

## Statutory Planning Committee

Minutes  
of ordinary meeting 7457  
held on Tuesday 24 April 2012

### Attendance

#### Members

Mr Gary Prattley	WAPC Chairman (Presiding Member)
Mayor Carol Adams	Local Government nominee
Ms Sue Burrows	Nominee of the Director General, Department of Planning
Mr Henty Farrar	Regional Minister's nominee
Mr Eric Lumsden	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

#### Officers

Ms Natalie Cox	Senior Planning Officer, Independent Planning Reviewer
Mr Mark Szabo	Planning Manager, Independent Planning Reviewer

#### Presenters

Mr John Elliot	City of Swan (Item 6.1)
Mayor Charlie Zannino	City of Swan (Item 6.1)

#### Observers

Mr Philip Russell	City of Swan
Mr Leon Van der Linde	City of Swan

#### Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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### 7457.1 Declaration of Opening

The Presiding Member declared the meeting open at 10.06 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

### 7457.2 Apologies

Mr Ian Holloway	Professional representative
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### 7457.3 Members on Leave of Absence and Applications for Leave of Absence

Mr Prattley submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 8 May 2012.

Mayor Adams submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 22 May 2012.

**Resolved**

**Moved by Ms Taylor, seconded Mr Farrar**

*That the approval for a leave of absence be granted to Mr Prattley for the Statutory Planning Committee meeting to be held on 8 May 2012.*

*That the approval for a leave of absence be granted to Mayor Adams for the Statutory Planning Committee meeting to be held on 22 May 2012.*

***The motion was put and carried.***

### 7457.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Taylor	7457.9.1	5	Impartiality

**Resolved**

***Moved by Mr Prattley seconded by Mayor Adams***

*In accordance with clause 6.10(7) of the Standing Orders 2008, members of the Statutory Planning Committee agreed that Ms Elizabeth Taylor, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote.*

***The motion was put and carried.***

### 7457.5 Declaration of Due Consideration

No declarations were made.

**Moved to item 8.1.**

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### 7457.6 Deputations and Presentations

#### 7457.6.1 **City of Swan – Local Planning Scheme No.17 Amendment No.44 – for Final Approval**

Presenter Mr John Elliot, City of Swan;  
Mayor Charlie Zannino, City of Swan

Mr Elliot and Mayor Zannino made a presentation on the City of Swan's update on the City of Swan Amendment No.44 Local Planning Scheme No.17.

#### 7457.6.2 **A Commissioner's Role in the Planning Process, Commission Briefing on Planning**

Presenter Mr Eric Lumsden, Department of Planning

Mr Lumsden made a presentation on the role of a Commission in the planning process which highlighted the responsibility of Committee members' decision making at Western Australian Planning Commission meetings.

Moved to item 10.2.

### 7457.7 **Announcements by the Chairperson of the Board and communication from the WAPC**

The Committee thanked Mr Mark Szabo for his work and support. Mr Szabo thanked the Committee for their support during his time at the Department of Planning.

Moved to item 6.1.

### 7457.8 **Confirmation of Minutes**

#### 7457.8.1 **Minutes of the Statutory Planning Committee meeting held on Tuesday 10 April 2012**

Ms Burrows noted that she did not vote on item 9.1 and requested this to be recorded.

Ms Burrows noted that an additional advice note was to be added to item 9.1 that reads: *"Further investigation being undertaken by the City of Wanneroo into cost sharing for the provision of a signalised intersection at Clarkson Avenue."*

Mayor Adams noted that she did not vote on item 9.2 and requested this to be recorded.

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In reference to Item 9.3, Ms Taylor advised that in accordance with the Clause 10.5(2) of the Standing Orders 2009 members' names must be recorded in the minutes and hence those members request to not be named, can not be granted.

### Resolved

#### ***Moved by Ms Taylor, seconded by Mayor Adams***

*The Western Australian Planning Commission resolved:*

1. *to amend the minutes of the Statutory Planning Committee meeting of 10 April 2012 as follows:*

- *to show that Ms Burrows did not vote on item 7456.9.1;*
- *to include an additional advice note to item 7456.9.1 that reads: "Further investigation being undertaken by the City of Wanneroo into cost sharing for the provision of a signalised intersection at Clarkson Avenue.";*
- *to show that Mayor Adams did not vote on item 7456.9.2;*
- *to include the names of Mayor Adams and Mr Farrar who voted against item 7456.9.3;*

2. *that the minutes of the Statutory Planning Committee meeting held on Tuesday 10 April 2012 as amended, be confirmed as a true and correct record of the proceedings.*

***The motion was put and carried.***

**Moved to item 7.**

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### 7457.9 Reports

#### 7457.9.1

#### **Lancaster Winery Concert Venue - Lots 2,3 and 200 West Swan Road, West Swan - Approval Sought to Host Between 4-6 Concert Events Each Year**

File 21-50177-2  
Report Number SPC/169  
Agenda Part C  
Reporting Officer Planning Manager,  
Metropolitan Planning North East

#### **Ms Taylor disclosed an interest.**

<b>Member</b>	<b>Nature of Interest</b>
Ms Taylor	Impartiality

The Committee agreed to add advice note 13 "In relation to Condition 3, the event management plan is to include the requirement for fencing to be installed on all shared boundaries, prior to the commencement of each event, to the specifications of the City of Swan, to prevent concert visitors entering adjoining properties".

Mr Prattley noted that members of the Committee had visited the Lancaster Winery site ahead of discussion of the item. Mr Prattley also noted that members had been accompanied by Mr Carl Lancaster.

Mr Prattley tabled letters from Seven West Media, Eventscorp WA, Southern Cross Austereo and Channel 7 Perth regarding their support for the proposed concert venue.

Mr Robert Cull tabled maps which showed planned road widening for access to Lancaster Winery during 'A Day On the Green'.

Photographs from Mr Jon Burgess were tabled demonstrating spraying machines on nearby property vines and the resulting drift which exceeds 3m high fencing.

Copies of these documents have been placed on file.

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### Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the development application for a proposed concert venue at Lancaster Winery at Lots 2,3 and 200 West Swan Road, West Swan subject to the following conditions:

#### CONDITIONS

1. This approval grants temporary planning approval for Lancaster Wines to host up to six (6) concerts/events per calendar year at Lots 2, 3 and 200 West Swan Road, West Swan, in accordance with the following conditions, for a time period limited to five (5) years from the date of this decision.

2. This approval relates to the following plans and information:

Development Application Report – March 2011, prepared by TPG Town Planning and Urban Design;

Development Application Drawings - (LW-SITE-02, LW-AR-02, Seating Plan Rev 09, LW-GRAD-03, LW-GRAD-03 (Air photo grading plan)) prepared by Michael Coate Golf Design and stamp dated by the Department of Planning 4 August 2011.

3. Prior to each event the applicant shall prepare the following documents, to be implemented during the events, to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission:

- \* Traffic management plan;
- \* Noise management plan to be prepared by a suitably qualified acoustic engineer;
- \* Event management plan detailing on site and off site security/crowd control provisions, fire and safety and first aid;
- \* Wastewater/effluent management plan;
- \* Spray Drift plan; and

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### \* Dust Management Plan.

4. Concert event hours shall be restricted to between 4.00pm and 11.00pm.
5. The number of patrons attending an individual event shall not exceed 8,000.
6. Prior to the commencement of any concerts, West Swan Road is to be upgraded to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission
7. The owner of the Lancaster Wines Site shall ensure that the lease is maintained over Lot 3 for the benefit of the Lancaster Wines Site at all times and for so long as the Lancaster Wines Site is used for concerts or similar events and Lot 3 is required for access and parking, under the terms of this approval.
8. Prior to each event an artificial barrier is to be erected along the western boundary of 5228 (Lot 2) West Swan Road to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.
9. All ablution facilities and generators shall be positioned a minimum of 100 metres from the edge of the Swan River.
10. No soil, building materials, rubbish or any other deleterious matter shall be allowed to enter the Wandoo Creek or the river as a result of events and earthworks on the site. Details of the proposed containment method to be installed during all events and earthworks shall be provided to the Trust for approval within two (2) months of the date of this approval.
11. All fill and topsoil used on site must be certified clean, uncontaminated and free of rubble (including weed and disease free). The Swan River Trust may request that this be demonstrated prior to fill being brought onto the site.
12. A Landscaping Plan for the creek line and swale structures shall be forwarded to the Swan River Trust for approval within two (2) months of the date of this approval.

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13. The approved Landscaping Plan required under Condition 14 shall be completed within six (6) months of the approval of the plan.
14. All plant species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements. Information on appropriate species can be obtained from the Swan River Trust.

### ADVICE TO APPLICANT:

1. All development must comply with the provisions of the City of Swan Local Planning Scheme No. 17, Health Regulations, Building Code of Australia, Public Building Regulations, and all other relevant Acts, Regulations and Local Laws. This includes the provision of access for people with disabilities in accordance with the Building Code of Australia.
2. In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989 a Building Licence application must be submitted to, and approved by the City's Principal Building Surveyor prior to any construction or earthworks commencing on site.
3. Any additional development, which is not in accordance with the application the subject of this approval or any condition of approval, will require further approval.
4. The applicant is required to obtain a 'non-complying event' noise approval (Regulation 18) for all events likely to result in noise emissions in contravention of the standard prescribed under regulation 7, of the Environmental Protection (Noise) Regulations 1997. Applications are to be received by the City not less than 60 days prior to the event. Regulation 18 approvals will only be issued when the Chief Executive Officer is satisfied in accordance with the provisions of the Regulations
5. The applicant is required to obtain public building approval from the City's Health Service for each event. Applications are to be received by the City not less than 60 days prior to the event.
6. The applicant is advised that the noise generated by activities on site, including machinery motors or

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vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard.

7. The City of Swan advises that it will not approve the issue of any approval pursuant to Regulation 18 of the Environmental Protection (Noise) Regulations 1997 to either Lancaster or Sandalford for events proposed to be held by them on the same date.
8. The Department of Indigenous Affairs advises that all development is to be setback a minimum of 20 metres from the Wandoo Creek, and a minimum of 30 metres from the Swan River. Any development that is proposed to be closer than this will require the prior consent of the Minister for Indigenous Affairs under section 18 of the Aboriginal Heritage Act 1972. It is noted that the approved plans achieve these setbacks. Any proposals for development within these setbacks will require a separate application for approval to commence development.
9. The Department of Indigenous Affairs advises that the applicant/owner is advised to brief all persons involved in site works and associated activities of their legal obligations with respect to the Aboriginal Heritage Act of WA (1972) prior to construction work.
10. The Swan River Trust advises that the Landscaping Plan should address, but not be limited to the following:
  - a) Landscape site plan including a list of the species to be used, their location and densities. Please note that all plan species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements;
  - b) The retention of existing vegetation;
  - c) Plans showing site preparation and rock work;
  - d) Potential environmental impact of the proposed works;

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- e) Work schedule and site preparation details;
- f) Planting methods;
- g) Details of any chemicals to be used such as fertilisers and herbicides;
- h) Details of any fencing/screening to be implemented if applicable;
- i) Environmental objectives of the management plan;
- j) Performance indicators/criteria. For example, ANZECC water quality criteria, site specific criteria, vegetation diversity and/or density, Australian Standards;
- k) Management actions for each stage of the project (design, construction, operation, closure) including responsibilities and schedules;
- l) Monitoring and reporting plan for compliance with objectives and criteria; and
- m) Contingency actions, including responses to complaints and trigger criteria.

The proposed development is within a moderate to high acid sulphate soil risk area. The applicant should contact the Department of Environment and Conservation for advice prior to any excavation or soil disturbance as an acid sulphate soil investigation may be required.

11. The Department of Water advises that proposed development located outside the 100 year ARI floodway should achieve a minimum habitable floor level of 0.5 metres above the relevant 100 year ARI flood level.
12. The spray drift plan is to include the requirement for a 40 metre setback between the spraying operations and the concert area and is to stipulate the circumstances in which a 40 metre setback is to apply, where spraying of pesticide or the like is likely to coincide with a concert event.

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### Resolved

#### ***Moved by Mayor Adams, seconded by Mr Prattley***

*That the Western Australian Planning Commission resolves to approve the development application for a proposed concert venue at Lancaster Winery at Lots 2,3 and 200 West Swan Road, West Swan subject to the following conditions:*

#### CONDITIONS

1. *This approval grants temporary planning approval for Lancaster Wines to host up to six (6) concerts/events per calendar year at Lots 2, 3 and 200 West Swan Road, West Swan, in accordance with the following conditions, for a time period limited to five (5) years from the date of this decision;*
2. *This approval relates to the following plans and information:*
  - Development Application Report – March 2011, prepared by TPG Town Planning and Urban Design;*
  - Development Application Drawings - (LW-SITE-02, LW-AR-02, Seating Plan Rev 09, LW-GRAD-03, LW-GRAD-03 (Air photo grading plan)) prepared by Michael Coate Golf Design and stamp dated by the Department of Planning 4 August 2011.*
3. *Prior to each event the applicant shall prepare the following documents, to be implemented during the events, to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission:*
  - \* Traffic management plan;*
  - \* Noise management plan to be prepared by a suitably qualified acoustic engineer;*

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- \* *Event management plan detailing on site and off site security/crowd control provisions, fire and safety and first aid;*
  - \* *Wastewater/effluent management plan;*
  - \* *Spray Drift plan; and*
  - \* *Dust Management Plan.*
4. *Concert event hours shall be restricted to between 4.00pm and 11.00pm;*
  5. *The number of patrons attending an individual event shall not exceed 8,000;*
  6. *Prior to the commencement of any concerts, West Swan Road is to be upgraded to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission;*
  7. *The owner of the Lancaster Wines Site shall ensure that the lease is maintained over Lot 3 for the benefit of the Lancaster Wines Site at all times and for so long as the Lancaster Wines Site is used for concerts or similar events and Lot 3 is required for access and parking, under the terms of this approval;*
  8. *Prior to each event an artificial barrier is to be erected along the western boundary of 5228 (Lot 2) West Swan Road to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission;*
  9. *All ablution facilities and generators shall be positioned a minimum of 100 metres from the edge of the Swan River;*
  10. *No soil, building materials, rubbish or any other deleterious matter shall be allowed to enter the Wandoo Creek or the river as a result of events and earthworks on the*

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*site. Details of the proposed containment method to be installed during all events and earthworks shall be provided to the Trust for approval within two (2) months of the date of this approval;*

11. *All fill and topsoil used on site must be certified clean, uncontaminated and free of rubble (including weed and disease free). The Swan River Trust may request that this be demonstrated prior to fill being brought onto the site;*
12. *A Landscaping Plan for the creek line and swale structures shall be forwarded to the Swan River Trust for approval within two (2) months of the date of this approval;*
13. *The approved Landscaping Plan required under Condition 14 shall be completed within six (6) months of the approval of the plan;*
14. *All plant species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements. Information on appropriate species can be obtained from the Swan River Trust;*

### ADVICE TO APPLICANT:

1. *All development must comply with the provisions of the City of Swan Local Planning Scheme No. 17, Health Regulations, Building Code of Australia, Public Building Regulations, and all other relevant Acts, Regulations and Local Laws. This includes the provision of access for people with disabilities in accordance with the Building Code of Australia;*
2. *In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989 a Building Licence application must be submitted to, and approved by the City's Principal Building Surveyor prior to any*

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*construction or earthworks commencing on site;*

3. *Any additional development, which is not in accordance with the application the subject of this approval or any condition of approval, will require further approval;*
4. *The applicant is required to obtain a 'non-complying event' noise approval (Regulation 18) for all events likely to result in noise emissions in contravention of the standard prescribed under regulation 7, of the Environmental Protection (Noise) Regulations 1997. Applications are to be received by the City not less than 60 days prior to the event. Regulation 18 approvals will only be issued when the Chief Executive Officer is satisfied in accordance with the provisions of the Regulations;*
5. *The applicant is required to obtain public building approval from the City's Health Service for each event. Applications are to be received by the City not less than 60 days prior to the event;*
6. *The applicant is advised that the noise generated by activities on site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard;*
7. *The City of Swan advises that it will not approve the issue of any approval pursuant to Regulation 18 of the Environmental Protection (Noise) Regulations 1997 to either Lancaster or Sandalford for events proposed to be held by them on the same date;*
8. *The Department of Indigenous Affairs advises that all development is to be*

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*setback a minimum of 20 metres from the Wandoo Creek, and a minimum of 30 metres from the Swan River. Any development that is proposed to be closer than this will require the prior consent of the Minister for Indigenous Affairs under section 18 of the Aboriginal Heritage Act 1972. It is noted that the approved plans achieve these setbacks. Any proposals for development within these setbacks will require a separate application for approval to commence development;*

9. *The Department of Indigenous Affairs advises that the applicant/owner is advised to brief all persons involved in site works and associated activities of their legal obligations with respect to the Aboriginal Heritage Act of WA (1972) prior to construction work;*
10. *The Swan River Trust advises that the Landscaping Plan should address, but not be limited to the following:*
  - a) *Landscape site plan including a list of the species to be used, their location and densities. Please note that all plan species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements;*
  - b) *The retention of existing vegetation;*
  - c) *Plans showing site preparation and rock work;*
  - d) *Potential environmental impact of the proposed works;*
  - e) *Work schedule and site preparation details;*
  - f) *Planting methods;*
  - g) *Details of any chemicals to be*

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*used such as fertilisers and herbicides;*

- h) Details of any fencing/screening to be implemented if applicable;*
- i) Environmental objectives of the management plan;*
- j) Performance indicators/criteria. For example, ANZECC water quality criteria, site specific criteria, vegetation diversity and/or density, Australian Standards;*
- k) Management actions for each stage of the project (design, construction, operation, closure) including responsibilities and schedules;*
- l) Monitoring and reporting plan for compliance with objectives and criteria; and*
- m) Contingency actions, including responses to complaints and trigger criteria.*

*The proposed development is within a moderate to high acid sulphate soil risk area. The applicant should contact the Department of Environment and Conservation for advice prior to any excavation or soil disturbance as an acid sulphate soil investigation may be required;*

- 11. The Department of Water advises that proposed development located outside the 100 year ARI floodway should achieve a minimum habitable floor level of 0.5 metres above the relevant 100 year ARI flood level;*
- 12. The spray drift plan is to include the requirement for a 40 metre setback between the spraying operations and the concert area and is to stipulate the*

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*circumstances in which a 40 metre setback is to apply, where spraying of pesticide or the like is likely to coincide with a concert event.*

13. *In relation to Condition 3, the event management plan is to include the requirement for fencing to be installed on all shared boundaries, prior to the commencement of each event, to the specifications of the City of Swan, to prevent concert visitors entering adjoining properties.*

***The motion was put and carried.***

**The votes were recorded as follows:-**

**For: Mr Prattley, Mayor Adams, Ms Burrows**

**Against: Mr Farrar**

**Ms Taylor did not vote on the item.**

**Mr Lumsden left the meeting at 11.43 pm and did not return.**

**Mr Prattley left at 12.19 pm and did not return.**

Due to the absence of the Presiding Member and in accordance with clause 3.6 of the Standing Orders 2009, a member was chosen to preside over the meeting.

**Ms Burrows nominated Ms Taylor.**

**Ms Taylor accepted the nomination.**

**Resolved**

**Moved by Mayor Adams and Ms Burrows**

*That Ms Taylor preside over the meeting of the Statutory Planning Committee in the absence of the Presiding Member.*

***The motion was put and carried.***

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### 7457.10 Confidential Items

**7457.10.1 City of Rockingham - Local Planning Scheme No.2  
Amendment No.99 - Reconsideration of Previous  
Recommendation**

File TPS/0338  
Report Number SPC/170  
Agenda Part B  
Reporting Officer Planning Manager, Schemes and  
Amendments

**THIS ITEM IS CONFIDENTIAL**

Moved to item 10.3.

**7457.10.2 City of Swan - Local Planning Scheme No.17  
Amendment No.44 - for Final Approval**

File TPS/0415/1  
Report Number SPC/171  
Agenda Part B  
Reporting Officer Planning Manager - Schemes,  
Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL**

Moved to item 9.1.

**7457.10.3 Town of Port Hedland - Local Planning Scheme  
Amendment No. 31 - for Final Approval**

File TPS/0277/1  
Report Number SPC/172  
Agenda Part E  
Reporting Officer Senior Planning Officer - Northern  
Regions

**THIS ITEM IS CONFIDENTIAL**

**7457.10.4 State Administrative Tribunal Review: Reconsideration  
of Conditions of Subdivision Approval - 408 Lots for  
Residential Purpose, Two Rocks**

File 143379  
Report Number SPC/173  
Agenda Part G  
Reporting Officer Director - Metropolitan Planning North  
West

**THIS ITEM IS CONFIDENTIAL**

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**7457.11 General Business**

7457.11.1 **Metropolitan Region Scheme**

Ms Taylor asked Ms Burrows if the Metropolitan Region (MRS) Scheme had been prepared. Ms Burrows stated that the MRS is being finalised with updated information before being provided.

**7457.12 Items for Consideration at a Future Meeting**

Nil.

**7457.13 Closure**

The next ordinary meeting is scheduled for 10.00 am on 8 May 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.32 pm.

**PRESIDING MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_