



# Byron Shire Council



## Minutes

Ordinary Meeting  
Thursday, 7 August 2014

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
7 August 2014

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY,  
7 AUGUST 2014 COMMENCING AT 9.00AM AND CONCLUDING AT 6.07PM**

#E201450422

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)  
Mark Arnold (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Ray Darney (Executive Manager Environment and Planning)  
Wayne Bertram (Manager Development Assessment and Certification)  
Shannon McKelvey (Executive Manager Organisation Development)  
Mila Jones (Minute Taker)

*The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.*

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**PUBLIC ACCESS**

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

**9.2. Affordable Housing**

Morgan addressed Council against the recommendation.

**9.3. Alternate Bypass Route for Byron Bay**

Richard Jones (representing Butler Street Community Network Inc) addressed Council in favour of the recommendation.

Morgan addressed Council against the recommendation.

**9.4. Bay Street Ring Road (the Bay 1)**

Morgan addressed Council against the recommendation.

**9.5 Multi-level three-storey car park at the Lawson St North car park**

Morgan addressed Council against the recommendation.

**9.6. Two lanes into Byron Bay**

Morgan addressed Council against the recommendation.

**9.7. Busking Policy Review**

Avi Shay addressed Council regarding this report.

Morgan addressed Council against the recommendation.

**9.8. Surf Safety**

Morgan addressed Council in favour of the recommendation.

**14.6. Report of the Local Traffic Committee Meeting held on 25 June 2014**

**5.4. Request for parking restrictions, pedestrian crossing facilities and traffic calming measures, Mullumbimby Public School**

David Lees, Principal Mullumbimby Public School addressed Council in favour of the recommendation.

**Submission No. 1 Feedback on Splendour in the Grass**

Kathy Norley made a submission to Council providing feedback on the Splendour in the Grass Festival from the local community with regard to sound generated from the site during the 2014 Festival.

**Submission No. 2 Telecommunications**

Kathy Norley made a submission to Council regarding the lack of telecommunications available for Tweed and Byron Shires during the Splendour in the Grass Festival.

**Submission No. 3 Publicly owned land**

Morgan made a submission to Council regarding misappropriation and misuse of publicly owned land by private interests (business owners).

*The meeting adjourned at 10.05am for a break and reconvened at 10.30am.*

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**APOLOGIES**

There were no apologies.

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**REQUESTS FOR LEAVE OF ABSENCE**

There were no requests for leave of absence.

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**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

There were no declarations of interest.

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**TABLING OF PECUNIARY INTEREST RETURNS**

There were no pecuniary interest returns tabled.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**14-325 Resolved** that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held on 12 June 2014
- Reserve Trust Committee Meeting held on 12 June 2014
- Extraordinary Meeting held on 26 June 2014 (Woods/Hunter)

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

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**RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS**

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

**STAFF REPORTS**

**Corporate and Community Services**

- 13.1. Mayor and Councillors Payment of Expenses and Provision of Facilities Policy 1.1
- 13.2. Section 356 Donations - Assistance for Festivals and Community Functions in 2014/2015
- 13.5. Year to Date Finance Report – June 2014
- 13.6. Grant awarded for CCTV in Apex Park and Jonson Street project

**Infrastructure Services**

- 13.10. Water, Waste and Sewer Advisory Committee - Community Representative Nominations

**REPORTS OF COMMITTEES**

**Infrastructure Services**

- 14.5. Report of the Transport Advisory Committee Meeting held on 24 June 2014
- 14.6. Report of the Local Transport Committee Meeting held on 25 June 2014
- 5.7. Proposed Stop Sign, Intersection of Coolamon Scenic Drive and Coorabell Road
- 5.10. Request for 15-minute parking limit, Park Street, Brunswick Heads
- 8.2. Parking Study – Byron Bay

**CONFIDENTIAL REPORTS**

**Corporate and Community Services**

- 15.2. CONFIDENTIAL Tender Assessment – Management of First Sun and Suffolk Beachfront Holiday Parks 2014-0004

*The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Richardson. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 14-326 and concluding with Resolution No. 14-358.*

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**CORPORATE AND COMMUNITY SERVICES – DIRECTOR'S REPORT**

**Report No. 13.3. Financial Sustainability Project Plan 2014/15**

**File No:** #E2014/46200

**14-326 Resolved** that Council adopt the Financial Sustainability Project Plan 2014/2015 (#E2014/38787). (Woods/Richardson)

**Report No. 13.4. Investments – June 2014**

**File No:** #E2014/44286

- 14-327 Resolved** that the report listing Council's investments and overall cash position as at 30 June 2014 be noted. (Woods/Richardson)
- 

**ENVIRONMENT AND PLANNING – STAFF REPORTS**

**Report No. 13.7. PLANNING – S96 10.2009.297.2 – Modification to alter positioning of dwelling at 8 Park Street, New Brighton**

**File No:** Parcel No. 69630 #A2014/7384

- 14-328 Resolved** that pursuant to Section 96 of the Environmental Planning & Assessment Act 1979, that application 10.2009.297.2 for S96 to alter positioning of dwelling house and vacant strata lot, retain dwelling design and alter conditions of consent, be approved by modifying development consent 10.2009.297.1 as outlined at the end of Annexure 3(b) #E2014/51896. (Woods/Richardson)

*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.*

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**Report No. 13.8. NSW Marine Estate Management Strategy**

**File No:** #E2014/42896

- 14-329 Resolved** that Council endorse the submission to the Marine Estate Management Authority (Annexure 8, #E2014/45958), noting the five main challenges to the Marine Estate as listed at Section D. (Woods/Richardson)
- 

**INFRASTRUCTURE SERVICES – STAFF REPORT**

*This report was deferred from the Ordinary Meeting held on 12 June 2014.*

**Report No. 13.9. Precinct Plan for South Beach Road, Brunswick Heads**

**File No:** #E2014/29326

*This report was withdrawn.*

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**GENERAL MANAGER - COMMITTEE REPORT**

**Report No. 14.1. Report of the Tourism Advisory Committee Meeting held on 11 June 2014**

**File No:** #E2014/42606

- 14-330 Resolved** that in relation to Report 5.1 Discussion Paper – Future Roles and Responsibilities of the Tourism Advisory Committee, Council adopt:
-

Committee Recommendation TAC 5.1

1. That staff bring a discussion paper outlining the possible formation of broadening the Tourism Advisory Committee to extend the scope beyond tourism.
  2. That Kim Rosen and Cr Simon Richardson provide an update to the next VIA Byron board meeting regarding the discussions at the 11 June meeting. (Woods/Richardson)
- 

**CORPORATE AND COMMUNITY SERVICES - COMMITTEE REPORT**

**Report No. 14.2. Report of the Arakwal Memorandum of Understanding (MoU) Advisory Committee Meeting held on 14 May 2014**

**File No:** #E2014/37888

- 14-331 Resolved** that Council note the minutes from the Arakwal Memorandum of Understanding Advisory Committee held on 14 May 2014. (Woods/Richardson)
- 14-332 Resolved** that in relation to Report 4.1 'Consultation and engagement for Development Applications' and other matters in regards to public land Council, Council adopt:

Committee Recommendation AMoU 4.1.1

- 1 The existing consultation processes for development applications and other matters in regards to public lands be noted.
  2. That the proposals contained in this report be considered and that a framework for consultation with the Bundjalung of Byron Bay, Arakwal people and other Aboriginal stakeholders be developed and that Council in the development of the framework:
    - a) Identify potential external funding sources for a Shire Wide Aboriginal Heritage Survey
    - b) Include reference to internal Council map titled "Aboriginal heritage conservation areas from draft Shire-wide LEP 2008" prior to notifying Bundjalung of Byron Bay, Arakwal of development applications
    - c) Amend Council's document *Guide to lodging a Development* to include advice to the proponent on their due diligence responsibilities under the *National Parks and Wildlife Act 1974* (NPW Act)
    - d) Develop an Aboriginal cultural heritage checklist which could be included with all DA information kits for proponents
    - e) Establish a formal agreement with the LALCs to guide ongoing engagement and consultation processes in regards to DAs, Aboriginal heritage protection and management
    - f) Formalise the process of engagement as a policy or procedure document, or integrate the process into Council's internal Integrated Planning Documents
    - g) Encourage Council staff to continue to refer discussion and consultation on the development and amendment of Council policies to the Arakwal MoU Advisory Committee
  3. That Council, when reviewing existing Plans of Management (PoM) or developing new PoMs, undertake consultation with Aboriginal Stakeholders to identify areas within the plan that may be recognised by Council as an area of cultural significance under section 36H of the Local Government Act 1993. (Woods/Richardson)
-



**14-333 Resolved** that in relation to Report 4.2 'Aboriginal Sites Identification Pamphlet', Council adopt:

Committee Recommendation AMoU 4.2.1

That consideration of the pamphlet be deferred pending further input from Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Council staff. (Woods/Richardson)

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**ENVIRONMENT AND PLANNING - COMMITTEE REPORT**

**Report No. 14.3. Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 3 July 2014**

**File No:** #E2014/45723

**14-334 Resolved:**

1. That Council note the minutes of the Biodiversity and Sustainability Advisory Committee meeting held on 3 July 2014.
  2. That in relation to Report No 5.2 – Byron Biodiversity Conservation Strategy, Council adopt the review process for the Biodiversity Conservation Strategy as described in Annexure 11(b) (#E2014/24388). (Woods/Richardson)
- 

**INFRASTRUCTURE SERVICES - COMMITTEE REPORTS**

**Report No. 14.4. Report of the Community Infrastructure Advisory Committee Meeting held on 6 June 2014**

**File No:** #E2014/37571

**14-335 Resolved** that Council note the minutes of the Community Infrastructure Advisory Committee Meeting held on 6 June 2014. (Woods/Richardson)

**14-336 Resolved** that in relation to the Committee's membership, Council adopt:

Committee Recommendation CIAC 1.1:

That Council advertise for new community members and contact anyone who has previously registered their interest in membership. (Woods/Richardson)

**14-337 Resolved** that in relation to Report No. 4.1 - Landslips - Update Report (#E2014/31727), Council adopt:

Committee Recommendation CIAC 4.1

1. That Council note the information provided in this report and that the completion date for the Upper Coopers Creek Repair on page 3 is more likely September than July.
2. That Council be advised as to whether stormwater assets associated with landslip repairs are listed on the asset register for ongoing maintenance (eg stormwater crest drain at the Upper Coopers Creek repair). (Woods/Richardson)

**14-338 Resolved** that in relation to Report No. 4.3 - Asset Management Work Order Implementation (#E2014/34779), Council adopt:

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Committee Recommendation CIAC 4.3

That Council note:

- That the Asset Management Work Order project will create a system of asset specific financial information;
  - That it will lead to work order budgeting for the 2015/16 financial year;
  - That, during the 2014/15 financial year, it will be necessary to simultaneously run the existing General Ledger budget with the new asset based ledger. (Woods/Richardson)
- 

**Report No. 14.6. Report of the Local Traffic Committee Meeting held on 25 June 2014**  
**File No: # E2014/41136**

**4.1 Removal of bollards, Albert Street, Federal Village**

**14-339 Resolved** that the advice be noted regarding the removal of bollards, Albert Street, Federal Village. (Woods/Richardson)

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**5.1 Request to consider changes to the road and intersection priorities, Tincogan Street, Mullumbimby**

**14-340 Resolved:**

1. That Council receive a report via the LTC as to the benefits and issues associated with changing the traffic route priority along the length of Tincogan Street from Station Street to Brunswick Terrace.
  2. That Council seek comments from the community in regards to this proposal with any submissions received forming part of the discussion in the above mentioned report.
  3. That Council note that at the intersection at Station Street, the Give Way orientation may be changed. (Woods/Richardson)
- 

**5.2 Request for Speed Zone Review and other traffic calming measures, Seven Mile Beach Road, Broken Head**

**14-341 Resolved:**

1. That Council not support the request for traffic calming along Seven Mile Beach Road, Broken Head.
  2. That Council, at the entrance to Seven Mile Beach Road, Broken Head install signage advising of unsealed road, no advisory speeds and drive to conditions. (Woods/Richardson)
- 

**5.3 Request for a Bus Zone in Bayshore Drive, Byron Bay**

**14-342 Resolved** that Council endorse the bus stop at the northern end of Bayshore Drive, opposite Bayshore Lane. (Woods/Richardson)

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**5.4 Request for parking restrictions, pedestrian crossing facilities and traffic calming measures, Mullumbimby Public School**

**14-343 Resolved:**

1. That Council install signage to reinforce the statutory No Stopping zones near the Mullumbimby Public School, at the intersections of Crown Street and Morrison Avenue and Crown Street and Queen Street.
  2. That Council receive a report via the Local Traffic Committee providing options to manage traffic and parking near the Mullumbimby Public School, including the proposal to make Crown Street one-way in an easterly direction, giving consideration to:
    - a) Developing concept plans for changes to parking configuration and restrictions
    - b) Design of suitable traffic calming devices
    - c) Provision of pick-up/drop-off zones
    - d) Consultation with the school, local residents and school bus service providers
  3. That Council undertake a pedestrian crossing warrant assessment for the intersection of Crown Street and Morrison Avenue.
  4. That consideration be given to extending the School Zone into Queen Street, east of Crown Street, and that the Roads and Maritime Services be asked to fund the changes to signage and pavement markings. (Woods/Richardson)
- 

**5.5 Annual Byron Lighthouse Fun Run**

**14-344 Resolved** that Council endorse the 10km Byron Lighthouse Fun Run to be held in Byron Bay on Sunday 28 September 2014, subject to:

- a) The use of an accredited designed and implemented Traffic Control Plan
  - b) Meeting of the advertising requirements of the Roads Act 1993
  - c) The event being notified on Council's website
  - d) Consideration by Council staff should any submissions be received
  - e) The proponent's lodgement of current and appropriate levels of insurance and liability cover; and
  - f) The attainment (by the event proponent) of Cape Byron Headland Trust written concurrence of the event. (Woods/Richardson)
- 

**5.6 Request for No Parking signs in 'Fingal/Booyun' Lane, Brunswick Heads**

**14-345 Resolved:**

1. That Council consult with the residents and businesses along the lane between Fingal and Booyun Streets, Brunswick Heads, from Tweed Street to Park Street regarding the proposal to install:
    - a) No Parking signs along the full length and both sides of the lane between Tweed Street and Park Street, except for the proposed Loading Zone as detailed below
    - b) a Loading Zone along the southern side of the lane from Tweed Street (from the statutory No Stopping area adjacent to the intersection) for a length of 40m, representing the length of the shopping complex frontage to this lane.
-

2. That subject to there being no objections to the proposal, Council erects the signage as detailed above.
  3. That a further report be referred to the Local Traffic Committee if there are any objections to the proposal as detailed above. (Woods/Richardson)
- 

**5.8 Request to extend No Stopping, Jubilee Avenue, Mullumbimby High School**

**14-346 Resolved:**

1. That Council install No Stopping on Jubilee Avenue, Mullumbimby between the High School pedestrian crossing and the driveway south at 1670 Coolamon Scenic Drive.
  2. That No Stopping, which applies 8am to 9.30am and 2.30pm to 4pm school days only, be installed within the vehicle turn around area located south-west of the pedestrian crossing on Jubilee Avenue.
  3. That the request for path, fencing and changes to egress from student and staff car parks opposite the Mullumbimby High School be noted and investigated and reported back to the Local Traffic Committee if, as and when required.
  4. That Council, in consultation with the High School, investigate and design proposed improvements to the pedestrian crossing, such as blisters and at grade level treatment, and that funding may be available from the RMS 'Safety Around Schools' program. (Woods/Richardson)
- 

**5.9 NAIDOC Celebration, Street Walk and Family Day, Jonson Street, Byron Bay**

**14-347 Resolved** that Council endorse the NAIDOC Celebration, Street Walk and Family Day to be held in Byron Bay on Thursday 10 July 2014, subject to the:

- a) use of an accredited designed and implemented Traffic Control Plan, OR under Police escort
- b) event being advertised
- c) event being notified on Council's website
- d) consideration of any submissions received
- e) proponent's lodgement of current and appropriate levels of insurance and liability cover; and
- f) attainment (by the event proponent) of written authority to hold the street walk from the Police. (Woods/Richardson)

**14-348 Resolved** that Local Traffic Committee minutes are reported to Council prior to any undertaking of the items they contain unless Council specifically resolve otherwise. (Woods/Richardson)

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**Late Item 8.1 Mullumbimby Living Community Festival Parade**

**14-349 Resolved:**

1. That the temporary traffic arrangements proposed for the Living Community Festival street parade in Mullumbimby for Sunday 7 September 2014 be endorsed, including the temporary road closure of:
    - a) Station Street, between Burringbar Street and Council's car park;
-

- b) Burringbar Street, between Station Street and Dalley Street;
  - c) Dalley Street, between Burringbar Street and Whian Street;
  - d) Whian Street, between Dalley Street and Station Street;
  - e) Stuart Street, between Whian Street to end.
2. That the organisers be responsible for implementing a Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.
  3. That public liability insurance be in place for the sum of at least \$20 million.
  4. That the event be advertised in accordance with the Roads Act charged at cost to the organisers.
  5. That the event be notified on Council's website.
  6. That the festival organisers be notified that they need to provide notice to Council at least three months prior to future events. (Woods/Richardson)
- 

**Report No. 14.7. Report of the Water, Waste and Sewer Advisory Committee Meeting held on 1 July 2014**

**File No:** #E2014/43164

**14-350 Resolved** that Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 1 July 2014. (Woods/Richardson)

**14-351 Resolved** that in relation to Report No. 4.1. - NSW Office of Water TBL Performance Reports Water and Sewerage 2012-13 (#E2014/34186), Council adopt:

Committee Recommendation WWS 4.1

That the Committee note the report and the associated NSW comparative Water Supply and Sewerage Triple Bottom Line Performance Reports for 2012-13. (Woods/Richardson)

**14-352 Resolved** that in relation to Report No. 4.2. - Trade Waste Policy and Operations Update (#E2014/8244), Council adopt:

Committee Recommendation WWS 4.2

That Council adopt the Liquid Trade Waste Policy (#E2013/69343) and Guidelines (#E2013/69815). (Woods/Richardson)

**14-353 Resolved** that in relation to Report No. 4.3. - Backflow Prevention Project and Policy (#E2014/38659), Council adopt:

Committee Recommendation WWS 4.3

1. That Council note:
    - a) the Backflow Prevention Project and its progress
    - b) the previously adopted Drinking Water Quality Management Plan
  2. That the draft Backflow Prevention Policy be reviewed prior to submission to Council in September, with the following issues being part of the review:
-

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- a) whether, as a minimum, commercial and industrial premises are fitted with testable devices
- b) that residential premises with a 20mm service be required to fit a non-testable device (as would occur through the meter replacement program)
- c) what hazard assessment criteria will be used (Woods/Richardson)

**14-354 Resolved** that in relation to Report No. 4.4. - Change of name to the Myocum Landfill (#E2014/38203), Council adopt:

Committee Recommendation WWS 4.4

That Council rename the Myocum Landfill to the Byron Resource Recovery Centre. (Woods/Richardson)

**14-355 Resolved** that in relation to Report No. 4.5. - Waste & Resource Collection Contract 2015 (#E2014/39687), Council adopt:

Committee Recommendation WWS 4.5

That the report be received and noted. (Woods/Richardson)

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## CORPORATE AND COMMUNITY SERVICES - CONFIDENTIAL REPORT

**Report No. 15.1. CONFIDENTIAL Request to waive Water and Sewerage Fixed Charges - Assessment 46809**

**File No:** #E2014/47647

**14-356 Resolved:**

1. That Council not accede to the request from the Seventh Day Adventist Church to waive or reduce by 50% the fixed water and sewerage charges for their property at 97 Jonson Street Byron Bay.
  2. That the report of the closed part of the meeting remain confidential. (Woods/Richardson)
- 

## INFRASTRUCTURE SERVICES - CONFIDENTIAL REPORTS

**Report No. 15.3. CONFIDENTIAL Tender Assessment - Supply of Advertising Bus Shelters 2013-0042**

**File No:** #E2013/44170

**14-357 Resolved:**

1. That Council decline to accept any of the tenders for the Supply of Advertising Bus Shelters 2013-0042 because:
    - a) the tender process may not have adequately tested the market and Council cannot be sure at this time, given the proposed length of contract term, that it will achieve best value for the community;
    - b) alternative methods of delivery of the services be considered and/or the project scope revised to ascertain if more beneficial outcomes for the community can be achieved over the long term.
-

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2. That Council cancel the proposal for the contract for the Supply of Advertising Bus Shelters 2013-0042.
  3. That Council makes public its decision, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005. (Woods/Richardson)
- 

**Report No. 15.4. CONFIDENTIAL Tender Assessment - Possum Shoot Road Upper 2013-0044**

**File No:** #E2014/47757

**14-358 Resolved:**

1. That Council award Tender Possum Shoot Road Upper 2013-0044 to Specialised Geo Pty Ltd for \$407,708.00 including GST.
  2. 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. (Woods/Richardson)
- 

PROCEDURAL MOTION

- 14-359 Resolved** that the order of business be changed to deal with items discussed during Public Access, those being items 9.2, 9.3, 9.4, 9.5, 9.6, 9.7 and 9.8 next on the Agenda. (Cubis/Richardson)

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

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## NOTICES OF MOTION

*This Notice of Motion was deferred from the Ordinary Meeting held on 12 June 2014 and has been updated.*

**Notice of Motion No. 9.2 Affordable Housing**

#E2014/49146

**14-360 Resolved** that Council:

1. Evaluate Council's policy of waiving S94 contributions for secondary dwellings as a means to support affordable housing and provide recommendations to strengthen affordability outcomes of secondary dwellings.
  2. Provide a report on the possibility of establishing a requirement that the waiving of S94 contributions for secondary dwellings be linked to the provision of affordable housing within the Shire.
  3. Consider affordable housing requirements within Council's Town Master Plans, Strategic Planning and Growth Management review process, including, but not being limited to:
    - a) New urban areas identified for housing, in particular the increased development of laneways
    - b) Secondary dwelling planning and development control provisions
    - c) Any potential new housing cluster or hamlet identification and subsequent rezoning.
    - d) Consideration of dual occupancy and lot size provisions for affordable housing.
-

4. Undertakes an audit on secondary dwellings (granny flats) in Byron Bay to identify secondary dwellings being used for holiday letting, noting the requirement within resolution 11-268 that the applicant who, "has applied for a secondary dwelling or granny flat" and is, "specifically advised that the development is not to be used for tourism purposes and accepts a condition of consent to the same effect." (Richardson/Spooner)

AMENDMENT

Moved:

1. That Council consider affordable housing requirements within Council's Town Master Plans, Strategic Planning and Growth Management review process, including, but not being limited to:
  - a) New urban areas identified for housing, in particular the increased development of laneways
  - b) Secondary dwelling planning and development control provisions
  - c) Any potential new housing cluster or hamlet identification and subsequent rezoning.
  - d) Consideration of dual occupancy and lot size provisions for affordable housing.
2. That Council investigate the option of fixed charge for the erection of granny flats and that Council provide a report to Council with regard to this. (Woods/Hunter)

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

*Crs Ibrahim, Dey, Cubis, Richardson, Cameron, Wanchap, Spooner and Hunter voted against the amendment.*

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

---

**Notice of Motion No. 9.3. Alternate Bypass route for Byron Bay**

#E2014/48546

Moved: That Council:

1. Reaffirm its commitment under Resolution 13-139 of March 2013 to a road bypass to be built as soon as possible from the police roundabout (Shirley Street) to Browning Street.
2. Seek confirmation in a written response within a month from the State government that:
  - a) the State will make land permanently available within the multi-modal rail corridor for such a bypass, and
  - b) the State will fund the provision of that land.
3. Subject to positive outcomes to Part 2 of above, consider, within or separately from current EIS investigations for the bypass, an alternative route closer to but not on the railway embankment. (Dey/Richardson)

AMENDMENT

Moved: That Council reaffirm its commitment under Resolution 13-139 of March 2013 to a road bypass to be built as soon as possible from the police roundabout (Shirley Street) to Browning Street. (Hunter/Cubis)



PROCEDURAL MOTION

- 14-361 Resolved** that Cr Dey be granted a one minute extension to his speech. (Woods/Wanchap)

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

---

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

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

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

*Crs Ibrahim, Cubis, Woods, Cameron, Wanchap, Spooner and Hunter voted against the motion.*

FORESHADOWED MOTION

- 14-362 Resolved** that Council:

- a) Include Byron Street in the "Kendall to Butler Street corridor, and any associated railway land between Shirley and Browning Street" for consideration in the development of the Byron Bay Master Plan; and
- b) Council make any necessary representations and expressions of interest on the subject land for the purposes of future planning for the pedestrian, parking, transit, and general traffic improvements in this area. (Cubis/Woods)

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

*Cr Dey voted against the motion.*

*The meeting adjourned at 12.20pm for lunch and reconvened at 1.05pm.*

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**Notice of Motion No. 9.4. Bay Street Ring Road (the Bay 1)**

#E2014/48587

- 14-363 Resolved** that a report be brought to Council to consider a temporary trial to coincide with the Summer in the Bay festivities for a 9 day period from the 27 December 2014 to the 4 January 2014:

- a) Return Bay Street to two-way traffic from Middleton Street through to the northern end of the Lawson Street North car park before the coming summer holiday season 2014.
  - b) Make Jonson Street between Bay and Lawson Street into a mall by restricting all vehicle traffic other than commercial/retail vehicles from entering.
  - c) Link Bay Street to Jonson/Shirley/Ewingsdale Road through the Lawson Street North Car Park to create the ring road (The Bay1).
  - d) That funding of \$15,000 be requested to be made available from either/or the following funds: the Summer in the Bay festivities, including New Year's Eve Soul Street, New Year's Day First Sun and the Park and Ride subject to availability.
  - e) That the "Soul Street" event be relocated to the pedestrian precinct and costs associated with closure could be restricted to a minimum of signage and traffic barriers to prevent vehicular access and funding at no more than \$10,000 to be sourced from the "Soul Street" budget. (Wanchap/Hunter)
-

PROCEDURAL MOTIONS

- 14-364 Resolved** that Cr Wanchap be granted a three minute extension to her speech.  
(Richardson/Cameron)

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

- 14-365 Resolved** that Cr Richardson be granted a one minute extension to his speech. (Cameron/Dey)

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

---

AMENDMENT

Moved: That the following proposals be considered during the Byron Town Centre Master Plan:

- a) Return Bay Street to two-way traffic from Middleton Street through to the northern end of the Lawson Street North car park before the coming summer holiday season 2014.
- b) Make Jonson Street between Bay and Lawson Streets into a mall by restricting all vehicle traffic other than commercial/retail vehicles from entering.
- c) Link Bay Street to Jonson/Shirley/Ewingsdale Road through the Lawson Street North Car Park to create the ring road (The Bay1).  
(Richardson/Spooner)

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

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

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

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

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**Notice of Motion No. 9.5. Multi-level Three-storey car park at the Lawson Street North car park**

#E2014/48601

*There was no mover for the motion.*

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**Notice of Motion No. 9.6. Two lanes into Byron Bay**

#E2014/48575

**14-366 Resolved:**

1. That Council ask for a report to be brought back to the 18 September 2014 Council Ordinary Meeting to examine the potential for the creation of a second in-going traffic lane into the CBD of Byron Bay along Ewingsdale/Shirley/Lawson Streets from Kendall Street through to Jonson Street before the coming summer holiday season 2014.
  2. That the report include commentary as to how such a proposal may support or enhance the Park and Ride project with possible funding being considered from the Park and Ride budget.  
(Wanchap/Woods)
-

AMENDMENT

Moved: That a proposal to create a second in-going traffic lane into the CBD of Byron Bay along Ewingsdale/Shirley/Lawson Street from Kendall Street through to Jonson Street be considered during the Byron Town Centre Master Plan process.

(Richardson/Cameron)

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

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

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

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

---

PROCEDURAL MOTION

**14-367 Resolved** that the order of business be changed to discuss Report 13.6 next on the Agenda.

(Cubis/Woods)

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

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**CORPORATE AND COMMUNITY SERVICES – DIRECTOR'S REPORT**

**Report No. 13.6. Grant awarded for CCTV in Apex Park and Jonson Street project**

**File No:** #E2014/49979

Moved:

1. That Council accept the offer of a grant of \$200,000 under section 298 of the *Proceeds of Crime Act 2002 (POCA)* for the *CCTV in Apex Park and Jonson Street* project.
2. That Council, should it determine to accept the grant offer detailed in part 1 of the recommendation, consider the allocation of funding of up to the amount necessary for ongoing monitoring/operations and additional lighting as part of a future Quarterly Budget Review or Annual Budget process, consistent with the project delivery timetable identified in the funding agreement. (Cubis/Woods)

AMENDMENT

Moved:

1. That Council accept the offer of a grant of \$200,000 under section 298 of the *Proceeds of Crime Act 2002 (POCA)* for the *CCTV in Apex Park and Jonson Street* project.
2. That Council consider the allocation of funding of up to the amount necessary for ongoing monitoring/operations as part of a future Quarterly Budget Review or Annual Budget process, consistent with the project delivery timetable identified in the funding agreement.
3. That Council request the following amendments to the draft Commonwealth Grant Agreement (Annexure 20(b) #E2014/51438):
  - a) In Deliverable i. delete the reference to 'live' monitoring'.
  - b) The Activity Schedule in point 7, need to be amended to have 'steps 3, 4 & 5' changed to 'steps 2, 3 & 5'
  - c) Payment 4 in Payment Schedule in D. Payment of the Grant be aligned to Milestone #11, being the Final Report.
  - d) The Project Budget be amended to the amount of the Grant offered of \$200,000, and that any reference to an in-kind contribution by Council of \$50,000 in the draft

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Agreement be deleted, including under G1 Other Contributions, G2 Activity budget in both the Income and Expenditure Tables.

- e) The number of CCTV cameras at each of the Project locations be reduced by 3 and the Project Budget amended as follows:

Recording & Storage System (including WiFi setup and installation)	\$38,000
CCTV installation Apex Park (including 8 cameras)	\$58,500
CCTV installation Jonson Street (including 8 cameras)	\$58,500
Additional lighting	<u>\$45,000</u>
	\$200,000

(Dey/Ibrahim)

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

*Cr Cameron voted against the amendment.*

---

## PROCEDURAL MOTION

- 14-368 Resolved** that Cr Richardson be granted a two minute extension to his speech.

(Cameron/Spooner)

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

*Crs Ibrahim, Cubis, Woods and Hunter voted against the motion.*

---

## FORESHADOWED AMENDMENT

- 14-369 Resolved:**

1. That Council accept the offer of a grant of \$200,000 under section 298 of the *Proceeds of Crime Act 2002 (POCA)* for the *CCTV in Apex Park and Jonson Street* project.
2. That Council consider the allocation of funding of up to the amount necessary for ongoing monitoring/operations as part of a future Quarterly Budget Review or Annual Budget process, consistent with the project delivery timetable identified in the funding agreement.
3. That Council request the following amendments to the draft Commonwealth Grant Agreement (Annexure 20(b) #E2014/51438):
  - a) In Deliverable i. delete the reference to 'live' monitoring'.
  - b) The Activity Schedule in point 7, need to be amended to have 'steps 3, 4 & 5' changed to 'steps 2, 3 & 5'
  - c) Payment 4 in Payment Schedule in D. Payment of the Grant be aligned to Milestone #11, being the Final Report.
  - d) The Project Budget be amended to the amount of the Grant offered of \$200,000, and that any reference to an in-kind contribution by Council of \$50,000 in the draft Agreement be deleted, including under G1 Other Contributions, G2 Activity budget in both the Income and Expenditure Tables.
  - e) The number of CCTV cameras at each of the Project locations be reduced by 3 and the Project Budget amended as follows:

Recording & Storage System (including WiFi setup and installation)	\$38,000
CCTV installation Apex Park (including 8 cameras)	\$58,500
CCTV installation Jonson Street (including 8 cameras)	\$58,500
Additional lighting	<u>\$45,000</u>
	\$200,000

4. That, in order to enhance the effectiveness of the CCTV project and for safety in Byron Bay:

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- a) Council allocate funding of \$15,000 per year from the General Fund to the Byron Youth Service 'Street Cruise Program' beginning in the 2015/16 financial year to support safer streets for our young people.
- b) Council identify possible funding sources to support the Byron street cruise program from the time its federal funding ceases until the beginning of the 2015/2016 financial year. (Spooner/Richardson)

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

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

*Cr Cameron voted against the motion.*

## FORESHADOWED MOTION

**14-370 Resolved** that Council:

1. Seek partners committed to on-going operating costs of the CCTV system (estimated at \$80,000 per year) and/or find partners to collect the data and maintain the system (eg NSW Police).
2. Receive a report on the progress of part 1 of this resolution, prior to Milestone 8 within the Commonwealth Grant Agreement. (Richardson/Dey)

*Cr Wanchap left the meeting at 3.45pm and did not return.*

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

*Crs Ibrahim and Woods voted against the motion.*

---

## PROCEDURAL MOTION

**14-371 Resolved** that the order of business be changed to discuss Item 9.8 next on the agenda. (Spooner/Cubis)

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

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## NOTICE OF MOTION

**Notice of Motion No. 9.8. Surf Safety**

#E2014/47856

**14-372 Resolved** that Council:

1. Establish surf safety signage based on Resolution 12-565 on all beach access pathways within the Byron Shire.
2. Seek funding from Coastal Crown Reserve funds. (Spooner/Richardson)

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

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## PROCEDURAL MOTION

**14-373 Resolved** that the order of business be changed to discuss Items 9.7 and 13.2 at a later time in the meeting. (Richardson/Cameron)

*The meeting adjourned at 4.00pm for a break and reconvened at 4.20pm. Crs Spooner and Cubis were not present at the resumption of the meeting.*

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**MAYORAL MINUTE**

*There was no Mayoral Minute.*

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**NOTICES OF MOTION**

*This Notice of Motion was deferred from the Ordinary Meeting held on 12 June 2014.*

**Notice of Motion No. 9.1 Trans Pacific Partnership (TPP)**

#E2014/34684

**14-374 Resolved** that Council:

1. Call on the Commonwealth Trade Minister to release the draft Trans Pacific Partnership (TPP) agreement for public consultation and parliamentary consideration prior to it being agreed to by Cabinet.
2. Request that the Trade Minister ensure that the TPP agreement does not contain provisions which:
  - a) Enable a foreign investor to sue governments for damages over policy, laws or regulations at the local government level
  - b) Restrict local government policies which encourage local employment, support local economic and industry development and encourage good employment practices and initiatives
  - c) Restrict local government policies which encourage good environmental practices and initiatives
  - d) Restrict local government supply and regulation of services or require the commercialisation of services
  - e) Prevent local government procurement policy from giving preference to local suppliers
3. Write to LGNSW and the National General Assembly of Local Government seeking their support for the resolution and any assistance.
4. Authorise Council's delegates to the LG NSW Annual Conference 2014 to share and discuss this motion if opportunities arise.
5. Send this resolution as a submission to the Commonwealth Trade Minister.  
(Richardson/Ibrahim)

*Cr Cubis returned to the meeting at 4.24pm and Cr Spooner returned at 4.28pm.*

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

---

**PROCEDURAL MOTION**

**14-375 Resolved** that the order of business be changed to discuss Item 9.7 next on the Agenda.  
(Richardson/Cubis)

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

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**Notice of Motion No. 9.7. Busking Policy Review**

#E2014/47849

**14-376 Resolved:**

1. That Council undertake a review of the Busking Policy (No 5.57) to consider whether:
  - a) Silent busking can be included in the definitions as a permissible activity in the policy;
  - b) Silent busking can be exempt from condition 4.3.5 of the policy;
  - c) Silent busking can be permissible until midnight in suitably designated busking sites;
  - d) A statutory declaration section on the application form is a requirement of the Australian Taxation Office.
  
2. That if staff recommend that 1(a)-(d) are not appropriate, provide any recommendations that would enable the activity known as silent disco to occur outside the Busking Policy.

(Spooner/Richardson)

*Crs Woods and Cubis left the Chambers at 5.00pm.*

*The motion was put to the vote and declared carried.  
Crs Woods and Cubis were not present for the vote.*

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**PETITIONS**

*There were no petitions tabled.*

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**Correspondence and Petitions No. 10.1. Rezoning/Development of West Byron**

**File No:** #E2014/43501

**14-377 Resolved:**

1. That the proposed petition and covering letter regarding the proposed development at West Byron be noted.
  
2. That Byron Residents' Group be advised of Council's resolution 14-270 of 12 June 2014.

(Richardson/Dey)

*The motion was put to the vote and declared carried.  
Crs Woods and Cubis were not present for the vote.*

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**SUBMISSIONS AND GRANTS**

*There were no submissions or grants tabled.*

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**DELEGATES' REPORT**

**1. Arts Northern Rivers**

Cr Spooner advised Council that he has been appointed the Chair of Arts Northern Rivers.

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**CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS**

**Report No. 13.1. Mayor and Councillors Payment of Expenses and Provision of Facilities Policy 1.1**

**File No:** #E2014/46307

**14-378 Resolved:**

1. That Council amend the draft Policy Mayor and Councillors Payment of Expenses and Provision of Facilities shown at Annexure 17 (#E2014/46393) in Section 6.2.3 as follows:
  - i) add a new part (b) "maximum of \$1,000 in the second or third year of office, for purchase of equipment, software licenses and line equipment";
  - ii) change part (b) to part (c) and reduce the amount to \$1,000;
  - iii) change (c) to (d).
  
2. That in accordance with Section 253(5) of the Local Government Act 1993, Council gives public notice of its intention to adopt the amended Policy Mayor and Councillors Payment of Expenses and Provision of Facilities as described in Part 1 above and allow at least 28 days for the making of public submissions.
  
3. That after close of the exhibition period:
  - a) any submissions received, along with the Policy, be reported back to Council; or
  - b) in the event that no submissions are received, the Policy will be adopted and a copy forwarded to the Director General in accordance with Section 253(4). (Dey/Ibrahim)

*Cr Cubis returned to the Chambers at 5.10pm and Cr Woods returned at 5.13pm.*

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

**Report No. 13.2. Section 356 Donations - Assistance for Festivals and Community Functions in 2014/2015**

**File No:** #E2014/46224

**14-379 Resolved:**

1. That the report be noted.
  
2. That under Council's Policy Assistance for Festivals and Community Functions, the following donations be granted for the 2014-2015 financial year, to assist with Council's costs for road closures and provision of litter bins:
 

1. Byron Lighthouse Run, 28 September 2014, Byron Bay	\$350
2. Bangalow Billy Cart Derby, 17 May 2015 Bangalow	\$600
3. Mullum to Bruns Paddle, May 2015, Brunswick River	\$600
4. Bangalow Christmas Eve Parade 24 December 2014 Bangalow	\$600
5. Festival of the Fish and Chips – Twilight Market Component 17 December 2014	\$600
6. White Ribbon Day/DV Event Nov 2014 Railway Park Byron Bay	\$600
7. St Finbarr's Christmas Fair, 6 December 2014, Byron Bay	\$400
8. Living Community Festival and Street Parade 7 September 2014 Mullumbimby	<u>\$600</u>
	Total \$4,350



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3. That the applicants be advised that they will be responsible for payment of any costs associated with Council exceeding the amount donated.
4. That Council advertise the donations proposed to be made, in accordance with Section 356 of the Local government Act 1993. (Spooner/Richardson)

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

## FORESHADOWED MOTION

### **14-380 Resolved:**

1. That the following donation be funded in 2014-2015 financial year from Water and Sewer Funds:
  - Rous Water Big Scrub Open Day - \$285
2. That Council advertise the donation proposed to be made, in accordance with Section 356 of the Local government Act 1993. (Woods/Cubis)

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

## FORESHADOWED MOTION

Moved: That Council allocate a minimum of \$50,000 of the General Fund to a budget dedicated to funding proposals received under Policy 3.13 Donations to Community Organisations Other Groups and Persons. This to commence in the 2015/16 financial year. (Spooner/Richardson)

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

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## PROCEDURAL MOTIONS

Moved: That Council extend the meeting past 6.00pm until 6.30pm. (Dey/Spooner)

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

- 14-381 Resolved** that the order of business be changed to discuss Report 15.2. next on the Agenda. (Richardson/Cameron)

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

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**Report No. 15.2. CONFIDENTIAL Tender Assessment – Management of First Sun and Suffolk Beachfront Holiday Parks 2014-0004**  
**File No: #E2014/49507**

### **14-382 Resolved:**

1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Tender Assessment – Management of First Sun and Suffolk Beachfront Holiday Parks 2014-004.

2. That the reasons for closing the meeting to the public to consider this item be that:
  - a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
  - b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor, or reveal a trade secret.
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
  - a) Disclosure of the confidential information could adversely affect Council's ability to contract with preferred tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited;
  - b) Tender respondents have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tender respondents could result in the withholding of such information by those respondents and a reduction in the provision of information relevant to Council's decision.
4. In accordance with Sections 10A(4) of the *Local Government Act 1993*, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed. (Dey/Woods)

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

**CONFIDENTIAL SESSION**

**14-383 Resolved:**

1. That in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders submitted for the Management of First Sun Holiday Park and Suffolk Beachfront Holiday Park (Tender No 2014-0004).
2. That in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005, Council:
  - a) delegate to the General Manager the authority to enter into without obligation, negotiations with a person with a view to entering into a contract(s) in relation to the subject matter of Tender 2014-0004).
  - b) note the reasons for entering direct negotiations include:
    - i) Council has pursued an open competitive process without success;
    - ii) Council has offered the management contract on a combined basis for First Sun Holiday Park and Suffolk Beachfront Holiday Park in open competitive process, and it is unlikely a further tender process would derive a different result to the first tender outcome.
    - iii) The operations of both First Sun Holiday Park and Suffolk Beachfront Holiday Park need to be maintained on a continuing basis and that an updated Management Contract needs to be established to replace the contracts that have been in place since 2006 for the Suffolk Beachfront Holiday Park and 2010 for the First Sun Holiday Park.
    - iv) Inviting fresh applications in accordance with Clause 167, 168 or 169 of the Local Government (General) Regulation 2005 based on the same or different details is not considered an option, as Council only received three tenders in

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the first process, and after testing the market, all Tender submissions received were assessed as non compliant.

- v) Inviting fresh applications in accordance with Clause 168 and Clause 169 of the Local Government (General) Regulation 2005 from persons interested in tendering for a proposed contract of the same kind, is not considered an option, as the Management Contract for operation and undertaking capital works in relation to multiple Holiday Parks is considered too specialised to achieve the economic benefit sought by Council.
- 3. That Council makes public its decision in accordance with Regulation 179(b) of the Local Government (General) Regulation 2005.
- 4. That Council allow a further extension of the existing management contracts (if required) for both First Sun Holiday Park and Suffolk Beachfront Holiday Park up to a further three months to allow direct negotiations to be completed. (Dey/Woods)

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

*The meeting closed at 6.07pm. The following items were referred to the Ordinary Meeting of 28 August 2014.*

- 13.5. Year to Date Finance Report – June 2014
- 13.10. Water, Waste and Sewer Advisory Committee - Community Representative Nominations
- 14.5. Report of the Transport Advisory Committee Meeting held on 24 June 2014
- 14.6. Report of the Local Traffic Committee Meeting held on 25 June 2014
  - 5.7 Proposed Stop Sign, Intersection of Coolamon Scenic Drive and Coorabell Road
  - 5.10 Request for 15-minute parking limit, Park Street, Brunswick Heads
  - 8.2 Parking Study – Byron Bay

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I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 28 August 2014.

.....  
Mayor Simon Richardson