

AGENDA INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE 12 JUNE 2018

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

The meeting is scheduled to commence at .

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- ICRC18/51REPORTOFTHEINFRASTRUCTURE,COMMUNITYANDRECREATION COMMITTEE MEETING 14 MAY 2018 (ID18/880)The Committee had before it the report of the Infrastructure,
Community and Recreation Committee meeting held 14 May 2018.
- ICRC18/52 PROPOSED ROAD CLOSURE OF UNFORMED ROAD OFF BELLA VISTA LANE (ID18/885) The Committee had before it the report dated 28 May 2018 from the Manager Transport and Emergency regarding Proposed Road Closure of Unformed Road Off Bella Vista Lane.

ICRC18/53 PROPOSED WALKWAY CLOSURE BETWEEN 36 AND 38 TWICKENHAM DRIVE, DUBBO (ID18/886) The Committee had before it the report dated 28 May 2018 from the Manager Transport and Emergency regarding Proposed Walkway Closure Between 36 and 38 Twickenham Drive, Dubbo.

ICRC18/54 DEDICATION OF COMMUNITY LAND AS PUBLIC ROAD LOT 1102 DP 843775, COBBORA ROAD LOT 36 DP 773270, TROY CREEK PARK, OLD HOMESTEAD DRIVE SUBDIVISION CERTIFICATE SC91-130 (ID18/923) The Committee had before it the report dated 31 May 2018 from the Senior Planner regarding Dedication of Community Land as Public Road.

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ICRC18/55REPORT OF THE SOCIAL JUSTICE AND CRIME PREVENTION
COMMITTEE - MEETING 23 MAY 2018 (ID18/874)24The Committee had before it the report of the Social Justice and
Crime Prevention Working Party meeting held 23 May 2018.24

ICRC18/51



The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 14 May 2018.

RECOMMENDATION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 14 May 2018, be adopted.



PRESENT: Councillors J Diffey, D Grant, A Jones, G Mohr, K Parker and J Ryan.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Team Leader Governance, the Director Corporate Services, the Director Economic Development and Business (J Angus), the Manager Communication and Stakeholder Engagement, the Communications Coordinator, the Director Infrastructure and Operations, the Manager Transport and Emergency, the Director Planning and Environment, the Manager Building and Development Services, and the Director Community and Recreation.

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.32pm.

ICRC18/47 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE - MEETING 16 APRIL 2018 (ID18/779)

The Committee had before it the report of the Infrastructure, Community and Recreation Committee meeting held 16 April 2018.

Moved by Councillor J Ryan and seconded by Councillor K Parker

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 16 April 2018, be noted.

CARRIED

ICRC18/48 PROPOSED ROAD CLOSURE OF UNFORMED ROAD OFF COBBORA ROAD, NORTH OF WELLINGTON (ID18/774)

The Committee had before it the report dated 28 April 2018 from the Manager Transport and Emergency regarding Proposed Road Closure of Unformed Road Off Cobbora Road, North of Wellington.

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

- 1. That Council consent to an application being made by the owner of Lot 82 in DP 2987 (Anthony Inder) to close the road corridor adjoining the western boundary of this lot; and to close the road corridor adjoining the southern boundary of Lot 78 in DP 2987 for purpose of providing a site to establish a solar farm project.
- 2. That Council note the closure of these two (2) roads is to be part of a proposal to consolidate Lots 77 to 82 in DP 2987 and the applicant proposes to lodge a Subdivision Application to include the creation of a Right of Way through the consolidated parcel and Lot 76 in DP 2987 to ensure legal access to Cobbora Road for both the proposed consolidated parcel and the residue holding east of the consolidated parcel.
- 3. That it be noted that Council may be requested to approve solar farm construction works over the subject roads under Section 138 of the Roads Act, should the road closure and land disposal process take longer than the proposed commencement date of the solar farm construction.
- 4. That any necessary documents be executed under the Chief Executive Officer's Power of Attorney.

CARRIED

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor D Grant's employer has business dealings with the applicant.

ICRC18/49 REPORT OF THE STREET TREE ADVISORY COMMITTEE - MEETING 1 MAY 2018 (ID18/782)

The Committee had before it the report of the Street Tree Advisory Committee meeting held 1 May 2018.

Moved by Councillor K Parker and seconded by Councillor J Diffey

MOTION

That the report of the Street Tree Advisory Committee meeting held on 1 May 2018, be adopted, save and except STC18/7 Street Tree Removal – Whylandra Street, Dubbo which is to be dealt with separately.

CARRIED

STC18/7 STREET TREE REMOVAL - WHYLANDRA STREET, DUBBO (ID18/752)

The Committee had before it the report dated 23 April 2018 from the Manager Water Supply and Sewerage regarding Street Tree Removal - Whylandra Street, Dubbo.

Moved by Councillor K Parker and seconded by Councillor J Diffey

MOTION

That Council endeavour to retain the trees wherever possible and that the Chief Executive Officer be delegated authority to determine that the tree(s) be removed should excavation works become dangerous.

CARRIED

ICRC18/50 LEAVE OF ABSENCE

Requests for leave of absence were received from Councillors D Gumley and B Shields who were absent from the meeting on Council Business and Councillors V Etheridge and S Lawrence who was absent from the meeting for personal reasons.

Moved by Councillor A Jones and seconded by Councillor K Parker

MOTION

That such requests for leave of absence be accepted and Councillors V Etheridge, D Gumley, S Lawrence and B Shields be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5.35pm.

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CHAIRMAN

INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE Page 6



EXECUTIVE SUMMARY

A request has been received from First Solar (Australia) Pty Ltd on behalf of the owner of farming property on Goolma Road seeking Council's consent to an application being lodged to close an unformed road located north of Bella Vista Lane between Cobbora Road and Goolma Road. The purpose of the road closure is to enable the creation a securable land entity capable of accommodating a solar farm. The proposed Road Closure Map is attached as **Appendix 1** to this report. The road closure is a pre-requisite to the establishment of a solar farm to be accessed from Goolma Road.

The subject road has no strategic value to Council and it is considered that Council could support an application being submitted for the closure of part of the road without detriment to any other property owner. This report recommends that such application be submitted with Council's consent as Road Authority.

ORGANISATIONAL VALUES

<u>Customer Focused</u>: This road closure proposal is from an adjoining landowner wishing to consolidate lots in the parent holding and acquire the closed road as part of this consolidation.

<u>Integrity</u>: Council's formal support is required before an application to close a road can be submitted to the Minister for Lands for approval.

<u>One Team</u>: Council takes every opportunity to cooperate with adjoining landowners to make more effective land use of road corridors which are redundant and there is no foreseeable prospect of the road being required for public access.

FINANCIAL IMPLICATIONS

The subject road would vest in the Crown upon closure, given that Council has not previously undertaken any construction of a road formation, and therefore has made no improvements since it was originally dedicated by the Crown to Council. In this regard, Council can expect no income from the sale of this land.

The cost to Council for processing the Road Closure Application is recoverable from the fee of \$2,105 to be paid to Council by the applicant.

Prior to giving its consent Council can seek a contribution from the developer as compensation for the impact on the local area surrounding the development that will arise during the period of intensive construction activity generated by the development. This contribution could be the outcome of a Voluntary Planning Agreement similar to the one in place for the Bodangora Wind Farm. Such agreements may be entered into where there is no Section 94 Contribution Plan in existence. It is proposed that negotiations be entered into with the developer to make such contribution.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council consent to an application being made by First Solar (Australia) Pty Ltd on behalf of the owner of Lot 2 in DP 807187 and Lot 91 in DP 2987 (JPL White) to close the road corridor adjoining the above mentioned lots subject to the payment of a negotiated sum of money through a Voluntary Planning Agreement in lieu of Section 94 contributions.
- 2. That it be noted that Council may be requested to approve solar farm construction works over the subject road under Section 138 of the Roads Act, should the road closure and land disposal process take longer than the proposed commencement date of the solar farm construction.
- **3.** That any necessary documents be executed under the Chief Executive Officer's Power of Attorney.

Stephen Clayton Manager Transport and Emergency

BACKGROUND

First Solar (Australia) Pty Ltd is the proponent of a solar farm to be located north of Wellington, on the northern side of Bella Vista Lane and between Cobbora Road and Goolma Road on land owned by JPL White. Tenure of land under a solar farm proposal would require that part of the unformed road extending north from Bella Vista Road and located adjacent to Lot 2 in DP 807187 and Lot 91 in DP2987 be closed. First Solar has approached Council to give consent for the road closure application to be made for the purpose of acquiring the land to incorporate within the total land holding.

REPORT

The section of road to be closed is shown as coloured red in the map in **Appendix 1** of this report. The length of road proposed to be closed is 403 m in length and 20 m wide and has not been formed. The road provides legal access to parcels within the holding of JPL White, and to a property to the north which is the subject of another solar farm proposal. Council considered road closures in this other solar farm proposal in item ICRC18/48 of the May 2018 Infrastructure and Community Recreation Committee resolving to support these closures. This solar farm development proposal to the north does not rely on road access off Bella Vista Lane.

Council has no objection to the road closure proposal. Further, Council would have no objection to allowing the road to be the subject of an occupation licence for the purpose of permitting solar farm construction works should the time taken to formalise both the road closure and land disposal extend beyond the date by which the proponent needs to have commenced the solar farm construction. Such approval would be conditional upon the land being returned to its current state in the unlikely event that the road closure application is not approved by the Minister.

SUMMARY

Council has considered a request from a property owner to close 403 m of unformed road reserve, which adjoins property under option for purchase by a solar farm proponent. The road has no strategic value to Council, or other parties, and Council should therefore give its consent to an application being lodged for its closure.

Appendices:

1. First Solar Road Closure - Off Bella Vista Lane

ITEM NO: ICRC18/52



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Proposed Road Closure off Bella

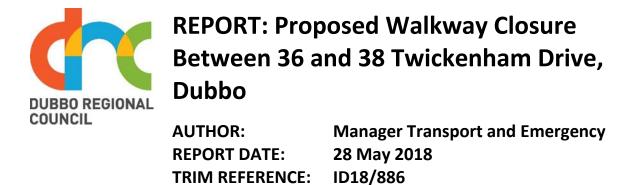
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720

1,440

960

Meters Projection: Transverse Mercator Coordinate system: MGA (GDA94) Zone 55



EXECUTIVE SUMMARY

Council has undertaken public consultation with residents in Twickenham Drive, Websdale Drive, St James Close and Jacqueline Drive to seek comment on the merit of closing the walkway located at 36 to 38 Twickenham Drive, a known area for anti-social and criminal activity.

The consultation has generated a low level of response all of which were in favour of walkway closures, including not just the subject walkway but also others located in Twickenham Drive.

On the strength of this community feedback it is proposed to proceed with the preparation of a road closure application in respect of the walkway at 36 to 38 Twickenham Drive. Further it is proposed that consideration be given to developing a walkway security strategy for the western fringe of Eastridge, based on Safer by Design principles for urban development.

ORGANISATIONAL VALUES

<u>Customer Focused</u>: This proposal is an initiative of both Council and a local resident seeking to address issues of law and order in a local neighbourhood.

<u>Integrity</u>: Council undertakes to follow due process in bringing to the attention of the public any proposal to close a public road and to invite comment.

<u>One Team</u>: Council takes every reasonable step to co-operate with the customer and NSW Department of Primary Industries - Lands to close formed walkway rarely maintained by Dubbo Regional Council.

FINANCIAL IMPLICATIONS

The walkway will vest in the Council upon closure and once closed Council will offer the land for sale at market value as determined by valuation including cost for survey, development, legal expenses and other necessary costs to be incurred in the presenting the land for sale. There will be no net cost to Council arising from this consent.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- **1.** That Council proceed to prepare a road closure application in respect of the public walkway located between 36 and 38 Twickenham Drive, Dubbo.
- 2. That a further report be submitted to Council once approval has been given for the closure, on the terms of sale of the closed walkway to the owners of 38 Twickenham Drive.

Stephen Clayton Manager Transport and Emergency

BACKGROUND

Council has been requested by the owners of the property at 38 Twickenham Drive Dubbo to consider closing the walkway adjacent to their property. The reasons behind this request relate to problems of anti-social behaviour, criminal activity including fire risk and standards of maintenance. The owners are also interested in purchasing this land upon closure, whilst the owner of the other opposite adjoining property at 36 Twickenham Drive has indicated no objection and no interest in acquiring any of the walkway should it be closed.

Council considered this matter under item ICRC18/6 in February 2018 where it resolved as follows:

- *"1. The Council consent to a road closure application process being initiated in respect of the public walkway located between 36 and 38 Twickenham Drive, Dubbo.*
- 2. That it be noted that the road closure application requires a public notice to be advertised and comments invited within a 28 day period prior to any application being lodged.
- 3. That a further report be submitted to Council in respect of the result of such public consultation.
- 4. That any necessary documents be executed under the Common Seal of the Council."

The procedure for submitting an application to close a public thoroughfare requires a consultation phase, including advertising the proposal for 28 days, and inviting comment on the proposal from nearby residents of the local area.

REPORT

In order to consult with the local community regarding the proposed walkway closure, letters were forwarded to residents and if applicable, to absentee owners of 65 properties in Twickenham Drive, Websdale Drive, St James Close and Jacqueline Drive. People from these properties were deemed to have the greatest interest in access to their neighbourhood via the subject walkway. Council received a total of six (6) responses to the letter, none of which were in opposition to the proposed closure. Some respondents went further with their comments suggesting other walkways in the neighbourhood be closed as well to avoid translocating the anti-social problems caused by the walkway to other areas. This is something Council could consider in a future strategy as the Alexander Bell Park and the Parc des Princes open space area becomes further developed. Implementation of Safer by Design principles could be employed to deliver innovative inter urban accessibility that enhances the level of local street security. Such measures could include gated night restrictions on walkway access, improved lighting and neighbourhood watch initiatives.

SUMMARY

Following consultation with local residents located in general proximity to the subject walkway proposed for closure, it has been found that there is general support for walkway closures for not only the one at 36 to 38 Twickenham Drive but also others which provide access to the open space areas to the west. It is recommended that Council proceed with the application to close the walkway at 36 to 38 Twickenham Drive, and give future consideration to the outright closure or controlled closure of other walkways located in Twickenham Drive.

Appendices:

1. Proposed Road Closure of Walkway Between 36 and 38 Twickenham Drive, Dubbo

ITEM NO: ICRC18/53



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REPORT: Dedication of Community Land as Public Road Lot 1102 DP 843775, Cobbora Road Lot 36 DP 773270, Troy Creek Park, Old Homestead Drive Subdivision Certificate SC91-130

AUTHOR:	Senior Planner
REPORT DATE:	31 May 2018
TRIM REFERENCE:	ID18/923

EXECUTIVE SUMMARY

Council has recently released a Subdivision Certificate for a seven (7) lot residential subdivision off Old Homestead Drive, on land known as Lot 1102 DP 1144493, Cobbora Road, Dubbo. The residential estate is locally known as Bell Park Estate. The new roadway serving these residential allotments is required to incorporate an approximate 480 m² portion in the south-west corner of Lot 36 DP 773270, known as Troy Creek Park.

It was necessary for the road alignment serving these allotments (Old Homestead Drive) to incorporate part of Lot 36 DP 773270 to ensure the new road is completely above the 1% Annual Exceedance Probability flood level of Troy Creek. This is to ensure the seven (7) new residential allotments will achieve flood free access. The necessary roadworks have been completed in accordance with the development consent.

Pursuant to Section 47F of the Local Government Act 1993, where Community Land is to be dedicated as a public road, the necessary documentation is required to be signed under the Seal of Council or Power of Attorney. In order to fulfil the requirements of NSW Land Registry Services, a resolution of Council is required to permit the CEO to apply his Power of Attorney to the applicable paperwork.

ORGANISATIONAL VALUES

<u>Customer Focused</u>: The request as submitted was assessed and processed in a timely manner against the relevant legislation.

<u>Integrity</u>: This request is in accordance with Section 47F of the Local Government Act 1993. <u>One Team</u>: Relevant Council officers from across the organisation were involved in the assessment process.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That Council consent to the widening of Old Homestead Drive which will result in the loss of approximately 480 m² of community land known as Troy Creek Park.
- 2. That any necessary documents be executed under the Chief Executive Officer's Power of Attorney.

Shaun Reynolds Senior Planner

BACKGROUND

Development consent was granted on the 24 July 1991 for a 158 lot staged residential subdivision plus residue lot in east Dubbo. The development proposal comprised land in the north-eastern portion of the Eastridge Residential Estate on both the eastern and western sides of Troy Gully. The majority of the development consisted of residential lots on the western side of Troy Gully including the provision of new roadways, road intersection with Cobbora Road, provision of utility infrastructure, and Ballymore Park.

The approved development also included seven (7) larger residential allotments on the eastern side of Troy Gully. The original approval saw the two (2) sides of Troy Gully linked via an extension of Homestead Drive and a road bridge across Troy Gully. Old Homestead Drive would ultimately link with the Town and Country Estate to the east. The proposed road serving the seven (7) large lots would form a cul-de-sac off Old Homestead Drive.

The application was subsequently granted a modified development approval on 30 June 1994. Such modification, among other things, deleted the roadway (Homestead Drive) and road bridge across Troy Gully. The cul-de-sac serving the seven (7) large lots was altered to now simply be an extension of Old Homestead Drive to the east. The modification also amended the overall lot layout on the eastern side of Troy Gully.

A second modification was granted on 26 June 2015 and specifically applied to the seven (7) allotments on the eastern side of Troy Gully. The modifications proposed resulted in amendments to the layout of the seven (7) lot subdivision. The design of the road cul-de-sac was also modified, primarily through a 90^o bend in the road rather than a 'sweeping' bend. The amendment to the lot layout was largely attributed to updated flood mapping which identified the flood affected land as being larger than originally identified in 1991, subsequently requiring the development area and roadway to be amended to avoid the flood affected land.

The Subdivision Certificate for these seven (7) allotments was released on 15 February 2018. The released linen plans included the portion of Lot 36 DP 773270 to be dedicated as public roadway (Old Homestead Drive) as described in this report. The plans were subsequently requisitioned by the NSW Land Registry Services as follows:

"This plan must be accompanied by a letter from the Council indicating that the proposed new road complies with s.47F of the Local Government Act, 1993. The new plan must be signed by Council under seal or by delegation (signature of the General Manager or by a Power of Attorney)."

REPORT

As discussed, the Development Application was amended a second time on 26 June 2015 to modify the subdivision layout. The amendment to the lot layout was largely attributed to updated flood mapping which identified the flood affected land as being larger than originally identified, subsequently requiring the development area to be amended to avoid the flood

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affected land. The road design was also amended to include a 90⁰ bend, rather than a 'sweeping' bend.

The approved subdivision plan included seven (7) allotments ranging in area from 4,000 m² to 5,362 m². All allotments are all located on the eastern side of the Old Homestead Drive extension. Lots 5 to 7 also front Cobbora Road, however, as per condition 50, direct vehicular access from this road is not permitted. The public reserve (Troy Creek Park) will now be known as Lot 8. The Subdivision Certificate pertaining to this subdivision and road realignment was released on 15 February 2018. The approved subdivision plan is shown in **Figure 1** and provided attached as **Appendix 1**.

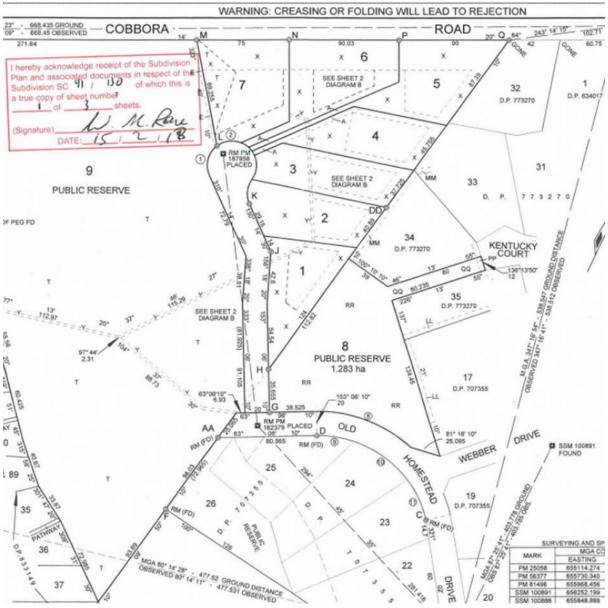


Figure 1: Approved subdivision plan SC1991-130.

The loss of the portion of public reserve for the public road was considered as part of the Development Application process. As discussed, to ensure flood free access for Lots 1 to 7 part of the public reserve was required to be lost for the public road. Troy Creek Park

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primarily acts as a storm water detention basin. It is noted the road construction has not impacted on this storm water management function of the land.

Following release of the Subdivision Certificate, the Applicant's Surveyor (Langford and Rowe Consulting Surveyors) advised Council the NSW Land Registry Service have requisitioned the Linen Plans and accompanying paperwork. The reasoning for the requisition is due to the absence of any signature by Council under the Common Seal of Council or Power of Attorney on the plans. This authority is required due to the dedication of community land as public road pursuant to Section 47F of the Local Government Act 1993. In this instance, the Power of Attorney is required on the Deposited Plan Administration Sheet. The Power of Attorney cannot sign any legal documentation without a suitable resolution of Council to do so. The purpose of this report is to seek that authorisation.

SUMMARY

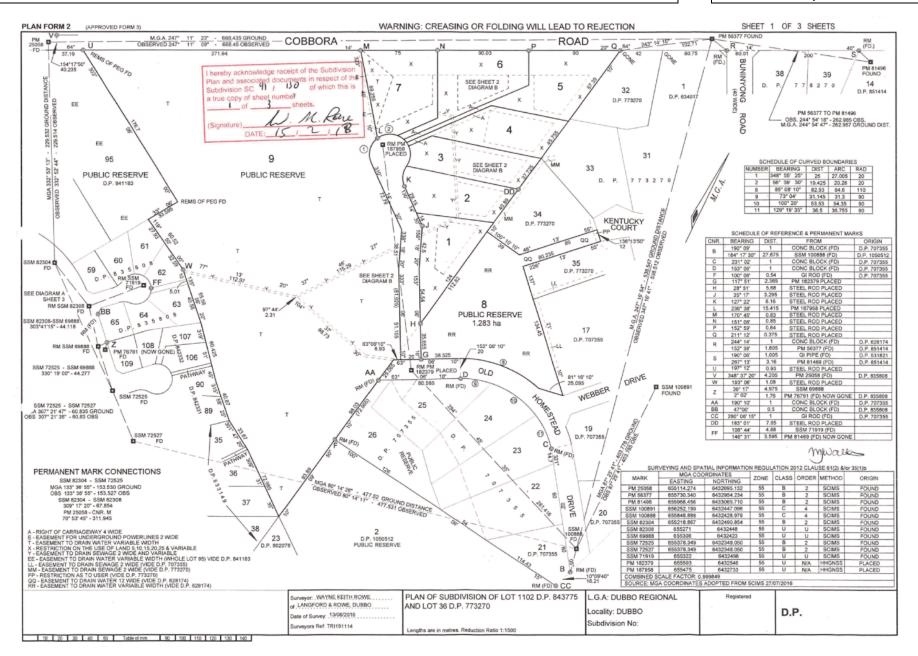
Council had granted development consent to, and released a Subdivision Certificate, in relation to a seven (7) lot subdivision of Lot 1102 DP 843775 and Lot 36 DP 1126821. Lot 36 is a public reserve known as Troy Creek Park. The public road (Old Homestead Drive) accessing the subdivision is required to incorporate an approximate 480 m² portion of Lot 36. Given Lot 36 is community land the necessary documentation is required to be signed and executed under the Power of Attorney.

Appendices:

1. Approved Subdivision Plan Lot 1102 DP 843775 and Lot 36 DP 773270

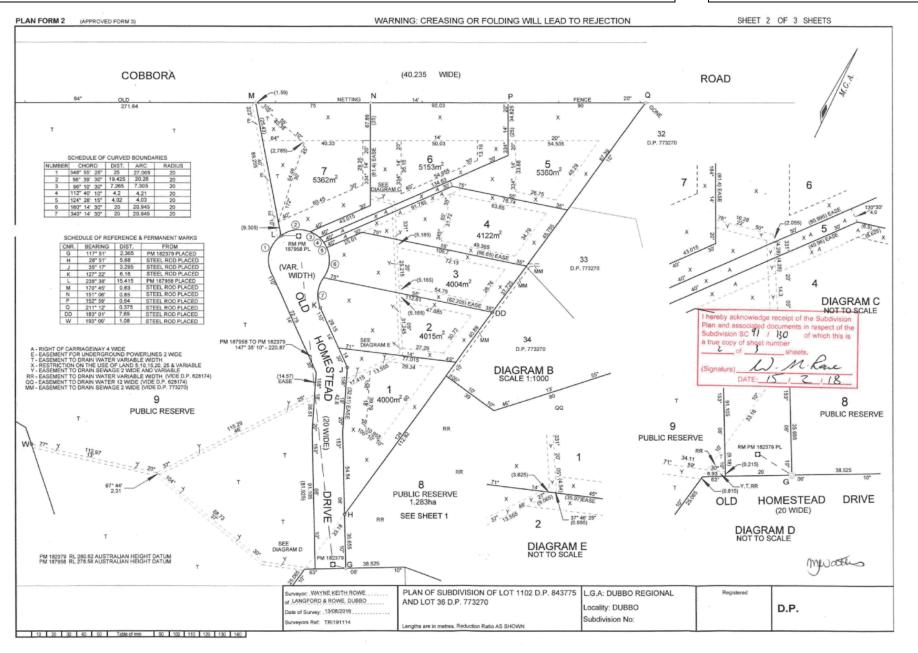
APPENDIX NO: 1 - APPROVED SUBDIVISION PLAN LOT 1102 DP 843775 AND LOT 36 DP 773270

ITEM NO: ICRC18/54



APPENDIX NO: 1 - APPROVED SUBDIVISION PLAN LOT 1102 DP 843775 AND LOT 36 DP 773270

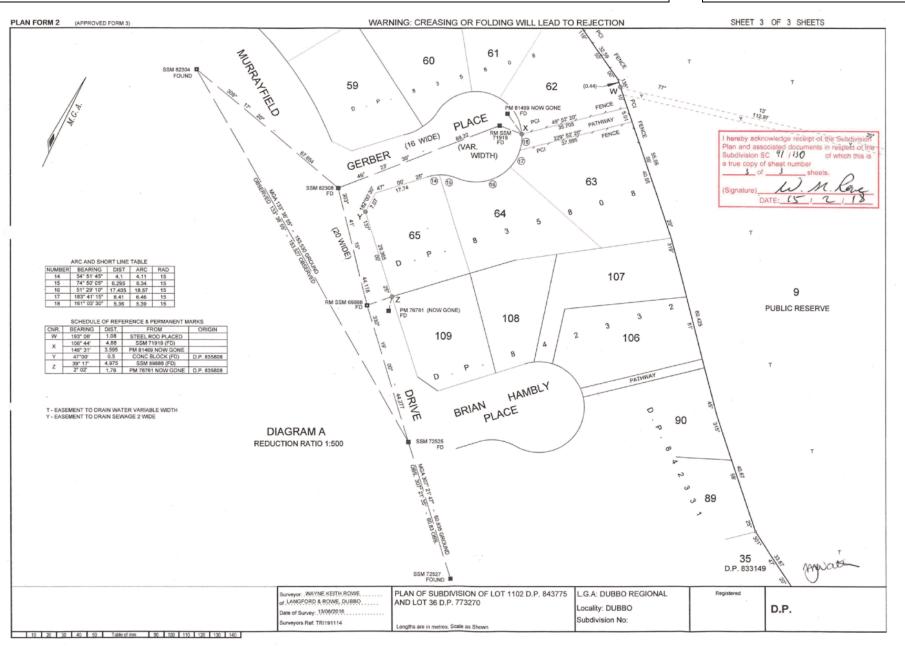
ITEM NO: ICRC18/54



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APPENDIX NO: 1 - APPROVED SUBDIVISION PLAN LOT 1102 DP 843775 AND LOT 36 DP 773270

ITEM NO: ICRC18/54



ICRC18/55



The Committee had before it the report of the Social Justice and Crime Prevention Working Party meeting held 23 May 2018.

RECOMMENDATION

That the report of the Social Justice and Crime Prevention Working Party meeting held on 23 May 2018, be adopted.



PRESENT: Councillors A Jones, J Ryan and S Lawrence (via phone hook-up).

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Community and Recreation, the Manager Social Services, the Youth Development Officer, P Shepherdson (Social Researcher and Consultant), A Watmore (CSU Student – YDO placement) and the Administration Officer – Community and Recreation.

Councillor A Jones assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

SJCP18/9 PRESENTATION BY SOCIAL RESEARCHER AND CONSULTANT, MR PATRICK SHEPHERDSON - ALCOHOL AND DRUG REHABILITATION RESIDENTIAL BUSINESS CASE (ID18/750)

The Working Party was addressed by Social Researcher and Consultant, Mr Patrick Shepherdson regarding this matter.

RECOMMENDATION

- **1.** That the presentation by Social Researcher and Consultant, Mr Patrick Shepherdson be noted.
- 2. That it be noted that the Draft Business Case for a Alcohol and Drug Rehabilitation Residential Centre to be put before Councillors by August 2018 is progressing well and expected to meet this delivery date.

SJCP18/10 PRESENTATION BY DUBBO REGIONAL COUNCIL'S YOUTH DEVELOPMENT OFFICER, MR JASON YELVERTON - CHILDREN AND PRISON PROGRAM (ID18/751)

The Working Party was addressed by the Council's Youth Development Officer, Mr Jason Yelverton regarding this matter.

RECOMMENDATION

- **1.** That the presentation by Council's Youth Development Officer, Mr Jason Yelverton be noted.
- 2. That a copy of the presentation be distributed to Councillors.

SJCP18/11 LEAVE OF ABSENCE

Requests for leave of absence was received from Councillors V Etheridge and D Grant who were absent from the meeting for personal reasons and Councillor B Shields Council related business. Such leave of absence was accepted by the Working Party and the members concerned were granted leave of absence for this meeting.

The meeting closed at 6.25pm.

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CHAIRMAN