

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

**Minutes of the Ordinary Meeting
of Shellharbour City Council
held at the Council Chambers, Warilla
on Tuesday 22 February 2005 commencing at 7:17 pm**

Present

His Worship the Mayor	Councillor D Hamilton
A Ward	Councillor M Greig Councillor T Hawker
B Ward	Councillor H Stewart Councillor C Jeffreys
C Ward	Councillor J Bailey Councillor D Briggs
D Ward	Councillor J Leedham Councillor T Hore
E Ward	Councillor C Mifsud Councillor G Rose
F Ward	Councillor B Bird Councillor H Gillett

In attendance

General Manager	B A Weir
Director of Operations & Services	A Webster
Director of Community Planning & Strategies	P O'Rourke
Director Shell Cove Business Unit	P Woodcock
Group Manager Community Services & Devel.	L Campbell
Group Manager Corporate Services	T Gearon
Group Manager Works & Services	C Watt
Group Manager Customer & Env. Services	G Standen
Group Manager Development & Tech Services	M Boenisch
Group Manager Planning Services	J Tremain
Group Manager Organisational Development	B Rose
Manager Financial Services	P Henderson
Manager Development	G Mitchell
Events & Promotions Coordinator	D Sommers
Corporate Meetings Officer	J Larsen

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

Acknowledgement to Country

The Mayor read to the Meeting "Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting".

1. Apologies / Leave of Absence

Ordinary Council Meeting

Nil

2. Confidential Business (Committee of the Whole)

Nil

3. Recommendations from Committee of the Whole

Nil

4. Confirmation of Minutes

4.1 Ordinary Meeting 1 February 2005

603 RESOLVED: Briggs /Greig That the Minutes of the Ordinary Council Meeting held on 1 February 2005 be confirmed as a correct record of proceedings.

4.2 Extraordinary Meeting 16 February 2005

604 RESOLVED: Jeffreys/Bailey That the Minutes of the Extraordinary Council Meeting held on 16 February be confirmed as a correct record of proceedings.

5. Pecuniary Interest

Councillor Greig: Item 14.1 Confirmation of Minutes from Traffic Committee Meeting 2 February 2005 - Item 4.3 of Traffic Committee Minutes

Nature of Interest: Councillor Greig stated that she had an interest in a property in Memorial Drive, Shellharbour City Centre.

6. Condolences

The mayor read details of the following deaths in the Local Government area.

Mr Stewart Edwards	of	Albion Park Rail
Mr Arthur Hamilton Frew	formerly of	Albion Park Rail
Mrs Gloria (Googy) Tate	of	Albion Park Rail

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

Mrs Helen Epps (nee Chalker)	of	Barrack Heights
Mrs Eileen Green	of	Barrack Heights
Mr Jone Ognenovski	of	Blackbutt
Mr Arthur Yates	of	Flinders
Mr Vernon (Bill) Sykes	of	Shellharbour
Mrs Carmon Merle Booth (nee Findlay)	of	Warilla
Mrs Ruth (Ruby) Hampson	of	Warilla
Mr Scott Roe	formerly of	Warilla
Mrs Iris Coleman	of	Warilla
Mr Erwin Hoffman	of	Warilla
Mrs Hazel McIntyre	of	Warilla

605 A Motion of condolence was passed by all present standing in one minutes silence.

The Mayor officially welcomed the First Warilla Venturer Scout Group who are attending the meeting tonight.

7. Presentations

7.1 Presentation of plaque to Mr Mark Climo in appreciation for fundraiser to assist Children's Hospital and the Juvenile Diabetes Research Foundation.

The Mayor made a presentation of the plaque to Mr Climo and a toy provided by Councillors Mifsud and Rose for his daughter.

8. Mayoral Minutes

Nil

9. Councillors' Reports

Nil

The Mayor advised that Council has been presented with a framed plaque from Healthy Cities as a "Funding Member 2004".

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

- 606** RESOLVED: Hawker/Bird That Item 12.2 "Blueprint for Community Safety 2005-2007" be dealt with here in the agenda.

12.2 "Blueprint for Community Safety 2005 - 2007" (8299097)

Councillor Hawker requested that the Mayor allow a briefing on the "Blueprint for Community Safety". The Mayor agreed to this request and Police Superintendent Wayne Dedden, Commander, NSW Police Lake Illawarra Command addressed the meeting.

Superintendent Dedden provided an overview of law and order concerns in Shellharbour City.

He highlighted the fact that there had been a reduction in crime generally in the city. He attributed this partly to Council working in partnerships with police and Special Operations. He added that education and employment solutions will help to reduce crime.

He emphasised that the figures regarding a reduction in crime in the city do correlate with insurance statistics.

In response to a question from Councillor Gillett Superintendent Dedden advised that while crime has decreased generally in the city this did not mean that attention was not being given to perceived trouble spots.

- 607** RESOLVED: Hawker/Bird That Council exhibits the "Blueprint for Community Safety 2005-2007" for public comment for 14 days with a subsequent report to Council identifying any changes to the document as a result of the exhibition .

10. General Manager's Office

10.1 Mayor & General Manager's Trip to China November 2004 (8298004)

The Mayor introduced a DVD presentation relating to the Mayor and General Manager's trip to China which outlined the features of Oilsoft Park in Iman, the first stop on the trip.

In response to a question from Councillor Mifsud, the Mayor advised that a number of meetings and negotiations are going on with regard to business possibilities generated from the trip, however these negotiations are very preliminary. He added that if any substantial developments occur Councillors will be briefed and reports will be prepared.

He added that he would provide answers to Councillor Mifsud's questions but that it would be more appropriate for his questions regarding details of negotiations to be answered confidentially and personally as, at this stage, they were preliminary and in commercial confidence.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

608 RESOLVED: Greig/Jeffreys

That this report be received and noted.

Further that Council write to the Minister for Regional Development, the Honourable David Campbell expressing its appreciation for allowing the Mayor and the General Manager to participate with the NSW business delegation in Shanghai and Guangzhou.

(CARRIED 10/2)

10.2 Trip to Perth 7-12 February 2005 (8298084)

Councillor Greig read an email from the Deputy Mayor of Mandurah W.A. expressing thanks for their visit.

609 RESOLVED: Hore/Hawker

That this report be received and noted.

10.3 Management Plan Quarterly Report, October - December 2004 (8299259)

Note: Councillor Greig complimented Council on the implementation of Internet mapping on Council's website. She requested that a demonstration of the mapping technology be organised for a future Council Meeting.

610 RESOLVED: Greig/Bailey That the report be received, noted and endorsed.

10.4 December Quarter Budget Review (8292488)

611 RESOLVED: Hawker/Bird

1. That Council adopt the December Quarter Budget Review with all new items as contained in this report. This will result in a revised budget surplus for the year ended 30 June 2005, of \$272,512.
2. That the RTA Grant listed in the new items section of this report be accepted.

10.5 Shellharbour City Council Race Day (8300895)

612 RESOLVED: Briggs/Leedham That Council accept the late report Item 10.5 Shellharbour City Council Race Day.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

MOTION: Bailey/Stewart

To proceed with the planned Race Day subject to the successful sale of the 8 race sponsorship packages to interested parties.

Councillor Hawker proposed an amendment to the Motion to include the words "With the provision that all costs be covered with minimum exposure to Council".

The Mover and Seconder agreed to allow this amendment.

613 RESOLVED: Bailey/Stewart That Council proceed with the planned Race Day subject to the successful sale of the 8 race sponsorship packages to interested parties. With the provision that all costs be covered with minimum exposure to Council. (CARRIED 11/1)

11. Operations & Services Division

11.1 DA 19/2004 - Lot 4707, DP 1061816, Gore Avenue, Shell Cove - 15 Dwellings - Torrens Title Subdivision and Community Title Subdivision (8259958)

PUBLIC PARTICIPATION

Mr Brian McLauchlan

Mr McLauchlan advised that he lives at Shell Cove in the vicinity of the proposed development. Some issues have been addressed however he still has some concerns:

- lack of footpaths.
- Lack of safe public playground
- Increased traffic
- No bus route
- Will pedestrian facilities be improved
- Non compliance with DCP's requirement for one third of building to be single storey

Mr Terry Gibbs

Mr Gibbs advised that he lives in Gore Avenue and that he opposes the development for the following reasons:

- Medium density supposed to have 33% single storey.
- Garbage collection days arrangements not clear
- No children's play area
- Pool fencing around ponds not provided

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

Ms Angela Gibbs

Declined to speak

Ms Cecily Driscoll

Ms Driscoll advised that she is a resident of Tasman Avenue Shell Cove and that she opposes the DA for the following reasons:

- Development in conflict with surrounding development
- List of variations in report – many in direct conflict to Council's DCP – in place to maintain a standard – should not be ignored
- Traffic congestion
- Garbage collection for 15 dwellings – access for garbage vehicles not clear
- Drainage concerns in storm events
- Property values will be affected negatively
- Privacy and noise concerns
- Development contrary to original promotion of estate
- If passed will create an unhealthy precedent

In response to a question from Councillor Bird the Director Shell Cove Business Unit advised that the requirements for open space and footpaths in Shell Cove were compliant.

With regard to the requirement that 33% of the 6 dwellings assessed under the Medium Density DCP should be single storey the Manager Development Services advised that this matter had been addressed in the report.

He added that the development had been assessed under both the Infill and Medium Density DCPs because 6 of the units did not face a public road. The assessment was made of the 15 dwellings as one development and it is Council staff's view that having all dwellings double storey is acceptable in this case.

In response to a question from Councillor Briggs, the Director Shell Cove Business Unit advised that the density for Shell Cove had been set and complied with according to original plans presented to Council and according to state government requirements.

Mr Glen Colquhoun

Mr Colquhoun advised that he represents the applicant and supports the report recommendations.

He stated that he believes the issues raised have been addressed in the Council officer's reports

Councillor Jeffreys asked whether it was common for the 33% single storey requirement for medium density to not be adhered to?

The Manager Development Services advised that this is not commonly the case. He advised that the assessment was made of the overall site and the overall design layout and it was determined that there would be no real impact on other existing dwellings. Overshadowing and privacy issues were addressed.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

Councillor Mifsud read out a list of his concerns to which the Manager Development Services provided comment.

MOTION: Bird/Greig

That Council approve Development Application No. 19/2004 for the development comprising 15 dwellings, torrens title subdivision and community subdivision at lot 4707, DP 1061816, Gore Avenue, Shell Cove under Section 80 of the *Environmental Planning & Assessment Act, 1979*, as amended, subject to the 65 conditions immediately following the conclusions of this report.

FORESHADOWED MOTION: Rose/Mifsud That the Development Application be deferred and that the application be referred back for redesign to address concerns with regard to non compliance with the requirement that 33% of the dwellings be single storey and the following issues raised by Councillor Mifsud:

1. Why the site has been divided into two sections with 6 dwellings and 9 dwellings.
2. Has there been any other similar developments regarding the 33% standard approved by Council?
3. Does the development meet the waste disposal standards and will the private driveway accommodate garbage collection vehicles?
4. Have future Traffic requirements been considered?

The MOTION on being PUT to the Meeting was LOST 6/7

614 The FORESHADOWED MOTION was formally Moved and Seconded and on being PUT to the Meeting was CARRIED 8/4

The Mayor declared a 5 minutes recess to allow the gallery to clear.

Meeting adjourned at 9:10

Meeting resumed at 9:15

11.2 DA 440/2003 - Lot 3, DP 717776, Princes Highway, Dunmore - Two Storey, Seven Horse Stable Building (8262627)

PUBLIC PARTICIPATION

Mr John Kosseris

Mr Kosseris advised that he is the Managing Director of Belmorgan Developments. He stated that the Development Application is related to his personal home and for his own use. He advised that if the DA for the stable complex is rejected he will have to halt the house development and he had put the construction on hold until the stables DA was resolved.

Mr Kosseris added that he has received legal advice that Council may not be able to approve the DA in its present form as it would need to be assessed under the old Rural LEP which was in force at the time the application was submitted.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

Mr Kosseris requested Council to consider the possibility that If he was to withdraw the DA and resubmit it with changes to suit the new Rural LEP, that fees be transferred to a new DA.

The Mayor advised Mr Kosseris that he really has only two options: to withdraw the DA and reapply or go ahead and allow Council to make a decision based on the DA as it stands.

615 RESOLVED: Briggs/Greig That this item be deferred to later in the agenda to allow Mr Kosseris to confer with his advisers and make a decision on whether to proceed or not. (See Minute No. 625)

11.3 Stages 2 - 4, Dunmore Lakes Sand Extraction Project, Princes Highway, Dunmore (8297044)

The Manager Development Services advised that he has received a letter from DIPNR giving approval to extend the exhibition period to 28 February. He advised that he has subsequently spoken to officers of the Department and outlined what was proposed with regard to the briefing and they have allowed the extension to carry forward to 15 March.

616 RESOLVED: Bird/Gillett

That Council reconsider its request for a Commission Of Inquiry following the conduct of a briefing session/workshop to be conducted by the Consultants for Dunmore Sand & Soil and the presentation of a report by staff to a future meeting of the Council.

11.4 Funding Adjustment for the Approved Installation of Pedestrian/Pram Access in the Splitter Islands on Brunderee Road at the Intersection Wattle Road & Pioneer Drive Roundabouts (8297154)

617 RESOLVED: Gillett/Bird

1. That Council accept the (additional) RTA grant of \$3,700 towards pedestrian access improvements on Brunderee Road at the Pioneer Drive and Wattle Road roundabouts.
2. That Council allocate \$2,325 from Ward F grant matching funds and \$1,375 from Ward C grant matching funds towards the project.
3. That Council adjust the budget accordingly.

11.5 Path Reconstruction & Drainage Works - Poplar Avenue, Albion Park Rail (8297181)

618 RESOLVED: Bird/Gillett

1. That Council include the reconstruction of the public pathway and drainage works adjacent to 34 Poplar Avenue in the 2005/2006 Capital Works Program.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

2. That the draft 2005/2006 Capital Works Program budget be amended accordingly.

11.6 Acceptance of Grant Funding - Horsley Creek (Albion Park Rail/Oak Flats) Flood Study (8296731)

619 RESOLVED: Stewart/Bird

1. That Council accepts the offer and informs the Department of Infrastructure Planning and Natural Resources of our acceptance.
2. That Council write a letter to Mr Craig Knowles MP, Minister for Infrastructure and Planning/Minister for Natural Resources thanking the Minister for the grant offer.
3. That the budget be amended accordingly.

11.7 Retaining Wall at Pioneer Drive & Dunsters Lane, Blackbutt (8297071)

620 RESOLVED: Gillett/Bird

To accept Mr Sterry's offer of \$6,000 and to allocate \$9,300 from Ward F Traffic Facilities to construct a retaining wall at the intersection of Pioneer Drive & Dunsters Lane and to amend the 2004/2005 budget accordingly.

11.8 Food Act 2003 Delegations (8291163)

621 RESOLVED: Briggs/Jeffreys

1. Pursuant to Section 377(1) of the *Local Government Act 1993* Council resolve to delegate to the General Manager the power to appoint authorised officers under Section 114 of the *Food Act 2003*.
2. Pursuant to Section 377(1) of the *Local Government Act 1993* Council resolve to delegate to the General Manager the power to serve Prohibition Orders under Section 60 of the *Food Act 2003*.
3. Pursuant to Section 378(2) of the *Local Government Act 1993* and conditional upon advice from the NSW Food Authority, Council resolve to approve the General Manager to sub-delegate the power to serve Prohibition Orders under Section 60 of the *Food Act 2003* to the Manager Compliance.
4. Pursuant to Section 381(3) of the *Local Government Act 1993* Council resolve to approve the NSW Food Authority's delegation to the General Manager to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and Standard 3.2.3 (clauses 10 and 14).
5. Pursuant to Section 109E(3) of the *Food Act 2003*, and conditional upon approval from the NSW Food Authority Council resolve to approve the General Manager to

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and standard 3.2.3 (clauses 10 and 14) to the Manager Compliance.

11.9 Energy Smart Homes Grant Funding (8296831)

622 RESOLVED: Jeffreys/Stewart

That Council resolve to accept DEUS's offer of \$10,000 to conduct In-Home Energy Audits, and amend the budget accordingly.

11.10 Licence agreement with Australian Volunteer Coast Guard Association Inc (8298023)

623 RESOLVED: Mifsud/Rose

That Council resolve to affix the Seal of Council to the licence agreement with Australian Volunteer Coast Guard Association Inc for a site office occupying part of Lot 4 DP 303210, Towns Street, Shellharbour.

12. Community Planning & Strategies Division

12.1 Warilla Child Care Centre (8299085)

Note: Councillor Briggs suggested that a briefing be provided to Councillors regarding the future direction of child care services in the city.

The General Manager advised that a briefing for the councillors would be organised when a response is received from the Department of Housing.

624 RESOLVED: Hore/Jeffreys

1. That Council make official approaches to the Department of Housing requesting the Department to state its intentions (post lease expiry) for the building and the site, and that this statement be provided to Council without undue delay.
2. That, in the interim, Council discuss the options presented regarding the future of Warilla Childcare Centre with a view to resolving a policy stance regarding its future role in childcare service provision.
3. That this matter be revisited by Council, for final policy determination, following receipt of the Department's advice and, in any event, before finalisation of Council's 2005-06 Management Plan and Budget.

Note: The Mayor was notified that Mr Kosseris had re-entered the Chamber. He invited Mr Kosseris to advise the meeting of his decision with regard to consideration of item 11.2. (See Minute No. 615)

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

11.2 DA 440/2003 - Lot 3, DP 717776, Princes Highway, Dunmore - Two Storey, Seven Horse Stable Building (8262627)

Mr Kossieris advised that after consideration he had decided to withdraw the Development Application. He asked that Council consider the possibility of transferring the fees already paid to the new DA.

Mr Kossieris thanked Council for allowing him to consider his options and giving him the opportunity to withdraw the DA.

625 RESOLVED: Briggs/Stewart

That consideration be given to transferring the DA fees already paid to a new DA and that this be the subject of a separate report back to Council in conjunction with consideration of the new DA.

Further that an inspection of the site be organised for Councillors prior to consideration of any new DA

12.2 "Blueprint for Community Safety 2005 - 2007" (8299097)

This item was dealt with earlier in the Agenda – see Minute No. 602.

12.3 Proposed amendments to the Exempt and Complying Development Control Plans (DCPs), Shellharbour Local Environmental Plan 2000 and Shellharbour Rural Local Environmental Plan 2004 (8299124)

626 RESOLVED: Leedham/Greig

That Council resolve to exhibit amendments to the Exempt and Complying Development Control Plans, Shellharbour LEP 2000 and Shellharbour Rural LEP 2004, as described and attached to this report, for a minimum of 28 days.

12.4 Allocation of Section 94 Funds for Playground Equipment in Dawes Park (8299212)

627 RESOLVED: Hore/Mifsud

1. That Council allocate \$34,000 from old Section 94 funds towards the provision of playground equipment and other embellishment works in Dawes Park, Barrack Point; and
2. That the budget be amended accordingly.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

13. Shell Cove Business Division

13.1 Shell Cove Project - Progress Report to 14 February 2005 (8297511)

Councillor Gillett requested advice regarding an article in the Illawarra Mercury stating that Council had no agreement with Shellharbour Links management pending the signing of a formal lease.

The Director Community Planning and Strategies advised that the Manager Corporate Planning is continuing negotiations regarding execution of the lease and that no lease can be registered until the subdivision has been registered. He referred to the report (Item 12.6) given at the 14 December 2004 meeting of Council and added that at that time Council stated that the operating procedure would be as per the draft lease, therefore Mr Linskey's position as Project Manager is current according to the draft lease.

He added that the rate of charges applied in the lease are effective from 1 January 2005 and therefore Council is at no financial disadvantage that the lease has not yet been signed. He said that he is anxious to have the matter finalised as soon as possible and that his department is working to ensure that Council's long term interests are protected.

628 RESOLVED: Stewart/Gillett That Council receive and note this report.

14. Committee Recommendations

14.1 Recommendations from the Traffic Committee Meeting held 2 February 2005 recommended for adoption.

629 RESOLVED: Rose/Gillett

That the Recommendations from the Traffic Committee Meeting held 2 February 2005 be adopted with the exception of Item 4.3.

Note: Councillor Greig declared a pecuniary interest in Item 14.1, Item 4.3 of the Traffic Committee Minutes and left the Chamber whilst this matter was being considered pursuant to Section 451 of the Local Government Act 1993.

630 RESOLVED: Briggs/Bailey That the recommendation for Item 4.3 of the Traffic Committee Meeting held 2 February be recommended for adoption.

Councillor Greig here returned to the Chamber.

15. Notices of Rescission Motion

Nil

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

16. Notices of Motion

Nil

17. Items for Information

17.1 Investments (8297834)

631 RESOLVED: Hawker/Hore That Council receive and note this information

18. Questions without Notice

632 **Councillor Jeffreys** requested that Councillors be provided with a copy of the Draft Code of Conduct to be provided under their desks in the meeting room.

Note: The Mayor advised that the date set for the briefing regarding the new Code of Conduct will be Tuesday March 29 – 6.00 pm for all councillors

633 **Councillor Bird** referred to a recent media article claiming that the RTA had stated that finalisation of the drainage upgrade design for the Princes Highway at Albion Park Rail was waiting on information to be provided by Council, however a letter from RTA in January had stated that Council's design for the drainage upgrade had been received and is currently being assessed.

634 **Councillor Gillett** requested advice on when Harmony Day and Youth Week are occurring.

The Group Manager Community Services and Development advised that Youth Week is scheduled for early April and Harmony Day for the middle of March. She added that Councillors would receive invitations to any events scheduled.

635 **Councillor Rose** requested an update on installation of safety rails on the shared cycleway/footpaths of Shell Cove.

636 **Councillor Rose** once again advised of the large number of overgrown vacant blocks in Shell Cove.

The General Manager replied that he had sent an instruction to his Regulatory staff to inspect the area and issue notices where that was warranted.

637 **Councillor Rose** asked whether any action had been taken regarding drainage on Ocean Beach Road onto the new wetland.

The Group Manager Works & Services advised that action was planned when the weather was more conducive.

SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting - Tuesday 22 February 2005

638 Councillor Mifsud thanked Council officers for their action with regard to an unoccupied property in a state of disrepair at 18 Lagoon Street Barrack Point. He requested further investigation and action if appropriate as the deadline for attention by the owner has passed without any apparent action by them.

639 Councillor Hawker asked whether there had been any response to letters sent regarding the bypass for Albion Park.

The Director Operations & Services advised that he will follow this matter up.

640 Councillor Hawker asked whether Council could seek to have the DA requirement for completion within 5 years reduced.

19. Late Items of Business / Urgent Business (as introduced by the Chairperson)

The General Manager advised Council of the Court decision handed down today regarding action taken against Council by a girl who was injured at Croome Road BMX track nine years ago. He advised the meeting that the court had awarded overall damages of \$1.7 million with 50% liability to Council and 50% to Southlake BMX Club.

The written judgement has not yet been handed down. Any remedial action at the track will be up to the Director Operations & Services to assess and act upon. When the judgement is handed down it will be assessed by Council's Solicitor and a decision will be made as to whether to appeal the decision.

Meeting closed 10.20 pm

CONFIRMED as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Shellharbour held 15 Mach 2005.

General Manager

Chairperson