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#### TRANSCRIPT OF PROCEEDINGS

#### TRANSCRIPT IN CONFIDENCE

O/N H-1134676

#### INDEPENDENT PLANNING COMMISSION

NORDS WHARF - PUBLIC MEETING

PANEL: CHRIS WILSON (Chair)

WENDY LEWIN

STEPHEN O'CONNOR

**CASEY JOSHUA** 

**SPEAKERS:** BRENDAN ROBERTS

ROBERT TONER PAM PERCIC RAY FLETT

**GLENN BUTTERS** 

JOY LLEWELLYN-SMITH

PETER HALVERSON

**LIZ HARRIS** 

**CAROL WINFILD** 

LOCATION: 27 MAWSON CLOSE, CAVES BEACH

DATE: 9.34 AM, WEDNESDAY, 12 FEBRUARY 2020

- MR C. WILSON: Good morning everybody. Thank you for coming. Welcome to this public meeting of the Independent Planning Commission, looking at modification 1 to the Nords can't hear? Oh, okay. This this is actually a recording device, not a microphone, is that right? So I'll do the best I can, okay.
- Just just keep telling me keep telling me about my voice. Before we begin, I would like to acknowledge the traditional custodians of the land on which we meet, and pay my respects to the elders past, present and future, and to the elders from other communities who may be here today.
- The applicant is Nords Wharf Development Company, and it is seeking approval to increase the number of lots, amend the intersection treatment requirements, reduce the contribution of mount, and remove the requirement of bank guarantees within the Statement of Commitment and Voluntary Planning Agreement. My name is Chris Wilson. I'm the chair of this panel. Joining me are my fellow commissioners,
- Wendy Lewin and Stephen O'Connor. We are assisted by Casey Joshua from the commission's secretariat. Before I continue, I should state that all appointed commissioners must make an annual declaration of interest, identifying potential conflicts with their appointed role.
- For the record, we are unaware of any conflicts in relation to our determination of this application. You can find additional information on the way we manage potential and real conflicts on the commission's website. In the interests of openness and transparency, today's meeting is being recorded, and a full transcript will be produced and made available on the commission's website. This public meeting
- gives us the opportunity to hear your views on the assessment report prepared by the Department of Planning, Industry and Environment, before we determine the modification application. This meeting is one part of our decision-making process. We have met with the Department of Planning and Industry the applicant, and we will be meeting with council today.
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  - We also visited the site. The transcripts for those meetings are available on our website. The commission is accepting written submissions in relation to the project up until 5 pm, Wednesday, 19 February 2020. The commission may also convene with relevant stakeholders if clarification or additional information is required or a matter is raised. Records of all meetings will be included in our determination report which will be published on the commission's website. Before we hear from our first registered speaker, I would like to lay some ground rules for everyone taking part in
- First, today's meeting is not a debate. A panel will not take questions from the floor. No interjections are allowed. The primary aim of today is to provide maximum opportunity for people to speak and be heard by the panel. Public speaking is an ordeal for many people. Though you may not agree with everything you hear today, each each speaker has a right to be treated with respect and heard in silence.
- Today's focus is public consultation. Our panel is here to listen, not to comment.

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today's meeting to follow.

We may ask questions for clarification, but this is usually unnecessary. It will be most beneficial if your presentation is focused on the issues of concern to you.

- It is important that everyone registered to speak receives a fair share of time. I will enforce the time-keeping rules. As chair, I reserve the right, however, to allow additional time as necessary. A warning bell will sound one minute before the speaker's allotted time is up, and again when it runs out. Please respect these time lots. If there are issues you are unable to address or feel you could not completely address in the allocated time, we would encourage you to provide a written submission to the commission. Written submissions should be made available within seven days of today. Though we will strive to stick to our schedule, speakers sometimes don't show, or decide not to speak. If you know someone is not attending, please tell Casey.
- 15 If you'd like if you would like to project something onto the screen, please give it to Casey before your presentation and I understand that's the case. Audio recording of this meeting is not allowed except for the official recording for transcription purposes. Notes made throughout the day on issues raised will be summarised in our determination report. Finally, I ask that everyone present, please turn their mobiles phones off. Thank you. Before I, ah, call the first speaker, the panel met with the applicant yesterday, ah and on record, which will be part of that that transcription of that meeting. The applicant has withdrawn its request to reduce to the one million contribution social contribution. So my understanding, ah, it will be officially it will be officially confirmed once that transcript goes on our website, but I felt it necessary and obliged to tell you all today that that was a

UNIDENTIFIED SPEAKER: .....

30 MR WILSON: Sorry.

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UNIDENTIFIED SPEAKER: .....

MR WILSON: Okay. So yesterday we met with the applicant, okay, and in that meeting, the applicant advised the commission that it was no longer seeking to reduce the \$1 million contribution that it originally sought in the original modification application. Understood? Is that - - -

UNIDENTIFIED FEMALE: .....

MR WILSON: Okay. It's not a mike. It's for the transcription purposes, so I'm trying – doing my best. Sorry. So I'll now on the department as the first speaker.

MR B. ROBERTS: Thank you, commissioners. Um, my name is Brendan Roberts.

I'm a director of the Regional Assessments Team at the Department of Planning,
Industry and Environment. Can you all hear me okay? No. Okay. Um, as I said,

my name's Brendan Roberts. I'm a director in the Regional Assessments Team at the Department of Planning, Industry and Environment. Is that better? No?

MR WILSON: So just in the meantime, if – we'll endeavour to get a microphone from the facility here, to assist us, so just - - -

MR ROBERTS: Before we begin, I'd like to acknowledge the traditional custodians of the land, and pay my respects to all elders past, present and future. Um, noting ah the Chair has just updated us on, that the applicant has removed one of the components of the application, I just wanted to summarise what the application, ah, is now seeking approval for. It's seeking to modify the layout, increase the number of lots, from 90 to 96, change two intersections – being the upgrade of the Pacific Highway and Awabakal Drive, to left-in, left-out only, from an un-signalised intersection, upgrade Pacific Highway and Nords Wharf Road to a signalised seagull intersection, from an un-signalised T intersection, and remove the requirement for a bank guarantee, as set out in our – ah, in the statement of commitments.

Ah, all of this is set out quite clearly in the department's assessment report which was made, ah, public in January. Um, the proposal was publicly exhibited back in May and June 2017. During this time, the department also met with representatives of the Nords Wharf Progress Association. Um, that was – would have been two of my colleagues. I've recently come into the role, so I haven't met any of you yet. Um, during the exhibition, the department received 152 objections to the proposal. Key issues raised in submissions related to the traffic impacts and safety impacts, emergency access, ah, from the local area, and particular traffic impacts on the local roads, government road, through the existing Nords Wharf community, um, and also the reduction in the \$1 million, ah, contribution, um, for social – social project, social initiatives, ah, in the area.

- In January 2020, the department finalised its assessment report, um, and made a recommendation to the Independent Planning Commission. Ah, the department's assessment carefully considered all the planning merits of the proposal, having regard to the concerns raised, um, particularly by the public, um, in in your submissions. The department supports the proposed, ah, reconfiguration of the layout and the slight increase in lots, from 90 to 96, ah, as this provides a local a logical subdivision pattern and complies with council's requirements for minimum lot sizes, ah, in its DCP. Ah, this was also not a very big issue raised in public submissions, and neither in the submission from the local council.
- However, the department does not support the applicant's proposed changes to the intersections and the reduction in the \$1 million contribution which the applicant has now removed. Um, so I will focus largely on the proposed changes to the intersections. The reasons that the department does not support this is that while we acknowledge that Roads and Maritime Services, um, acknowledge that it could either be the approved or the proposed layout, they believe that it's up to the department to make a recommendation, based on what the public, um public submissions say.

Um, we also acknowledge that council and the Transport NSW, um, have raised concerns with the proposed layout of the intersections.

- Um, the department also agrees with concerns raised in public submissions, that the approved layout has the potential to cause delay, and limits options for residents, particularly in the event of an emergency. The applicant has not adequately justified the proposed changes in relation to traffic and safety impacts. Um, the essence of the department's assessment considered that for residents, particularly existing and new residents to the south of Nords Wharf, to travel south along the Pacific Highway, they would first have to travel north through the existing Nords Wharf community, along Government Road, and then take the northern intersection, if you like, to travel south, which we just think is, um, an inconvenience to local, ah, residents and also causes unnecessary delay and safety impacts.
- So, in summary, I just want to say the department considered the proposed changes to the subdivision was, um, supported, um, but did not support the proposed changes to the intersections and the reduction in the one million contribution. Um, I also just want to acknowledge that there's a slight typographical error in our assessment report. We might have referred to two intersections slightly incorrectly, and I would like to acknowledge that person for bringing it to our attention. Ah, thank you very much.
  - MR WILSON: So Mr Robert Toner. We've brought you forward, yes. Do you want to step up, Mr Toner, or you so, we're trying to get we're still trying to get a microphone.
- MR R. TONER: Um, first of all, ah, I'd like to, ah, congratulate the department on accessing and recognising the stupidity of what was proposed at the intersections, but something that's, um, probably not been thought about, which is, I think, very dramatic, is the fact that, um, Government Road which accesses the whole of Nords Wharf community hasn't been specifically designed to accommodate the passage of two cars being parked on either side of the road, and two trucks overtaking one another. It's not possible. It's not possible, and there are double yellow lines. So that means the truck can't overtake and go over the yellow line, otherwise he's broken the law. And every piece of equipment that comes in from, um from the north that has to go into the new subdivision must travel the whole length of Nords Wharf Road.
- As well as that, it's going past a school and a preschool. Now, a lot of deliveries as you know, truck drivers like to get their jobs done early in the morning and late in the afternoon, especially when you're at the end of a delivery cycle. And that's where we happen to be. Every time you get a delivery cycle, you've got to find out if the bloke will be there in the morning or in the afternoon. He's never going to arrive at 12 o'clock through the day because he's going to be somewhere else. So every piece of equipment that comes in from the north that has to go to the new subdivision will have to go in via Nords Wharf Road. Likewise, every piece of equipment that's taken in by truck, into the new subdivision or into Nords Wharf, has

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to then go back down the same road, to make a right-hand turn, if the truck is going right, and it's just stupidity. It should not be accepted under any circumstances, and that's all I've got to say. Thanks very much.

5 MR WILSON: Pamela.

MS P. PERCIC: Hello. I'm Pam Percic. I'm – I am secretary of the Nords Wharf Progress Association, but I'm not here to speak on their behalf. I'm here to speak on my behalf today. I'm really pleased that the Land Environment, um, support us in what we want to do, that we don't want a ..... But speaking for myself – oh, there's a gadget – it's gone – I live in Central Avenue, and it's up here, and everyone who lives in Nords Wharf knows of that intersection between Government Road and Nords Wharf Road is the most dangerous intersection we could have. I'm an old nurse. I don't want to have to be going to a lot of crashes on that corner. And it is

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UNIDENTIFIED MALE: And you can't get up the hill.

MS PERCIC: Oh, that's the other thing. They turn – turn left to go to Government Road, and half stall going up there because it's such a steep incline. But I've stood on that corner and watched cars not even bother to stop at the stop sign, and your heart just goes into your mouth. I mean, it's just a terrible blind steep intersection. So I am very against having lights up on the highway there because again, everyone would come up there to turn right, and to go south, which we don't want. We want them to be able to go out Awabakal. We want them to be able to turn right if they want to go down to the central coast, or to Doylo's, or anywhere else sought, and we want them to be able to come up from Swansea and turn right, next to their new homes, not have to go through Nords Wharf to get there. And that's been our main bug bear.

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The 90 to 96 houses. I don't think anyone is that fussed about that. I don't think that's a major problem. The bus routes, we agree. We want the buses to be able to turn right out of Awabakal, instead of somehow doing a U-turn and coming back through Nords Wharf when they come up from Swansea. That would be ludicrous.

So they're not happy about it. But the main thing – Ray is going to address things like the sewerage, as we saw over the weekend, but um, the main thing for me is that – the intersection. And we need the seagull lights at Awabakal because people do get impatient. If we have lights there, like they do down at Catho, it will be so much safer, so much better. That's basically it. Thank you.

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MR WILSON: Just say your name, Ray.

MR R. FLETT: Yeah. Good morning everyone. I hope you can hear me. My name is Ray Flett. I'm the current President of the Nords Wharf Progress

45 Association. I've been a resident of Nords Wharf for over 25 years, and I have family that have lived in Nords Wharf for in excess of 40 years. Thank you for having this public meeting. Ah, the timing is very difficult for the majority of

working people in Nords Wharf, but so wonderful to see so many people turn up. Ah, very little notice had been given, other than emails, to some residents. Certainly not everyone who put in submissions were aware of the meeting. Ah, fortunately, we have our own Facebook page, and we were able to get, ah, the information out as, ah – as best as we could.

In contrast, when we held a public meeting in Nords Wharf, there was well in excess of 150 people. There could have been even 200 people because we actually had people, you know, completely filled the hall, and that was where we did a letterbox drop. This was done – done by the email and Facebook. There are a number of issues the community members would like to raise, and I'm only going to, ah, go over what has already been said. We support the signalised seagull intersection at Awabakal Drive and Pacific Highway only. No other intersection needs to be updated or have anything done to it. By signalising Awabakal Drive, it keeps the majority of traffic from the new subdivision off local roads and protects the safety of children at both the primary school and the preschool.

As there are very few safe footpaths, local residents – including children, are forced to walk on the road. Our village currently has ten streets. By signalising Awabakal Drive intersection, local roads through Nords Wharf will be safe from increased heavy traffic. These roads have never been designed for this type of traffic. The associated traffic from the building of only one home on Marine Parade led to the pavement deteriorating that badly with pot holes – there was gravel. It was just washed out, and then when you get rain. Our village currently has very busy times on the roads, with the school and preschool. These times, cars cannot pass each other when cars are parked on each side of the road. Now, that's already been mentioned, and I'm only just reiterating that.

With the new development, it is expected a minimum of 200 more cars will be in the village, and these need to have safe and easy access to their homes, without the need to have to drive in and out of Nords Wharf, ah, on Government Road and Marine Parade each time. There are also very dangerous intersections that people have already spoken about, that are on the – that we have with the rises on local roads, such as the intersection of Nords Wharf Road and Government Road, Central Avenue and Government Road. Now, Government Road rises and dips near the preschool, which will make it extremely hazardous if there's increased traffic there, especially with the younger children there.

Now, by changing, ah, of Awabakal to left-in and left-out, the traffic is going to
increase immensely. We do not support the directional change of left-in and left-out
of Awabakal Drive, and according to a local firefighter officer who I've spoken with
recently, this would be extremely dangerous in emergency situations. It would force
all traffic that needs to go south, to go north, and could go into the face of a fire or
some other emergency which could be life-threatening. The two 40-kilometre zones

- school zones on Government Road and Marine Parade, they are the only throughroads in Nords Wharf. If Awabakal Drive becomes a left-in and left-out only, the

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amount of traffic forced through the village will be dangerous at best, and possibly deadly for children and car drivers.

- Bus services also need to be able to access the right-turn from Awabakal Drive so they can complete their journeys without having to back up and cause all sorts of other traffic issues, especially up where the new development is. The Nords Wharf community also requests that we have proper input with council, with the funding to be provided by the proponents. The community supports the recommendations of the Planning and Environment document, Nords Wharf concept approval
- NP10\_0088MOD1, and that is supporting signalised seagull intersection at Awabakal Drive, Nords Wharf, with no restrictions. Um, whilst it wasn't in our original, ah, submission, recently we had heavy rains and, um which caused all sorts of problems in Nords Wharf. Power was out for 15 hours, I believe, on Sunday.
- That caused the sewerage system down at Nords Wharf Park, opposite the primary school, to ah just had sewerage pumping going out, and they had to bring trucks in, so therefore I think that we need to take into account another 96 homes, with all the occupants in there, is our sewerage system going to cope, because it obviously didn't cope this last weekend, when we have a had a weather event. And we have had weather events in the past, and I don't want to see them happen again like that. Anyway, thank you very much for your time, and thank you very much for all your attendance.

MR WILSON: Mr Butters.

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MR G. BUTTERS: Um, my name is Glenn Butters. I-I'm not sure you could call me a local. I've only been there eight years -I live in Government Road. Um, I want to go on and talk about -is .....

### 30 UNIDENTIFIED FEMALE: .....

MR BUTTERS: Um, a lot of things have been covered. The – the left-hand turn out of there – yeah, it's rubbish, and no one has considered that at beaches, the new subdivision which is in the central coast feeds – ah, the kids feed into Nords Wharf School – public school. So we would have a lot more traffic than just – and by

- 35 School public school. So we would have a lot more traffic than just and by having left-in, left-out, that just throws more traffic up Nords Wharf Road up and down the road. I've heard people speak about limited footpaths, and leaving I live up on the north end of north end of town up there somewhere. Ah, everyone walks a dog, rides a bike or just walks has to walk on that road.
  - The kids play, ah, just down past the preschool on the corner. They're always down there playing - -

MR WILSON: Waterview Street, yes.

MR BUTTERS: The biggest issue I see with all of this is we haven't got the infrastructure in place for a development. And I wasn't considering sewerage.

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We've got footpaths that run past the preschool. Ah, I think there's one that runs past the public school, and that's it. So everything that feeds into those schools is walking on the road. Ah, there's high school kids, ah, who walk up Government Road and get picked up on Nords Wharf Road. What's lacking and why we can't let this development happen until we have the infrastructure in place – the footpaths, so we can get the kids off the streets and onto footpaths, so they're safe. That's before we start on the trucks in there and build the place. It's – to me it's a no brainer. And I'm hopeful that you guys will take that on board, that – we haven't even got kerb and guttering. And, I mean, that's – they're staple things for a village or a town – kerbing and guttering. You get – serviced the water and sewerage, footpaths.

We need cycle lanes so the kids are learning to ride bikes in a village, interacting with traffic. We haven't got enough room for cycle ways, and we can't even – we haven't even got footpaths. So we cannot allow this to happen until this gets in place. And while I'm on a roll – and everyone has spoken about, ah left-hand turn. I was in the New South Wales Fire Brigade for about seven years. I was here when the fire came through and stayed because it goes – ..... cleaned out. I wasn't going to leave the place, just in case it went up. Unfortunately we do have fires, and if you block – ah, if you go left, left down here, most of this area has had a fire through it in the last seven years. Our fuel loads are a lot lower, but where we have a massive fuel load – and I see it when I walk up, um, from ..... that whole area up in there hasn't burnt yet, ah, and given Australia, it will at some stage go up, and if the conditions are right and you've got a north-east breeze, we're buggered, we can't get out. So please hand that – anyway, that's about all I've got to say. Thank you.

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MR WILSON: So that's the end of the registered speakers. We've heard a lot about traffic, transport, pedestrian and infrastructure today. Is there anyone in the community – I wouldn't normally do this, but is there anyone in the community who wants to add something additional to what we've heard today? Is it – have we missed something? So I'd be happy if someone has got – you know, wants to stand up and – if there's something burning that needs to be said. Ah, could I have your name, ma'am?

MS J. LLEWELLYN-SMITH: Joy Llewellyn-Smith.

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MR WILSON: Joy Llewellyn-Smith. We've got the microphone finally .....

MS LLEWELLYN-SMITH: This was not my intention. Um, I'm pleased that I did attend. It's wonderful that other people have picked up – some of us here began back in 2007, and I had written down on a sheet of paper – and I wondered whether this would be considered by the panel, require an upgrade of intersections, Pacific Highway and Awabakal Drive and Government ..... Roads before – underline before, any onsite traffic movements. Thank you.

45 MR WILSON: Is there anyone else who would like to say something today?

MR P. HALVERSON: Hi. My name is Peter Halverson. I live at number 30 Government Road. I think – I agree with everything that's been said, and I'm particularly interested in the hazards that are in that road, which is really not a road designed to have through-traffic. I think there's one thing that's been left out, and that's that there are two blind crests on that road, and until you get right to the top of the hill, you can't see what's coming down the road. If you've got heaps and heaps of commercial traffic on that road, there's going to be an accident. And, ah, really what I think we need to do is make sure that that butterfly intersection goes .....

10 MR WILSON: Your name?

MR S. O'CONNOR: I've just got a question - - -

MS L. HARRIS: Ah, Liz Harris - - -

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MR WILSON: Sorry?

MR O'CONNOR: If I can just ask a question?

20 MR WILSON: Yes.

MR O'CONNOR: So – Steve O'Connor, commissioner. Um, you talked about the two blind, um, spots. Can – I wasn't sure which road you were referring to. Could you just clarify?

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MR HALVERSON: I was talking about the crest of the hill, just as you come up from, ah, Marine Parade – ah, as you first go into, ah, Government Road from the northern end, and then just after the preschool, you go up over another crest - - -

30 MR O'CONNOR: Right.

MR HALVERSON: --- and both of those crests are blind crests – you can't see a thing until you get to the top, and there are inevitably cars parked on either side of the road. You have to cross the centre line to be able to go over those.

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MR O'CONNOR: Yep. Thank you.

MR WILSON: Your name is?

- MS HARRIS: Ah, Liz Harris. Um, actually there's another intersection that you've missed. I live at the opposite end, down next to where the development is. Um, if you stand on the corner of Branter Road and Government Road, you have less than 40 metres' visibility. So you've forgotten that one as well. So every day when I come out, I can't actually see to turn right until I'm on the intersection, and I often have to stop because you can't see people coming up there.

MR WILSON: Sorry. What's that intersection?

MS HARRIS: Ah - - -

UNIDENTIFIED FEMALE: You just press the red one on the top - - -

5 MR WILSON: That's right.

UNIDENTIFIED FEMALE: Other way. Turn around.

MS HARRIS: It's right on the edge of the development.

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UNIDENTIFIED FEMALE: ..... I'll tell - - -

MS HARRIS: Yeah.

15 UNIDENTIFIED FEMALE: If I could ..... it's - - -

MS HARRIS: It's right there. There's a blind – blind corner and, um, a huge incline there as well. However, that was not what I was going to say. Um, going back – I've been part of this since 2007. Um, there is a document written by Peter Garrett as the Federal Minister for something back in 2012 that states that not one 20 sod can be turned until the road up the corner has the, ah, signalised intersection on it. There is a document that should be in your files, stated by – as I say, Peter Garrett, who was, you know, Mr Midnight Oil – but that was a big deal at the time. Um, I believe it would be 2012, but I'm not a hundred per cent sure. It certainly 25 came into, ah, play before the council had made their final development. And to me, we're just wasting everybody's time and money, because going back, that was what was given to us. We were given a signalised intersection. Going back further, when I moved into this town 28-and-a-half years ago, we had a lead-in lane going out of Awabakal into the Pacific Highway. It disappeared overnight, with no interaction 30 with the community, and nothing. The reason we moved to this town was because it had a lead-in lane to allow safe access to Sydney where my husband worked.

MS P. TOBIN: Thank you. I live on Government Road, 69 Government Road, on the crest of Government Road, and I have been there for around – Philomena Tobin, and I've lived there for the last 44 years. And every time I have to go to Swansea, I have to be so careful when I come down the drive, so that I don't get ..... from the cars coming on my left. A couple of times I almost got hit by them, so now what I have to do is come down on the right lane of the – southbound, and then when it's clear, then go onto the other side, and then go down towards Swansea. Now, if that was made open for the development, it will be really, really difficult for me to come out of my drive safely. Thank you.

MR WILSON: Okay. Can you say your name, please.

45 MS C. WINFILD: Carol Winfild.

MR WILSON: Carol Winfild.

MS WINFILD: Yeah, I live at 72 Government Road. I just want to know what infrastructure – ah, with all what we're talking today, that the infrastructure is going to be in place when – before any start – turn – of soil. We live right on the water there, and we – with this last storm – it happens every storm, we have a sewerage 5 issue. We have one of those viewing pots, and as it came from the park down there, it all got – we had to get it fixed down there. That our – in our place itself, in that ..... , it was bubbling – the sewerage. Now, this happens every time, and we put up with that, and then it – the Water Board are very good, and they come out and they do the right thing. However, if we're going to have another – at least 400, um – 200 people living just down from us, with the – with sewerage going through that same pipe, as I 10 believe, ah, we're going to have a major issue with sewerage. So what I would like to know is if the infrastructure for all this, and accountability for all the sewerage, for safety, for the – everything – is going to be in place before there's anything turned. Okay?

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MR WILSON: So that – that completes the formal proceedings this morning. For those who spoke impromptu, can you please just confirm your names so we can get the spelling correctly, ah, for the record? Um, thank you very much for all coming, and thank you for the issues you've raised today. The commission will now consider it, before it makes its determination. As I said previously, if you have – if you want to make a further submission, please do so, and do it within seven days of today. Thank you.

# 25 **MEETING ADJOURNED**

[10.10 am]