# CITY OF JOONDALUP

MINUTES OF SPECIAL ELECTORS MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON MONDAY 2 NOVEMBER 1998

#### ATTENDANCES

## Commissioners

Cmr C T Ansell Chairman
Cmr H Morgan AM Deputy Chairman

Cmr R Rowell

#### Officers

Chief Executive Officer: L O DELAHAUNTY from 1830 hrs to 1850 hrs

from 1855 hrs

Acting Director, Development Services: R FISCHER from 1905 hrs
Manager, Approval Services: K WEYMES

Manager, Executive Services: K ROBINSON
Manager, Council Support Services: M SMITH
Manager, Infrastructure Design Services: P PIKOR
Co-ordinator, Planning Approvals: R PEAKE
Traffic Engineer: L ROUND
Publicity Officer: L BRENNAN

Publicity Officer: L BRENNA
Committee Clerk: J AUSTIN
Minute Clerk: L TAYLOR

## In Attendance:

Chief Executive Officer.

Shire of Wanneroo: K WHITE

### APOLOGIES

Mr R Johnson, MLA

There were 117 Electors and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1830 hrs.

#### ITEMS OF BUSINESS

Cmr Ansell advised the meeting had been called in accordance with the provisions of Section 5.28 of the Local Government Act 1995 and was advertised in the Wanneroo Times on Tuesday, 13 October 1998. The purpose of the meeting was to discuss the approval of a Mosque on Location 12888 (64) Walter Padbury Boulevard, Padbury.

Mr Keith Weymes, Manager Approval Services and Mr Rod Peake, Co-ordinator, Planning Approvals gave a presentation and overview on the history and background of the Hepburn Heights Estate and the site in question, the requirements of the City's Town Planning Scheme, the development application, the decisions that arose from that development application and the decision of the Commissioners.

Mr Peake advised the Hepburn Heights Estate, comprising approximately 53 hectares was originally set aside for an educational institution. Some time ago a decision was made by the State Government that this land was surplus to its requirements for such a purpose. As a result, this project was given to LandCorp to proceed with the planning and development of the Hepburn Heights Estate. Originally Council was supportive of the plans, however, once substantial public opposition became apparent, Council changed its position. The Government continued with plans to rezone the land from public institution to urban under the Metropolitan Region Scheme and under the City's Town Planning Scheme to residential development.

In the early 1990's, the current estate was subdivided into a number of lots for various purposes as outlined on Appendix II hereto, and listed below:

- 21 hectares on the western portion of the Estate was set aside for bushland preservation purposes;
- · 1 and a half hectares of land set aside for a local shopping/civic centre;
- 10 hectares of land set aside by the Government for community groups, of which the Mosque, the subject of this meeting, comprised one of the sites;
- residual balance of the land set aside for residential development in various forms, from single residential to grouped housing and aged persons housing.

Immediately north of the Hepburn Heights Estate was a Water Corporation water treatment facility, with a buffer requirement as a minimum separation distance between its chlorine storage areas and the closest residential development. This became surplus to the Water Corporation's requirements and was subsequently set aside for community purposes; and zoned residential development under the City's scheme.

The land was then subdivided by the Government and allocated to the various community groups, being:

- St Stephens School;
- 2 a recreation reserve vested in the City for recreational purposes (site since been developed as an oval and associated facilities);
- 3 Scout Association (land remains undeveloped at present);

- 4 Australian Anglo Indian Association for a community cultural centre (first application has been received for the first stage of this development):
- 5 Shiloh Faith Group (site has received development approval for its overall centre):
- 6 site to the west comprising Point 4 and Point 4A originally set aside for the Christmas Island/Malay Muslim Association;
- 7 Site 3 to the north vacant crown land
- 8 only other developed facility in this precinct is the City's park (Site 8).

Referring to the history of the subject land being Parts 4 and 4A as shown on Appendix I hereto, this land in the early 1990's was set aside for the Christmas Island/Malay Muslim Association. The area comprises approximately 2 hectares of land and was considered sufficient for the Association's land requirements when first allocated. After preliminary planning, the Association found the land was in excess of that required, and therefore divided the land approximately in half and returned approximately 1 hectare to the Government - (DOLA). The piece of land originally chosen to be kept was that noted as Part 4A on the attached plan. This was the subject of the application for the mosque originally received by the City.

Mr Weymes advised the City's Town Planning Scheme had the same powers as an Act of Parliament and had a number of purposes such as zoning land and to set provisions relevant to the development of land.

He advised the land was zoned Residential Development which is a general type of zoning which allowed a variety of urban uses to occur within the zone.

The subject use is defined as "Public Worship" under the City's Town Planning Scheme and as such required the approval of Council. Under the Town Planning Scheme, Council may advertise the proposal, but is under no obligation to do so. In respect to advertising, Council has delegated that authority to its officers to determine whether or not a proposal required to be advertised. Mostly, the matters are advertised, which was the case in this particular instance.

In respect of each application, Council must consider the Scheme provisions such as carparking, permissibility of use, nature of development, nature of the land and the buildings, whether the land is subject to inundation, comments from Government agencies and residents, impact the development may have on the amenity of the locality and the environment, matters such as roads giving access to the site, and the impact the development would have on the road system. In addition to the above, Council must consider any other matters that are felt relevant to a particular application. Finally, Council may approve an application with or without conditions or it may refuse it. Any of the matters Council has exercised its discretion on may be the subject of an appeal by the applicant. The appeal may be made to the Minister for Town Planning, or to the Town Planning Appeal Tribunal. There are no third party appeal rights.

Mr Peake advised the application in relation to the mosque was received in its original form and advertised for public comments. Initially, approximately 94 submissions were received on the application. Council organised a meeting with the applicant, representatives of its various departments, a representative of the community, being Rob Johnson MLA and the landowner to the east of this site, being the Shiloh Faith Centre group representatives. The purpose of the meeting was to look at opportunities for a redesign of the application in such a way that would address many of the issues raised by the community. The applicant agreed to redesign the building which consisted of a relocation from its original site to the site immediately to the west. The application was determined as a building of approximately 630m<sup>2</sup> being single

storey in scale, rising on average approximately 5 metres in height. The roof structure on the elevations rose to a maximum of approximately 8 and a half metres in height. The building is of colorbond roof construction, with brick masonry walls. An 82 bay car park formed part of the proposal, with an access point from Walter Padbury Boulevard.

Chief Executive Officer left the Chamber at 1850 hrs.

Due to the levels and design of the car park, it was possible to retain a large amount of the existing vegetation.

It is proposed to use the building for daily prayer and religious functions. Prayer times are conducted throughout the day, commencing from 5.30 am to 8.00 pm. Each prayer session runs approximately 30 minutes, with 10 to 30 people attending each session. In addition to this, there is a number of times throughout the year when the Association may use the building to its capacity of 300 people for special events such as Mohammed's birthday.

The revised application was readvertised along with letters being sent to those landowners in the immediate vicinity of the new site, as well as to those objectors who previously sent letters of submission to the City. An additional 18 letters of objection were received as a result of the readvertising which were taken into consideration in determining the application.

Chief Executive Officer entered the Chamber at 1855 hrs.

Mr Weymes pointed out some of the issues that required to be determined when considering the application as being:

- whether the use of public worship was appropriate in a residential development zone;
- previous decisions and applicants expectations that the land could be used for community purpose use;
- uses of adjoining sites;
- combined impact of all uses;
- · traffic impact and volumes within the Hepburn Heights area;
- access to and from the site:
- increase in noise levels and numbers of people attending the mosque at any one time;
- · amenity of the area.

Acting Director, Development Services entered the Chamber at 1905 hrs.

Mr Weymes made reference to the Shiloh Faith Centre which was approved in 1996, as well as the Anglo Indian Association development which has also been approved. He stated all these developments were of a similar scale and bulk to the proposed mosque development. Prior to the building proceeding, an acoustic report is required to substantiate that the noise levels are able to be contained; to ensure that the use of the building complies with the Environmental Protection Act. There are other conditions that deal with retaining storm water on site, landscaping plans, management of carparking, parking on street verges, carparking noise and the like. The City was required to exercise its discretion, after which an approval was issued.

In conclusion, Mr Weymes reiterated that the land was owned by the State, subdivided by the State and provided by the State. There was a high expectation that the end use was going to occur. The land is not owned by the City and it must deal with applications it received in accordance with the law and the Town Planning Scheme.

Cmr Rowell referred to several points raised in the petition requesting a Special Meeting of Electors, dated 29 September 1998, as listed below:

### POINTS RAISED

Point (i): The approval of a Mosque on Location 12888, (64) Walter Padbury Boulevard.

Response: This will be discussed in the presentation.

Point (ii): A management plan for the region covered by the estate and surrounding development s to ensure the rights, safety and amenity of residents. The poor planning strategy of placing community purposes sites in residential areas.

Response: The City sought to prepare a concept plan for the community land before it was allocated to the various groups. This failed at this stage as the City had no formal planning provisions which would give statutory effect to the plan and the community groups' requirements were not established at this stage. The City is however currently in the process of preparing a plan for the overall community group land. This plan will be publicly advertised prior to adoption by the Council

Point (iii): The inaccuracy of the summary to the Council (your ref: CJ153-09/98) with respect to the number of objections received to the proposed Mosque development of location 12888 (64) Walter Padbury Boulevard. Points include:

> (a) The failure to include a 200 signature petition and numerous letters from residents objecting to the development.

Response: Whilst the petition was not specifically referred to in the report, it was included in the total of submissions and the Joint Commissioners were aware of the substantial community opposition to the proposal.

> The main purpose of seeking submissions is to draw out issues relevant to a particular application. The issues raised by the petition were included in the report for the Joint Commissioners' consultation.

Point
(iii ) (b):

Bias in the report from the administration.

Response: As the application was consistent with the past planning for the area, was of minimal scale and intensity, as the plan satisfied all of the City's design requirements and it was considered that any potentially adverse impacts would be managed, the application was viewed from a positive perspective.

(iii) (c): Statements on issues such as patronage of the development not based on fact.

Response: The patronage levels stated in the report were those that formed part of the application. The application was approved on the basis of these patronage levels and any changes will require further approval.

Point: (iii) (d):

Response:

the report addressing only one point raised by those objecting to the proposed development.

Response: The report lists the issues raised in the submissions for the Commissioners to consider and elaborated on those issues requiring further explanation.

Point (iv): Failure of the council to reopen and publicly re-advertise for submissions for the modified proposal.

Response: There was no obligation for Council to advertise this proposal at all. However, the Council did, in respect to the first application:

- · have a sign erected on site, and
  - · notified nearby landowners of the proposal.

In respect to the modified application, Council notified:

- · adjoining landowners and
- · submittors from the original proposal

Point (v): Evidence of application in writing and approval of permission for Special Approval under 3.8 of Town Planning Scheme No 1, which specifically requires that the Applicant makes application for Council's Special Approval in writing to the Council.

Response: The Council received a formal application for the proposal in accordance with the Scheme and normal practices.

Point (vi): A Joint Commissioner stated that the community developments in the estate were an example of bad planning. No reasons were given for the approval of the Mosque development in a zone for which it is not permitted unless Council grants approval is requested which is contrary to the Royal Commission recommendations for full and open accountability.

The Commissioner was expressing a view that the Government's plan for locating the community groups in the northern portion of Hepburn Heights was an example of bad planning. Notwithstanding this, the Government did subdivide the land for community purposes and has now allocated the land to various community groups, which now wish to develop land for the purpose for which it was set aside. It is the City's role to facilitate this development in a manner which minimises any adverse impact on the rest of the community.

Response:

Response:

The application before Council was an application to commence development. The application was approved and the applicant advised. There was therefore no purpose in providing the applicant with reasons for Council's decision. However, if the application was refused, it would have been necessary for reasons to be given to enable the decision to be properly understood and tested in the case of an appeal.

Point (vii): Failure to include representatives of the community in meetings convened to discuss the proposal.

Response: The meeting referred to here was held in response to the submission received, the purpose being to discuss design solutions that could address the issues raised by the community. The local MLA, Mr Rob Johnson, did attend the meeting on behalf of the community and the revised application which resulted from the meeting was advertised prior to the application being determined.

Point (viii): The safety and traffic issues related to the developments in the estate in view of the traffic philosophy used to justify the amended development proposal of Location 12888 that is contrary to that proposed in the traffic survey commissioned by the council.

In view of community concern expressed over the traffic impact of community developments planned for Hepburn Heights, the Council commissioned a traffic study for the area. The study concluded that current vehicle volumes are within acceptable limits, however, established the need for a second access point in the future when traffic volumes rise as a result of the community developments. This report was the subject of community consultation and in May of this year, the Joint Commissioners resolved to monitor traffic speeds, volumes and crash statistics in Hepburn Heights and list as a medium term priority the construction of a left-in left-out access from the roundabout at Chadlington/Blackwattle Parade to Hepburn Avenue. The application for the Mosque was considered in the traffic projections used in the traffic study.

Point (ix): The relocation of the Mosque development and other community developments to an alternative location.

Response: The estate was planned and subdivided in part for the community groups. The land has since been allocated to the various groups and these groups have an expectation of developing their facilities in Hepbum Heights.

The City can only consider applications on their planning merits and has no power to relocate the groups to alternative locations.

Point (x): Prevention of all further building developments on the community development sites until all issues relating to this matter are fully resolved.

> Planning approvals for the Shiloh Faith Centre, the Australian Anglo-Indian Association and the Christmas Island Malay Moslem Association have now been issued after an assessment of the planning merits of each proposal. The City is not able to halt building works inconsistent with these approvals.

Point (xi): Rezoning of Locations 11974, 12888, 12889, 11977, 11979, 11981 and 19982 to A class nature reserve

Response: In view of the Planning history of the Hepburn Heights estate and in particular the sites for the community groups, it is not considered appropriate for Council to zone the land in a manner that would prevent development for future community purposes and this would be likely to meet with Government opposition and therefore fail even in the event that Council supported such a move.

Point (xii): Discussion of the Shiloh Faith Centre facility and issues such as traffic, noise, overflow parking and the clearing of Location 12889.

Response: Traffic, noise, parking and land clearing were amongst the issues considered by Council in approving the Shiloh Faith Centre facility on Location 11977 Chadlington Drive.

Point (xiii): The environmental value of the Location 12888 and surrounding locations.

Response: No environmental studies have been undertaken by the City. The site has not been identified as a System 6 Reserve by the State Government and has been released by the State for community purposes. In isolation, the site would probably be of little environmental value.

Point (xiv): The Water authority plans for Location 9976.

Response: The City has not yet received a development proposal from the Water Corporation.

Point (xv): Issues such as the unworkable conditions imposed by Council. For example how does Council intend to monitor and enforce conditions such as the 300-person limit in a building that has a floor space capable of holding 450 people? Will the Council give a commitment to undertake legal action if numbers are breached including the limits of 30 in early morning sessions?

Response: The Council has received an Application to Commence Development and has approved that application subject to conditions.

If the site is used contrary to that approval, the City may commence legal proceedings.

It is not appropriate for the City to give a commitment to commence legal proceedings without considering the evidence and reasons in each case.

It should however be noted that evidence relevant to occupancy numbers is generally easy to collect and prove.

Point (xv): Other matters raised from the floor relating to the planning of the Hepburn Heights estate in general.

Response: Other matters will be addressed during discussion.

## Mr Trevor James, Chairman of the Hepburn Heights Landowners Association:

Mr James gave a brief overview of the Hepburn Heights Estate and community spirit within the area. He advised it was a diverse community, comprising many different ethnic backgrounds, with residents having one goal in mind which was to improve the aesthetics of the area and to ensure the safety and amenity of the Estate for all concerned.

### Mr Gary Young, Vice Chairman of the Hepburn Heights Landowners Association:

Mr Young referred to the report placed before Commissioners on 22 September 1998 and stated there were a number of inaccuracies within that report, and suggested the use of emotive, subjective and influential language was prevalent.

He pointed out many proposals had been deleted since the original plan, and listed these as:

- · the roads through to Pinnaroo and Padbury
- · Police Station
- · medical centre and council community facility
- · cricket pitch on the oval

Mr Young felt it was more appropriate that community developments in the estate be relocated to areas where there was main road access.

Prior to any further developments being undertaken, Mr Young suggested a working party be formed in order to develop a plan for the area that would be beneficial to all in the community.

### Mr Max Henderson, of Hepburn Heights:

Mr Henderson displayed a number of photographs which emphasised the traffic problems experienced in this particular area. He stated residents were often abused by patrons from the nearby petrol station when attempting to enter the Estate and their driveways. Within the last two weeks a serious accident occurred when a children was knocked down and his leg broken. It was suggested accidents would increase with the larger volumes of traffic within the area.

He pointed out that Hepburn Heights as a residential community encompassed some 250 housing lots and approximately 20 multi unit dwellings, with only one access road being Walter Padbury Boulevard.

The Landowners Association had received complaints from residents in relation to congestion, volumes of traffic and excessive speed.

Reference was made to a traffic study undertaken by CCD Engineering which was endorsed by Council. Despite the concerns of residents, no recommendations were made by the consultants to the road rights as already mentioned, except for the possible construction of a left in/left out access at the junction of Hepburn Avenue and Chadlington Drive.

He stated that in light of the Duty of Care Regulations, the Commissioners of the City of Joondalup had an obligation to both residents and ratepayers to prevent any of the above problems occurring.

## Mr Ken Raine, Hepburn Heights:

Mr Raine advised he had moved into the Hepburn Heights area earlier this year and saw it as a safe place for families as the volumes of people and traffic within the area would be relatively low and with, in all probability, a lower crime rate.

He stated he had been employed in local government for 14 years and is both a qualified Environmental Health Officer and authorised officer under the Environmental Protection Act.

Mr Raine expressed his concerns with the proposed development in that he felt it was likely to cause an unreasonable disturbance in the form of noise to nearby residents. There was also the concern the building would be occupied by higher numbers of persons than those stated in the report to Commissioners.

He made reference to Regulations 3(a), 8, 13(2) and 15 covered by the Environmental Protection (Noise) Regulations 1997 in relation to noise levels.

In relation to public building matters, Mr Raine raised the issues of building design, sanitary facilities, exit door widths, ventilation and air-conditioning, as well as occupancy numbers.

### Ms P Brogan of Hepburn Heights:

Ms Brogan referred to the additional information given to Commissioners at the meeting where the decision on the mosque was given.

She made reference to the meeting held with officers of the City and queried why the Muslims, Shiloh Faith, DOLA and Rob Johnson were invited, but residents were not. Ms Brogan asked whether minutes were taken of that meeting.

Mr Weymes stated he was not present at that meeting and was unsure as to whether minutes existed.

Mr Peake advised that file notes had been made of the outcome of that meeting, but there was no requirement for minutes to be taken as this meeting was not a formal Council meeting.

To Ms Brogan's query regarding DOLA, Mr Peake advised DOLA was invited because one of the possible outcomes of the meeting was to relocate the facility and DOLA was the landowner.

Mr Weymes outlined the procedures involved in interviewing applicants regarding prospective development applications.

Ms Brogan requested Commissioners to look after the residents who live in the area. She suggested a management plan be implemented to retain the land as bushland.

### Mr R Hardwicke of Hepburn Heights:

Mr Hardwicke stated he had lived in the area for the past 4-5 years and was one of the two people who will be most affected by the proposed mosque.

He advised the Hepburn Heights Landowners Association was formed with the idea of maintaining the estate, as once DOLA had completed selling the land, water was cut off from the entry statement area. Only three trees were remaining from the front tree lined thoroughfare. Residents were not given the option of paying an excess on their rates to keep the water pumps operational.

Mr Hardwicke raised issues in relation to traffic volumes, security problems and speeding vehicles and stated the installation of 40 kph signs had been requested similar to those in place in Ellenbrook.

### Resident of Hepburn Heights (name unclear):

This gentleman stated Commissioners were not listening to the residents who lived in the community.

He queried how many people of both the Muslim faith and the Shiloh Faith Centre lived in the area in question. He doubted they lived in the immediate community and felt this was the primary issue.

### Mr R McKinlay of Hepburn Heights:

Mr McKinlay referred to a comment made by a Shiloh representative they that would have no objection to relocating if they could be given a suitable alternative. He referred to paragraph 3 of a recent letter received from the now North City Christian Centre which stated:

"we are fully aware of the traffic impact associated with our location and will work hard to ensure that it is minimal".

He raised issues such as traffic impact, and noise and requested Commissioners to allow common-sense to prevail and relocate these problem areas while there was still an opportunity to do so.

### Mr M Hart of Hepburn Heights:

Mr Hart stated he had lived in Hepburn Heights for the last six months and in that time had not been approached with a view to seeking his comments on any of the recently approved proposals. He was unaware of any of the proposals when purchasing his property.

Mr Hart urged Commissioners to ensure that the situation which has arisen in relation to the mosque application is not repeated.

#### Mr Chris Stevens of Hepburn Heights:

Mr Stevens referred to the area as being a small lot development and queried how many other small lot developments had a large number of community facilities. He made mention of the impact these facilities would have on the residents of the area and urged Commissioners to make an informed decision as to how this proposal would impact on the residents.

Mr Gary Young read the following Motion:

MOVED Mr Gary Young, SECONDED Mr Trevor James that we the electors of the City of Joondalup, being mostly residents of the subdivision known as Hepburn Heights Estate, do hereby request that the Joint Commissioners:

- 1 accept the validity of opposition to the proposal for public worship facilities to be developed on sites 12888 and 12889;
- 2 rescind the decision of 22 September 1998 to approve development on the public worship site (CJ153-09/98);
- 3 prevent the commencement of any development on any community purpose sites, including any clearing of land, in the Hepburn Heights Estate until a proper Management Plan is developed and agreed to by Council, residents and community groups;
- 4 as a matter of urgency, develop a Management Committee in conjunction with residents/ratepayers and community organisations in the precinct of Hepburn Heights Estate;
- 5 conduct a comprehensive traffic study based on the case that if all community facilities were fully developed and fully utilised at the same time;
- 6 provide a comprehensive parking management plan for all proposed community facilities prior to any development commencing;
- 7 formally acknowledge the unsuitable topography of Walter Padbury Boulevard as a local distributor road providing access to large facilities such as those proposed;
- 8 comply with 5.18 of City planning scheme which states: "no lot or building would be used in such a manner as to create or to be a nuisance to any inhabitant of the neighbourhood of such land or to traffic or persons using land in the vicinity";
- 9 seriously investigate the relocation of proposed community facilities in the Hepburn Heights Estate given that the Water Authority no longer requires the allocated land and associated buffer zone;
- 10 rezone Lots 12888, 12889, 11974, 11976, 11977, 11979, 11980, 11981, 11982 and Reserve 38757 9976 for residential purpose only or rezone the said land to A Class Reserve for the purpose of passive recreation;

- 11 relocate the proposed community site developments to a light industrial area in line with accepted town planning principles;
- if the said proposed developments are not relocated, impose substantial performance bonds on the occupiers to ensure compliance with specified operational conditions, including noise, maximum accommodation and parking;
- 13 if the proposed developments are not relocated, to provide a detailed plan to Hepburn Heights Landowners Association advising how the imposed conditions will be monitored and enforced including noise, maximum accommodation, parking and traffic flows;
- 14 to examine the legality of the Shiloh Faith Centre (North City Christian Centre) being approved as a religious premises where it is shown on the plan that it will include commercial uses such as a bookshop, coffee shop and child care centre and report the findings to the Hepburn Heights Landowners Association:
- 15 provide a copy of the minutes of, or notes taken down at the meeting held between the City, the Shiloh Faith Centre, Christmas Island Muslim Association and Mr Rob Johnson, referred to in the report to Commissioners covering the development of a public worship facility on Lot 12888;
- if the proposed developments are not relocated, require a detailed noise survey by a qualified acoustic consultant be provided by the applicant to the satisfaction of the Hepburn Heights Landowners Association and the City of Joondalup prior to any consideration being given to allow occupancy of the building;
- 17 if the proposed developments are not relocated, place a condition limiting the number of persons permitted on the premises to 30 persons at any one time except for two days per year and that the design of the building be changed such that the maximum accommodation based on floor area measurements is 300 persons or less:
- fully comply with Section 5.33(2) of the Local Government Act 1995 until all issues raised at this meeting have been fully resolved.

#### The Motion was Put and

CARRIED UNANIMOUSLY

Both Mr Young and Mr James thanked Commissioners for this meeting and urged Commissioners to listen to the residents in an attempt to arrive at a satisfactory conclusion for all those concerned.

Cmr Ansell thanked residents for attending and expressing their views. He advised there had been a number of worthwhile suggestions made which Commissioners would consider in their deliberations and assured residents their interests would be taken into consideration.

There being no further business, the Chairman declared the meeting closed at 2040 hrs.