

TRANSCRIPT OF MEETING

RE: "ALLFARTHING" – 2 BRISBANE GROVE ROAD, GOULBURN PLANNING PROPOSAL (PP-2024-295) – GATEWAY DETERMINATION REVIEW

COUNCIL MEETING

PANEL: MICHAEL CHILCOTT (CHAIR)

OFFICE OF THE IPC: JANE ANDERSON

TAHLIA HUTCHINSON

GOULBURN MULWAREE

COUNCIL:

MAYOR NINA DILLON

KATE WOOLL

DAVID KIERNAN

MARINA HOLLANDS

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 10:00AM – 10:45AM

TUESDAY, 25th MARCH 2025

<THE MEETING COMMENCED

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MR MICHAEL CHILCOTT: Good morning, everybody. Before we begin, I'd like to acknowledge that I'm speaking to you from the lands of the Dharug and Gundungurra people up in Katoomba in the Blue Mountains, the traditional owners of these lands. And I pay my respects to them and to the traditional owners of the lands from which we all are coming to this meeting today.

Welcome. This is a meeting to discuss the Gateway Determination Review of the planning proposal to rezone and amend the minimum lot size at Allfarthing at 2 Brisbane Road, Goulburn. The Commission's reference is PP-2024-295, and it's currently before the Commission for advice.

My name is Michael Chilcott. I am the Chair and single member of this panel. I am joined today by my colleagues from the Commission, Jane Anderson and Tahlia Hutchinson, who will assist me both today and through the process.

For the purposes of openness and transparency and to ensure we capture all the information, today's meeting is being recorded, and the complete transcript will be produced in due course and made available on the Commission's website.

The meeting is one part of the Commission's consideration of the matter and will form one of several sources of information that we use to form our views and provide advice.

During the meeting, it's probable I'll ask questions in relation to certain matters. And if a question is posed and you're not in a position to answer it immediately, please feel free to take it on notice and to provide a written response in due course, which we would upload to our website.

Just for the record, I'll invite Council members to, or Council representatives, to introduce themselves. And let's get underway. So, can invite you to introduce yourselves please.

MR DAVID KIERNAN: I'm David Kiernan. I'm a Senior Strategic Planner here at Goulburn Mulwaree Council.

MS KATE WOOLL: My name is Kate Wooll. I am the Business Manager of Strategic Planning at Goulburn Mulwaree Council.

MR CHILCOTT: Thank you. And I'll note to you both that you advised prior to going on the record that it's possible that one of the councillors and possibly the Mayor may seek to attend. So, if they do arrive into this meeting space at that time, I'll just pause and acknowledge their arrival if I can spot it. And if you spot it before I do, please pull me up and ...

MS WOOLL: Will do.

MR CHILCOTT: ... allow me to extend a welcome to them as well. Thank you. We did circulate a proposed agenda for today, which I hope you received. Do you have any changes or additions you wish to make to that agenda?

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MS WOOLL: No.

MR CHILCOTT: All right, fine. And there's a series of points there that largely reflect the major points that are dealt with in the Department's assessment of the proposals, the gateway proposals. And I propose we try and deal with them in that way. And the way I suggest we deal with it is that I turn over to you – I note there's no formal presentation you've submitted to us prior to that to sort of run through. I don't know whether you've got something. But can I invite you, and I think it's probably David who is going to lead this in the first instance. Is that correct?

MR KIERNAN: Yes.

20 **MS WOOLL**: Yes.

MR CHILCOTT: Yes. I'd just invite you to make any submissions that you have, and then we'll turn to perhaps a more interactive discussion of points once you've made any initial points you wish to make to us in relation to the matter at 2 Brisbane Road. Thank you. Brisbane Grove Road, my apologies.

MR KIERNAN: Council is generally supportive of this rezoning planning proposal. It's considered to be consistent with our Urban Fringe Housing Strategy and the provision of large lot residential to the south of the Mulwaree.

We have taken the evidence and the data in terms of flooding at face value. We're not flood engineers, so we have taken that data and used it and interpreted it in terms of policy. But we haven't necessarily questioned the data that's been provided.

In terms of the assessment, we do consider that we have taken a balanced assessment process. It's been merit based in accordance with the manual. We've tried to account of the local circumstances. And importantly, we've tried to recognise that flood prone land is a valuable resource in accordance with the manual and try and not to sterilise flood prone land unnecessarily.

We have applied ecologically sensitive planning and development controls both through zoning and minimum allotment size in the LEP provisions, but also through the precinct-specific Development Control Plan chapter.

MR CHILCOTT: Thank you, and David, I'll just pause you there for a moment. I'm just noting that Councillor Dillon, the Mayor of Goulburn Mulwaree Council has joined us.

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MAYOR NINA DILLON: Sorry.

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MR CHILCOTT: Mayor, good morning to you.

MAYOR DILLON: Good morning. How are you?

MR CHILCOTT: Thank you. I'll just note that we've been through some introductory remarks. My name is Michael Chilcott, I'm the Chair and single panel member for this preparation of advice concerning the gateway proposal for 2 Brisbane Grove Road which is the matter we're dealing with at the moment. We'll subsequently come to a second matter which we'll deal with separately.

At the moment, having gone through the acknowledgement of traditional owners and introductions, I'm just hearing from David who's led the assessment for Council, in relation to key points. And he's sort of made a few points initially, but more general in terms of the approach the Council has taken to the matter, rather than going into particular specifics. Is that a fair summary at this point, David?

20 **MR KIERNAN**: Yes, that's fair. Yes.

MR CHILCOTT: Thank you. And Madam Mayor, just for your benefit, I'm joined in this meeting by my colleagues from the Office of the Independent Planning Commission, Jane Anderson and Tahlia Hutchinson, who are both assisting me today and assisting me in relation to the review process from beginning to end.

MAYOR DILLON: Okay. Thank you very much for the explanation.

30 **MR CHILCOTT**: No, thank you. And you're most welcome to continue. I will invite comments from you once I've finished hearing from perhaps David and Kate and see if there's further material you wish to bring forward.

David, my apologies there, I just wanted to make that welcome. Thanks. Please continue.

MR KIERNAN: Yes. So, Council is obviously aware of the flood inundation constraints, the frequencies, the depths. We have balanced that particular risk with a number of provisions that we consider commensurate with the flood hazard. That includes placing things on the 10.7 Certificates to warn residents of what's going to be happening.

The provisions of controls and the Development Control Plan in terms of secondary risks is human behaviour. In terms of limiting the risks of isolation, also the requirement for independent power, water, ablutions and so on, on the site to reduce the requirement for people to leave their site.

We've ensured that all dwelling envelopes will be completely flood free, including

all the way up to the PMF. We do appreciate there is isolation issues, but we've tried to ensure a safe occupation by ensuring that all properties will be flood free and able to sustain themselves on site for the period of flooding.

5 **MS WOOLL**: May I just add to that, Michael.

MR CHILCOTT: Thank you.

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MS WOOLL: I think, essentially, we felt hat we've taken a merits-based approach to this planning proposal as it's set out in the Flood Policy, and that the controls that we have are commensurate to the flood hazard. I think one of the main points of, like, difference between us and the Department of Planning's approach on this is that we see flood planning as a whole for Goulburn Mulwaree, we're not looking at a regional or a state context, we are looking at flood planning in Goulburn Mulwaree.

The town of Goulburn has the confluence of two major rivers within it. And the entire LGA has a number of watercourses and waterbodies that will from time to time affect access for emergency services. And we understand this, and, in many ways, there is no sort of satisfactory infrastructure improvements that can meet some of the, you know, sort of some of the shelter in place timeframes that are put in the shelter-in-place guidelines. Simply because the cost and feasibility of doing these works is not commensurate to the level of development that could occur. And in some cases with this site, the state road is not something we're actually even allowed to collect contributions for.

So, effectively, it's for us we sort of see it as being, well, these are risks that are pretty much part and parcel with doing development in an LGA like this one, and that if we can keep people above the water and we're keeping development out of flood-ways, but really it comes down to that risk of these events cutting these areas off and the isolation and how frequently that will happen.

And it's that balance of do we effectively sterilise areas for the fact that they might be isolated for certain periods of time, or do we put in place measures, as David mentioned with the Development Control Plan and by identifying these areas as potentially isolated areas in all our planning provisions. That that is a way of mitigating the risk by firstly informing future occupants that this area has special needs in terms of potential for isolation, but not necessarily sterilising the area from further development as a result of that.

MR CHILCOTT: All right. No, thank you very much for that, Kate. So, that completes your comments. I'll just see if your Mayor wishes to add anything into the mix that she's heard you put forward. Mayor Dillon, good morning again.

MAYOR DILLON: No. I think at the end of the day, all the councillors have looked at what the Planning Department have presented and we're reasonably comfortable with it. They've done a fair bit of work to make sure that those properties that will have the building permissibility not in the flood zone. The only

thing that I could see there is if there was a big flood, there may be a little bit of a worry in getting people out, but I think they've taken that all into account in their approach.

- MR CHILCOTT: All right. No, thank you very much for that. If you're comfortable, I just have a few questions back. Firstly, just a comment, we did talk with the Department yesterday in meetings both in relation to this matter and the other one which is not far away, which we'll talk about in due course.
- But particularly in relation to the shelter-in-place guideline which was in draft form at one point and now been made into a more formal guideline. But I think it's fair to just feedback to you that they recognise that in a formal sense, the shelter-in-place guideline has no direct application at the moment in relation to this matter. Principally because the way that shelter in place is defined is the internal movement of a building's occupants to an area within the building above the probably maximum flood level before the property becomes inundated.
- And in this instance, I think they accept, and you'll see from the transcript of the meetings that in this instance, the proposed building footprints, they're satisfied sit above the PMF and therefore the shelter-in-place guideline which is for when a PMF inundates lower levels and you need to move within building. Those at this point formally aren't engaged.
- Notwithstanding that, the issues of isolation are a principal concern, as you've seen from the Department's assessment. And in particular, the key matters that are engaged particularly because there is within the Goulburn Mulwaree LEP the inclusion of clause 5.22 in relation to flooding, that then brings into consideration the matters in clause 4.1 subclause 4 of the Ministerial Directions. And in particular, they, as you would have seen, go to matters identified in subclauses (e) and (f) to do with the safe occupation and efficient evacuation of the lot, and the likely result of significantly increased potential spending if isolation is to be dealt with. And the guidance there is that a planning proposal must not contain provisions that apply in areas like that, and which generate these issues.
- I'm particularly interested in your specific responses in relation to that and how you've reconciled those particular matters in coming to a conclusion that you're satisfied that these are not matters for I'm trying to find the right word, but concern or at least being substantive reasons for the gateway decision that the Department's made.
 - I think as we talked about when we were out on site and by the way, my thanks for your attendance and assistance on site these are matters that are to the fore in relation to this particular proposal and other proposals on Brisbane Grove Road. So, I'm particularly interested in your thinking there and getting on the record your thinking in terms of how you have come to be satisfied contrary to the Department's position on these matters.

MS JANE ANDERSON: Sorry for the interruption, before Council answers your

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question, I'll just note that we're joined by Marina Hollands. You may not be able to see Marina on your screens, so just for the record.

MS WOOLL: Marina is our General Manager.

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MR CHILCOTT: Oh, I see, thank you very much. Marina, good morning. I'm sorry I can't see you on my screen, I'll just see if – oh, there you are.

MS MARINA HOLLANDS: Good morning. Thank you.

MR CHILCOTT: Good morning. Just to bring you up to date, we've been through introductions, you know the Council people. I'll introduce Jane Anderson and Tahlia Hutchinson from the Commission, who are assisting me through this process.

And we've heard some general remarks from Council staff and from your Mayor in relation to this proposal and we're just moving into some more specific discussions. And perhaps once we've had a response to the matter, you may have heard me ask a question about, I'll come at some point back to you just to see whether you have any specific inputs you wish to add.

MS HOLLANDS: Okay. Thank you.

MR CHILCOTT: Thank you. Thanks for that. David, I think you were about to respond in this first instance.

MR KIERNAN: So, in terms of the unacceptable risk to future residents, we have considered this in the rounds and we've made a number of amendments. There were two planning proposals, the first one didn't go through the full process, it run out of time. But the second one came in and it was an improvement on the first one, with a reduction in the number of lots for a start, and a change in the site access to be a bit further away from the Brisbane Grove – Braidwood Road iunction.

- So, that's one. Also that there [unintelligible 00:16:44] Flood Impact Risk Assessment. We already have some data through the Flood Risk Management Study, but the Flood Risk Assessment provided more local context and qualified some of the risk associated with isolation.
- In terms of mitigating some of the impacts of isolation itself. Well, firstly, the precinct is really, really low density, we're talking about 0.2 of a dwelling per hectare, so very, very low in terms of the overall precinct and specifically for this particular site.
- We had a number of meetings with the SES and DCCEEW who identified some secondary risks and risks from human behaviour as a result of isolation that needed to be considered. We considered these and tried to provide some additional provisions in the Development Control Plan. Firstly, by making it clear that 5.22,

the special flood consideration clause, applies to any future DA (development application). But also through some policy provisions in terms of what needs to be provided on site.

So, to address secondary risks such as fire and medical emergencies happening at the point of isolation, therefore needing more emergency vehicles. We've tried to minimise the requirement for emergency vehicle callouts for fire and medical emergencies through the provision and maintenance of a home fire safety kit, which includes a dry chemical powder and wall bracket and locations' different fire blanket, just to reduce the need for those ... If there's small fires, to reduce the need to callout emergency services.

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I must point out that SES have some concern regarding fire emergency because inundation of water can cause electrical fires. Well, in this case, obviously no dwelling pad will be inundated by any floodwaters. It reduces that fire emergency risk even further.

There's also the concern of medical emergencies occurring at a point of isolation. We've tried to address this through the provision of a first aid kit and an automated external defibrillator to provide those advantages to the current residents. They'll be prescribed through Section 88B provisions on the title and will be required for each development proposal for a dwelling on one of those sites.

In terms of human behaviour, this is a difficult one. Obviously, SES have some concerns and so do DCCEEW that people will naturally want to enter floodwater to get from one place to the other, so from the CBD to home or from home to the CBD. We do appreciate that we can't fully control human behaviour but we are trying to reduce the incidence and the need for someone to have to enter floodwater in those circumstances.

We've ensured that they have access to on-site sewerage works in terms of the effluent management area. We're requiring some independent power sourcing and batteries on the site to ensure that they can be independent of the town's power supply. Obviously, the first aid equipment, the fire equipment, and also providing a warning on 10.7 Planning Certificates so all future residents will be required to provide these and need to be cognisant and aware of the fact that there may be some periods of isolation.

- So, these risks have been qualified to some extent. Obviously, you've got 1% AEP risk of inundation happening. The chance of inundation happening at the same time is one of these secondary risks is calculated at 0.1% probability, and that comes from the Flood Risk Impact Assessment.
- So, that's generally how we've addressed the isolation risk in terms of future residents, and to minimise the need for emergency vehicles to have to access the precinct during those periods of isolation. We haven't eliminated the risk completely, but we've tried to reduce it as much as possible and ensure it is

commensurate with the flood hazard.

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MR CHILCOTT: All right, thank you. Kate, did you have anything to add there?

- MS WOOLL: Yes. So, in terms of the infrastructure part of the question, and state spending. We aren't in an area where a special infrastructure contribution applies to state infrastructure. We have a contributions plan but, we can't levy contributions on state infrastructure. Braidwood Road is the primary [access/egress 00:21:21] road. And the river at the Braidwood Road crossing of Mulwaree Bridge is the main piece of infrastructure aside from the road itself.
 - So, the thing is that effectively there's no reason why we couldn't, if a DA was approved, that there couldn't be a planning agreement potentially between, or a works-in-kind, well, not a works-in-kind agreement, but a condition required to improve the approaches to the bridge. But in saying that, that's not going to be commensurate with the level of development that's proposed here. We'd be looking at something in the order of at least 1 to 2 million based on what we've been advised from the flood consultant, GRC Hydro.
- MR CHILCOTT: Can I just ask, is that in relation specifically to raising the level of the road, is that what you're talking about?
- MS WOOLL: Yes. So, the bridge itself is clear of the 1% flood event. But the approaches to the bridge on both sides go under just before the 1% event commences. So, it's quite a difficult one because I think, realistically, the only thing you could do would be to raise the road approaching the bridge on either side.
- And in saying that, it's only going to be a marginal benefit. It's not necessarily going to say it's to completely prevent it being well, make it accessible during the 1% event. And certainly it won't make it accessible during a PMF. The PMF is quite a number of metres higher than the 1% in this location.
- The other issue that we face is that Braidwood Road is potentially cut in a number of locations beyond the site, so heading south towards Tarago, I know of at least a couple of locations such as Lake Bathurst where the road is cut as well. So, the thing is, I think, realistically, infrastructure spending is unlikely to occur for either the existing or future situations as proposed.
- There are no works such as levies or anything like that that have ever been identified as being appropriate to manage this proposal or the area in general out there. So, really, outside of the question of emergency services and any cost that they identify associated with what they need to provide or deal with, we don't really see there being any state involvement or state cost to improving infrastructure in that location.

MR CHILCOTT: All right, thank you. And thanks for that additional comment. I'll just go back to your Mayor in the first instance, on the specifics of that

question, and Madam Mayor, once you're finished, I'll then turn to your General Manager to see if she has matters that she wishes to comment on as well. Thanks.

MAYOR DILLON: I think if you look right across the whole region, our whole LGA, there are times when there are flood events. Sometimes in a very wet year, they can be more often than not, but as a general rule, on that particular site out in that location, that Braidwood Road, I know myself, it gets cut at Inverlochy, it can even get cut with the Mulwaree Ponds on the edge of Goulburn. So, I think to spend the money on raising the road on both sides of that bridge is highly unlikely to change the total outcome.

But I think it's in line with most of the other regional areas, that there will be time to time – I live out on the other side on the Gurrundah Road, and we are cut off from time to time as well. But I think most people living in rural realise that isolation problem could be there. And you've usually got a pretty full pantry and supplies there, and with these extra things, a defibrillator and the first aid kits and things, that's all going to highlight this to the people that are intending to build there.

MR CHILCOTT: All right. Thank you. And I'll just turn to your General Manager and invite comments, as you've heard the discussions, Marina. Have you got any you wish to make as well.

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- MS HOLLANDS: Well, thank you. So, this has been to Council several times and Council's feeling is that they understand what the risk is, so we understand that this is above the 1% event, it's the PMF that's primarily the issue in this location.
 - And with the shelter in place, a lot of the risk of this actually can be managed at that local level, in that household level. Communities are used to being able to stay at home and stay in place. And with the inclusion of those on the title as in the defibrillator, we think that's actually quite manageable.
 - This is very similar to a lot of other areas in our local government area, like the Mayor has said. Our council understands the risk. It went to Council last council meeting and we, yes, I guess, I confirm and support Kate and David in what they're saying.
 - MR CHILCOTT: All right, no, thank you for that. Look, a question perhaps in the first instance back to David and Kate. Just by way of comparison, are there other subdivisions subject to similar flood evacuation constraints and isolation implications that you're aware of that exist around the Goulburn area and that may have been may or may not I mean, it may be a question of time, that they've been there for some time. But that have otherwise been dealt with in a way which is inconsistent with the way the Department of Planning has dealt with this particular application.

MS WOOLL: Look, I think the entire suburb of Eastgrove which is located on the eastern side of Goulburn, eastern side of the Mulwaree, it's got potential to be cut

off during certain flood events. The main routes from it into Goulburn get cut off certainly before the 1-in-100 for most routes, but there's a route via Sydney Road that's, I think, generally available up until the 1-in-500.

5 **MR KIERNAN**: The 1-in-500 PMF.

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MS WOOLL: Yes. So, basically the area known as Eastgrove has – which is a residential area – is known to be potentially isolated. Mind you, this is being a subdivision that occurred some years ago, but there is ongoing subdivision within that locality still.

Look, there are other settlements like, you know, looking at even say Marulan, for example, there's been some large subdivisions approved at Marulan where, you know, during a PMF they won't be able to get back into Goulburn potentially, because the main bridge into Goulburn, the Sydney Road Bridge, would probably be cut at that point.

So, look, it sort of ... There's different sort of cases all over the place. Our main actual urban growth area is on the northern side of Goulburn, so it's on the northern side of the Wollondilly River, that the bridges to that northern Goulburn area get cut in a 1-in-500. So, look, there are bits and pieces all over the place which are cut off at different points in different flood events.

- **MR KIERNAN**: I think it's important to remember that Goulburn is essentially wrapped on three of its four sides by two rivers. So, there are plenty of points that those bridge crossings become inundated all at different various points in the types of flooding in different locations.
- So, we are cognisant of this flood risk and we have to balance it, because if we don't balance it, Goulburn wouldn't be able to develop very much at all.
 - MS WOOLL: Yes. But there's a lot of high ground. It's not like they're you know, as you would have observed, Goulburn isn't flat. There's quite a distinctive floodplain. Obviously, we're avoiding development within that floodplain right up to the PMF. So, effectively, that pattern of development of developing on the higher ground and also having that ability to be on higher ground and be quite safe within the higher ground has been what has occurred in Goulburn, and is still continuing to occur in Goulburn at this point.
- So, we see this as not really a different approach to that. We're quite supportive of the Department and the State's Flood Policy on avoiding floodplain and PMF and we certainly endorse that 100% and have tried to ensure that with every subdivision, where possible.
- 45 **MR CHILCOTT**: All right. What I'm hearing from you as well, as you give me your narrative on these other places, they are free at the 1-in-100 but become inundated at the 1-in-500. Just comparing it to the current situation where the access is lost at the 1-in-100 ...

MR KIERNAN: With the exception of Eastgrove; Eastgrove does go under a lot more often. The main routes into the CBD, the most direct routes is sort of the 1-in-20 that goes under, but there is an alternative roundabout route that takes you to the 1-in-500 through the CBD. But it is a more convoluted evacuation route.

MR CHILCOTT: I understand, thank you. No, thanks for that advice. Again, I'll just turn to Mayor Dillon for any subsequent comments.

10 **MAYOR DILLON**: No, I think that they've got that well covered. Yes.

MR CHILCOTT: All right. Thank you.

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- **MAYOR DILLON**: I'm happy with that. I know within where I actually live out of town, it probably floods three to four times a year, and there's two accesses and at times you can't use either of the accesses, one floods, you know, and the other one floods four or five hours later in a big storm event. So, it's not uncommon across the area that there is flooding from time to time.
- MR CHILCOTT: And just in terms of those circumstances, is that a rural property?
- MAYOR DILLON: Yes, I'm 12 kilometres out of Goulburn on the other side of the river, but it does flood out there as well. And when you were talking about a recent subdivision, I've got a block of land that I bought, and it was subdivided into three lots. My lot is the highest one, so my, to build I wouldn't have any problem. But the lower two that are down near the river, they would be in a similar circumstance to this, whereas their house would be safe but they may not be able to get out in a big flood event.
 - **MR CHILCOTT**: Thank you. And I'll turn to your General Manager as well. Marina, did you have any other observations or submissions you wish to make at this point?
- MS HOLLANDS: No, I don't really have much further to add. But apart from, I guess, Eastgrove does show that we have an urban area that is [unintelligible 00:33:08] flooding. And you're looking at Eastgrove and you probably have, I don't know, a hundred houses in Eastgrove, so it's not a small subdivision, and that continues to be subdivided with another further, I think, 30 coming online with most recent subdivision. So, it does happen in our LGA. They do have a path going out over Sydney Road. Difficult for that number of people, however, this area has a smaller subdivision, so I think the pathway out for that would be a lot easier with a larger state road.
- 45 **MR CHILCOTT**: All right. Thank you. That completes the points that I was particularly interested in covering today. I'll just check in with my colleagues to see whether they have anything they wish to bring to my attention.

MS ANDERSON: Michael, nothing from us here in the room.

MR CHILCOTT: All right. No, thankful, thank you very much. And again, my thanks to you, Kate and David, for the time you took to accompany us on the site view late last week. I appreciate that. I thank you all for your time today. I'm assuming from your perspective we're complete – is that correct?

MAYOR DILLON: That's fine. Thank you very much.

10 **MS WOOLL**: Yes. Thank you, Michael.

MR CHILCOTT: No, thank you very much. We have a second meeting to engage on another matter, which we'll go to. Apologies for having to do these separately but they are separate matters and the transcripts for both will be put up independently on the Commission's website. I think we're due to start the other one at around 11. Is that correct?

MAYOR DILLON: Yes.

MR CHILCOTT: So, at this point we'll take a break and we'll come back on at 11 p.m. If I can just ask my own IPC staff to remain online and for the others to depart at this point and we'll see you at 11 a.m. for the other one.

[All say thank you]

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>THE MEETING CONCLUDED