATER, SA HEALTH
Representations Received	NIL
Representations To Be Heard	NIL
Date Last Inspected	FEBRUARY 2014
Recommendation	DEVELOPMENT PLAN CONSENT AND LAND DIVISION APPROVAL SUBJECT TO DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE
Originating Officer	Andrew Sladden

**15 Moved Cr M Walker seconded Cr A Woolford that the Development Assessment Panel concur that the proposed development is not seriously at variance with the Alexandrina Development Plan and resolve to grant Land Division Consent to Development Application 455/D007/14 for a Land Division creating one (1) additional allotment at 1017, Point Sturt Road, Point Sturt (Certificate of Title Ref: 5659/651) subject to the following Conditions and Notes and the concurrence of the Development Assessment Commission.**

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**ITEM 3.1 455/D007/14 - Land Division Creating One Additional Allotment (Non-Complying) (continued)**

**Council Conditions**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans prepared by Andrew & Associates P/L and marked reference number 213347-1 as submitted in development application number 455/D007/14.

**Reason:** To ensure the proposal is established in accordance with the submitted and approved plans.

2. The bushfire fighting water tanks and internal access tracks as shown on the plans received by Council on 25 March 2014, shall comply with the requirements of the 'Ministers Code, Undertaking development in Bushfire Protection Areas - February 2009 (as amended October 2012)' for Medium risk areas and shall be installed prior to occupation of the dwelling herein approved.

**Reason:** To ensure Compliance with the Ministers Code.

3. A site plan showing the exact location of the septic tanks and associated soakage/irrigation areas in relation to the proposed boundaries shall be submitted to Council. Should either of these systems not be contained within the proposed boundaries and conform to the setback distances outlined in the SA Health Onsite Wastewater Systems Code, new Waste Control System Application(s) will need to be approved prior to Section 51 clearance.

**Reason:** To ensure Compliance with the SA Health Onsite Wastewater Systems Code

**Council Notes**

1. The applicant is reminded to contact Council when all the Council's conditions and requirements have been complied with and accordingly, the Development Assessment Commission will then be notified that the Council has no objections to the issue of the Certificate of Approval.

**Environmental Protection Authority Notes**

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

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**ITEM 3.1 455/D007/14 - Land Division Creating One Additional Allotment (Non-Complying) (continued)**

2. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>

**Department of Environment, Water and Natural Resources Conditions**

1. During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and environment, including keeping the area in a tidy state, and ensure any waste materials are appropriately contained, to ensure no waste pollutants (including excavation or fill material) enter the River Murray system.

**Department of Environment, Water and Natural Resources Notes**

1. The applicant is advised to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
2. If there is any use of water from the River Murray Prescribed Watercourse or wells that may be effected by the land division, or it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department of Environment, Water and Natural Resources to ensure relevant requirements under the Natural Resources Management Act 2004 are met. Further, a permit is required from the Department for any work to be carried out on a well or new wells to be drilled. For further information, please call the Department on 8295 2053 or visit: <http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms>.
3. Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.
4. If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.

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**ITEM 3.1 455/D007/14 - Land Division Creating One Additional Allotment (Non-Complying) (continued)**

5. The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: [http://www.environment.sa.gov.au/our-places/State\\_Flora](http://www.environment.sa.gov.au/our-places/State_Flora).
  
6. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

**Development Assessment Commission Conditions**

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water H0015711).
  
2. A final plan complying with the requirements for plans as set out in the Manual of survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

**CARRIED UNANIMOUSLY**

**ITEM 3.2 455/327/13 - Change Of Use From Dwelling To Tourist Accommodation Retreat Comprising Of A Managers Residence, 6 Self-Contained Accommodation Rooms For A Maximum Of 8 People, Administration Office, Communal Dining Room, Yoga Studio, Meditation Room, Therapy Room, Kitchen And Associated Outbuildings Comprising Of A Freestanding Carport, Verandahs, Pergola And Three Freestanding Garden/Pool Pavillions And Alterations And Additions To The Existing Building**

**SUMMARY TABLE**

Date Of Application	24 April 2013
Subject Land	Lot 599 Blackbilly Road, Willunga Hill
Relevant Authority	Alexandrina Council
Planning Zone	Willunga District
Nature Of Development	Change of use from dwelling to tourist accommodation retreat comprising of a managers residence, 6 self-contained accommodation rooms for a maximum of 8 people, administration office, communal dining room, yoga studio, meditation room, therapy room, kitchen and associated outbuildings comprising of a freestanding carport, verandahs, pergola and three freestanding garden/pool pavillions and alterations and additions to the existing building
Type Of Development	Non-Complying
Public Notice	Category 3
Referrals	Environmental Protection Authority (EPA), South Australian Country Fire Service (CFS)
Representations Received	2 and 1 late representation
Representations To Be Heard	Nil
Date Last Inspected	21 May 2013
Recommendation	Development Plan Consent subject to a reserve matter, conditions and notes and concurrence from the Development Assessment Commission
Originating Officer	Andrew Houlihan

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**ITEM 3.2 455/327/13 - Change Of Use From Dwelling To Tourist Accommodation Retreat Comprising Of A Managers Residence, 6 Self-Contained Accommodation Rooms For A Maximum Of 8 People, Administration Office, Communal Dining Room, Yoga Studio, Meditation Room, Therapy Room, Kitchen And Associated Outbuildings Comprising Of A Freestanding Carport, Verandahs, Pergola And Three Freestanding Garden/Pool Pavillions And Alterations And Additions To The Existing Building (continued)**

**16 Moved Cr M Walker seconded Cr G Gartrell that the Development Assessment Panel considers that the proposal is not “seriously at variance” with the Alexandrina Council Development Plan and resolves to grant Development Plan Consent for Development Application 455/327/13 for Change of use from dwelling to tourist accommodation retreat comprising of a managers residence, 6 self-contained accommodation rooms for a maximum of 8 people, administration office, communal dining room, yoga studio, meditation room, therapy room, kitchen and associated outbuildings comprising of a freestanding carport, verandahs, pergola and three freestanding garden/pool pavillions and alterations and additions to the existing building at Lot 559 Blackbilly Road, Willunga Hill subject to the following reserve matter, conditions and notes, and concurrence from the Development Assessment Commission.**

#### **Reserve Matter**

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

**1.1 Approval for Waste Control System as detailed in Development application 455/327/14.**

#### **Council Conditions**

**1. The development here in approved shall be undertaken and maintained with the stamped approved plans, drawings, specifications and other documents submitted to the Council, except where varied by the following conditions.**

**Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.**

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**ITEM 3.2 455/327/13 - Change Of Use From Dwelling To Tourist Accommodation Retreat Comprising Of A Managers Residence, 6 Self-Contained Accommodation Rooms For A Maximum Of 8 People, Administration Office, Communal Dining Room, Yoga Studio, Meditation Room, Therapy Room, Kitchen And Associated Outbuildings Comprising Of A Freestanding Carport, Verandahs, Pergola And Three Freestanding Garden/Pool Pavillions And Alterations And Additions To The Existing Building (continued)**

- 2. The bushfire fighting water tank and internal access tracks as shown on the amended plans received by Council on 1 May 2014 shall comply with the requirements of the 'Ministers Code, Undertaking development in Bushfire Protection Areas - February 2009 (as amended October 2012)' for Medium Risk Bushfire Areas and shall be installed prior to occupation of the dwelling and tourist accommodation building herein approved.**

**Reason: To ensure Compliance with the Ministers Code, Undertaking development in Bushfire Protection Areas.**

- 3. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.**

**Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated**

- 4. All storm water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.**

**Reason: To ensure storm water is disposed of in a controlled manner.**

- 5. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:**

**'prevent silt run-off from the land to adjoining properties, roads and drains;**

**'control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;**

**'ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;**

**'ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; or**

**'ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.**

**Reason: To minimise potential adverse off site environmental impacts**



**ITEM 3.2 455/327/13 - Change Of Use From Dwelling To Tourist Accommodation Retreat Comprising Of A Managers Residence, 6 Self-Contained Accommodation Rooms For A Maximum Of 8 People, Administration Office, Communal Dining Room, Yoga Studio, Meditation Room, Therapy Room, Kitchen And Associated Outbuildings Comprising Of A Freestanding Carport, Verandahs, Pergola And Three Freestanding Garden/Pool Pavillions And Alterations And Additions To The Existing Building (continued)**

**6. Excavation of the site shall be kept to a minimum to preserve the natural form of the land, and be managed in such a way as to prevent erosion.**

**Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.**

**7. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of Council.**

**Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.**

**8. Where cut and/or fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed.**

**Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.**

**9. The tourist accommodation retreat shall provide accommodation for a maximum of 8 guests at one time.**

**Reason: To ensure the development is undertaken in accordance with the approved plans and to maintain the amenity of the locality.**

#### **Council Notes**

**1. Boundaries will not be certified by Council staff. The onus of ensuring that the structure is sited in the approved position on the current site is the responsibility of the applicant. This may necessitate a survey being carried out by a licenced land surveyor.**

**2. A wall retaining a difference in ground levels of more than 1 metre requires Development Approval.**

**3. All kitchen and cooking facilities must comply with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.**

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- ITEM 3.2**     **455/327/13 - Change Of Use From Dwelling To Tourist Accommodation Retreat Comprising Of A Managers Residence, 6 Self-Contained Accommodation Rooms For A Maximum Of 8 People, Administration Office, Communal Dining Room, Yoga Studio, Meditation Room, Therapy Room, Kitchen And Associated Outbuildings Comprising Of A Freestanding Carport, Verandahs, Pergola And Three Freestanding Garden/Pool Pavillions And Alterations And Additions To The Existing Building (continued)**

**Environmental Protection Authority Notes**

1.            The applicant is reminded of its general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
2.            Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed at the following web site: <http://www.epa.sa.gov.au>

**South Australian Country Fire Service Conditions**

1.            **ACCESS (to dwelling)**  
  
The Ministers [Bushfire] Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles.
  - The existing access is satisfactory. CFS has no additional requirements.
2.            **ACCESS (to dedicated fire-fighting water supply)**  
  
Ministers Specification SA 78 describes the mandatory provision for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all -weather roadway:
  - Provision shall be made adjacent to the water supply for a hardstand area (capable of supporting fire-fighting vehicles) that is a distance equal to or less than 6 metres from the water supply outlet.
3.            **VEGETATION**  
  
Landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

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**3. VEGETATION**

Landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

- **Additional trees and shrubs shall be planted no closer to the building than the distance equivalent to their mature height.**
- **The existing garden shall be maintained to be free of accumulated dead vegetation.**
- **Grasses within 20 metres of the dwelling or to the property boundaries, whichever comes first, shall be reduced to a height of 10cms during the fire danger season.**

**4. WATER SUPPLY**

The Ministers [Bushfire] Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting. Ministers Specification SA78 prescribes the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- **A minimum supply of 22000 litres of water shall be available at all times for bushfire fighting purposes.**
- **The dedicated fire-fighting water supply shall be clearly identified and shall be accessible to fire-fighting vehicles at all times. (Refer "ACCESS to fire-fighting water supply" above).**
- **The water storage facility (and any support structure) shall be constructed of non-combustible material.**
- **The dedicated fire-fighting water supply shall be pressurised by a pump that has –**
  - **A minimum inlet diameter of 38mm, AND**
  - **Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR**
  - **A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.**

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- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

**5. BUILDING CONSIDERATIONS**

Refer to the Building Code of Australia Part 3.7 "FIRE SAFETY" for construction requirements and performance provisions.

- Due to the development application indicating a 'change of use' to Tourist Accommodation, CFS notes the classification of the building, as defined by its intended purpose, may transition to a Class 1b structure. If such is the case CFS draws attention to the requirement of Part 3.7.2 'Smoke Alarms & Evacuation Lighting' of the National Construction Code.

**ITEM 3.2 455/327/13 - Change Of Use From Dwelling To Tourist Accommodation Retreat Comprising Of A Managers Residence, 6 Self-Contained Accommodation Rooms For A Maximum Of 8 People, Administration Office, Communal Dining Room, Yoga Studio, Meditation Room, Therapy Room, Kitchen And Associated Outbuildings Comprising Of A Freestanding Carport, Verandahs, Pergola And Three Freestanding Garden/Pool Pavillions And Alterations And Additions To The Existing Building (continued)**

**6. BUSHFIRE SURVIVAL PLAN:**

**CFS further recommends:**

- **The applicants shall prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season.**
- **This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event and when to take such protective actions.**
- **The BSP should address the possibility that the owners may not be present at the time of the bushfire event.**
- **The BSP should not expect guests to be involved in fire fighting operations.**
- **The SA CFS 'Prepare, Act, Survive' document (refer CFS web site) should be utilised as a basis for the drafting of the (GUEST) BSP.**

**CARRIED UNANIMOUSLY**

**ITEM 4.     DEVELOPMENT APPLICATIONS - CATEGORY 3**

**ITEM 5.     DEVELOPMENT APPLICATIONS - LAND DIVISION/COMMUNITY TITLE**

**ITEM 6.     MATTERS REFERRED FOR FOLLOW-UP**

**ITEM 7.     GENERAL ITEMS FOR DISCUSSIONS**

Annual report for discussion – Panel Members determined to discuss at next meeting

Tom Gregory to provide a brief overview to Panel Members of the Better Development Plan at next Panel meeting.

**ITEM 8.     NEXT MEETING**

Next meeting scheduled for Thursday 17<sup>th</sup> July 2014 commencing at 11am.

**MEETING CLOSED AT 11.20am**

**MINUTES CONFIRMED.....**

**CHAIR**

**DATED:.....**