PLANNING COMMITTEE

MINUTES

27 NOVEMBER 2019

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MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY COUNCIL HELD 27 NOVEMBER 2019 IN ST KILDA TOWN HALL

The meeting opened at 6:30pm.

PRESENT
Cr Baxter (Chairperson), Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, Cr Pearl, Cr Simic, Cr Voss

IN ATTENDANCE
Lili Rosic General Manager City Strategy and Sustainable Development, George Borg Manager City Development, Scott Parkinson, Coordinator Statutory Planning Gateway Ward, Kirsty Pearce, Senior Governance Advisor, Rebecca Purvis, Governance Officer.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES

MOVED Crs Gross/Voss

That the minutes of the Planning Committee of the Port Phillip City Council held on 23 October 2019 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil.

5. COUNCILLOR QUESTION TIME

Councillor Voss asked officers to explain what would be needed to be implemented within the planning scheme to enable the ability for multi-unit developments to take secure parcels.

George Borg, Manager City Development, advised that we can't cover every aspect of parcel delivery through the planning controls however there is sufficient provision already for suitable design controls to allow parcel delivery for residents. The current method for missed parcels is to leave a collection card to allow the recipient to collect their package from the post office and this system works sufficiently.

6. PRESENTATION OF REPORTS

6.1 103 Beach Street Port Melbourne

The following speakers made a verbal submission to the item:

Eddie Micallef

Mr Micallef spoke as President of the Beacon Cove Residents Association and expressed concern around potential building height changes that could occur under future ownership. Mr Micallef thanked Council for their efforts and cooperation with the Residents Association during this project.

Lachlan Anderson

Mr Anderson spoke on behalf of the Applicant and addressed some key amendments that have been made to this proposal.

Purpose

1.1 To determine an application to amend a planning permit to redesign the building, add an additional storey (from three to four storeys), reduce the number of dwellings (from 14 to 12), rearrange the basement car park, modify car parking and reduce the clearance height of the building above the shared path on the eastern side of the site and internal changes.

MOVED Crs Copsey/Brand

3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Amend a Planning Permit.

3.2 That a Notice of Decision to Amend a Permit be issued for the construction of a building and carrying out works in the Comprehensive Development Zone, buildings and works for accommodation pursuant to the Environmental Significance Overlay, reduction of parking pursuant to Clause 52.06 at 103 Beach Street with the following changes.

Amended Permit Preamble

The Permit Preamble to be amended to remove the reference to the waiver of the loading bay. The Permit Preamble to read as follows (with changes being struck out).

The preamble to be:

- Construction of a building and carrying out of works in the Comprehensive Development Zone;
- Buildings and works for accommodation - pursuant to the Environmental Significance Overlay;
- Reduction of parking pursuant to Clause 52.06
- ~~Waiver of (on site) loading bay requirement pursuant to Clause 52.~~07

in accordance with the endorsed plans

Amended Conditions

The conditions to be (with changes shown as being struck out/and or **bold** for additional conditions).

Amended Plans Required

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Wood Marsh Architecture "Beach Street Apartments 103 Beach Street Port Melbourne", plan no's TP-000, TP-101, TP-150 to TP-155, TP-200, TP201, TP-300 to TP-302, TP-700 to TP-713, TP-900 to TP-903, all revision A, dated 24.05.19, but modified to show:

   ~~a) The overall building height, excluding the plant material and lift overrun reduced to a maximum height of 13.500 metres above natural ground level~~.

   a) A minimum 6m³ storage space dedicated for each apartment within the basement level;

   b) All plan and elevation drawings to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels;

   c) Any changes required by condition 12 (Sustainable Management Plan);

   d) Any changes required by condition 13 (Water Sensitive Urban Design);

   e) Any changes required by condition 16 (Waste Management Plan);

f) Any changes required by condition 17 (Landscape Plan);

g) Any changes required by condition 32 (Environmental Audit Overlay);

h) Any changes required by condition 36 (Noise Attenuation for Apartments);

i) A full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), ~~generally in accordance with Sample Boards 1/2 and 2/2 and in addition to Plan numbers TPV-01 Rev A; TPV-08 Rev A; TPV-09 Rev A, TPV-201 Rev A; TPV-202 Rev A, TPV-203 Rev A; TPV-204 Rev A~~ must be submitted to the satisfaction of and approved by the Responsible Authority.

~~j) Remove car parking spaces 16 and 17 located to the north of the building and provide details of a replacement landscape treatment for this area that allows for safe and pleasant pedestrian access around the building and to residential entry(s)~~

~~k) Provide clear glazing for the full extent of the supermarket frontage to the south with a maximum of 50% of the glazed area permitted to be covered or obscured by branding advertising or internal shelving to maximise engagement with the public realm~~

j) The northern elevation of the ground floor to provide a minimum 60% visual permeability.

k) Provide full details of indicative internal supermarket layout including location of shelving, aisles and checkouts ~~and relationship with the internal arcade generally in accordance with Dwg SK-001~~

~~l) Provide full details of the proposed internal arcade walkway and relationship with the café and supermarket, maximising opportunities for visual permeability and engagement~~

l) Provide full details of all internal and external levels, including the RL's for the building ground floor relative to surrounding external areas and pedestrian spaces

~~m) Design differentiation between the Ground and First Floors of the southern elevation. Generally, in accordance with Dwg TPV-203 REV A~~

m) Double glazing to all external windows of the dwellings.

n) Plans showing two toilets and associated amenities for exclusive use of PTV/ Yarra Trams, located to the north-western portion of the site with access provided from the northern elevation, generally consistent with the plan referred to as 190515_SK13 Amenities prepared by Wood Marsh and Dated 15 May 2019. Plans are to include detailed design plans to the satisfaction of Yara rams and PTV.

o) Modifications to the building to increase the clearance height above the shared path on the eastern side of the building to a 5m height for a width of 1.5m and 3.5m height for the remaining 3.5m width as depicted in the Wood Marsh Plan TP-304 entitled East Façade Tram Interface dated 15/02/2019. No columns for the building must extend into any part of the shared path.

p) Details of the footpath on the northern side of the building (including surface treatments) and the edge treatment between the footpath and the public car park.

q) Details of the materials, finishes and treatments to the paving and the underside of the overhang along the shared path on the eastern side of the building to identify and provide visual interest to the shared path.

r) The materials schedule amended to detail that the timber for the pergola would be recycled.

s) Details of operable windows to bedrooms on levels 1 and 2

t) Elevation plans and the materials schedule amended to include details of the proposed double glazing to windows

u) Details of the shading devices to the west facing glazing of apartments 1.01, 2.01 and 3.01

v) A notation added to the roof plan to clarify the solar PV unit, including details of capacity

w) Details of electric vehicle charging provision within the basement

x) A notation provided to the water tank in the basement to detail its capacity and that it would be used for toilet flushing and irrigation.

y) Details of the 15sqm rain garden including a cross section of the garden.

No alterations

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the responsible authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

Architectural input and supervision

~~The permit holder must retain a suitably qualified and registered architect to the satisfaction of the Responsible Authority to oversee the preparation of the amended plans to be submitted for approval under this permit. The architect who has been retained must ensure completion of the detailed design shown in the endorsed plans during construction until construction is completed in accordance with this permit~~

3. **The applicant must retain Wood Marsh Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.**

Covenant

4. The uses and development approved by this permit must not commence until the relevant written consents are obtained from Mirvac (Beacon Cove Pty Ltd) or its nominee pursuant to Restrictive Covenant X354973K registered on the title of the Subject Land OR the requirement for consent by Mirvac or its nominee is removed from Restrictive Covenant X354973K.

   If the requirement for consent persists in the covenant, prior to the endorsement of plans the written consents of Mirvac or its nominee must be provided to the Council.

Licence over Crown Land

5. Prior to the commencement of the development, the applicant must provide evidence in writing to the satisfaction of the responsible authority that it has secured a lease or licence pursuant to the Crown Land (Reserves) Act 1975 with the responsible authority in its capacity as committee of management for access to and use of Part Lot O on Plan of Subdivision 406491Q to the north of the subject land to the satisfaction of the responsible authority.

6. The permit holder must maintain a licence or lease over the access point and car parking land to the north of the subject land to the satisfaction of the responsible authority throughout the duration of the uses and development allowed by this permit.

Car parking for non-residential uses

7. The use of the supermarket and food and drink premises (or any potential future retail or commercial use) depicted on the endorsed plans must not commence until the northern vehicular access to the subject land is constructed in accordance with the endorsed plans. This access point must be maintained thereafter on an ongoing basis to the satisfaction of the responsible authority.

8. The supermarket and food and drink premises (or any potential future retail or commercial use) depicted on the endorsed plans must at all times be provided with access to and use of a minimum of **10** car parking spaces to the satisfaction of the responsible authority, in addition to the car parking spaces provided within the basement of the development.

9. If access to and use of the **10** car parking spaces cannot be provided at any time, or ceases to be made available to the supermarket and food and drink premises (or any potential future retail or commercial use), then the use of the subject land for the supermarket and food and drink premises depicted on the endorsed plans must cease immediately and must not recommence unless this permit is amended or the car parking spaces are provided.

Shared bicycle/pedestrian path

10. Before any aspect of the use of the land starts, the permit holder must either:

    a) create an easement of way on title to the subject land, or

    b) enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 in a form to the satisfaction of the responsible authority and at the permit holder's expense, to be registered on title to the subject land. The agreement must include a requirement to maintain relevant public indemnity insurance and undertake ongoing reasonable maintenance of relevant parts of the building;

    allowing the public free, safe and unhindered access to a 5-metre-wide strip at ground floor on the eastern side of the building for the purpose of a shared bicycle and pedestrian path to be constructed to the specifications of the responsible authority at its expense.

Walls on or facing the boundary

11. Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed to the satisfaction of the responsible authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the responsible authority.

Sustainable Management Plan

12. Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the responsible authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed. **The Sustainable Management Plan must be generally in accordance with the SMP submitted for the amendment application prepared by Hip v Hype dated 31.10.~~10~~18 but modified to provide the following:**

    - **Specification of a percentage of recycled content used in concrete**
    - **The albedo of the proposed light surface materials specified in the SMP.**
    - **Additional details of the proposed green façade on the north facing timber pergola are required, including maintenance arrangements**.

Water Sensitive Urban Design

13. Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

14. Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the responsible authority. The program must include, but is not limited to:

    (a) inspection frequency
    (b) cleanout procedures
    (c) as installed design details/diagrams including a sketch of how the system operates

    The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

Site Management Water Sensitive Urban Design

15. The developer must ensure that:

    a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
    b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
    c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
    d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
    e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Waste Management

16. Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments (Sustainability Victoria June 2006) must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the responsible authority and endorsed as part of this permit. The Plan must include reference to the following:

    a) The private collection of rubbish from the basement.
    b) The estimated garbage and recycling generation volumes for the whole development.
    c) The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
    d) The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.

e) The path of access for both users and collection vehicles.
f) How noise, odour and litter will be managed and minimised.
g) Approved facilities for washing bins and storage areas.
h) Who is responsible for each stage of the waste management process.
i) How tenants and residents will be regularly informed of the waste management arrangements.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority

Landscape Plan

17. Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the responsible authority~~, generally in accordance with plan No TPV -01 and TPV-01 Rev A prepared by TT Design~~. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
c) Significant trees greater than 1.5m in circumference, 1m above ground;
d) All street trees and/or other trees on Council land;
e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
f) Landscaping and planting within all open space areas of the site;
g) Water sensitive urban design;
h) An automatic watering system for all vegetation;
i) Deletion of the landscaping depicted on the plans for the areas adjacent to the shared bicycle and pedestrian path.
j) Trees must not to be sited over easements. All species selected must be to the satisfaction of the responsible authority.

Completion of Landscaping

18. The landscaping on the subject land as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the responsible authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the responsible authority in writing.

Landscaping Maintenance

19. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the responsible authority.

Urban Art Plan

20. Before the occupation of the development allowed by this permit, an urban art plan generally in accordance with Council's Urban Art Strategy 2002 (or subsequently adopted strategy) must be submitted to and approved by the responsible authority. Urban art in accordance with the approved plan must be installed on the subject land prior to the occupation of the development to the satisfaction of the responsible authority.

Number of Dwellings

21. Without the written consent of the responsible authority, no more than ~~14~~ **12** dwellings may be constructed on the land.

Parking and Loading Areas must be available

22. Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the responsible authority

Vehicle Crossings

23. Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the responsible authority.

Applicant to pay for Reinstatement

24. Before the occupation of the development, the applicant/owner must do the following things to the satisfaction of the responsible authority:

    a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
    b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
    c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Public Services

25. Before the occupation of the development, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the responsible authority. All costs associated with any such modifications must be borne by the applicant/owner.

Car Parking Allocation

26. Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:

    a) two car spaces for each dwelling

b) two visitor spaces held in common property;
c) storage spaces (where applicable) must be allocated to the apartments at the ratio approved.

On-site Bicycle Parking

27. Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the responsible authority.

No equipment and services

28. No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the responsible authority.

Lighting baffled

29. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

Privacy screens must be installed

30. Prior to the occupation of the building(s) allowed by this permit, privacy screens as required in accordance with the endorsed plans must be installed, and maintained thereafter to the satisfaction of the responsible authority.

SEPP N1

31. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the responsible authority.

Environmental Audit Overlay

32. Before the commencement of construction or carrying out of buildings and works pursuant to this permit, or any works associated with a sensitive use, either:

    a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the responsible authority;
    b) A Statement of Environmental Audit for the land must be issued in accordance with Section 53Z of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for the use and/or development that are the subject of this permit and this statement must be provided to the responsible authority.

Compliance with Statement of Environmental Audit

33. Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

    Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an

occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the responsible authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the responsible authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the responsible authority, must be met by the owner(s).

Visitor Car Parking

34. The number and location of visitor car parking spaces as shown on the endorsed plans may only be altered with the written consent of the responsible authority. Prior to the occupation of the building, all visitor car parking spaces must be line marked and designated as visitor car parking to the satisfaction of the responsible authority and must be designated as common property on any plan of subdivision.

Loading/Unloading

35. The loading and unloading of goods from vehicles in association with the retail and food and drink premises on the subject land must only be carried out within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the responsible authority.

    Vehicles using the loading bay must not exceed an 8.8 metre long medium rigid vehicle.

Noise report for attenuation for apartments

36. A report prepared by a suitably qualified acoustic specialist outlining appropriate measures to ensure noise levels in bedrooms do not exceed 30 dBA and 45 dBA in living areas when the port facilities are in operation.

PTV / Yarra Trams Conditions - Toilets

37. **Cleaning and maintenance of the PTV/Yarra Tram toilets is to be managed by the developer as agreed in a cleaning and maintenance programme which is to be prepared prior to the commencement of use of the site, to the satisfaction of PTV/Yarra Trams.**

38. **Prior to the commencement of works, two temporary toilets are to be provided for exclusive use~~r~~ of PTV/Yarra Trams. The temporary toilets are to be provided by the developer at no cost to PTV/ Yarra Trams or the Responsible Authority. The temporary toilets are to be cleaned and maintained to the satisfaction of PTV/ Yarra Trams and the Responsible Authority.**

Supermarket entrances must remain open

39. **All supermarket entrances must remain open when the super market is in operation and all entrance doors must remain visually transparent ie no advertising or signage must be used to obscure the entrance doors**

Time for starting and completion

40. This permit will expire if one of the following circumstances applies:

    a) The development is not started within two (2) years of the date of this permit.

    b) The development is not completed within two (2) years of the date of commencement of works.

    The responsible authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development has commenced lawfully under the permit.

4. RECOMMENDATION B – CONSENT

4.1 That the Responsible Authority consents to the use and the development proposed under Clauses 2.0 & 3.0 of the Schedule 1 to the Comprehensive Development Zone as the application plans are to its satisfaction.

A vote was taken and the MOTION was CARRIED.

6.2 Statutory Planning Delegated Decisions Report - October 2019

Purpose

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Action 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

MOVED Crs Gross/Simic

That the Committee:

2.1 Receives and notes the October 2019 report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Action 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 7.12pm.

Confirmed: 11 December 2019

Chairperson _____