

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

22 October 2008

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT COUNCIL CHAMBERS, 1 BISHOP ST, LAKE GRACE ON WEDNESDAY, 22 OCTOBER 2008.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 6.05 pm.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr AJ Dunkeld	
Cr AI Milton	
Cr DP Sinclair	<i>entered the meeting at 7.20pm</i>
Cr RP Taylor	
Mr HJ Fraser	Chief Executive Officer
Mr MW Burbridge	Manager Corporate Services
Mr LW White	Manager Community Services
Mrs J Bennett	Executive Assistant
Mr Ray Gosling	Observer
Mrs Diana Gosling	Observer
Mrs Cathie Kelly	Observer

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Motion 10664 of 24 September 2008:

- Cr Farrelly was granted leave of absence for the period 12 October to 24 October 2008.
- Cr De Landgraft was granted leave of absence for the period 16 October to 28 October 2008.
- Cr Newman was granted leave of absence for the period 25 September to 29 October 2008.

3.0 PUBLIC QUESTION TIME

3.1 MR ASHLEY McDONALD

Mr McDonald was present at the September 2008 Ordinary Meeting of Council and requested advice of Council's intentions as to the provision of a chlorinator for the Newdegate Water Recycling Project.

The following written response was forwarded to Mr McDonald:



Shire of Lake Grace - The Growing Centre

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

None.

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 24 SEPTEMBER 2008

Resolution

MOTION 10682

Moved Cr Dunkeld
Seconded Cr Milton

That the minutes of the Ordinary Meeting of Council held on the 24 September 2008 be confirmed as a true and accurate record.

MOTION CARRIED 5/0

6.0 DECLARATIONS OF INTEREST

6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A

Cr Chamberlain - Items 12.2 & 12.3

6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

7.0 NOTICES OF URGENT BUSINESS

None.

8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None.

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.1 MR RAY & MRS DIANA GOSLING

Mr & Mrs Gosling gave a detailed presentation to Council on the matter of unauthorised and out of control motor bike riding in the Newdegate townsite – an issue of concern to local residents which has been ongoing for a number of years.

The presentation included a series of photographs taken in the Newdegate townsite showing young men riding two wheel motor bikes on the streets and public access-ways. Photographs were also shown of the numerous locations where tracks and jumps have been constructed in the bush in close proximity to homes, local businesses, the Town Hall and the old railway station.

The continuous noise from the motor bikes is a cause for further angst in the community along with the degradation of the natural areas of bush which are being seriously damaged. The riders are also intimidating residents and the older population are too frightened to walk on the footpaths for fear of being knocked down.

Mr Gosling concluded the presentation by requesting Council support to assist in solving the problem.

The President thanked Mr and Mrs Gosling for the insight into what is happening in Newdegate and the damage to the environment. He commented that it is a huge social issue that obviously needs to be addressed with the community and Council will definitely consider ways in which it can assist the community.

6.43pm *Mr & Mrs Gosling and Mrs Kelly left the meeting.*

Following discussion the Shire President advised the matter would be discussed as an item of urgent business later in the meeting.

Note: Refer Item 16.1

10.0 MEMBERS' REPORTS

10.1 CR MILTON

Reported attendance at the Lake Grace Development Association Meeting held on 6 October 2008 and gave an update on St John Ambulance Sub Centre activities.

10.2 CR DUNKELD

Reported attendance at the Newdegate Recreation Council Meeting, and that he had acted as chair at the recent Bushfire Advisory Committee Meeting.

10.3 CR WALKER

Cr Walker reported on an executive meeting held on Monday 13 October with Acting CEO, Mark Burbridge and the Deputy President, Cr Ian Chamberlain.

Discussion at the meeting included:

- Upcoming Council Meeting Agenda
- Old Ravy Rd options and where to now
- Lake Grace Saleyards and community meeting
- CEO position and advertising through LGMA's Statewide quarterly magazine
- Road Classifications to be prepared for the November meeting
- Use of the Varley Hall for the 80th celebrations
- CEO Performance Review
- Invitation to Xmas function to welcome the Doctor's family
- Official opening of the offices
- Policy Manual Review
- Shared Facility Agreements – i.e. Libraries & Newdegate Swimming Pool

Notes from the meeting will be presented at the 'after meeting discussion'.

10.4 CR TAYLOR

Cr Taylor reported on activities of the Community Cropping Group – they have been organising the harvesting of the crop which will be undertaken over the last weekend prior to the Christmas break.

11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

12.1 PROPOSED STRUCTURE PLAN (STAGE 1) – UNALLOCATED CROWN LAND EAST OF SPENCER AVENUE, LAKE KING TOWNSITE

Applicant:	Shire of Lake Grace
File No.	0510
Attachments:	Plans 1 to 3
Author:	Mr Joe Douglas & Mr Carlo Famiano Town Planning Consultants
Disclosure of Interest:	Nil
Date of Report:	14 October 2008
Senior Officer:	Mr Mark Burbridge Acting Chief Executive Officer

Summary

This report has been prepared to facilitate commencement of the planning process required to be followed to provide for the adoption and public advertising of a proposed Structure Plan for the eastern segment of the Lake King Townsite in accordance with the specific requirements of the Shire of Lake Grace's Local Planning Scheme No.4.

The Structure Plan, once finally endorsed by the Western Australian Planning Commission, will enable the Shire to commence the proposed subdivision development of the land for residential and rural living purposes subject to the necessary clearances under the Native Title Act 1993.

Background

A Structure Plan has been prepared at the request of the Shire for the staged development and release of approximately 42.6 hectares of unallocated Crown land located east of Spencer Avenue in the Lake King townsite (see Plans 1 & 2 – Location & Aerial Site Plans).

To enable the release of land in the short term future the Structure Planning process has been split into two (2) stages. The first stage deals with the parcel of land immediately abutting Spencer Avenue and Pickernell Way, and will result in the creation of sixteen (16) new residential and rural living type lots.

Stage two will encompass the future planning for the balance portion of the land and will require further investigation and community consultation to determine the preferred design configuration.

The State Land Services Division of the Department for Planning and Infrastructure recently confirmed that the Shire's request for the necessary clearances under the Native Title Act 1993 has been submitted to the Minister for Lands for approval to commence the taking process (i.e. issuance of a 'Notice of Intention to Take'). The Department will inform the Shire once the Minister for Lands has approved the clearance request.

Comment

The subject land is classified 'Townsite Development' zone under the Shire's current operative Local Planning Scheme No.4 (LPS No.4). Clause 5.10 of LPS No.4 states that all future development within the 'Townsite Development' zone must be undertaken in accordance with the details of a Structure Plan approved by the local government, finally endorsed by the Western Australian Planning Commission and adopted as a Local Planning Policy under the provisions of Clause 2.4 of LPS No.4.

Final adoption/endorsement of the Structure Plan as a Local Planning Policy under LPS No.4 is required prior to the preparation and submission of any subdivision applications to the Western Australian Planning Commission for approval to commence subdivision development.

The proposed Structure Plan (Stage 1) has been prepared in accordance with the strategic objective of the Shire's 'Local Planning Strategy' as this applies specifically to the Lake King townsite, including the requirement to prepare and adopt a Structure Plan for the land to ensure that all future development proceeds in a proper and orderly manner with due regard for existing land uses, environmental characteristics and physical constraints. The proposed Structure Plan (Stage 1) is consistent with the objectives outlined in the Shire's 'Local Planning Strategy'.

Proposed Structure Plan (Stage 1)

Stage 1 of the proposed Structure Plan has been prepared by the Shire's town planning consultants for that portion of the unallocated Crown land with direct frontage to Spencer Avenue, Pickernell Way and Critchley Way (see Plan 3 – Proposed Structure Plan).

The Structure Plan has been designed in accordance with a design brief provided by the Shire's Chief Executive Officer following consultation with the local community. Community feedback was obtained following preparation of a number of structure plan design options over the entire parcel of land. The original design options were considered by Council at its Ordinary Meeting held in July 2008. The key aspects of the revised design brief for the Structure Plan included the following:

- The provision of single house lots fronting Spencer Avenue and Pickernell Way;

- The provision of rural living lots situated behind the single house lots referred to above;
- The extension of Hetherington Way through Spencer Avenue into the unallocated Crown land;
- The provision of single house lots with frontage to the exiting Lake King golf course; and
- The balance of the land to be set aside as Stage 2 of the project to enable future structure planning including further community consultation.

In relation to the single house lots, a minimum area of 2,000m² is required to satisfy the specific requirements of the Department of Health's current 'Draft Country Sewerage Policy', relating to the subdivision of land in towns not served by reticulated sewerage. Poor soil types and the inability for the soil to adequately deal with on site effluent disposal is a significant constraint to the creation of smaller lots in Stage 1 of the project, hence the proposal to create lots comprising a minimum area of 2,000m².

The following is a brief summary of the subdivision statistics for Stage 1 of the Structure Plan area:

	Single House Lots	Rural Living Lots
Stage 1	14 lots with areas ranging from 2,000m ² to 2,057m ² .	2 lots with areas ranging from 4,861m ² to 5,535m ² .

Despite the structure plan indicating the provision of sixteen (16) lots, the Shire has the option of developing the land in stages having regard for market demand and the availability of construction funding.

It should be noted that Stage 2 of the Structure Plan will be prepared in the future as the demand for additional land in the Lake King townsite arises. Preparation of Stage 2 of the Structure Plan will follow the same planning process, including public advertising, before any subdivision development can proceed.

Should Council resolve to adopt the attached Stage 1 draft Structure Plan it will then be advertised for public comment for a minimum period of fourteen (14) days. Following completion of the public advertising process all submissions received in respect of the proposal will be assessed and a report presented to Council at the next available Ordinary Meeting with a recommendation regarding final adoption.

Assuming Council resolves to finally adopt the Stage 1 Structure Plan following completion of the public advertising process, the Plan will then be referred to the Western Australian Planning Commission for final endorsement.

Conclusion

Preparation of the proposed Stage 1 Structure Plan for the unallocated Crown land east of Spencer Avenue in the Lake King townsite is required to enable the development and release of additional residential and rural living type lots. The structure planning process has been divided into two distinct stages to facilitate the short term development and release of that land abutting Spencer Avenue and Pickernell Way. Stage 2 of the structure planning process comprising the balance portion of the land will be undertaken at a later date as the demand for additional land arises.

In considering the attached draft Stage 1 Structure Plan (Stage 1) Council should note that the plan:

- i) is consistent with the objectives for future development in the Lake King townsite as prescribed by the Shire's current 'Local Planning Strategy';
- ii) will provide for the development and release of additional residential and rural living type lots in the short term future to satisfy anticipated demand for additional land in the townsite; and
- iii) is generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality.

To that extent it is recommended that Council adopt the Stage 1 Structure Plan presented herewith and proceed with advertising the plan in accordance with the specific requirements of the Shire's Local Planning Scheme No.4.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

In order to provide for the coordinated subdivision and development of vacant land within the eastern segment of the Lake King townsite Council must first prepare and adopt a Structure Plan as a Local Planning Policy in accordance with the specific requirements of the Shire's current operative Local Planning Scheme No.4.

Community Consultation

Public advertising of the proposed Stage 1 Structure Plan will need to be undertaken for a minimum period of fourteen (14) days in accordance with the specific procedures and requirements of clauses 2.4 and 5.10 of Local Planning Scheme No.4.

Financial Implications

The cost of preparing, advertising and finally adopting the proposed Stage 1 Structure Plan is required to be met by the Shire of Lake Grace and is estimated to be in the order of \$1,500.00 excluding GST. The cost

of this work has been accounted for in Council's budget for the 2008/2009 financial year.

Strategic Implications

The development of the unallocated Crown land east of Spencer Avenue in the Lake King townsite is consistent with the strategic land use planning direction afforded by the Shire of Lake Grace's Local Planning Strategy as this relates to future residential development in the Lake King townsite.

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendations/Resolution

MOTION 10683

Moved Cr Taylor
Seconded Cr Dunkeld

That Council:

1. Endorse the draft Stage 1 Structure Plan prepared in respect of the unallocated Crown land located in the eastern segment of the Lake King townsite as depicted in the attached Plan 3; and,
2. Authorise the Shire administration to make arrangements to advertise the plan for public comment in accordance with the procedures prescribed in clause 2.4 of the Shire of Lake Grace Local Planning Scheme No.4.

MOTION CARRIED 5/0

12.2 PLANNING APPLICATION - LOT 202 NEWDEGATE RAVENSTHORPE RD, NEWDEGATE

7.03pm *Cr Chamberlain disclosed financial interests in Items 12.2 & 12.3, being a trustee of the property trust and left the meeting.*

Once Cr Chamberlain left the meeting it became apparent that now, due to a lack of a quorum, Items 12.2 & 12.3 would be unable to be considered.

Cr Sinclair, who had not yet arrived for the meeting, had advised he was on his way and would arrive soon.

To allow the meeting to progress it was agreed that Cr Chamberlain be recalled and a motion put to suspend Standing Orders to consider the balance of the Agenda.

7.05pm *Cr Chamberlain re-entered the meeting, the situation was explained and the CEO advised him that he was able to vote on the matter regarding suspension of Standing Orders.*

MOTION 10684

Moved Cr Taylor
Seconded Cr Milton

That Standing Orders be suspended to allow the balance of the Agenda to be considered.

MOTION CARRIED 5/0

Refer to page 605 for Item 12.2

12.3 PLANNING APPLICATION – LOT 207 NEWDEGATE RAVENSTHORPE RD, NEWDEGATE

Refer to page 617 for Item 12.3

12.4 PROPOSED STRUCTURE PLAN – LOT 1 GRIFFIN ST, LAKE GRACE

Applicant: Shire President
File No. 0358 & 0369
Attachments: Plans 11 to 15
Author: Mr Joe Douglas & Mr Carlo Famiano
Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 14 October 2008
Senior Officer: Mr Mark Burbridge
Acting Chief Executive Officer

Summary

The following report has been prepared to enable Council to consider and advise of the suitability of a revised draft Structure Plan recently prepared for Lot 1 Griffin Street, Lake Grace which is proposed to be subdivided by the Shire in the short term future to address the current shortage of vacant residential land in the townsite.

Background

The Shire of Lake Grace has historically undertaken the staged subdivision development of portion of Lot 1 Griffin Street, Lake Grace for residential purposes to satisfy market demand for vacant residential land within the townsite. The current supply of vacant residential land in the Lake Grace townsite has now dropped to a level where the Shire needs to consider developing additional residential land to ensure an adequate supply for the future to satisfy consumer demand.

Four (4) structure plan options were previously prepared by the Shire's consultant town planners (i.e. Planning Enterprises) and referred to Council's April 2008 Ordinary Meeting for review and consideration. At that meeting it was resolved that:

"The Lake Grace Councillor's assess the proposal and bring a recommendation back to Council regarding extension of the residential development at the eastern end of the Lake Grace townsite prior to the 2008/2009 budget deliberations."

Council chose not to adopt a design option at its April Meeting so as to enable the matter to be informally presented to the local community for consideration and comment prior to Council making a final decision on which option to endorse. At the conclusion of discussions with the local community the Shire requested its town planning consultants to prepare a revised design option which addressed the following matters:

- i) No vehicular access to the proposed subdivision via the existing road reserve along the eastern boundary of the

- subject land. All lots within the proposed subdivision were to have direct frontage to an internal road network within Lot 1;
- ii) The provision of a variety of lots ranging in size from approximately 750m² to 2,000m² with the larger lots to be located along the eastern boundary of Lot 1;
 - iii) The provision of a grouped housing site in the north eastern portion of Lot 1;
 - iv) The provision of an area of public open space in the north eastern portion of Lot 1 adjacent to the grouped housing site with the open space area to include an existing stand of native vegetation in this location; and
 - v) The provision of a 20 metre wide landscape buffer along the land's frontage to Stubbs Street for noise attenuation purposes inclusive of that portion of the land currently designated for future road widening purposes.

Comment

Lot 1 Griffin Street is located in the eastern-most part of the Lake Grace townsite and is currently owned in fee simple (i.e. freehold) by the Shire of Lake Grace (see Plan 11 – Location Plan). That portion of Lot 1 set aside for future residential development purposes comprises a total area of approximately 7.85 hectares and is classified 'Residential' zone with a density coding of R20 under the Shire's current operative Local Planning Scheme No.4 (LPS No.4).

The stated objectives for all land classified 'Residential' zone under LPS No.4 are as follows:

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community of the Shire of Lake Grace.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.
- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

A revised Structure Plan for Lot 1 has now been completed and is presented for Council's consideration and comment (see attached Plans 14 & 15). The following is a summary of the key components of the revised plan:

- 46 single residential lots ranging in size from 720m² to 2,371m²;
- 1 grouped housing lot comprising a total area of 4,908m²;
- 1 lot comprising an area of 5,000m² which will be set aside as a reserve for public open space / conservation; and

- 1 lot comprising an area of 7,934m² which will be set aside as a reserve for the purposes of a landscape buffer immediately adjacent to Stubbs Street to provide a suitable noise attenuation buffer between Stubbs Street and the proposed residential lots.

It should be noted that the revised Structure Plan, if endorsed by Council, will replace the current Guided Development Plan (Structure Plan) for Lot 1 previously adopted by Council at its Ordinary meeting on the 23 September 1998. Adoption of a new Structure Plan under the relevant provisions of LPS No.4 is required to illustrate Council's preferred pattern for subdivision development over the land and will be used as the basis for the preparation and lodgement of a subdivision application to the Western Australian Planning Commission for the next stage of development.

Prior to Council's formal adoption of the revised Structure Plan under the provisions of LPS No.4, which will include community consultation, the plan will be referred to McDowall Affleck consulting civil engineers for review and comment regarding its general suitability. McDowall Affleck will also be instructed to prepare a preliminary construction cost estimate for the next stage of development to assist Council's assessment of the project's commercial viability.

Conclusion

A revised draft Structure Plan has recently prepared for Lot 1 Griffin Street, Lake Grace to provide guidance for the future subdivision development of Lot 1 in the short term future to address the current shortage of vacant residential land in the townsite. The plan reflects the outcomes from recent informal discussions with the local community regarding its subdivision design preferences and instructions received from the Shire documenting the outcomes from these discussions.

The revised Structure Plan:

- i) Is consistent with and unlikely to compromise the general aims and objectives of the land's current 'Residential' zoning classification in Local Planning Scheme No.4;
- ii) Is consistent with the objectives contained in the Shire's 'Local Planning Strategy' for future residential development in the Lake Grace townsite;
- iii) Is consistent with the provisions and standards prescribed by the Residential Design Codes of Western Australia for all land assigned a residential density coding of R20;
- iv) Has due regard for existing land uses in the immediate locality and is generally consistent with the prevailing lots sizes in the immediate locality;
- v) Will provide for a variety in housing choice given the wide range of lot sizes; and

- vi) Will facilitate the development and release of additional residential lots in the short term future to address the current shortage of vacant residential land in the Lake Grace townsite.

To that extent it is recommended that Council endorse the revised Structure Plan subject to any modifications it considers appropriate and forward the plan to McDowall Affleck consulting civil engineers for assessment and preparation of a preliminary construction cost estimate for stage 1 of the project.

Legal Implications

Planning and Development Act 2005
Shire of Lake Grace Town Planning Scheme No.4

Policy Implications

Nil

Community Consultation

Not required at this preliminary stage. It is advised that the proposed Structure Plan will be advertised for public comment for a minimum period of 14 days in accordance with the specific procedures and requirements of clauses 2.4 and 5.10 of Local Planning Scheme No.4.

Financial Implications

The cost of constructing the next stage of the proposed subdivision of Lot 1 will be determined by McDowall Affleck consulting civil engineers following Council's endorsement of the revised Structure Plan. A report will then be presented to Council documenting the findings of the engineering assessment and construction cost estimate.

It should also be noted that a suitable allowance has been made in Council's 2008/2009 budget for the costs associated with the engineering assessment and construction cost estimate to be undertaken by McDowall Affleck consulting civil engineers.

Strategic Implications

The subdivision of Lot 1 Griffin Street, Lake Grace for residential purposes is consistent with strategic land use planning direction afforded by the Shire of Lake Grace Local Planning Strategy as this relates to future residential development in the Lake Grace townsite.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10685

Moved Cr Taylor
Seconded Cr Milton

That Council endorse the revised Structure Plan for Lot 1 Griffin Street, Lake Grace as illustrated on Plans 14 & 15 appended to this report subject to any modifications it considers appropriate and authorise the Shire Administration to forward the plan to McDowall Affleck consulting civil engineers for assessment and preparation of a preliminary construction cost estimate for stage 1 of the project.

MOTION CARRIED 5/0

13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**13.1 DRAFT REGIONAL STRATEGIC WASTE MANAGEMENT PLAN – APPROVAL FOR PUBLIC RELEASE**

Applicant: Regional Waste Management Committee
File No. 0521
Attachments: Strategic Waste Management Plan Draft No 4
Author: Mrs Jeanette Bennett
Executive Assistant
Disclosure of Interest: Nil
Date of Report: 13 October 2008
Senior Officer: Mr Mark Burbridge
Acting Chief Executive Officer

Summary

This purpose of this report is for Council to approve the release of the Regional Draft Strategic Waste Management Plan for public comment.

Background

The Shires of Cuballing, Dumbleyung, Lake Grace, Narrogin Shire & Town, Pingelly, Wagin, Wandering, West Arthur, Wickepin, Williams and Woodanilling have combined resources to prepare a Draft Regional Strategic Waste Management Plan.

Sections of the Draft report were considered by Council at its 24 September 2008 Ordinary Meeting. It was resolved not to support the draft regional report specifically in relation to waste management in the Newdegate and Varley Areas, the consultant was advised accordingly and the Plan was revised.

The amended document is now attached for approval to release the Plan for public comment.

Comment

The Regional Strategic Waste Management Plan has been developed in alignment with the Waste Management Board of Western Australia's Zero Waste Plan Development Scheme which includes funding assistance.

The purpose of this Plan is to provide strategies and actions to guide the Local Governments and communities of the region to improve waste management practices consistent with the State's vision of *Towards Zero Waste* which has a 2020 deadline.

The Plan has been made available for a thirty (30) day public comment period through authorisation by the Shire of Wagin. It has been advertised in the Wagin Argus and the Narrogin Observer and has a closing date of 14 November 2008.

To ensure our local community (i.e. the whole of the Shire of Lake Grace) is made aware of this process and can access the Report, advertisements will be placed in all of the local newsletters with details for submission of comments. Copies of the Plan will be available at the Shire Office or on the website.

Legal Implications

N/A

Policy Implications

N/A

Consultation

External: Shire of Wagin
Bruce Bowman – contracted consultant

Financial Implications

N/A

Strategic Implications

The development of sustainable waste management will be included in the Strategic Plan.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10686

Moved Cr Milton
Seconded Cr Dunkeld

That the Regional Waste Management Committee be advised that the Shire of Lake Grace approves the release of the Regional Draft Strategic Waste Management Plan for public comment.

MOTION CARRIED 5/0

14.0 MATTERS FOR CONSIDERATION – FINANCE

14.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2008

7.20 pm *Cr Sinclair entered the meeting.*

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Mr Mark Burbridge
 Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 14 October 2008
Senior Officer: Mr Mark Burbridge
 Acting Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of September 2008.

Background

List of payments for the month of September 2008 through the Municipal and Trust Accounts are attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
 Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The list of creditors paid for the month of September 2008 from the Municipal Account totals \$672,575.59, and from the Trust Account totals \$80.00.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10687

Moved Cr Chamberlain
Seconded Cr Milton

That Municipal Account cheques 33316 to 33350, Electronic Funds Transfers EFT4394 to EFT4494, and direct debits to the Municipal Accounts totalling \$672,575.59, and Trust Account cheque 563 totalling \$80.00, having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

Electronic Funds Transfer EFT4449 was cancelled.

MOTION CARRIED 6/0

14.2 FINANCIAL STATEMENTS – AUGUST & SEPTEMBER 2008

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Mrs Danielle Robertson
Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 14 October 2008
Senior Officer: Mr Mark Burbridge
Acting Chief Executive Officer

Summary

Consideration of the financial statements for the months ending 31 August and 30 September 2008.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Summary of Net Current Assets
- Operating Statement by Programme
- Balance Sheet
- Assets Purchased and Sold
- Capital Road Works, Operating Expenditure and Operating Income Graphs
- Bank Reconciliation

Legal Implications

Local Government Act 1995 – section 6.4
Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10688

Moved Cr Taylor
Seconded Cr Dunkeld

That the financial reports for the months ending 31 August 2008 and 30 September 2008 as attached be received.

MOTION CARRIED 6/0

14.3 INVESTMENT OF SURPLUS FUNDS

Applicant: Acting Chief Executive Officer
File No. 0267
Attachments: Nil
Author: Mr Mark Burbridge
 Acting Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 14 October 2008
Senior Officer: Mr Mark Burbridge
 Acting Chief Executive Officer

Summary

Report on the investment of surplus funds for the Municipal and Reserve Funds.

Background

A report on investment activity is presented to Council each month (where applicable) in accordance with Council Policy 3.5.

Comment

The following surplus funds have been invested during September 2008:

Financial Institution	Fund	Lodgement	Maturity	Term	Amount	Interest Rate
Elders Rural Bank	Municipal	12/9/08	12/12/08	3 months	\$1,000,000.00	7.70%
Elders Rural Bank	Reserve	12/9/08	12/03/09	6 months	\$1,200,000.00	8.05%

Council currently holds approximately \$600,000 in its Municipal Cheque account to meet upcoming cash expenditure requirements.

Legal Implications

Nil.

Policy Implications

As per Council Policy 3.5

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10689

Moved Cr Chamberlain
Seconded Cr Dunkeld

That the investment report for September 2008 be approved.

MOTION CARRIED 6/0

15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

15.1 MT SHERIDAN ROAD – PROPOSED RENAMING OF A SECTION

Applicant:	Acting Chief Executive Officer
File No.	0357
Attachments:	Plan
Author:	Mr Mark Burbridge Acting Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	14 October 2008
Senior Officer:	Mr Mark Burbridge Acting Chief Executive Officer

Summary

For Council to consider the proposal to rename of a section of Mount Sheridan Road in the Lake Biddy locality.

Background

The implementation of Rural Street addressing has highlighted a number of concerns over roads which are either named somewhat inappropriately, or are generally known as and signposted differently to the official road name.

Council has received a number of requests from property owners, both formally and verbally, to consider updating the official road names to that which makes more sense from a rural addressing perspective.

Council was presented with a number of proposals for road name changes in July 2007, however was unwilling to proceed with the proposed changes at that time and the item was withdrawn.

It is believed that the renaming of Mount Sheridan Road is the most critical in terms of correcting Rural Street Addressing issues, whilst creating minimal impact both historically and culturally as a result of the change. For this reason the proposal to rename this section of Mount Sheridan Road is presented for Council's consideration again, separately from other renaming proposals.

Comment

The implementation of Rural Street Addressing has highlighted a discrepancy in the naming of Mount Sheridan Road and Edwards Road when comparing official Landgate (formerly the Department of Land Information) records against Shire maps and signposting.

Most shire records show Mount Sheridan Road commencing at the intersection with Newdegate North Road and progressing eastwards, whilst Landgate records show a section of approximately 6.6km west of Newdegate North Road to Croghan Road also named as Mount Sheridan Road. Shire records and general community knowledge define this inconsistent section as a continuation of Edwards road.

By defining the start point of Mount Sheridan Road as west of Newdegate North Road, all the Rural Street Numbers are measured from this point which makes little sense and has the potential to cause confusion to emergency services.

It is proposed to update the name of this road section from Mount Sheridan Road to Edwards Road - being from the intersection with Croghan Road to the intersection with Newdegate North Road. It is not anticipated that this change will have a direct affect upon any property addresses serviced by this section of road, but will rectify the numbering inconsistencies on the remaining portion of Mount Sheridan Road.

Preliminary discussions with the Geographic Names Section within Landgate indicate that this request would be met with approval, as it is aimed at simplifying the current naming scheme and providing a more meaningful and logical rural street numbering system.

Legal Implications

Responsibility for the naming of roads, features, townsites and places in Western Australia resides with the Minister for Land Information, under the Land Administration Act 1997.

The Geographic Names Committee was established to provide the Minister for Land Information with advice on geographical nomenclature matters, and guidelines to facilitate the approval and processing of nomenclature applications.

Generally, Local Governments propose road names to the Geographic Names Committee for approval. Following agreement between the Department and the Local Government, the names will be approved and all interested parties advised.

Policy Implications

Council has no specific policy with regard to the naming of roads within the Shire, however road names are generally selected in accordance with guidelines provided by the Geographic Names Committee, specifically:

- New names and changes of names shall have strong local community support.
- Names in public use shall have primary consideration.
- Name duplication and dual naming should be avoided, especially those in close proximity.
- Names of living individuals should be used only in exceptional circumstances.
- Names characterised as follows are to be avoided, where possible:- incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.
- Preferred sources of names are:- descriptive names appropriate to the features, pioneers, war casualties and historical events connected with the area, and names from Aboriginal languages currently or formerly identified with the general area.
- Generic terms must be appropriate to features described.
- New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.
- The use of the genitive apostrophe is to be avoided (e.g. Butcher's).
- Hyphenated words in place names shall only be used where they have been adopted in local usage. (e.g. City of Kalgoorlie-Boulder)

Consultation

Internal: Manager Corporate Services
Manager of Works

External: Geographic Names Section within Landgate
Community - This proposal has the general support of the landholders whom will be affected by the renaming, however no formal community consultation has been carried out.

The provision of a simple and easily understood road naming and numbering scheme is in the best interests of the community.

Financial Implications

Minimal costs associated with administration, updates to mapping and software, and review of signposting will be associated with the road name changes proposed. These costs may be covered by existing budget allocations for administration and road signage.

Preliminary discussion with the Geographic Names Section within Landgate has indicated that there will be no charges associated with the renaming of Mount Sheridan road.

Strategic Implications

N/A

Cultural Implications

Road naming is an integral part of rural addressing and helps build and maintain a sense of geographical identity of residents within the Shire.

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10690

Moved Cr Chamberlain
Seconded Cr Sinclair

That Council endorse the proposal to rename the section of Mount Sheridan Road, commencing at the intersection with Croghan Road, travelling approximately 6.6km east to the intersection with Newdegate North Road, to become a continuation of Edwards Road; and recommends the proposed road name change to the Geographic Names Section within Landgate.

MOTION CARRIED 6/0

The Chief Executive Officer advised a motion to suspend Standing Orders was required to now consider Items 12.2 and 12.3 and confirmed that Cr Chamberlain was able to vote on that matter.

MOTION 10691

Moved Cr Taylor
Seconded Cr Milton

That Standing Orders be suspended to consider Items 12.2 & 12.3.

MOTION CARRIED 6/0

7.27pm Cr Chamberlain re-declared his interest in Items 12.2 & 12.3 in that he is a trustee of the applicant Trust and left the meeting.

12.2 PLANNING APPLICATION – LOT 202 NEWDEGATE RAVENSTHORPE RD, NEWDEGATE

Applicant: Newdegate Property Trust
File No. 0455
Attachments: Plans 4 to 7 and Plates 1 & 2
Author: Mr Joe Douglas & Mr Carlo Famiano
Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 14 October 2008
Senior Officer: Mr Mark Burbridge
Acting Chief Executive Officer

Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Newdegate Property Trust to establish a 'Trade Display' (i.e. farm machinery) and construct a 'Caretakers Dwelling' on Lot 202 Newdegate-Ravensthorpe Road, Newdegate.

Background

Lot 202 covers a total area of approximately 1.189 hectares and is located in the eastern segment of the Newdegate townsite on the northern side of Newdegate-Ravensthorpe Road at its intersection with Phascogale Street (see Plan 4 - Location Plan).

According to the latest aerial photography available from Landgate the subject land is generally flat and has been partially cleared in its western extremities. The balance of Lot 202 comprises scattered vegetation, the significance of which is not known (see Plan 6 – Aerial Photo). The land is currently vacant and does not therefore contain any notable improvements.

The application submitted by Newdegate Property Trust seeks Council's planning approval to develop and use Lot 202 for the purposes of 'Trade Display' (i.e. farm machinery) and a caretaker's dwelling (see Plan 7 - Site Plan).

The plans submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications. Notwithstanding this fact there is scope for Council to grant planning approval on the condition that more detailed plans are submitted to the Shire for review, assessment and endorsement prior to the commencement of any development on the land.

Comment

In considering this application Council is required to have due regard for the provisions contained in the Shire of Lake Grace's Local Planning Scheme No.4 (LPS No.4) The following is an assessment of the application in the context of the specific requirements of LPS No.4 and the proposal's general suitability.

The subject land is currently classified 'Service Commercial' zone under LPS No.4 wherein the following key objectives are applicable:

- To provide for a range of uses which complement the Commercial zone;
- To accommodate wholesaling, retail warehouses, showrooms, trade centres and professional services that provide for the needs of the community but due to their nature are generally not appropriate or cannot be accommodated in the Commercial Zone;
- To achieve a high standard of development and presentation including buildings landscaping and vehicle parking.
- The planning application should be considered in two parts, the first being the trade display component of the project and the second being the proposed caretaker's dwelling.

Trade Display

A trade display means a premises used for the display of trade goods and equipment for the purpose of advertisement. According to LPS No.4 a trade display on land classified 'Service Commercial' zone is classified as a 'P' use meaning that it is permitted subject to Council's planning approval. Given the land's current 'Service Commercial' zoning classification and the permissibility of the proposed use, it is reasonable to conclude that the use is generally consistent with the objective's of LPS No.4.

LPS No.4 does not contain any specific development standards applicable to the use of land for the purposes of a trade display. As such any planning application lodged for a trade display must be determined on its merits with due regard for any impact the proposal may have on surrounding land uses.

The existing uses surrounding Lot 202 include broadacre farming to the east, vacant Crown land to the south, industrial and service commercial uses to the west and a caravan park immediately north.

Having regard for the existing adjoining land uses it is reasonable to conclude that the proposed use of Lot 202 for the purposes of a trade display is unlikely to have a detrimental impact on the adjoining land uses provided suitable arrangements are made in relation to the hours of operation and the suppression of dust arising from the manoeuvring and parking of vehicles and machinery.

It is therefore recommended that:

- i) the use only be permitted to operate between the hours of 7am and 6pm Monday to Friday and 7.00am to 1.00pm on Saturdays; and
- ii) All vehicle access, parking and machinery display areas be suitably sealed.

In so doing the residential amenity afforded to the occupiers of the adjoining caravan park will be suitably protected.

It is understood that the proposal will primarily involve the parking and display of farm machinery. The full extent of the proposed use of the land for this purpose has not been illustrated or described in any of the information submitted in support of the application. As such it is not known if most of the land will be developed and used for trade display purposes and what implications this will have in

terms of the existing native vegetation (i.e. extent of required clearing works). Assuming that a significant portion of the land will be cleared to accommodate the proposed use, it may be prudent for Council to advise the applicant of their obligations under the Environmental Protection Act as this applies specifically to the clearing of native vegetation.

It may also be prudent for Council to require the applicant to provide, as a condition of planning approval, at least three (3) car parking bays (calculated at the ratio of one bay per two employees and two customer bays) to accommodate the car parking demand likely to be generated by the proposed use.

Having regard for all of the above comments it is recommended that the applicant be required, as a condition of planning approval, to prepare and submit a more detailed site development plan to the Shire prior to the commencement of any development which clearly illustrates the full extent of the proposed trade display area, the extent of proposed clearing works, existing vegetation proposed to be retained and vehicle access and parking arrangements.

It is also recommended that Council impose a condition on any planning approval issued which prohibits direct access to and from the land via Newdegate-Ravensthorpe Road which is classified as a 'Major Road' reserve under LPS No.4 due to its status as an important regional road. Any condition imposed in this regard should specify that all access to and from the land is required to be obtained via Phascogale Street in order to minimise any potential safety risk and vehicle conflicts along the land's direct frontage to Newdegate-Ravensthorpe Road.

Caretaker's Dwelling

Under the terms of LPS No.4 a caretaker's dwelling is a discretionary (i.e. 'D') use on all land classified 'Service Commercial' zone which means that it is not permitted unless Council has exercised its discretion by granting planning approval.

The applicant has not provided any floor or elevation plans for the proposed caretaker's dwelling which, for the purposes of this assessment, is problematic. The applicant has however submitted photographs of the proposed dwelling which is understood to be a second-hand transportable structure (see attached Plates 1 & 2).

Clause 5.16 of LPS No.4 specifies a number of standards that are applicable to the development of caretaker's dwellings in the

Shire. The following is an assessment of the proposal for Lot 202 in accordance with the standards contained in Clause 5.16:

- i) *A caretaker's dwelling shall not be constructed on any lot until an approved predominant use for that lot has been established and the local government has resolved that the dwelling is incidental to the predominant use of the lot and the future inhabitants will not be placed in an unduly hazardous position.*

Given that the predominant use of Lot 202 will be the proposed trade display it is reasonable to conclude that the proposed caretakers dwelling will be incidental to this use. It is however recommended that Council impose a condition on any approval issued to ensure that development of the dwelling does not proceed until the trade display use has been established.

- ii) *Where the local government approves the development of a caretakers dwelling such dwelling is required to be located at the rear of the lot and screened from the road frontage unless otherwise approved by the local government.*

Under the terms of the plan submitted in support of the application the proposed caretaker's dwelling will be located at the rear of Lot 202 with a 7.5 metre setback to the secondary street. This arrangement is considered to be acceptable and will help to ensure that any future inhabitants of the dwelling are not placed in an unduly hazardous position. In order to help secure this outcome it is recommended that a condition be imposed on any approval issued which requires the dwelling to be screened from the predominant use of the land and Newdegate-Ravensthorpe Road through the provision of either fencing and/or landscaping.

- iii) *The total floor area measurement of a caretakers dwelling from the external face of walls (including verandahs) shall not be greater than one hundred square metres.*

The applicant has not provided any floor plans for the proposed caretakers dwelling demonstrating compliance with the maximum floor space requirements of LPS No.4. As such it is recommended that a condition be imposed on any approval issued which restricts the total floor space of the proposed dwelling to 100m².

- iv) *Only one caretakers dwelling is permitted on a given lot. This includes the provision of only one caretakers dwelling on a lot with existing and/or proposed strata lots.*

The application proposes the development of only one (1) caretaker's dwelling for the land which is consistent with the specific requirements of LPS No.4.

- v) *The use of a caravan as a caretakers dwelling is not permitted.*

The application proposes the development of a caretaker's dwelling comprising a second-hand transportable dwelling which is consistent with the specific requirements of LPS No.4.

- vi) *A caretakers dwelling shall not be occupied by any person other than the owner or manager or an employee of the use established on the land.*

The proposal will be conditioned to ensure that the caretaker's dwelling is only occupied by either the owner or manager or employee of the proposed trade display use. The condition will require the applicant to arrange for the placement of a notification on the Certificate of Title for the land pursuant Section 70A of the Transfer of Land Act 1893 to ensure compliance with this requirement.

- vii) The local government will not support the subdivision or development of land that will:
- a) allow a caretakers dwelling to be sold separately from the predominant use of the land; or
 - b) restrict the future potential use of the land.

Any future subdivision or development of the land will be controlled by the Shire of Lake Grace and the Western Australian Planning Commission in accordance with the provisions contained in LPS No.4. The current application does not propose to subdivide or develop the site for any other purposes other than those currently being considered. Notwithstanding this fact it may be prudent for Council to include an advice note on any approval issued which alerts the applicant to Council's general position in this matter.

Having regard for the above assessment it is concluded that the proposal is capable of addressing the development standards contained in LPS No.4 as these apply specifically to the

development of caretaker's dwellings in the Shire subject to compliance with a number of conditions.

It should also be noted that Clause 5.21 of LPS No.4 specifies a number of standards that are applicable to the placement of second-hand dwellings or structures on any land within the Shire. Clause 5.21 specifically states that such dwellings are not permitted unless:

- a) in the opinion of the local government such a dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area;
- b) an applicant for a building licence for such dwelling or building enters into an agreement to the satisfaction of the local government to reinstate the dwelling or building to an acceptable standard of presentation as determined by the local government within 12 months of the issuance of a building licence; and
- c) the sub-floor area of the building is enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures to be carried out.

In light of the above requirements it is considered prudent for Council to impose a number of conditions on any approval issued in respect of the proposed caretakers dwelling on Lot 202 to ensure compliance with Clause 5.21.

Conclusion

It is concluded from this assessment that the proposed development and use of Lot 202 Newdegate-Ravensthorpe Road, Newdegate for the purposes of a trade display and an associated caretaker's dwelling is:

- unlikely to compromise the stated objectives for land classified 'Service Commercial' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- unlikely to have a negative impact on the surrounding land uses or the local streetscape; and
- generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality,

subject to the imposition and compliance with a number of conditions which aim to ensure that all future development and

use of the land proceeds in accordance with the standards and requirements of LPS No.4.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Policy Implications

Nil

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10692

Moved Cr Sinclair

Seconded Cr Dunkeld

That the application for planning approval submitted by The Newdegate Property Trust to establish a 'Trade Display' and construct a 'Caretakers Dwelling' on Lot 202 Newdegate-Ravensthorpe Road, Newdegate be **APPROVED** subject to the following conditions:

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.

MOTION 10692 continued

2. Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development on the land. The additional plans are to be suitably scaled and are required to clearly illustrate the following:

- a) The location and extent of the proposed trade display area;
- b) Areas of existing native vegetation proposed to be retained;
- c) The precise location of the proposed caretaker's dwelling including details of the internal floor layout, external appearance and car parking arrangements;
- d) Screening arrangements for the proposed caretaker's dwelling from the predominant use of the land (i.e. trade display) and Newdegate-Ravensthorpe Road;
- e) Car parking areas for the proposed trade display comprising at least three (3) bays; and
- f) The location and width of all crossovers and internal access-ways.

3. The development is to be undertaken in a manner consistent with the details of the additional plan/s required in condition 2 above if and when these plans are approved by the Shire of Lake Grace.

4. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor following approval to the additional plan/s required by condition 2 above and prior to the commencement of any earthworks or construction on the land.

5. The trade display use is only permitted to operate between the hours of 7am and 6pm Monday to Friday and 7.00am to 1.00pm on Saturdays.

6. The noise generated by any activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental (Noise) Regulations 1997.

7. All landscaping, parking and vehicle accessways, as depicted on the approved plans, shall be installed prior to occupation of the buildings and maintained at all times to the satisfaction of the Shire of Lake Grace.

8. Direct access to and from the land via Newdegate-Ravensthorpe Road which is classified as a 'Major Road' reserve under LPS No.4 is not permitted unless otherwise approved by Main Roads Western Australia. All access to and from the land is therefore required to be obtained via Phascogale Street.

MOTION 10692 continued

9. The development must be provided with an adequate on-site effluent disposal system to the satisfaction of the Shire of Lake Grace.

10. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.

11. All on-site vehicle accessways and parking areas shall be constructed (including sealing) and maintained to the specifications and satisfaction of the local government with appropriate measures for drainage and disposal of surface water.

12. The caretaker's dwelling shall not have a floor area greater than 100m², excluding areas of unenclosed verandah.

13. The caretaker's dwelling shall not be occupied prior to the establishment and commencement of the proposed 'trade display' activities on the land.

14. The caretaker's dwelling must be occupied by a person having care of the building, plant, equipment or grounds associated with the 'trade display use or business being undertaken on the same site.

15. Prior to the issue of a building licence for the proposed caretaker's dwelling the owner shall execute and provide to the Shire a notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the title of the land advising prospective purchasers of the restricted residential use of the caretaker's dwelling and the potential impact of existing and possible future adjoining and nearby commercial uses.

The notification shall read:

"The property is situated in a service commercial area and may be affected by noise, dust, odours, vibrations and the like from existing and possible future adjoining and nearby industrial/commercial uses. Furthermore, the dwelling on the property is classified as a caretaker's dwelling and therefore must be occupied by a person having care of the building, plant, equipment or grounds associated with an industry or business carried on or existing on the same site."

16. Prior to the issuance of a building licence for the proposed caretaker's dwelling the applicant is required to enter into an agreement to the satisfaction of the Shire of Lake Grace to reinstate the second-hand caretaker's dwelling to an acceptable standard of presentation as determined by the Shire within 12 months of the issuance of a building licence.

MOTION 10692 continued

17. The sub-floor area of the proposed caretaker's dwelling shall be enclosed with brick, stone, vermin battens or by other means acceptable to the Shire of Lake Grace.

18. A minimum of 10% of the total site area shall be dedicated to landscaping. Such landscaping may comprise areas of existing native vegetation provided such areas are suitably fenced to assist in the retention of such vegetation and to preserve and enhance the visual character of the immediate locality.

19. All advertising signage shall be provided in accordance with the requirements specified in Schedule 5.

Advice Notes

- i) The clearing of any native vegetation within the Shire of Lake Grace is generally not permitted unless a clearing permit has first been obtained from the Department of Environment and Conservation under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 or the clearing is of a type that does not require a permit i.e. the clearing is for an exempt purpose as prescribed in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. It is the applicant's responsibility to determine if a clearing permit is required in this instance and to obtain all necessary approvals prior to the commencement of any development on the land.
- ii) The Shire of Lake Grace will not support the subdivision or development of Lot 202 that will:
 - a) allow the proposed caretakers dwelling to be sold separately from the predominant use of the land; or
 - b) restrict the future potential use of the land for service commercial purposes.

MOTION CARRIED 5/0

12.2 PLANNING APPLICATION – LOT 202 NEWDEGATE RAVENSTHORPE RD, NEWDEGATE

Applicant: Newdegate Property Trust
File No. 0455
Attachments: Plans 4, 8, 9 & 10 and Plates 1 & 2
Author: Mr Joe Douglas & Mr Carlo Famiano
 Town Planning Consultant
Disclosure of Interest: Nil
Date of Report: 14 October 2008
Senior Officer: Mr Mark Burbridge
 Acting Chief Executive Officer

Summary

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Newdegate Property Trust to establish a 'Trade Display' (i.e. farm machinery) and construct a 'Caretakers Dwelling' on Lot 207 Newdegate-Ravensthorpe Road, Newdegate.

Background

Lot 207 covers a total area of approximately 7,933m² and is located in the eastern segment of the Newdegate townsite on the northern side of Newdegate-Ravensthorpe Road at its intersection with Phascogale Street (see Plan 4 - Location Plan).

According to the latest aerial photography available from Landgate the subject land is generally flat and has been extensively cleared in its eastern and southern extremities. The balance of Lot 207 comprises scattered vegetation, the significance of which is not known (see Plan 9 – Aerial Photo). The land is currently vacant and does not therefore contain any notable improvements aside from overhead power transmission lines through its eastern and central portions which are protected by a 16 metre wide easement created in favour of Western Power (see Plan 10 – Site Plan).

The application submitted by Newdegate Property Trust seeks Council's planning approval to develop and use Lot 207 for the purposes of 'Trade Display' (i.e. farm machinery) and a caretaker's dwelling (see Plan 10 - Site Plan).

The plans submitted by the applicant are very broad and do not provide all of the information typically required in support of planning applications. Notwithstanding this fact there is scope for

Council to grant planning approval on the condition that more detailed plans are submitted to the Shire for review, assessment and endorsement prior to the commencement of any development on the land.

Comment

In considering this application Council is required to have due regard for the provisions contained in the Shire of Lake Grace's Local Planning Scheme No.4 (LPS No.4) The following is an assessment of the application in the context of the specific requirements of LPS No.4 and the proposal's general suitability.

The subject land is currently classified 'Service Commercial' zone under LPS No.4 wherein the following key objectives are applicable:

- To provide for a range of uses which complement the Commercial zone;
- To accommodate wholesaling, retail warehouses, showrooms, trade centres and professional services that provide for the needs of the community but due to their nature are generally not appropriate or cannot be accommodated in the Commercial Zone;
- To achieve a high standard of development and presentation including buildings landscaping and vehicle parking.

The planning application should be considered in two parts, the first being the trade display component of the project and the second being the proposed caretaker's dwelling.

Trade Display

A trade display means a premises used for the display of trade goods and equipment for the purpose of advertisement. According to LPS No.4 a trade display on land classified 'Service Commercial' zone is classified as a 'P' use meaning that it is permitted subject to Council's planning approval. Given the land's current 'Service Commercial' zoning classification and the permissibility of the proposed use, it is reasonable to conclude that the use is generally consistent with the objectives of LPS No.4.

LPS No.4 does not contain any specific development standards applicable to the use of land for the purposes of a trade display. As such any planning application lodged for a trade display must be determined on its merits with due regard for any impact the proposal may have on surrounding land uses.

The existing uses surrounding Lot 207 include industrial and service commercial uses to the east, vacant Crown land to the south which is proposed to be developed for industrial purposes, existing industrial development to the west and a caravan park immediately north. Having regard for the existing adjoining land uses it is reasonable to conclude that the proposed use of Lot 207 for the purposes of a trade display is unlikely to have a detrimental impact on the adjoining land uses provided suitable arrangements are made in relation to the hours of operation and the suppression of dust arising from the manoeuvring and parking of vehicles and machinery. It is therefore recommended that:

- i) the use only be permitted to operate between the hours of 7.00am and 6pm Monday to Friday and 7.00am to 1.00pm on Saturdays; and
- ii) All vehicle access, parking and machinery display areas be suitably sealed.

In so doing the residential amenity afforded to the occupiers of the adjoining caravan park will be suitably protected.

It is understood that the proposal will primarily involve the parking and display of farm machinery. The full extent of the proposed use of the land for this purpose has not been illustrated or described in any of the information submitted in support of the application. As such it is not known if most of the land will be developed and used for trade display purposes and what implications this will have in terms of the existing native vegetation (i.e. extent of required clearing works). Assuming that a significant portion of the land will be cleared to accommodate the proposed use, it may be prudent for Council to advise the applicant of their obligations under the Environmental Protection Act as this applies specifically to the clearing of native vegetation.

It may also be prudent for Council to require the applicant to provide, as a condition of planning approval, at least three (3) car parking bays (calculated at the ratio of one bay per two employees and two customer bays) to accommodate the car parking demand likely to be generated by the proposed use.

Having regard for all of the above comments it is recommended that the applicant be required, as a condition of planning approval, to prepare and submit a more detailed site development plan to the Shire prior to the commencement of any development which clearly illustrates the full extent of the proposed trade display area, the extent of proposed clearing works, existing vegetation proposed to be retained and vehicle access and parking arrangements.

It is also recommended that Council impose a condition on any planning approval issued which prohibits direct access to and from the land via Newdegate-Ravensthorpe Road which is classified as a 'Major Road' reserve under LPS No.4 due to its status as an important regional road.

Any condition imposed in this regard should specify that all access to and from the land is required to be obtained via Phascogale Street or Newdegate Road North in order to minimise any potential safety risk and vehicle conflicts along the land's direct frontage to Newdegate-Ravensthorpe Road.

Caretaker's Dwelling

Under the terms of LPS No.4 a caretaker's dwelling is a discretionary (i.e. 'D') use on all land classified 'Service Commercial' zone which means that it is not permitted unless Council has exercised its discretion by granting planning approval.

The applicant has not provided any floor or elevation plans for the proposed caretaker's dwelling which, for the purposes of this assessment, is problematic. The applicant has however submitted photographs of the proposed dwelling which is understood to be a second-hand transportable structure (see attached Plates 1 & 2).

Clause 5.16 of LPS No.4 specifies a number of standards that are applicable to the development of caretaker's dwellings in the Shire. The following is an assessment of the proposal for Lot 207 in accordance with the standards contained in Clause 5.16:

- i) A caretaker's dwelling shall not be constructed on any lot until an approved predominant use for that lot has been established and the local government has resolved that the dwelling is incidental to the predominant use of the lot and the future inhabitants will not be placed in an unduly hazardous position.*

Given that the predominant use of Lot 207 will be the proposed trade display it is reasonable to conclude that the proposed caretakers dwelling will be incidental to this use. It is however recommended that Council impose a condition on any approval issued to ensure that development of the dwelling does not proceed until the trade display use has been established.

- ii) Where the local government approves the development of a caretakers dwelling such dwelling is required to be located at the rear of the lot and screened from the road frontage unless otherwise approved by the local government.*

Under the terms of the plan submitted in support of the application the proposed caretaker's dwelling will be located at the rear of Lot 207 with a 16 metre (approximate) setback to the secondary street. This arrangement is considered to be acceptable and will help to ensure that any future inhabitants of the dwelling are not placed in an unduly hazardous position. In order to help secure this outcome it is recommended that a condition be imposed on any approval issued which requires the dwelling to be screened from the predominant use of the land and Newdegate-Ravensthorpe Road through the provision of either fencing and/or landscaping.

iii) The total floor area measurement of a caretakers dwelling from the external face of walls (including verandahs) shall not be greater than one hundred square metres.

The applicant has not provided any floor plans for the proposed caretakers dwelling demonstrating compliance with the maximum floorspace requirements of LPS No.4. As such it is recommended that a condition be imposed on any approval issued which restricts the total floor space of the proposed dwelling to 100m².

iv) Only one caretakers dwelling is permitted on a given lot. This includes the provision of only one caretakers dwelling on a lot with existing and/or proposed strata lots.

The application proposes the development of only one (1) caretaker's dwelling for the land which is consistent with the specific requirements of LPS No.4.

v) The use of a caravan as a caretakers dwelling is not permitted.

The application proposes the development of a caretaker's dwelling comprising a second-hand transportable dwelling which is consistent with the specific requirements of LPS No.4.

vi) A caretakers dwelling shall not be occupied by any person other than the owner or manager or an employee of the use established on the land.

The proposal will be conditioned to ensure that the caretaker's dwelling is only occupied by either the owner or manager or employee of the proposed trade display use. The condition will require the applicant to arrange for the placement of a notification on the Certificate of Title for the land pursuant

Section 70A of the Transfer of Land Act 1893 to ensure compliance with this requirement.

- vii) *The local government will not support the subdivision or development of land that will:*
- a) *allow a caretakers dwelling to be sold separately from the predominant use of the land; or*
 - b) *restrict the future potential use of the land.*

Any future subdivision or development of the land will be controlled by the Shire of Lake Grace and the Western Australian Planning Commission in accordance with the provisions contained in LPS No.4. The current application does not propose to subdivide or develop the site for any other purposes other than those currently being considered. Notwithstanding this fact it may be prudent for Council to include an advice note on any approval issued which alerts the applicant to Council's general position in this matter.

Having regard for the above assessment it is concluded that the proposal is capable of addressing the development standards contained in LPS No.4 as these apply specifically to the development of caretaker's dwellings in the Shire subject to compliance with a number of conditions.

It should also be noted that Clause 5.21 of LPS No.4 specifies a number of standards that are applicable to the placement of second-hand dwellings or structures on any land within the Shire. Clause 5.21 specifically states that such dwellings are not permitted unless:

- a) in the opinion of the local government such a dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area;
- b) an applicant for a building licence for such dwelling or building enters into an agreement to the satisfaction of the local government to reinstate the dwelling or building to an acceptable standard of presentation as determined by the local government within 12 months of the issuance of a building licence; and
- c) the sub-floor area of the building is enclosed with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a position such as to be visually prominent, the local government may require satisfactory landscaping measures to be carried out.

In light of the above requirements it is considered prudent for Council to impose a number of conditions on any approval issued in respect of the proposed caretakers dwelling on Lot 207 to ensure compliance with Clause 5.21.

Conclusion

It is concluded from this assessment that the proposed development and use of Lot 207 Newdegate-Ravensthorpe Road, Newdegate for the purposes of a trade display and an associated caretaker's dwelling is:

- unlikely to compromise the stated objectives for land classified 'Service Commercial' zone in the Shire of Lake Grace's current operative Local Planning Scheme No.4;
- unlikely to have a negative impact on the surrounding land uses or the local streetscape; and
- generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality,

subject to the imposition and compliance with a number of conditions which aim to ensure that all future development and use of the land proceeds in accordance with the standards and requirements of LPS No.4.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Policy Implications

Nil

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Cultural Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10693

Moved Cr Milton
Seconded Cr Sinclair

That the application for planning approval submitted by The Newdegate Property Trust to establish a 'Trade Display' and construct a 'Caretakers Dwelling' on Lot 207 Newdegate-Ravensthorpe Road, Newdegate be **APPROVED** subject to the following conditions:

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. Additional plan/s are required to be prepared and submitted to the Shire of Lake Grace, to the specifications and satisfaction of the Shire, for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of any development on the land. The additional plans are to be suitably scaled and are required to clearly illustrate the following:
 - i) The location and extent of the proposed trade display area;
 - ii) Areas of existing native vegetation proposed to be retained;
 - iii) The precise location of the proposed caretakers dwelling including details of the internal floor layout, external appearance and car parking arrangements;
 - iv) Screening arrangements for the proposed caretaker's dwelling from the predominant use of the land (i.e. trade display) and Newdegate-Ravensthorpe Road;
 - v) Car parking areas for the proposed trade display comprising at least three (3) bays; and
 - vi) The location and width of all crossovers and internal access-ways.

MOTION 10693 continued

3. The development is to be undertaken in a manner consistent with the details of the additional plan/s required in condition 2 above if and when these plans are approved by the Shire of Lake Grace.
4. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor following approval to the additional plan/s required by condition 2 above and prior to the commencement of any earthworks or construction on the land.
5. The trade display use is only permitted to operate between the hours of 7am and 6pm Monday to Friday and 7.00am to 1.00pm on Saturdays.
6. The noise generated by any activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental (Noise) Regulations 1997.
7. No buildings or structures are permitted to be developed within the 16 metre wide easement area on Lot 207 which has been created to accommodate Western Power power supply infrastructure.
8. All landscaping, parking and vehicle accessways, as depicted on the approved plans, shall be installed prior to occupation of the buildings and maintained at all times to the satisfaction of the Shire of Lake Grace.
9. Direct access to and from the land via Newdegate-Ravensthorpe Road which is classified as a 'Major Road' reserve under LPSNo.4 is not permitted unless otherwise approved by Main Roads Western Australia. All access to and from the land is therefore required to be obtained via Phascogale Street and/or Newdegate Road North.
10. The development must be provided with an adequate on-site effluent disposal system to the satisfaction of the Shire of Lake Grace.
11. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.

MOTION 10693 continued

12. All on-site vehicle accessways and parking areas shall be constructed (including sealing) and maintained to the specifications and satisfaction of the local government with appropriate measures for drainage and disposal of surface water.

13. The caretaker's dwelling shall not have a floor area greater than 100m², excluding areas of unenclosed verandah.

14. The caretaker's dwelling shall not be occupied prior to the establishment and commencement of the proposed 'trade display' activities on the land.

15. The caretaker's dwelling must be occupied by a person having care of the building, plant, equipment or grounds associated with the 'trade display use or business being undertaken on the same site.

16. Prior to the issue of a building licence for the proposed caretaker's dwelling the owner shall execute and provide to the Shire a notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the title of the land advising prospective purchasers of the restricted residential use of the caretaker's dwelling and the potential impact of existing and possible future adjoining and nearby commercial uses. The notification shall read:

"The property is situated in a service commercial area and may be affected by noise, dust, odours, vibrations and the like from existing and possible future adjoining and nearby industrial/commercial uses. Furthermore, the dwelling on the property is classified as a caretaker's dwelling and therefore must be occupied by a person having care of the building, plant, equipment or grounds associated with an industry or business carried on or existing on the same site."

17. Prior to the issuance of a building licence for the proposed caretaker's dwelling the applicant is required to enter into an agreement to the satisfaction of the Shire of Lake Grace to reinstate the second-hand caretaker's dwelling to an acceptable standard of presentation as determined by the Shire within 12 months of the issuance of a building licence.

18. The sub-floor area of the proposed caretaker's dwelling shall be enclosed with brick, stone, vermin battens or by other means acceptable to the Shire of Lake Grace.

MOTION 10693 continued

19. A minimum of 10% of the total site area shall be dedicated to landscaping. Such landscaping may comprise areas of existing native vegetation provided such areas are suitably fenced to assist in the retention of such vegetation and to preserve and enhance the visual character of the immediate locality.

20. All advertising signage shall be provided in accordance with the requirements specified in Schedule 5.

Advice Notes

- i) The clearing of any native vegetation within the Shire of Lake Grace is generally not permitted unless a clearing permit has first been obtained from the Department of Environment and Conservation under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 or the clearing is of a type that does not require a permit i.e. the clearing is for an exempt purpose as prescribed in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. It is the applicant's responsibility to determine if a clearing permit is required in this instance and to obtain all necessary approvals prior to the commencement of any development on the land.
- ii) The Shire of Lake Grace will not support the subdivision or development of Lot 207 that will:
 - a) allow the proposed caretakers dwelling to be sold separately from the predominant use of the land; or
 - b) restrict the future potential use of the land for service commercial purposes.

MOTION CARRIED 5/0

7.38pm

Cr Chamberlain re-entered the meeting. The President advised of the outcomes relating to resolutions passed during his absence.

MOTION 10694

Moved Cr Milton
Seconded Cr Taylor

That Standing Orders be resumed.

MOTION CARRIED 6/0

16.0 URGENT BUSINESS BY DECISION OF THE MEETING

16.1 USE OF MOTOR BIKES IN THE NEWDEGATE TOWN CENTRE

The President advised that this item of business has arisen out of the presentation earlier in the meeting by concerned Newdegate residents regarding the ongoing motor bike problems in the Newdegate townsite.

Cr Walker further advised he did not realise the extent of the problem as outlined in the presentation and that Council will now move to address concerns arising out of presentation.

Following discussion it was agreed that the main areas of concern are to do with:

- unlicensed vehicles
- underage riders on roads
- unauthorised access of public roads and public open space
- damage to the natural environment
- public noise factor and intimidation
- littering, dumping of rubbish
- unauthorised constructions (refers to jumps & obstacles)

After further consideration it was agreed that the best way for Council to assist at this stage is to:

- Determine boundaries and ownership of affected land and act accordingly – i.e. seek approval from owners for removal of the jumps and fencing of the land.
- Investigate and act upon the issue of people residing in caravans on industrial land under the Caravan and Camping Act.

MOTION 10695

Moved Cr Chamberlain
Seconded Cr Dunkeld

That in relation to the presentation to Council on problems experienced with motor bikes in the Newdegate townsite:

1. Council establish the boundaries and determine the ownership of the land being used for motor bike riding and antisocial activities and act accordingly to assist in resolving the matter.

MOTION 10695 continued

2. An invitation to be extended to the District Superintendent of Police to attend the November 2008 Council Meeting being held at Newdegate to discuss issues relevant to the Shire.
3. A community meeting to be convened as a matter of urgency to provide a community forum to discuss and resolve the issue.

MOTION CARRIED 6/0

17.0 SCHEDULING OF MEETING

17.1 NOVEMBER 2008 ORDINARY MEETING

Motion 10528 November 2007 states:

An Ordinary Meeting of Council will be held on Wednesday 26 November 2008, commencing at 9.00am at the Newdegate Lesser Hall, Maley St Newdegate.

18.0 CONFIDENTIAL BUSINESS – As per Local Government Act s.5.23 (2)

None

19.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 8.26pm.

20.0 CERTIFICATION

I Andrew James Walker certify that the minutes of the meeting held on the 22 October 2008 as shown were confirmed as a true record at the meeting held on the 26 November 2008.

Chairman

Date