



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 8 August 2013

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
8 August 2013

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

8 AUGUST 2013 (1 of 22)

**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,
8 AUGUST 2013 COMMENCING AT 10.35AM AND CONCLUDING AT 4.10PM**

#E2013/46950

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter,
Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Ken Gainger (General Manager)
Phil Holloway (Executive Manager Community Infrastructure)
Mark Arnold (Executive Manager Corporate Management)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisational Support)
Mila Jones/Joylene McNamara (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES: There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

Cr Dey requested a leave of absence from 9 to 11 September 2013 to attend the annual Water Management Conference at Terrigal, in his role as a delegate to Rous Water.

Cr Woods requested a leave of absence for the Ordinary Meeting to be held on 29 August 2013.

13-359 Resolved that Cr Dey be granted a leave of absence from 9 to 11 September 2013 and Cr Woods be granted a leave of absence on 29 August 2013. (Richardson/Hunter)

The motion was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Wanchap declared a pecuniary interest in Report 11.10, 111 Fowlers Lane Bangalow; the nature of the interest being that she has a contractual relationship with that property.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

13-360 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting 27 June 2013
- Byron Shire Reserve Trust Committee Meeting 27 June 2013 (Dey/Woods)

The motion was put to the vote and declared carried.

RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

EXECUTIVE MANAGERS' REPORTS

Corporate Management

- 11.4. Clothes Optional Beach - Tyagarah
- 11.6. Section 356 Donations – Assistance for Festivals and Community Functions

Environment and Planning

- 11.9. Update on Coastal Matters – August 2013
- 11.10. PLANNING – Property Specific Submissions on Draft LEP

Organisational Support

- 11.11. Draft Amended Code of Meeting Practice Policy

Organisational Support and Community Infrastructure

- 11.12. Revised Draft Policy - Sponsorship

Society and Culture

- 11.13. Outcome of Key Stakeholders Forum regarding potential relocation of the Byron Bay taxi rank

COMMITTEE REPORTS

Environment and Planning

- 12.3. Report of the Planning Review Committee Meeting held 19 June 2013

Society and Culture

- 12.5. Report of the Community Summer Safety and Cultural Activities Committee meetings held 25 June 2013 and 16 July 2013

CONFIDENTIAL REPORTS

Corporate Management

- 13.1. CONFIDENTIAL Tender – External Audit Services 2013-0025

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Cameron. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 13-361 and concluding with Resolution No. 13-379.

COMMUNITY INFRASTRUCTURE - EXECUTIVE MANAGER'S REPORTS

Report No. 11.1. Natural Disaster Improvement Works

File No: #E2013/38614

13-361 Resolved:

1. That the project and \$180,000 funding for 'Cycleway Ewingsdale Road McGettigans Lane to Highway Interchange' be removed from the 2013/14 budget.
2. That Council allocate the remaining funds from the Roads to Recovery Program 2009/14 to the amount of \$246,800.00 to resealing projects in the 2013/14 budget as follows:
 - a) reseal Bangalow Road \$63,000
 - b) reseal Bangalow Road \$36,800
 - c) reseal The Pocket Road (1R) \$60,600
 - d) reseal The Pocket Road (2R) \$86,400
3. That Council transfer \$25,000 from the 2013/14 resealing program to the Orana Road, Ocean Shores Project – Job Number 45463.
4. That Council transfer \$221,800 from the 2013/14 resealing program to the Community Infrastructure (AMS Carryover) reserve for the purpose of future natural disaster improvement works. (Woods/Cameron)

Report No. 11.2. Byron and Tweed Single Local Emergency Management Committee

File No: #E2013/44235

13-362 Resolved:

1. That Council approve the formation of a single Local Emergency Management Committee between Byron Shire Council and Tweed Shire Council local government areas, with dual roles by Local Government members as far as practical and single roles as far as practical with other agencies.
2. That Council write to the Regional Emergency Management Committee requesting endorsement to the formation of a single Local Emergency Management Committee between Byron Shire Council and Tweed Shire Council local government areas, with dual roles by Local Government members as far as practical and single roles as far as practical with other agencies.
3. That the General Manager be authorised to develop and sign an Agreement with Tweed Shire Council for the formation of a single Local Emergency Management Committee between Byron Shire Council and Tweed Shire Council local government areas, with dual roles by Local Government members as far as practical and single roles as far as practical with other agencies. (Woods/Cameron)

CORPORATE MANAGEMENT - EXECUTIVE MANAGER'S REPORTS

Report No. 11.3. Investments – June 2013

File No: #E2013/41192

13-363 Resolved that the report listing Council's investments and overall cash position as at 30 June 2013 be noted. (Woods/Cameron)

Report No. 11.5. Section 355 Committee Members - Resignations

File No: #E2013/42729

13-364 Resolved:

1. That the report be noted.
2. That Council accept the resignation from Liz Levy and officially thank her for her contribution on the Byron Library Exhibition Space Section 355 Management Committee.
3. That Council accept the resignation from Tina Petroff and officially thank her for her contribution on the Ocean Shores Community Centre Section 355 Management Committee over the past years. (Woods/Cameron)

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORTS

Report No. 11.7. PLANNING - Allocation of budget to expend Section 94 funds

File No: #E2013/39581

13-365 Resolved:

1. That Council:
 - a) Allocate a budget of \$91,900 from the Community Facilities section 94 plan for the upgrading works at Broken Head Hall in accordance with the Byron Contributions Plan 2012 (\$58,000 from Rural South Civic and Urban Improvements and \$33,900 from Rural South Community Facilities); and
 - b) Allocate a budget of \$125,000 from the Rural South Open Space Catchment for the Lighting of Eureka Sports Field in accordance with the Byron Contributions Plan 2012.
2. That staff continue to work with the Ewingsdale Hall committee to progress the expenditure of section 94 funds on the hall and report this matter back to Council. (Woods/Cameron)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

Report No. 11.8. PLANNING - State Environmental Planning Policy No 1 - Variations of development standards from 8 February 2013 to 30 June 2013

File No: #E2013/20247

13-366 Resolved that the report be noted. (Woods/Cameron)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

WATER AND RECYCLING – EXECUTIVE MANAGER’S REPORT

Report No. 11.14 Laboratory Property Future Options

File No: #E2013/43309

13-367 Resolved:

1. That Council sell the property located at Lot 6 DP 812667 Centennial Circuit, Byron Bay.
 2. That Council delegate to the General Manager the authority to administer the sale.
 3. That Council authorise the affixing of the Council seal to all documents that may require it in regard to the sale.
 4. That the proceeds of the sale be used to retire sewer fund debt where financially advantageous or returned to the sewer fund reserve to reduce the need for further sewer fund loans. (Woods/Cameron)
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GENERAL MANAGER - COMMITTEE REPORTS

Report No. 12.1. Report of the Internal Audit Advisory Committee Meeting held 20 June 2013

File No: #E2013/41806

13-368 Resolved that Council note the minutes of the Internal Audit Advisory Committee Meeting held on 20 June 2013.

13-369 Resolved that in relation to Report No. 4.1 – Reschedule Meeting Date for Internal Audit Advisory Committee (Corporate Management #E2013/29228), Council notes:

Committee Recommendation IA 4.1.1

That the Internal Audit Advisory Committee adopt Thursday 5 December 2013 as the rescheduled meeting date for its December meeting.

13-370 Resolved that in relation to Report No. 4.2 – Tender for the provision of Internal and External Audit Services (Corporate Management #E2013/35088), Council notes:

Committee Recommendation IA 4.2.

That the Internal Audit Advisory Committee note this report.

- 13-371 Resolved** that in relation to Report No. 4.3 – Interim Audit Management Letter 2012 (Corporate Management #E2013/36142), Council adopts:

Committee Recommendation IA 4.3.

That the Interim Audit Management Letter 2013 be noted by Council.

- 13-372 Resolved** that in relation to Report No. 4.4 – Internal Audit Report – Development Assessment and Regulatory Enforcement Review (Corporate Management #E2013/34998), Council adopts:

Committee Recommendation IA 4.4.1.

1. That the Internal Audit Report – Development Assessment and Regulatory Enforcement Review March 2013 be noted by Council along with the responses and actions detailed by Management.
2. That Management implement the recommendations made in the report identified at Annexure 3 (#E2013/35376).
3. That Council receive a report on:
 - a) processing of DA fees through the Authority System and:
 - b) the implementation of a quality assurance process for the pre-evaluation review of DA's and
4. That the DA policy as outlined in the Internal Audit report (Annexure 3 page 11) to be reviewed and updated to include key policies of the Development Application process

- 13-373 Resolved** that in relation to Report No. 4.5 – Internal Audit Report – Audit Committee (Corporate Management #E2013/35019), Council adopts:

Committee Recommendation IA 4.5.1.

That Council receive and note the Internal Audit Report – Audit Committee (June 20130 (Annexure 2 #E2013/836678) prepared by the Internal Auditor, Grant Thornton.

- 13-374 Resolved** that in relation to Report No. 5.1 – CONFIDENTIAL 2012/2013 Preliminary Audit Strategy (Corporate Management #E2013/35015), Council adopts:

Committee Recommendation IA 5.1.1

1. That Council adopts the Preliminary 2012/2013 Audit Strategy and Service Plan as outlined in Annexure 1 to be conducted by Thomas Noble and Russell.
2. That the report and Annexure 1 of the closed part of the meeting remain confidential.
(Woods/Cameron)

Report No. 12.2. Report of the Finance Advisory Committee Meeting held 20 June 2013

File No: #E2013/41832

13-375 Resolved that Council note the minutes of the Finance Audit Advisory Committee Meeting held on 20 June 2013. (Woods/Cameron)

13-376 Resolved that in relation to Report No. 4.1 – Draft Long Term Financial Plan 2013/2014 – 2022/2023 (Corporate Management #E2013/36667), Council adopts:

Committee Recommendation FAC 4.1.1:

That Council revise its assumptions for inclusion in the Long Term Financial Plan 2013/2014 – 2022/2023 as follows:

- Working funds balance be set to at least \$1,000,000
- Remove “*Receipt of developer contributions to be linked to local growth management strategies*”
- Remove “*The average general rate for Byron Shire is not to exceed that of the highest average rate of neighbouring Councils*”.
- Reword “*New Loan borrowing rates will be assumed at the current investment bill rate.....plus 0.70%*”
- Reword “To reduce the funding gap for the renewal of existing infrastructure including applications for loan interest subsidies under the Local Infrastructure Renewal Scheme (LIRS)”
- New Loan borrowings for the following;
 - a) Reword first dot point “*Capital works where funding for annual recurrent..... into the budget as affordable and funded.*”
 - b) Remove the first sentence of fourth dot point beginning “*New loan borrowing for capital works for new assets.....*” and retain “*The term of the loan must also accord with Council’s.....*”

13-377 Resolved that in relation to Report No. 4.2 – Draft 2013/2014 Budget Estimates (Corporate Management #E2013/35678), Council adopts:

Committee Recommendation FAC 4.2.1

That Council endorse the Draft 2013/2014 Budget Estimates as attached at Annexure 2 (#E2013/36472) incorporating the budget revisions identified in this report.

Committee Recommendation FAC 4.2.2

That the Finance Advisory Committee receive a report on potential monthly financial reporting.

13-378 Resolved that in relation to Report No. 4.3 – Byron Shire Council Restricted Assets (Reserve Funds) (Corporate Management #E2013/35454), Council adopts:

Committee Recommendation FAC 4.3.1

1. That Council adopts an unrestricted cash balance target of \$1,000,000 for the General Fund as a measure of its short term unrestricted liquidity from 1 July 2013.

2. That Council undertake the following adjustments to the current number of internal restrictions (reserve funds):
- a) Abolish the New Years Eve Reserve from 1 July 2013.
 - b) No longer transfer proceeds from any property sales to the Property Reserve associated with General Fund owned land but transfer the proceeds to the Infrastructure Renewal Reserve.
 - c) Amalgamate the Capital Works Reserve with the Community Infrastructure (AMS Carryover) Reserve effective from 1 July 2013, rename the Reserve to Community Infrastructure Reserve and abolish the Capital Works Reserve.
 - d) Amalgamate the Biodiversity Conservation Strategy Reserve with the Community Planning Reserve effective from 1 July 2013 and abolish the Biodiversity Conservation Strategy Reserve.
 - e) Abolish the Byron Bay Library Reserve from 1 July 2014.
 - f) Establish an externally restricted asset (reserve fund) known as Paid Parking – Crown and transfer the Crown component of the Paid Parking Reserve to this Reserve effective from 30 June 2013.
 - g) Abolish the Investment Revaluation Reserve at 30 June 2015.
 - h) Abolish the Loan Repayment Reserve at 30 June 2015.
 - i) Abolish the Compliance and Environmental Health Reserves at 30 June 2013.
 - j) Transfer the balance of the Byron Early Intervention Service Reserve to the Infrastructure Renewal Reserve and abolish the Byron Early Intervention Service Reserve as at 30 June 2013. (Woods/Cameron)

SOCIETY AND CULTURE - COMMITTEE REPORT

Report No. 12.4. Report of the Tourism Advisory Committee Meeting held on 6 June 2013

File No: #E2013/43534

- 13-379 Resolved** that Council note the minutes of the Tourism Advisory Committee Meeting held on 6 June 2013. (Woods/Cameron)

PROCEDURAL MOTION

- 13-380 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being Reports 11.4 and 11.10, next on the Agenda. (Cameron/Woods)

The motion was put to the vote and declared carried.

ITEMS RESERVED FOR DEBATE

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 11.4. Clothes Optional Beach - Tyagarah

File No: #E2013/36358

- 13-381 Resolved:**

1. That Council investigate suitable locations within the Shire where Clothes Optional Bathing may be declared.

2. That Council consult with clothes optional bathers, relevant community groups and state agencies regarding the issue of managing anti-social behaviour in regards to Clothes Optional Bathing within the Shire.
3. That a report be prepared for Councillors to inform determinations regarding current Clothes Optional Bathing declarations and any proposed future declarations.
(Spooner/Cameron)

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

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER’S REPORTS

Report No. 11.10. PLANNING – Property Specific Submissions on Draft LEP
File No: #E2013/33379

- 13-382 Resolved** that the meeting move into committee. (Woods/Richardson)

The motion was put to the vote and declared carried.

COMMITTEE MEETING

- 13-383 Resolved** that the committee meeting move back into the Ordinary Meeting.
(Richardson/Woods)

The motion was put to the vote and declared carried.

- 13-384 Resolved** that in relation to the draft Byron LEP 2012 Council adopt the following that was discussed during Committee:

1. Amend *Minimum Lot Size* Map for the Tallowood Ridge Estate to show 400m² throughout the proposed R2 zone area, as illustrated in Map 2 of Annexure 5(a).
 2. Amend *Clause 5.4(2)* to increase the maximum floor area for Home Business to 50m².
 3. Amend *B4 Mixed Use* zone to permit "Environmental facilities" with consent.
 4. Amend *Floor Space Ratio* Map for Lot 3 DP 1004514, Bayshore Drive to show 0.90:1, as illustrated in Map 4 of Annexure 5(a).
 5. Amend clause 4.1A to delete "SP3 Tourist" from application of subclause (2).
 6. Amend clause 4.1C to include "SP3 Tourist" in the application of subclause (2)(b).
 7. a) Amend the SP3 Tourist zone boundary on the subject lands (comprising the North Byron Beach Resort, Bayshore Drive, Byron Bay) to accord with the SP3 boundary shown on 'Revised Map 12' tabled at this meeting (#E2013/51385), noting that the area deferred on the northern extremity of the site will be considered after completion of the State Government's E Zone review; and
b) Amend the corresponding *Minimum Lot Size* map and *Floor Space Ratio* map extents to reflect the revised SP3 zone boundary for the subject lands (comprising the North Byron Beach Resort, Bayshore Drive, Byron Bay).
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8. Amend draft zoning of existing rail corridor at the Billinudgel Train station (Wilfed Street, east of the village) from E3 Environmental Management to *SP2 Infrastructure (Rail infrastructure facilities)*, as illustrated in Map 6 of Annexure 5(a).
9. Amend draft LEP zoning of Lot 1 DP 599010 (5 Popular Avenue from RU1 Primary Production to R5 Large Lot Residential along with corresponding Minimum Lot Size map to reflect 4,000m², with zoning of adjoining Lots 76 & 77 DP755722 and the Poplar Avenue road reserve between Eugenia Street and Azalea Street Mullumbimby amended from RU1 Primary Production to RU2 Rural Landscape.
10. Amend draft *R5 Large Lot Residential* zoning boundary of Lot 6 DP 593474 (62 Broken Head Road BYRON BAY) to reflect extent of approved rural residential development identified in DA10.2010.547 [Community Title subdivision to create three (3) neighbourhood lots and one (1) neighbourhood property].
11. Amend Minimum Lot Size map from 40ha to 1ha for the southern SP3 Tourist zone of 77-97 Broken Head Road, to be consistent with northern SP3 zone on this land..
12. Amend property address for proposed Heritage Item I061 in Schedule 5 of the draft LEP to read: 50A Mullumbimbi Street, Brunswick Heads; and amend corresponding draft LEP Heritage Map (002DA) so that only Lots 1 and 2 DP945986 are identified as a heritage item.
13. Amend property description for proposed Heritage Item I130 in Schedule 5 of the draft LEP to read: Lots 59, 60 and 61 DP 755687 and Lot 4 DP 606423; and amend draft LEP Heritage Map (002BA) so that Lot 58 DP 755687 is no longer identified as part of that heritage item.
14. Amend draft zoning of Lot 3 DP 625224 (Newes Road, Coorabell) to apply a *RU2 Rural Landscape* zone over the entire lot.
15. Apply a *Floor Space Ratio* map and *Minimum Lot Size* map to Lot 23 DP 801442 and the adjacent lots within the proposed R2 Low Density Residential zone fronting Granuaille Road, Bangalow, to reflect the same planning controls for the adjoining land zoned R2 (namely FSR of 0.5:1 and MLS of 600m²).
16. Amend draft LEP Heritage map to remove Part Lot 2 DP1166459, Lot 23 DP801442 and Lot 102 DP 1155344 from the proposed Heritage Conservation Area in Bangalow, with the revised precinct boundary taken back to existing residential lots at southern end) as illustrated in Map 11 of Annexure 5(a).
17. That Council hold further discussions with the landowner/s of the Brunswick Byron Fisherman's Co-op site (Lot 328 in DP 755692) for the purpose of facilitating a separate planning proposal that holistically addresses future use(s) of this land.
18. Amend proposed zoning of Lot 1 DP 620841 (41 Bangalow Road, Bangalow) from RU1 Primary Production to R2 Low Density Residential, with corresponding amendments also made to the *Floor Space Ratio* map and *Minimum Lot Size* map to apply the same controls as would apply to the adjacent R2 zoned land.
19. Amend proposed zoning of Lot 1 DP 1105032 (373 Left Bank Road) from RU1 Primary Production to RU2 Rural Landscape.
20. Amend Floor Space Ratio Map for R2 Low Density Residential zoned land in the Wategos/ Lighthouse Road precincts from 0.35:1 to 0.4:1.

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21. That Council receive a report relating to proposed heritage listings including Heritage Item I178 - Lot 1 DP1143266 and Heritage Item I098 - Lot 1 DP923903 presenting the outcomes of councillor inspections for public submission objections relating to proposed heritage listings.
22. Amend proposed zoning of the southern part of Lot 1 DP 853706 (9-13 Clifford Street, Suffolk Park) from R2 Low Density Residential to B1 Neighbourhood Centre as illustrated in Map 14 tabled at this meeting (#E2013/51385).
23. Amend proposed zoning of the eastern part of Lot 7 DP 626084 (204 Lismore Road, Bangalow) from RU1 Primary Production to IN1 General Industrial as illustrated in Map 16 tabled at this meeting (#E2013/51385).
24. Amend the draft LEP Multiple Occupancy and Community Title Map to increase the number of dwelling sites from 4 to 6 for Lot 2 DP 599728, Seven Mile Beach Road, Broken Head.
25.
 - a) That Council investigate possible options to address rural land without dwelling entitlements, illegal dwellings/Multiple Occupancy developments and additional Rural Residential/Multiple Occupancy/Community Title lands following gazettal of draft Byron LEP 2012.
 - b) That Council consider preparing a new rural settlement strategy in the financial year 2014/2015.
26. That additional maps tabled at this meeting (#E2013/51385, as referred to in the above recommendations) be made available for public viewing on Council's website at www.byron.nsw.gov.au/files/pages/proposed-shire-wide-plans/revised_maps_tabled_at_8_august_2013_meeting.pdf.
27. Removal of the RU1 zone from Lot 101 DP 1156821 6/230 Pacific Highway, Bangalow be reported back to Council.
28. That in relation to Ref No 2012/26343, Lot 100 DP 1070724 Bayside Way Brunswick Heads rezone the portion of the allotment currently zoned 1A(Hatched) to R3 Residential as per the adjacent portion of the allotment.
29. That Council receive a report regarding Byron Golf Club (relating to the submission from Planners North) and be considered for special tourist zoning for their clubhouse precinct area. (Richardson/Woods)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

No Councillors voted against the motion.

FORESHADOWED MOTION

Moved: That in relation to the draft Byron LEP 2012 Council adopts to amend schedule 1 of the draft LEP to include the following:

"Use of certain land at Tweed Valley Way & Jones Road, North Ocean Shores and Wooyung

(1) This clause applies to land at Tweed Valley Way & Jones Road, North Ocean

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Shores and Wooyung being Part of Lots 46, 402, 403, 404, 410 DP 755687; Lots 10, 12, 14 DP 875112; Lots 2, 12 DP848618; Lot 101 DP 856767; Lots 30,31 DP 880376; Lots 101,102, 107 DP 1001878; and Lot 1DP 1145020.

(2) Development for the purposes of a recreation facility (major) is permitted with development consent.” (Ibrahim/Cubis)

The motion was put to the vote and declared lost.

Crs Ibrahim, Cubis, Woods and Hunter voted in favour of the motion.

Crs Dey, Richardson, Cameron, Wanchap and Spooner voted against the motion.

FORESHADOWED MOTION

13-385 Resolved that in relation to the draft Byron LEP 2012 Council adopts to amend schedule 1 of the draft LEP to include the following:

“Use of certain lands at Pacific Highway Tyagarah

(1) This clause applies to land at Pacific Highway, Tyagarah being Part of Lots 103,104 and 105 DP 1023126.

(2) Development for the purposes of a recreation facility (major) is permitted with development consent.” (Woods/Ibrahim)

The motion was put to the vote and declared carried.

Crs Ibrahim, Cubis, Woods, Richardson, Spooner and Hunter voted in favour of the motion.

Crs Dey, Cameron and Wanchap voted against the motion.

FORESHADOWED MOTION

13-386 Resolved that in relation to the draft Byron LEP 2012 Council adopts the following:

a) Amend proposed R5 Large Lot Residential zone boundary on Lot 29 DP 1038072 (Citriadora Drive, Ewingsdale) to follow the edge of the freshwater wetland area identified in Figure 1 of Annexure 5(a), with the wetland to be included in the RU2 Rural Landscape Zone.

b) The draft minimum lot size map for the R5 Zone on this property, Lot 29 DP 1038072 be amended to 1 hectare. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

Cr Woods voted against the motion.

FORESHADOWED MOTION

Moved: That in relation to the draft Byron LEP 2012 Council adopts the following:

Lot 100 DP1070724 Bayside Way, Brunswick Heads - Allow for the listing in Schedule 1 for the allotment to be used as a "Manufactured Home Estate". (Woods/Spooner)

AMENDMENT

13-387 Resolved that in relation to the draft Byron LEP 2012 Council receive a report on the following potential scheduling:

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Lot 100 DP1070724 Bayside Way, Brunswick Heads - Allow for the listing in Schedule 1 for the allotment to be used as a "Manufactured Home Estate". (Dey/Wanchap)

The amendment was put to the vote and declared carried.

Crs Ibrahim, Dey, Richardson, Cameron and Wanchap voted in favour of the amendment.

Crs Cubis, Woods, Spooner and Hunter voted against the amendment.

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

Crs Ibrahim, Dey, Richardson, Cameron, Wanchap, Spooner and Hunter voted in favour of the motion.

Crs Cubis and Woods voted against the motion.

FORESHADOWED MOTION

13-388 Resolved that in relation to the draft Byron LEP 2012 Council adopts the following:

1. Insert Lot 6 DP 261219 (226 Fowlers Lane, Possum Creek) on the draft LEP Multiple Occupancy and Community Title map as the site is adjacent existing approved Multiple Occupancy's and Community Title's and consistent with the rural residential character of Fowlers Lane.
2. Include Lot 3 DP786274 (Settlement Road), Lot 12 DP 755712 (240 Charltons Road), Lot 3 DP 732638 (Englises Road), Lot 11 DP 1039847 (74 Charltons Road), and Lot 16 DP 255603 (Coopers South Lane) on the draft LEP Multiple Occupancy and Community Title map.
3. That a workshop considering further MO/CT submissions and the Multiple Occupancy map be held within one month. (Richardson/Woods)

AMENDMENT

Moved: That in relation to the draft Byron LEP 2012 Council adopts the following:

1. Insert Lot 6 DP 261219 (226 Fowlers Lane, Possum Creek) as the site is adjacent to existing approved multiple occupancies and Lot 12 DP 755712 (240 Charltons Road), on the Multiple Occupancy map in the draft LEP.
2. That Council receive a report on the following possible changes to the draft LEP 2012:
 - Including Lot 3 DP786274 (Settlement Road), Lot 3 DP 732638 (Englises Road), Lot 11 DP 1039847 (74 Charltons Road), and Lot 16 DP 255603 (Coopers South Lane) on the Multiple Occupancy map.
3. That a workshop considering further MO/CT submissions and the Multiple Occupancy map be held within one month. (Dey/Cameron)

The amendment was put to the vote and declared lost.

Crs Dey and Cameron voted in favour of the amendment.

Crs Ibrahim, Cubis, Woods, Richardson, Wanchap, Spooner and Hunter voted against the amendment.

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Wanchap, Spooner and Hunter voted in favour of the motion.

Cr Cameron voted against the motion.

FORESHADOWED MOTION

Cr Wanchap left the chambers at 1.43pm in accordance with her earlier declared pecuniary interest in this matter.

13-389 Resolved that in relation to the draft Byron LEP 2012 Council adopts the following:

Insert Lot 2 DP 600576 (111 Fowlers Lane, Possum Creek) on the draft LEP Multiple Occupancy and Community Title map in the draft LEP as the site is adjacent to existing approved Multiple Occupancies and Community Titles and consistent with the rural residential character of Fowlers Lane. (Richardson/Ibrahim)

The motion was put to the vote and declared carried.

Crs Ibrahim, Dey, Cubis, Woods, Richardson, Wanchap, Spooner and Hunter voted in favour of the motion.

Cr Cameron voted against the motion.

The meeting adjourned at 1.45pm for lunch and reconvened at 2.32pm.

Cr Wanchap returned to the Chambers at 2.32pm.

Cr Woods left the Chambers at 2.32pm and did not return.

MAYORAL MINUTE

Mayoral Minute No. 7.1. Attendance at upcoming conferences and events

#E2013/47059

13-390 Resolved:

1. That Council nominate Councillors Ibrahim, Woods and Richardson with Cr Hunter as an alternate, to attend the Local Government NSW Annual Conference in Sydney on 1 to 3 October 2013 as voting delegates.
2. That Cr Richardson attends and speaks at the Clean Technologies Supplier Advocate Program in Sydney on 12 September 2013.
3. That Council nominate Councillors Hunter and Cubis attend the Financial Management Conference in Melbourne on 14 and 15 August, 2013. (Richardson)

The motion was put to the vote and declared carried.

PETITIONS

Skate Park in Byron Bay

The Mayor tabled a petition containing 275 signatures which states:

"...Support for the Development of a free public Skate Park in Byron Bay"

Correspondence and Petitions No. 8.1. Declare Byron Bay a Nuclear Free Zone

#E2013/37737

- 13-391 Resolved** that the petition regarding Declare Byron Bay a Nuclear Free Zone be noted. (Dey/Richardson)
- The motion was put to the vote and declared carried.*
-

Correspondence and Petitions No. 8.2. Non-Chemical means of weed control in Byron Shire

#E2013/37767

- 13-392 Resolved:**
1. That the petition regarding "Non-Chemical means of weed control in Byron Shire" be noted.
 2. That this petition and be referred to the Executive Manager Community Infrastructure. (Wanchap/Richardson)
- The motion was put to the vote and declared carried.*
-

SUBMISSIONS AND GRANTS

- 13-393 Resolved** that Council writes to Department of Planning seeking response to our grant application for ground truthing of our E Zones in the LEP. (Richardson/Cameron)
- The motion was put to the vote and declared carried.*
-

DELEGATES' REPORTS

10.1. Byron Bay Liquor Accord

Cr Dey advised the following:

The Byron Bay Liquor Accord met on 2 July 2013. The NSW Police representative reported that an article that day in the Gold Coast Bulletin said Surfers Paradise was watching closely at what Byron Bay was going to do and would then emulate it in regard to alcohol and venue behaviours. The Police also reported that violence in the Bay was down. They raised concerns again over lighting and CCTV. The other news from that meeting was that the OLGA should have its interim evaluation out in October of the six month trial in Byron Bay.

10.2. Rous Water

Cr Dey advised the following:

Workshop

Rous Water held a workshop for its Councillors on 12 July 2013, the third workshop in a series that is looking at options for supplying water up to 2060. I outlined those scenarios in my previous delegates' report to our Ordinary Meeting of 27 June 2013.

Meeting

Rous Water met on 17 July. The only news was a new Policy on "Undetected Leaks" - those on the customer side of the water meter. This is when somebody's pipe blows up and they don't see the water everywhere and then get a bill for say \$10,000. Rous Water is looking at ways of softening the blow over such bills. If Byron Council doesn't already have such a Policy, we may need to create one down the track.

10.3. Far North Coast Zone Service Level Agreement

Cr Dey advised the following:

On 31 July the Far North Coast Zone Service Level Agreement meeting took place. I learnt that Council has this Agreement with the Fire Service to do various things like provide them with accommodation (in the far end of the Administration building). We fund their activities which include producing a quarterly performance report. I will be submitting a copy to Council. The Agreement covers several shires.

There are grants available to the fire fighting system, in particular for the maintenance of registered Fire Trails. Tweed Shire got about \$50,000 last year to maintain fire trails, Ballina got \$105,000 and Byron didn't apply. The service recommends Council seeks such grants to maintain fire trails. As I mentioned at the SLA meeting, such trail maintenance could be relevant to making them available in emergency situations such as road-slips.

The Service also asked about Council's intentions in relation to the use of their space in the Administration building and as to whether Council is likely to require it back. This would force the Service to seek alternate accommodation. I undertook to pass that question on to Council.

General Manager: I can give you an answer on that, no we're not.

Cr Dey: Ok, thanks for that; I will pass that on. The SLA only meets every 6 months.

10.4. Local Traffic Committee Meeting

Cr Dey advised the following:

The Local Traffic Committee met on 5 August and, with pleasure, I can advise that the officials on the Traffic Committee (RMS and Police) can see that the Shirley Street Bus Lane or No Parking Lane should be a go ahead – there is no reason why it cannot happen.

On the other hand, RMS do have reasons not to allow "Nuclear Free" signs on the Pacific Highway. It's not safe for drivers to be distracted by signs that a place is nuclear free. Its very good for your genes though.

10.5. Crossing at the end of Fowlers Lane

Cr Hunter advised the following:

I have been involved with the deliberations with the crossing at the end of Fowlers Lane with the community representative down there. I'd like to say that he has got two quotes and they have both come in pretty reasonable – in his words "It's all very do-able". Hydrology report with Council at the moment so there is some little hurdle there to cross, but so far so good.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER’S REPORT

Report No. 11.6. Section 356 Donations - Assistance for Festivals and Community Functions

File No: #E2013/43111

13-394 Resolved:

1. That under Council’s Policy Assistance for Festivals and Community Functions, the following donations be set aside towards Council’s costs:

1. Byron Lighthouse Run, 15 September 2013, Byron Bay	\$310
2. Bangalow Billy Cart Derby, 18 May 2014 Bangalow	\$600
3. Byron Bay Cycle Club, All year, Byron Industrial Estate	\$310
4. Byron Spirit Festival, 14 March 2014 Mullumbimby	\$400
5. Bangalow Christmas Eve Parade, 24 December 2013 Bangalow	\$600
6. Mullum to Bruns Paddle, May 2014, Brunswick River	\$500
7. The Mullumbimby Music Festival, 21 – 24 Nov. 2013, Mullumbimby	\$600
8. Festival of the Fish and Chips – Twilight Market Component 18 December 2012 Banner Park, Brunswick Heads	\$600
9. Sample Food Festival, 7 September 2013, Bangalow Showground	\$220
10. Community Block Party - My Sister’s Kitchen, Christmas/NY period Burringbar Street Mullumbimby	\$310
	<u>Total \$4,450</u>

2. That the above applicants be advised that they will be responsible for payment of any costs associated with Council exceeding the amount donated.

3. That Council advertise the donations proposed to be made, in accordance with Section 356 of the Local government Act 1993.

4. That Council be advised of any further/new applications and reserve the remaining \$600 for consideration at those times.

5. That Council revise its Policy on "Assistance for Festivals and Community Functions" to limit donations to a maximum of \$600 per festival or function and to a limit of three consecutive years, in order to favour start-up festivals / functions and to encourage them to achieve financial viability. (Dey/Spooner)

AMENDMENT

Moved:

1. That under Council’s Policy Assistance for Festivals and Community Functions, the following donations be set aside towards Council’s costs:

1. Byron Lighthouse Run, 15 September 2013, Byron Bay	\$310
2. Bangalow Billy Cart Derby, 18 May 2014 Bangalow	\$900
3. Byron Bay Cycle Club, All year, Byron Industrial Estate	\$310
4. Byron Spirit Festival, 14 March 2014 Mullumbimby	\$400
5. Bangalow Christmas Eve Parade, 24 December 2013 Bangalow	\$900

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

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- | | | |
|-----|---|----------------|
| 6. | Mullum to Bruns Paddle, May 2014, Brunswick River | \$500 |
| 7. | The Mullumbimby Music Festival, 21 – 24 Nov. 2013, Mullumbimby | \$600 |
| 8. | Festival of the Fish and Chips – Twilight Market Component, 18 December 2012 Banner Park, Brunswick Heads | \$600 |
| 9. | Sample Food Festival, 7 September 2013, Bangalow Showground | \$220 |
| 10. | Community Block Party - My Sister's Kitchen, Christmas/NY period Burringbar Street Mullumbimby | \$310 |
| | Total | <u>\$5,050</u> |
2. That the applicants be advised that they will be responsible for payment of any costs associated with Council exceeding the amount donated.
 3. That Council advertise the donations proposed to be made, in accordance with Section 356 of the Local government Act 1993.
 4. That Council advise any other applications received for assistance under this Policy that there are no further moneys available to assist them with Council's road closure costs for their event in the 2013-2014 financial year unless an event proposed is not held and there are moneys available.
 5. That a review of the policy be undertaken in early 2014. (Cubis/Ibrahim)

The amendment was put to the vote and declared tied.

Crs Ibrahim, Cubis, Cameron and Hunter voted in favour of the amendment.

Crs Dey, Richardson, Wanchap and Spooner voted against the amendment.

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

The motion was put to the vote and declared carried.

Crs Ibrahim and Cubis voted against the motion.

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORT

Report No. 11.9. Update on Coastal Matters – August 2013

File No: #E2013/41955

- 13-395 Resolved** that Council note the progression of major coastal projects from February to August 2013. (Cameron/Cubis)

The motion was put to the vote and declared carried.

ORGANISATIONAL SUPPORT – EXECUTIVE MANAGER'S REPORT

Report No. 11.11. Draft Amended Code of Meeting Practice Policy

File No: #E2013/36711

- 13-396 Resolved:**

1. That the draft Code of Meeting Practice Policy at Annexure 13 (#E2013/42243) be amended as follows:

- Remove "all" from clauses 7.3 and 24.8.
 - Remove "any" from 20.9.
 - Change "any" to "a" in 15.3, 15.4, 18.4, 25.1 and 30.1.
 - Change "any" to "a particular" in 27.2.
 - Insert 5.2 Notification of an item of Late Business shall be by email with only the words "Late Business for Meeting <date>" in the subject line. If the notification is sent inside two working days before a meeting day, the email must be highlighted by a phone message as well.
 - Change 7.2 from "shall be twelve ten working days inclusive, prior to the meeting" to "shall be 5pm on the twelfth working day before the meeting (eg. close will be at 5pm on the Tuesday of the second week before a Thursday meeting, or earlier if there are public holidays in that period). See also clause 7.6 below".
 - Change 8.1 to "The Mayor is encouraged, in the interest of sound decision-making, to circulate to fellow Councillors a copy or a draft of the intended Mayoral Minute. This could be as late as 24 hours beforehand, thus providing fellow Councillors with warning of urgent matters as well as with opportunity to seek further information on the matter prior to debate".
 - Swap to "seconder or mover" at the end of 13.1g and 14.3h.
 - Change throughout the title and body of section 16 to "rest on the table".
 - Renumber clauses 18.3 and 18.4.
 - In clause 19.6, change "as to the re-introduction of the matter to Council" to "as to the re-convening of the meeting".
 - Change 23.1 to "Councillors may insist that other Councillors address them by their official designation, as Mayor or Councillor, as the case may be".
 - Change 23.2 to "Councillors shall refrain from the use of offensive or inappropriate language, especially in reference to other Councillors".
 - Change 24.3 to "Speakers speak for or against a motion. Once an amendment has been moved, speakers then speak for or against the amendment (unless the amendment is withdrawn)".
 - Change 24.5 to "Once the Chairperson has called for speeches against the motion or amendment without responses:
 - if the seconder has reserved their right to speak, they shall now do so;
 - if not (or else after the seconder has spoken) no further speeches are to be called and the Chairperson shall call for a reply from the mover and then put the matter to the vote".
 - Change 24.9 to "A verbal Delegate's report shall be limited to two minutes per delegation".
 - Add clause 25.2 "Notwithstanding clause 25.1, a Motion of Dissent may be moved against such a ruling".
 - In line 1 of clause 27.2 add "by Resolution of Council" after "being adopted".
 - In clause 27.2(a) delete the first 1.5 lines and start with "The Chairperson ...".
2. That the draft Policy as amended by Part 1 of this Resolution be placed on public exhibition for a minimum period of 28 days with a minimum period of 42 days for submissions.
 3. That in the event that any submissions are received on the draft Policy, it be reported back to Council prior to adoption.
 4. That in the event that no submissions are received on the draft Policy it be adopted and incorporated in Council's Policy Register. (Dey/Richardson)

AMENDMENT

Moved:

1. That the draft Code of Meeting Practice Policy be placed on public exhibition for a minimum period of 28 days with a minimum period of 42 days for submissions.
2. That in the event that any submissions are received on the draft Policy, it be reported back to Council prior to adoption.
3. That in the event that no submissions are received on the draft Policy it be adopted and incorporated in Council's Policy Register. (Cubis/Ibrahim)

The amendment was put to the vote and declared lost.

Crs Dey, Richardson, Cameron, Wanchap and Spooner voted against the amendment.

The motion was put to the vote and declared carried.

Cr Cubis voted against the motion.

ORGANISATIONAL SUPPORT AND COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGERS' REPORT

Report No. 11.12. Revised Draft Policy - Sponsorship

File No: #E2013/28111

13-397 Resolved:

1. That the draft Sponsorship Policy be amended as follows:
 - a) rename to "Sponsorship Received by Council"
 - b) remove "all" from line 4 of section 1. Purpose and from clause 5.1
 - c) replace "all" in the bracketed note in clause 5.3 with "each role"
 - d) change "any" to "a" in clauses 5.3, and three times in clause 6.3
 - e) remove "other" from clause 7.3b
 - f) change 7.3e to "who have an unacceptable sponsorship record with Byron Shire Council or with any other government authority"
2. That the amended Policy be placed on public exhibition for a minimum period of 28 days.
3. That in the event that any submissions are received on the draft Policy it be reported back to Council prior to adoption.
4. That in the event that no submissions are received on the draft Policy it be adopted and incorporated into Council's Policy Register. (Dey/Richardson)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

Moved: That in addition to the previous resolution 13-397, a further amendment be the removal of Clauses 5.1 and 5.2. (Dey/Richardson)

The motion was put to the vote and declared lost.

Crs Ibrahim, Cubis, Richardson, Cameron, Wanchap, Spooner and Hunter voted against the foreshadowed motion.

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 11.13. Outcome of Key Stakeholders Forum regarding potential relocation of the Byron Bay taxi rank

File No: #E2013/21894

13-398 Resolved:

1. That Council provide in-principle support for a Byron Bay Integrated Transport Hub.
2. That Council refer to the Local Traffic Committee for consideration, a proposal for part-time ranks outside The Beach Hotel and Cheeky Monkey’s to allow safe taxi pick ups.
(Spooner/Ibrahim)

The motion was put to the vote and declared carried.

ENVIRONMENT AND PLANNING - COMMITTEE REPORT

Report No. 12.3. Report of the Planning Review Committee Meeting held 19 June 2013

File No: #E2013/38009

Moved: That DA 2013.158.1 be reported to Council for determination. (Ibrahim/Cubis)

AMENDMENT

13-399 Resolved that the report be noted. (Dey/Richardson)

*The amendment was put to the vote and declared tied.
Crs Dey, Richardson, Cameron and Hunter voted in favour of the amendment.
Crs Ibrahim, Cubis, Wanchap and Spooner voted against the amendment.
The Mayor used his casting vote and voted in favour of the amendment.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Crs Dey, Richardson, Cameron, Spooner and Hunter voted in favour of the motion.
Crs Ibrahim, Cubis and Wanchap voted against the motion.*

SOCIETY AND CULTURE – EXECUTIVE MANAGER’S REPORT

Report No. 12.5. Report of the Community Summer Safety and Cultural Activities Committee

File No: #E2013/44958

13-400 Resolved:

1. That Council note the minutes of the Community Summer Safety and Cultural Activities Committee for the meetings held on 25 June and 16 July 2013.
2. That Council adopt the following Committee recommendation:

Committee Recommendation CSSACA

1. That Council provide in-principle support to a New Years Eve program which includes:
 - a) An alcohol-free event for 14-18 year olds in an existing venue in Byron Bay
 - b) Falls Festival at North Byron Parklands (subject to festival organisers obtaining approvals)
 - c) Low key family activities in Byron Bay CBD concluding well before midnight
 - d) A sunrise/New Years' Day celebration
 - e) A Traffic Management Plan to exclude non-resident cars and visitors without accommodation to the CBD.

2. That Council support the development of a wider program of summer events following several submissions received from the community after a 'call for ideas'.

(Dey/Richardson)

The motion was put to the vote and declared carried.

CORPORATE MANAGEMENT - CONFIDENTIAL REPORT

Report No. 13.1. CONFIDENTIAL Tender - External Audit Services 2013-0025
File No: #E2013/45780

13-401 Resolved:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender - External Audit Services 2013-0025 are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.

2. That Council award Tender 2013-0025 for the provision of External Audit Services to Thomas Noble and Russell in accordance with the tender documents and their tender submission for the period 1 July 2013 to 30 June 2019.

3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.

4. That the report and annexures of the closed part of the meeting remain confidential until 30 June 2019.

(Dey/Cameron)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 4.10pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 29 August 2013.

.....
Mayor Simon Richardson