



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 1 September 2021; 9.00am
Meeting Number: MINJDAP/103
Meeting Venue: via electronic means

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	2
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	3
8.1	196 (16) Walter Road West, Morley.....	3
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	15
	Nil.....	15
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	16
11.	General Business.....	16
12.	Meeting Closure	16



Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (Third Specialist Member)
Mayor Dan Bull (Local Government Member, City of Bayswater)
Cr Catherine Ehrhardt (Local Government Member, City of Bayswater)

Officers in attendance

Ms Helen Smith (City of Bayswater)
Ms Courtney Wynn (City of Bayswater)
Ms Samin Eskandari (City of Bayswater)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Mr Alan Stewart (Stewart Urban Planning)

Members of the Public / Media

There was 1 member of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.00am on 1 September 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil



3. **Members on Leave of Absence**

Nil

4. **Noting of Minutes**

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. **Declaration of Due Consideration**

All members declared that they had duly considered the documents.

6. **Disclosure of Interests**

Nil

7. **Deputations and Presentations**

7.1 Mr Alan Stewart (Stewart Urban Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Bayswater Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. **Form 1 – Responsible Authority Reports – DAP Applications**

8.1 **196 (16) Walter Road West, Morley**

Development Description:	Proposed Child Day Care Centre
Applicant:	Stewart Urban Planning
Owner:	Atkinson Investment WA No3 Pty Ltd
Responsible Authority:	City of Bayswater
DAP File No:	DAP/21/01957

REPORT RECOMMENDATION

Moved by: Mayor Dan Bull

Seconded by: Cr Catherine Ehrhardt

1. **Approve** DAP Application reference DAP/21/01957 and accompanying revised plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Bayswater Town Planning Scheme No. 24, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.



2. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
3. The building permits plans shall provide structural details demonstrating that the sections of awnings on the front façade intruding the Walter Road West road reserve are light weight and easily removable, to the satisfaction of the City of Bayswater.
4. Upon request from the local government or any other agencies, the awnings intruding the Walter Road West road reserve shall be removed from the road reserve, to the satisfaction of the City of Bayswater. All the costs associated with removing the awnings from the road reserve shall be borne by the applicant/owner.
5. The awnings intruding the Walter Road West road reserve shall have a minimum vertical clearance of 3m from the existing verge level, to the satisfaction of the City of Bayswater.
6. The fence and openings in the street façade are to provide minimum 40% visual permeability at street level, to the satisfaction of the City of Bayswater.
7. The use of reflective or obscure glazing is not permitted on street level windows and/or openings to the satisfaction of the City of Bayswater.
8. The glass fence within the 1.5m x 1.5m sightline truncation area at the junction of the access way and Walter Road West road reserve shall remain a minimum of 75% visually permeable above 750mm from the finished ground level of the access way, to the satisfaction of the City of Bayswater.
9. Walls, fences and other structures are to be truncated or reduced to no higher than 750mm within 1.5m of where the accessway on the adjoining property at 200 Walter Road West, Morley meets the road reserve, to the satisfaction of the City of Bayswater.
10. Any new dividing fence on the side and rear boundaries shall comply with *the City of Bayswater Fencing and Floodlighting Local Law 2016*, to the satisfaction of the City of Bayswater.
11. A detailed 'Schedule of Colours and Materials' shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
12. All pipes, fixtures, fittings and vents servicing any building on the site, other than stormwater downpipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the City of Bayswater.
13. Prior to the submission of a building permit application, detailed drainage plans demonstrating that all stormwater and drainage runoff produced onsite is to be disposed of onsite shall be submitted to and approved by the City of Bayswater. The drainage plan is to be implemented in its entirety and maintained thereafter to the satisfaction of the City of Bayswater.
14. Prior to occupation, the development shall be connected to reticulated sewerage to the satisfaction of the City of Bayswater.



15. Prior to submission of a building permit application, outdoor lighting plans shall be submitted to and approved by the City of Bayswater. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
16. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
17. A revised landscape plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:
 - (a) The location and species of all trees and shrubs to be retained or removed.
 - (b) The size and number of new plants to be planted.
 - (c) The location of any lawn areas to be established.
 - (d) Those areas to be reticulated or irrigated, type of reticulation and method of operation.
 - (e) Suitable species of trees for the playground areas provided with adequate tree growth zone or strata cells.
 - (f) Details of soil depth and drainage for the planter boxes.
 - (g) The extent of structural soil/strata cell for proposed trees.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.

18. All trees as denoted on the approved plans are to be provided with structural soil systems to the satisfaction of the City of Bayswater.
19. A minimum of six trees and associated growth zone as denoted on the plans are to be provided to within the car parking area, to the satisfaction of the City of Bayswater.
20. The existing crossover on the road reserve is to be removed and the verge be reinstated to the satisfaction of the City of Bayswater.
21. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
22. All vehicles using the car parking area shall exit the property in forward gear onto Walter Road West, to the satisfaction of the City of Bayswater.



23. Prior to occupation, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of universally accessible (disabled) car parking, is to be constructed, drained, signposted as dedicated for either staff or visitor use only and line marked to the satisfaction of the City of Bayswater.
24. Prior to occupation, 11 bicycle bays shall be provided and marked in accordance with the approved plans, to the satisfaction of the City of Bayswater.
25. The owner shall execute and provide to the City of Bayswater, a notification pursuant to section 70A of the *Transfer of Land Act* to be registered on the title of the property as notification to proprietors and/or (prospective) purchasers of the property of the following:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic'

This notification shall be lodged and registered in accordance with the *Transfer of Land Act*, prior to the first occupation of the development.
26. The recommendations and required works of the acoustic report prepared by ND Engineering dated 26 July 2021 are to be implemented in their entirety to the satisfaction of the City of Bayswater. Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater prior to submission of a building permit application.
27. The refuse and recycling management shall be implemented accordance with the Revised Waste Management Plan dated 29 July 2021 in its entirety, to the satisfaction of the City of Bayswater.
28. A suitably screened refuse bulk bin area, as denoted on the approved plans, shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.
29. The Operational Management Plan dated 10 June 2021 which details parking and traffic management and complaints procedures is to be implemented in its entirety, to the satisfaction of the City of Bayswater.
30. The number of children to be cared for onsite is limited to a maximum of 103 children and 20 staff at any one time, to the satisfaction of the City of Bayswater.
31. The child day care centre is not permitted to operate on weekends or public holidays. Children are not permitted to arrive at the centre prior to 7:00am and are to leave the centre no later than 6:30pm Monday to Friday.



32. The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% (\$22,000.00) of the estimated total construction cost of the development (\$2.2 million). Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's on-going maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to, and to the satisfaction of the City prior to the lodgement of a building permit application.

Alternatively, the owner, or the applicant on behalf of the landowner, may opt to pay a cash-in-lieu contribution for the public art to the City of Bayswater in accordance with the provisions of the City's Percent for Public Art Policy, prior to the submission of a building permit application.

33. A payment of \$15,000.00 shall be made to the City of Bayswater for cash-in-lieu of the onsite car parking shortfall of five car parking bays, in accordance with the provisions of Town Planning Scheme No. 24, the City's Cash In Lieu of Car Parking Policy and *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2, Part 9A*, prior to occupation of the development.
34. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the erection of any signage.
35. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of four (4) years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.



5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
6. In relation to Condition 18, photo evidence of installation on site shall be provided to the City as part of the occupancy permit application to demonstrate that structural soil/strata cell have been used for the proposed trees during the development of the landscaping areas.
7. In relation to Condition 19, diamond cut outs to provide additional landscaping area may be required in order to install structural soil systems for trees located in car parking areas.
8. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
9. Vehicle crossover shall be designed and constructed in accordance with the City's Specifications for Crossovers. Applicants/owners are advised to contact the City's Technical Services in regard to the crossover requirements, crossover application process and eligibility for the City's crossover subsidy.
10. The premises is to comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The recommendations of the acoustic report are to be implemented as part of the building permit.
11. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations:
 - *Environmental Protection (Liquid Waste) Regulations 1996*;
 - *Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No. 2) 1997*;
 - *Environmental Protection (Noise) Regulations 1997*;
 - *Health (Food Hygiene) Regulations 1993*;
 - *Health (Public Building) Regulations 1992*;
 - *Health (Air Handling and Water Systems) Regulations 1994*;
 - *Food Act 2008*;
 - *City of Bayswater Health Local Laws 2001*.
12. The development/use hereby permitted shall comply with the requirements of the *Food Act 2008* and the *Australian Food Standard Codes*. The business is to be registered with the City of Bayswater and a Food Safety Plan is to be prepared and submitted to and approved by the City, prior to the first occupation of the development.



13. Septic tanks, soakwells and leach drains are to be pumped out by a licensed liquid waste contractor, completely removed from the site and filled with clean sand and compacted. A Statutory Declaration must also be provided by the landowner declaring that these works have been undertaken. However, if it is not possible to remove septic tanks, the bottoms are to be broken and the tanks backfilled with clean fill and compacted. The applicant is to contact the City's Environmental Health Services at least 72 hours prior to the removal of any system to arrange an inspection.
14. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* and the *Government Sewerage Policy Perth Metropolitan Region*.
15. The premises is to be registered and certified as a public building with the City of Bayswater's Environmental Health Services, in accordance with the *Health (Public Buildings) Regulations 1992*.
16. The applicant is to submit a copy of the Australian Children's Education and Care Quality Authority approval to provide child care services to the City of Bayswater's Environmental Health Services, prior to the first occupation of the development.
17. The applicant is required to submit copy of the permit to 'discharge liquid waste' from the Water Corporation.
18. The applicant shall contact the Perth Transport Authority in relation to any matters regarding the bus stop and bus shelter.
19. In relation to Condition 29, a copy of the Operational Management Plan shall be provided to the parents prior to the first attendance of enrolled children.

AMENDING MOTION 1

Moved by: Cr Catherine Ehrhardt

Seconded by: Mr John Syme

That condition No. 31 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (3/2).

For: Ms Francesca Lefante
Mr John Syme
Cr Catherine Ehrhardt

Against: Ms Lee O'Donohue
Mayor Dan Bull

REASON: The condition is considered unnecessary as the hours of operation of the facility are incorporated in Operational Management Plan required in Condition 29, any changes to require approval from the City of Bayswater



REPORT RECOMMENDATION (AS AMENDED)

1. **Approve** DAP Application reference DAP/21/01957 and accompanying revised plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Bayswater Town Planning Scheme No. 24, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
3. The building permits plans shall provide structural details demonstrating that the sections of awnings on the front façade intruding the Walter Road West road reserve are light weight and easily removable, to the satisfaction of the City of Bayswater.
4. Upon request from the local government or any other agencies, the awnings intruding the Walter Road West road reserve shall be removed from the road reserve, to the satisfaction of the City of Bayswater. All the costs associated with removing the awnings from the road reserve shall be borne by the applicant/owner.
5. The awnings intruding the Walter Road West road reserve shall have a minimum vertical clearance of 3m from the existing verge level, to the satisfaction of the City of Bayswater.
6. The fence and openings in the street façade are to provide minimum 40% visual permeability at street level, to the satisfaction of the City of Bayswater.
7. The use of reflective or obscure glazing is not permitted on street level windows and/or openings to the satisfaction of the City of Bayswater.
8. The glass fence within the 1.5m x 1.5m sightline truncation area at the junction of the access way and Walter Road West road reserve shall remain a minimum of 75% visually permeable above 750mm from the finished ground level of the access way, to the satisfaction of the City of Bayswater.
9. Walls, fences and other structures are to be truncated or reduced to no higher than 750mm within 1.5m of where the accessway on the adjoining property at 200 Walter Road West, Morley meets the road reserve, to the satisfaction of the City of Bayswater.
10. Any new dividing fence on the side and rear boundaries shall comply with *the City of Bayswater Fencing and Floodlighting Local Law 2016*, to the satisfaction of the City of Bayswater.



11. A detailed 'Schedule of Colours and Materials' shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
12. All pipes, fixtures, fittings and vents servicing any building on the site, other than stormwater downpipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the City of Bayswater.
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19. A minimum of six trees and associated growth zone as denoted on the plans are to be provided to within the car parking area, to the satisfaction of the City of Bayswater.
20. The existing crossover on the road reserve is to be removed and the verge be reinstated to the satisfaction of the City of Bayswater.
21. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
22. All vehicles using the car parking area shall exit the property in forward gear onto Walter Road West, to the satisfaction of the City of Bayswater.
23. Prior to occupation, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of universally accessible (disabled) car parking, is to be constructed, drained, signposted as dedicated for either staff or visitor use only and line marked to the satisfaction of the City of Bayswater.
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Alternatively, the owner, or the applicant on behalf of the landowner, may opt to pay a cash-in-lieu contribution for the public art to the City of Bayswater in accordance with the provisions of the City's Percent for Public Art Policy, prior to the submission of a building permit application.

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34. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes

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2. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.



4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
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10. The premises is to comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The recommendations of the acoustic report are to be implemented as part of the building permit.
11. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations:
 - *Environmental Protection (Liquid Waste) Regulations 1996*;
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13. Septic tanks, soakwells and leach drains are to be pumped out by a licensed liquid waste contractor, completely removed from the site and filled with clean sand and compacted. A Statutory Declaration must also be provided by the landowner declaring that these works have been undertaken. However, if it is not possible to remove septic tanks, the bottoms are to be broken and the tanks backfilled with clean fill and compacted. The applicant is to contact the City's Environmental Health Services at least 72 hours prior to the removal of any system to arrange an inspection.
14. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* and the *Government Sewerage Policy Perth Metropolitan Region*.
15. The premises is to be registered and certified as a public building with the City of Bayswater's Environmental Health Services, in accordance with the *Health (Public Buildings) Regulations 1992*.
16. The applicant is to submit a copy of the Australian Children's Education and Care Quality Authority approval to provide child care services to the City of Bayswater's Environmental Health Services, prior to the first occupation of the development.
17. The applicant is required to submit copy of the permit to 'discharge liquid waste' from the Water Corporation.
18. The applicant shall contact the Perth Transport Authority in relation to any matters regarding the bus stop and bus shelter.
19. In relation to Condition 29, a copy of the Operational Management Plan shall be provided to the parents prior to the first attendance of enrolled children.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel members were satisfied that the proposal is consistent with the scheme and planning framework. The childcare building scale, design, material, orientation and street interaction is suitable to the area. The JDAP considered the RAR and reasons appropriate and accordingly adopted the recommendation with minor modification to the conditions.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020
DAP/19/01722 DR155/2020	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	4 Storey Mixed Use Development	16/07/2020

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 9.37am.