

# BYRON SHIRE COUNCIL

Strategic Planning Committee Meeting Minutes  
29 March 2012

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# BYRON SHIRE COUNCIL

STRATEGIC PLANNING COMMITTEE MEETING MINUTES 29 MARCH 2012 (1 of 12)

**MINUTES OF THE BYRON SHIRE COUNCIL STRATEGIC PLANNING COMMITTEE MEETING HELD ON THURSDAY 29 MARCH 2012 COMMENCING AT 9.07AM AND CONCLUDING AT 5.00PM**

#1209995

PRESENT: Cr B Cameron (Deputy Mayor), Cr T Heeson, Cr P Morrisey, Cr S Richardson, Cr R Staples, Cr T Tabart, Cr R Tucker and Cr D Woods

Staff: Graeme Faulkner (General Manager)  
Michael King (Acting Executive Manager Community Infrastructure)  
Mark Arnold (Executive Manager Corporate Management)  
Ray Darney (Executive Manager Environment and Planning)  
Shannon McKelvey (Executive Manager Organisational Support)  
Catherine Diamond (Executive Manager Society and Culture)  
Phil Warner (Executive Manager Water and Recycling)  
Melissa Moore/Joylene McNamara (Minute Taker)

*The Deputy Mayor opened the meeting at 9.07am.*

APOLOGIES: There was an apology received from Cr Barham.

## PROCEDURAL MOTION

That the apology from Cr Barham be accepted and leave of absence granted. (Woods/Staples)

*The motion was put to the vote and declared carried.*

## REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

## DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Tucker declared a non-pecuniary interest in item 5.1, the nature of the interest being that employees of one of the tenderers are personal friends.

Cr Cameron declared a non-pecuniary interest in item 5.1, the nature of the interest being that he is a member of one of the groups tendering.

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## CONFIRMATION OF PREVIOUS MINUTES

That the minutes of the Strategic Planning Committee Meeting held on 24 November 2011 be confirmed. (Tucker/Woods)

*The motion was put to the vote and declared carried.*

## PROCEDURAL MOTION

That item 4.1 be deferred until Mr Jim Beatson (who requested Public Access) arrives. (Tucker/Woods)

*The motion was put to the vote and declared carried.*

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## COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER'S REPORT

# BYRON SHIRE COUNCIL

STRATEGIC PLANNING COMMITTEE MEETING MINUTES      29 MARCH 2012      (2 of 12)

**Report No. 4.2.**      **Byron Bay Town Centre Landscape Analysis and Renovation Plan 2009**

**File No:**                      ENG540000 #1168283

## **Recommendation SPC 4.2.1**

That the Strategic Planning Committee recommend to Council:

1. That Council note the works completed to date on the Byron Bay Town Centre Landscape Analysis and Renovation Plan 2009 (Annexure 6b).
2. That appropriate trees be planted in the central median strip in Jonson Street, from Carlyle Street to Marvel Street, with surrounding rectangular beds treated as per previous strategic actions listed for issue/location 4.1.1 from within the Landscape Analysis and Renovation Plan. (Staples/Tucker)

## **PROCEDURAL MOTION**

That Cr Richardson be granted a two minute extension to his speech. (Tabart/Woods)

*The motion was put to the vote and declared carried.*

*The recommendation (Staples/Tucker) was put to the vote and declared carried.*

## **FORESHADOWED RECOMMENDATION**

### **Recommendation SPC 4.2.2**

That the Strategic Planning Committee recommend to Council that with regard to the exotic Casuarinas east of the Peace Park in Reserve 82000, works be scheduled to progressively replace senescent trees and a report be provided to Council with funding identified. (Staples/Richardson)

*The recommendation was put to the vote and declared carried.  
Crs Tucker, Woods and Heeson voted against the motion.*

## **FORESHADOWED RECOMMENDATION**

### **Recommendation SPC 4.2.3**

That the Strategic Planning Committee recommend to Council that Council receive a report by August 2012 on options for town centre signage after a detailed cross divisional review. (Staples/Richardson)

*The recommendation was put to the vote and declared carried.  
Crs Tucker and Woods voted against the motion.*

*The Deputy Mayor adjourned the meeting at 9.44am to allow Public Access on item 4.1. Station Street Mullumbimby – Affordable Housing Project by Mr Jim Beatson.*

*The meeting reconvened at 9.49am.*

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## **GENERAL MANAGER'S REPORT**

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# BYRON SHIRE COUNCIL

**Report No. 4.1. Station Street Mullumbimby – Affordable Housing Project**

**File No:** ADM304500 #1183671

## **Recommendation SPC 4.1.1**

1. That the Strategic Planning Committee note the report on the Station Street Mullumbimby Affordable Housing Project.
2. That Strategic Planning Committee recommend to Council that Council call for Expressions of Interest for the design, construction and management of affordable housing, from third parties at their cost, on the Station St Mullumbimby site.
3. That Strategic Planning Committee recommend to Council that Council adopt the delivery model option 1 as reported on page 7 of this Agenda, the Arms Length (completely outsourced) model.

**12-213 Resolved** that the Strategic Planning Committee resolve under delegated authority:

1. to make a submission to the NSW State Government noting that affordable housing construction is beyond the financial capacity of Byron Shire Council, and that Housing NSW should urgently review the provision of affordable housing in the Shire.

2. that the current Station Street Affordable Housing Project not proceed.

(Morrisey/Richardson)

*The motion was put to the vote and declared carried.*

*Crs Tucker and Woods voted against the motion.*

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## **CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS**

**Report No. 4.3. Draft 2012/2013 Statement of Revenue Policy**

**File No:** FIN451010 #1208949

### **PROCEDURAL MOTION**

That the Strategic Planning Committee move into committee to discuss this item.

(Cameron/Morrisey)

*The motion was put to the vote and declared carried.*

*The meeting adjourned at 10.16am for a ten minute break and resumed at 10.33am.*

### **COMMITTEE MEETING**

That the meeting move out of committee and back into the Strategic Planning Committee.

(Woods/Tucker)

*The motion was put to the vote and declared carried.*

Moved:

That the Strategic Planning Committee resolve under delegated authority to:

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STRATEGIC PLANNING COMMITTEE MEETING MINUTES      29 MARCH 2012      (4 of 12)

1. approve the draft 2012/2013 Statement of Revenue Policy comprising the 2012/2013 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges subject to any amendments in addition to and including the amendments detailed below in part 2 of this recommendation, prior to the final (phase 3) exhibition;
2. make the following amendments to the Draft 2012/2013 Budget for the General Fund, which have no impact on the estimated budget result, prior to the final (phase 3) exhibition:
  - a) Removal from the capital works program of \$100,000 relating to the staged construction of concrete pavement in floodway past the School on Main Arm Road funded by Section 94 funds.
  - b) Transfer of an additional \$20,000 to building maintenance related to outbuildings at the Byron Regional Sport and Cultural Complex with this funding provided by reducing the budget for building maintenance for the multipurpose centre.  
(Cameron/Tabart)

## AMENDMENT

### Recommendation SPC 4.3.1

That Council approve the draft 2012/2013 Statement of Revenue Policy, as amended, as a component of Byron Shire Council's Operational Plan for the purpose of public exhibition.  
(Tucker/Woods)

*The amendment was put to the vote and declared carried.  
Crs Cameron, Tabart and Morrissey voted against the amendment.*

*The amendment, upon becoming the substantive motion, was put to the vote and declared carried.*

## FORESHADOWED MOTION

Moved: That the following amendment be included in the draft policy: that Water and Sewer fixed charges not be increased greater than the percentage increase for variable charges.  
(Staples/Woods)

*The motion was put to the vote and declared lost.  
Crs Tucker, Heeson, Cameron, Richardson, Tabart and Morrissey voted against the motion.*

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**Report No. 4.4.      Review of Policies - Section 356 Donations - Rates and Charges**  
**File No:              COR050505 #1165403**

**12-214 Resolved** that the Strategic Planning Committee resolve under delegated authority:

1. That the new draft Policy – Section 356 Donations – Rates and Water and Sewerage Charges as shown at Annexure 3(c) (#1165088) be placed on public exhibition for a minimum period of 28 days.
  - a) That in the event that any submissions are received on the draft Policy it be reported back to Council prior to adoption.

# BYRON SHIRE COUNCIL

- b) That in the event that no submissions are received on the draft Policy it be adopted at the end of the exhibition period and incorporated into Council's Policy Register.
2. That after adoption of the new draft Policy, Section 356 donations – Rates and Charges the following Polices be deleted from Council's Policy Register being:
- Policy 3.40 - Section 356 Donations to Public Halls and Community Centres – Rates and Charges as shown at Annexure 3(a) (#660963); and
  - Policy 3.39- Section 356 Donations to charitable and Community Organisations as shown at Annexure 3(b) (#630679)
3. That Council amend the naming of the following budgets to indicate they are Section 356 donations:
- 2356.2 s356 General Rates (Property Management)  
6141.9 s356 Water Supplies Management (Community Building – Water Charges)  
7141.9 s356 Sewerage Services Management (Community Building – Sewerage Charges) (Staples/Woods)

*The motion was put to the vote and declared carried.*

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**Report No. 4.5.            Section 356 Donation Process**  
**File No:                    ADM481000 #1202360**

Moved: That the Strategic Planning Committee resolve under delegated authority to endorse the process for distribution of Section 356 Donations for 2012/13, as detailed within this report, as amended by the exclusion of general donations from the Section 356 process. (Tabart/Morrissey)

## AMENDMENT

Moved: That the Strategic Planning Committee resolve under delegated authority to endorse the distribution process of funds for items 1, 2 and 3 (as listed on page 42 of the agenda) and that:

1. any monies in the three budgets not allocated in the report to Council will be set aside and may be allocated later in the financial year, subject to an application on the approved form and being reported back to Council.
2. that applications for contributions 4 to 9 (as listed on page 42 of the agenda) be invited from the respective organisations.
3. that Ocean Shores Pre-School, Mullumbimby Neighbourhood Centre, and Fletcher Street Cottage be invited to submit applications.
4. that the budget contain a global line item for Section 356 Donations of \$160,300. (Staples/Richardson)

*The amendment was put to the vote and declared lost.*  
*Tucker, Woods, Heeson, Tabart, Morrissey voted against the amendment.*

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# BYRON SHIRE COUNCIL

STRATEGIC PLANNING COMMITTEE MEETING MINUTES

29 MARCH 2012

(6 of 12)

## FORESHADOWED AMENDMENT

- 12-215 Resolved** that the Strategic Planning Committee resolve under delegated authority to endorse the process for determining/calculating Section 356 Donations for 2012/13 (per points 1, 2 and 3 on pages 41 and 42) to be included as an annexure to the relevant policies. (Tucker/Woods)

*The foreshadowed amendment was put to the vote and declared carried.*

*Crs Tabart and Morrissey voted against the amendment.*

*The foreshadowed amendment, upon becoming the substantive motion, was put to the vote and declared carried.*

*Crs Tabart and Morrissey voted against the motion.*

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**Report No. 4.6. Local Government Election - Constitutional Referendum and/or Poll**

**File No:** ADM450000 #1199714

- 12-216 Resolved** that the Strategic Planning Committee resolve under delegated authority that Council confirm with the NSW Electoral Commission that it will not be holding a Constitutional Referendum or Poll or any questions. (Staples/Woods)

## AMENDMENT

Moved: that this decision be deferred to the Ordinary Meeting of 26 April 2012.

(Richardson/Tabart)

*The amendment was put to the vote and declared lost.*

*Crs Cameron, Staples, Tabart and Morrissey voted against the amendment.*

*The Deputy Mayor used his casting vote and voted against the amendment.*

*The motion (Staples/Woods) was put to the vote and declared carried.*

*Cr Tucker voted against the motion.*

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## ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

**Report No. 4.7. PLANNING - Draft Shire-wide Development Control Plan**

**File No:** PLN458040 #1200036

### PROCEDURAL MOTION

That the Strategic Planning Committee suspend standing orders to move into committee to discuss the relevant chapters on the Draft Shire-wide Development Control Plan (DCP) with staff for Councillor input, and that attendance during the briefing be limited to Councillors, the General Manager and the relevant staff. (Staples/Cameron)

*The motion was put to the vote and declared carried.*

### COMMITTEE MEETING

That the meeting move out of committee and back into the Strategic Planning Committee.

(Woods/Staples)

*The motion was put to the vote and declared carried.*

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# BYRON SHIRE COUNCIL

STRATEGIC PLANNING COMMITTEE MEETING MINUTES      29 MARCH 2012      (7 of 12)

*The meeting adjourned at 12.58pm for lunch and resumed at 1.34pm.  
The General Manager did not return to the meeting after lunch.*

*The Acting General Manager's position was held by Executive Manager Environment and Planning.*

**12-217 Resolved** that item 4.7 rest on the table. (Tucker/Woods)

*The motion was put to the vote and declared carried.*

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*The Deputy Mayor suspended standing orders at 1.35pm to receive a presentation on the Koala Plan of Management. The Strategic Planning Committee resumed at 2.00pm.*

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**Report No. 4.8.      Koala Plan of Management Project Reference Group**  
**File No:              PLN804401 #1193450**

**12-218 Resolved** that the Strategic Planning Committee resolve under delegated authority:

- a) That the recommendations of the KPoM PRG from the 1 February 2012 meeting be adopted as follows:

*Recommendation 6.1 – Koala Plan of Management Project Reference Group (KPoM PRG)*

*That the KPoM PRG continues to guide the preparation of the Koala Plan of Management.*

*Recommendation 6.2 – KPoM PRG Constitution*

*That the KPoM PRG constitution be amended so that a quorum constitutes half of the PRG members holding voting rights.*

- b) That the *Byron Coast Koala Habitat Study* be noted and that it will be used to inform the preparation of the Comprehensive Koala Plan of Management.
- c) That the draft submission to the NSW Scientific Committee to list the koala population north of the Brunswick river as an Endangered Population under the *Threatened Species Conservation Act 1995* be noted.
- d) That if the request for funding from OEHL to prepare the Comprehensive Koala Plan of Management is unsuccessful, in whole or in part, then Council reallocate funds required from account #2605.4 Byron Rural Settlement Strategy.
- e) That Council writes to the Department of Planning outlining current scientific evidence for habitat tree species and request these be included in SEPP44 as acknowledged Koala Habitat Species.

(Richardson/Staples)

*The motion was put to the vote and declared carried.  
Crs Tucker and Woods voted against the motion.*

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*The Acting General Manager's position was vacated by Executive Manager Environment and Planning and replaced by Executive Manager Water and Recycling.*

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**Report No. 4.9. Draft Byron Developer Contributions Plan 2012**

**File No:** PLN350500 #1187182

*The Deputy Mayor suspended standing orders at 2.04pm to receive a presentation on by Chris Soulsby on Draft Developer Contributions Plan 2012. The Strategic Planning Committee resumed at 3.50pm.*

*Cr Woods left the meeting at 3.05pm.*

**Recommendation SPC 4.9.1.**

1. That the Strategic Planning Committee recommend to Council as follows:
  - a) The Draft Byron Developer Contribution Plan 2012 (Annexure 2(b) #1207024) as amended below, be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979 and Regulation, for a period of 28 days.
    - i) That the draft s94A Contributions Plan and associated works plan be amended to include as the highest priority, footpath construction at Marine Parade Wategos Beach to link the existing Cape Byron Reserve Trust footpath at the western end of Marine Parade with the Cape Byron Walking Track at the Eastern end.
    - ii) That the Capital Works program for 2012/2013 be amended to include the Marine Parade footpath at Wategos with a project cost of \$60,000.
    - iii) That the Marine Parade footpath project be funded by s94A funds with any balance from the Footpath Dining Reserve.
    - iv) That the draft s94 Contributions Plan be amended so that acquisition and embellishment of sports fields for the Ocean Shores catchment is the first priority in both Ocean Shores and LGA Wide catchments for open space.
    - v) That Facility No 40 be split into 2 projects at the Rifle Range Road intersection.
  - b) That after the public exhibition period the Draft Byron Developer Contribution Plan 2012 is reported back to Council for consideration following any submissions received.

(Cameron/Morrisey)

*The recommendation was put to the vote and declared carried.  
Crs Tucker and Tabart voted against the recommendation.*

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**12-219 Resolved** that item 4.7 be lifted from the table.

(Tucker/Heeson)

*The motion was put to the vote and declared carried.  
Crs Tucker and Tabart voted against the motion.*

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**ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS**

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**Report No. 4.7. PLANNING - Draft Shire-wide Development Control Plan (cont.)**

(Continued)

**File No:** PLN458040 #1200036

The vote on the following resolution was recommitted and lost (See Resolution 12-221 for outcome)

*Resolved that the Strategic Planning Committee Meeting resolve under delegated authority to adopt the content of the presented sections of the draft Shire-wide Development Control Plan (Annexures 5(a) of #1179342) subject to the following amendments, for staff to revise to ensure consistency with relevant legislation and draft planning instruments in readiness for future public exhibition:*

1. *That a new objective 8 be added, namely "to minimise engineering works" (reference page 3 of 43).*
2. *That the maps reflect the principle that minor streets will share pedestrians and cyclists (reference page 13 of 43).*
3. *That detailed geotechnical reports need not be provided if no cutting or filling is proposed (reference page 27 of 43).*
4. *That minimum widths of riparian corridors be nominated (reference page 27 of 43).*
5. *That all areas of clearing of koala habitat be subject to Council environmental control.*
6. *That requirements C and D in prescriptive measures be reviewed (reference page 35 of 43).*
7. *The addition of the following words "of lands to be dedicated to Council" after the word "landscaping" (reference page 37 of 43).*

(Staples/Tabart)

*The motion was put to the vote and declared carried.  
Cr Tucker voted against the motion.*

**12-220 Resolved** that the vote be recommitted.

(Staples/Tabart)

*The motion was put to the vote and declared carried.*

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**Report No. 4.7. PLANNING - Draft Shire-wide Development Control Plan (cont.)**

(Continued)

**File No:** PLN458040 #1200036

Moved: That the Strategic Planning Committee Meeting resolve under delegated authority to adopt the content of the presented sections of the draft Shire-wide Development Control Plan (Annexures 5(a) of #1179342) subject to the following amendments, for staff to revise to ensure consistency with relevant legislation and draft planning instruments in readiness for future public exhibition:

1. That a new objective 8 be added, namely "to minimise engineering works" (reference page 3 of 43).

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2. That the maps reflect the principle that minor streets will share pedestrians and cyclists (reference page 13 of 43).
3. That detailed geotechnical reports need not be provided if no cutting or filling is proposed (reference page 27 of 43).
4. That minimum widths of riparian corridors be nominated (reference page 27 of 43).
5. That all areas of clearing of koala habitat be subject to Council environmental control.
6. That requirements C and D in prescriptive measures be reviewed (reference page 35 of 43).
7. The addition of the following words “of lands to be dedicated to Council” after the word “landscaping” (reference page 37 of 43).

(Staples/Tabart)

*The motion was put to the vote and declared lost.  
All Councillors voted against the motion.*

**12-221 Resolved** that the Strategic Planning Committee Meeting resolve under delegated authority to adopt the content of the presented sections of the draft Shire-wide Development Control Plan (Annexures 5(a) of #1179342) subject to the following amendments, for staff to revise to ensure consistency with relevant legislation and draft planning instruments in readiness for future public exhibition:

1. That a new objective 8 be added, namely “to minimise engineering works” (reference page 3 of 43).
2. That the maps reflect the principle that minor streets will share pedestrians and cyclists (reference page 13 of 43).
3. That detailed geotechnical reports need not be provided if no cutting or filling is proposed (reference page 27 of 43).
4. That minimum widths of riparian corridors be nominated (reference page 27 of 43).
5. That all areas of clearing of koala habitat be subject to Council environmental control.
6. That requirements C and D in prescriptive measures be reviewed (reference page 35 of 43).
7. The addition of the following words “of lands to be dedicated to Council” after the word “landscaping” (reference page 37 of 43).

(Staples/Tabart)

*The motion was put to the vote and declared carried.  
Cr Tucker voted against the motion.  
Cr Woods was not present for the vote.*

## FORESHADOWED MOTION

**12-222 Resolved** that the Strategic Planning Committee Meeting resolve under delegated authority to adopt the content of the presented sections of the draft Shire-wide Development Control Plan (Annexures 5(b) – 5(d) of #1179342) subject to the following amendments, for staff to revise to ensure consistency with relevant legislation and draft planning instruments in readiness for future public exhibition

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STRATEGIC PLANNING COMMITTEE MEETING MINUTES      29 MARCH 2012      (11 of 12)

- (a) Review of minimum sizes for neighbourhood parks in Annexure 5(b) and 5(c);
- (b) A new objective under B10.1.2 – to ensure private interests meet the costs of business signs (fingerboard signs) in Annexure 5(d). (Staples/Richardson)

*The motion was put to the vote and declared carried.  
Crs Tucker and Heeson voted against the motion.*

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## ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER'S REPORT

**Report No. 4.10.      Draft Delivery Program and Operational Plan**  
**File No:              COR653000 #1208179**

- 12-223 Resolved** that The Strategic Planning Committee defer this item to the Ordinary Meeting of 12 April 2012. (Cameron/Tabart)

*The motion was put to the vote and declared carried.*

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## SOCIETY AND CULTURE – EXECUTIVE MANAGER'S REPORTS

**Report No. 4.11.      Fees for Service – Aboriginal representation**  
**File No:              ADM300300 #1176698**

- 12-224 Resolved** that the Strategic Planning Committee resolve under delegated authority:

1. That a fee for service be established for identified Aboriginal representative positions on Council's Aboriginal Heads of Agreement Project Reference Group from 1 July 2012 based on the New South Wales Department of Premier and Cabinet Award of \$104 half-day and \$207 full-day sitting fees.
2. That an *Aboriginal Representation - Fee for Service* line item be established for the Aboriginal Heads of Agreement PRG, and be included in the Budget Preparations for 2012/2013.
3. That fees as per the Department of Aboriginal Affairs Fee Schedule for Aboriginal Cultural Practices and Performances continue to be paid to local Aboriginal people for supporting Council through ceremonies and cultural performances, including Welcome to Country, Smoking Ceremonies, dance and didgeridoo performance.

(Richardson/Tabart)

*The motion was put to the vote and declared carried.  
Crs Tucker and Heeson voted against the motion.  
Cr Woods was not present for the vote.*

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## WATER AND RECYCLING – EXECUTIVE MANAGER'S REPORTS

**Report No. 4.12.      Options Report Lot 2 Bayshore Drive, Byron Bay**  
**File No:              ENG073030 #1206204**

Moved:

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# BYRON SHIRE COUNCIL

STRATEGIC PLANNING COMMITTEE MEETING MINUTES    29 MARCH 2012    (12 of 12)

1. That the Strategic Planning Committee resolve under delegated authority to endorse the draft Options Report brief with an allocated budget of \$20,000 from the property reserve and that on completion of the associated consultancy the report be presented to Council.
2. That the consultancy brief be altered to require consultation with local community affordable housing groups  
(Staples/Richardson)

*This matter was not dealt with and voted on prior to the closure of the meeting.*

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*The Strategic Planning Meeting closed at 5pm with the two remaining items to be deferred the Ordinary Meeting of 12 April 2012.*

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