



Byron Shire Council



Minutes

Ordinary Meeting

Thursday, 18 September 2014

BYRON SHIRE COUNCIL

Ordinary Meeting Minutes
18 September 2014

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BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

18 SEPTEMBER 2014 (1 of 16)

MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 18 SEPTEMBER 2014 COMMENCING AT 9.10AM AND CONCLUDING AT 1.01PM
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#E2014/60806

PRESENT: Cr S Richardson (Mayor) (arrived at 9.49am), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter, Cr S Ibrahim (arrived at 9.13am), Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Trish Kirkland (Manager Governance Services)
Phil Holloway (Director Infrastructure Services)
Ray Darney (Executive Manager Environment and Planning)
Shannon McKelvey (Executive Manager Organisation Development)
Mila Jones (Minute Taker)

The Mayor previously advised that he would be arriving late to the Meeting. In the absence of the Mayor, the Deputy Mayor took the Chair.

The Deputy 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.

PUBLIC ACCESS

There were no requests for public access or submissions.

APOLOGIES

There were no apologies.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

The Director Corporate and Community Services, Mark Arnold, declared a pecuniary interest in Report 13.8, the nature of the interest being that a family member holds a Byron Shire Council busking permit. The Director elected to leave the meeting during the Councillor discussion and vote.

TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

14-431 Resolved that the Minutes of the following meetings be confirmed:

- Ordinary Meeting held 28 August 2014
- Byron Shire Reserve Trust Committee Meeting held 28 August 2014 (Woods/Hunter)

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:

STAFF REPORTS

Corporate and Community Services

- 13.1. Election of Deputy Mayor 2014-2015
- 13.5. Review of Councillor representation on Council's Committees
- 13.7. Byron Recreation Ground
- 13.8. Review of Busking Policy
- 13.10. Year to Date Finance Report – August 2014

Infrastructure Services

- 13.13. Community Infrastructure Advisory Committee – Community Representative Nominations

REPORTS OF COMMITTEES

General Manager

- 14.1. Report of the Tourism Advisory Committee Meeting held on 15 August 2014

CONFIDENTIAL REPORTS

Infrastructure Services

- 15.2. CONFIDENTIAL Tender Assessment for Provision of Surf Life Saving Services 2014/2015 to 2015/2016
- 15.3. CONFIDENTIAL Tender Assessment – Hire of Crusher and Plant for Myocum Quarry 2014-0019

The remaining Recommendations and Committee Recommendations were adopted as a whole, being moved by Cr Woods and seconded by Cr Wanchap. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 14-432 and concluding with Resolution No. 14-449.

CORPORATE AND COMMUNITY SERVICES –STAFF REPORTS

Report No. 13.2. Byron Shire Sports Stakeholder Forum – 26 August 2014

File No: #E2014/56782

- 14-432 Resolved** that Council receive and note the meeting notes and actions from the Byron Shire Sports Stakeholder Forum held on 26 August 2014. (Woods/Wanchap)

Report No. 13.3. Report of the Safe Summer in the Bay PRG Meeting held on 22 August 2014

File No: #E2014/56110

14-433 Resolved:

- 1. That Council note the minutes of the first Safe Summer in the Bay Project Reference Group meeting held on 22 August 2014.

2. That Council amend the Safe Summer in the Bay PRG Terms of Reference as follows:
- a) delete Bundjalung of Byron Bay (Arakwal) Corporation invited member, on the advice of the Corporation;
 - b) delete Byron Youth Service as an invited member due to changes at Byron Youth Service which may make their involvement difficult, noting that Byron Youth Service are welcome to attend meetings and be involved where possible;
 - c) delete the two community representatives, noting that following an extended call for nominations for community representatives, no nominations were received.
- (Woods/Wanchap)
-

Report No. 13.4. Establishment of Australia Day 2015 Project Reference Group
File No: #E2014/58468

14-434 Resolved:

1. That Council participate in the Australia Day Council Ambassador Program for 2015 Australia Day Activities.
 2. That the objectives for the Australia Day 2015 Project Reference Group, as outlined in this report, be adopted.
 3. That the Constitution for the Australia Day PRG (#E2014/58472) shown at Annexure 17 be adopted.
 4. That Council invite the following organisations to nominate representatives to be a member on the Australia Day PRG.
 - Byron Bay Rural Fire Brigade, Suffolk Park
 - Bangalow Historical Society
 - Rotary Club of Byron Bay
 - Quota International of Brunswick Valley Inc
 - Brunswick Mullumbimby Lions Club
 - Ocean Shores Community Association
 - Brunswick Valley Historical Society
 - Sisters for Reconciliation
 - Australia Day Paddle
- (Woods/Wanchap)
-

Report No. 13.6. Section 355 Management Committee - change to membership
File No: #E2014/57829

14-435 Resolved:

1. That the report be noted.
 2. That with regard to the Byron Library Exhibition Space Section 355 Management Committee, Council appoint Margaret White to the Section 355 Committee for this term of Council ending September 2016.
- (Woods/Wanchap)
-

Report No. 13.9. Investments – August 2014

File No: #E2014/57349

- 14-436 Resolved** that the report listing Council's investments and overall cash position as at 31 August 2014 be noted. (Woods/Wanchap)

ENVIRONMENT AND PLANNING – STAFF REPORT

Report No. 13.11. PLANNING Section 94 Allocation of budget for Ewingsdale Hall for upgrading works

File No: #E2014/55576

- 14-437 Resolved** that Council allocate a budget of \$17,000 from the Byron Bay/Suffolk Park Catchment Community Facilities account for the upgrading works at Ewingsdale Hall. (Woods/Wanchap)

The motion was put to the vote and declared carried.

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

No Councillors voted against the motion.

INFRASTRUCTURE SERVICES – STAFF REPORTS

Report No. 13.12. Backflow Prevention Policy

File No: #E2014/53124

14-438 Resolved:

1. That the Draft Backflow Prevention Policy be placed on public exhibition for 30 working days for the purpose of community consultation in accordance with Section 160 of the Local Government Act 1993.
2. That Council receive a further report in late 2014 addressing any comments received during the exhibition period and presenting a final draft Backflow Prevention Policy for adoption by Council or, in the event that no submissions are received, adopt the documents as exhibited. (Woods/Wanchap)

CORPORATE AND COMMUNITY SERVICES - COMMITTEE REPORTS

Report No. 14.2. Report of the Internal Audit Advisory Committee Meeting held on 21 August 2014

File No: #E2014/56664

14-439 Resolved:

1. That Council note the minutes of the Internal Audit Advisory Committee Meeting held on 21 August 2014.
2. That in relation to Report No. 4.1 - Internal Audit Report – Audit Committee August 2014, Council adopt:

Committee Recommendation IAC 4.1.

That Council receive and note the Internal Audit Report – Audit Committee (August 2014) (Annexure 2 #E2014/52869) prepared by the Internal Auditor, Grant Thornton.
(Woods/Wanchap)

14-440 Resolved that in relation to Report No. 4.2 – Internal Audit Report – Independent Compliance Audit Report – Compliance with the Roads and Maritime Services of NSW DRIVES Terms of Access Agreement, Council adopt:

Committee Recommendation IAC 4.2.1

- a) That the Independent Compliance Audit Report – Compliance with the Roads and Maritime Services of NSW DRIVES Terms of Access Agreement be noted by Council, including the responses and actions detailed by Management.
- b) That Management implement the recommendations detailed in the report and also identified at Annexure 3 (#E2014/50523). (Woods/Wanchap)

14-441 Resolved that in relation to Report No. 4.3 - Internal Audit Report – Dealing with Emergencies Review 2014, Council adopt:

Committee Recommendation IAC 4.3.1

- a) That the Internal Audit Report – Dealing with Emergencies Review May 2014 be noted by Council, including responses and actions detailed by Management.
- b) That Management implement the recommendations suggested in the report identified at Annexure 1 (#E2014/43644). (Woods/Wanchap)

14-442 Resolved that in relation to Report No. 4.4 - Internal Audit Report - Water Supply and Sewer Infrastructure, Council adopt:

Committee Recommendation IAC 4.4.1

- a) That the Internal Audit Report – Water Supply and Sewer Infrastructure May 2014 be noted by Council, including responses and actions detailed by Management.
- b) That Management implement the recommendations suggested in the report identified at Annexure 4 (#E2014/50494). (Woods/Wanchap)

Report No. 14.3. Report of the Finance Advisory Committee Meeting held on 21 August 2014

File No: #E2014/56665

14-443 Resolved:

1. That Council note the minutes of the Finance Advisory Committee Meeting held on 21 August 2014.
2. That in relation to Report No 4.1 – Update on Byron Regional Sport and Cultural Complex (BRSCC) Projects, Council adopt:

Committee Recommendation FAC 4.1.1

That Council receive and note this Report. (Woods/Wanchap)

- 14-444 Resolved** that in relation to Report No 4.3 – Update Draft Updated Long Term Financial Plan 2014-2024, Council adopt:

Committee Recommendation FAC 4.3.1

That a report be provided to Council with the updated Draft Byron Shire Council Long Term Financial Plan 2014-2024 incorporating the assumptions and scenarios indicated in this report. (Woods/Wanchap)

- 14-445 Resolved** that in relation to Report No 4.5 –2013/14 Financial Sustainability Project Plan – Final Update on the Action Implementation Plan to 30 June 2014, Council adopt:

Committee Recommendation FAC 4.5.1

That the final update report to 30 June 2014 on the 2013/2014 Financial Sustainability Project Plan Acton Implementation Plan be received and noted. (Woods/Wanchap)

ENVIRONMENT AND PLANNING - COMMITTEE REPORTS

Report No. 14.4. Report of the Planning Review Committee Meeting held on 19 August 2014

File No: #E2014/55007

- 14-446 Resolved** that the report be noted. (Woods/Wanchap)
-

GENERAL MANAGER - CONFIDENTIAL REPORTS

Report No. 15.1. CONFIDENTIAL Tender Assessment - Byron Bay Town Centre Masterplan 2014-0001

File No: #E2014/53528

- 14-447 Resolved:**

1. That Council award the Tender for the Byron Bay Town Centre Masterplan 2014-0001 to McGregor Coxall.
 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/Wanchap)
-

INFRASTRUCTURE SERVICES – CONFIDENTIAL REPORTS

Report No. 15.4. CONFIDENTIAL Tender Assessment - Possum Shoot Road Lower 2013-0045

File No: #E2014/51909

- 14-448 Resolved:**

1. That Council award Tender Possum Shoot Road Lower 2013-0045 to Doval Constructions (Qld) Pty Ltd for \$1,244,746.80 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/Wanchap)
-

CORPORATE AND COMMUNITY SERVICES - LATE REPORT

Report No. 16.1. Affixing Council Seal to Land Titles Transfer Document

File No: #E2014/60147

- 14-449 Resolved** that Council authorise the General Manager to affix the Council Seal to the transfer document in relation to the sale of Lot 1 DP 435267 in accordance with Regulation 400 of the Local Government (General) Regulations 2005. (Woods/Wanchap)
-

MAYORAL MINUTE

There was no Mayoral Minute.

NOTICE OF MOTION

Notice of Motion No. 9.1. Crown Holiday Parks – Byron Shire

#E2014/58300

14-450 Resolved:

1. That Council supports the position of a return of Crown Caravan Parks to Council's control.
2. That Council consult with the other North Coast councils, NOROC and LGNSW on the establishment of a working group to lobby the State Government for the reinstatement of local councils as the Reserve Trust Managers of the holiday parks on Crown Land within their respective Local Government areas. (Woods/Hunter)

The motion was put to the vote and declared carried.

PETITIONS

1. Requesting shade cloth at the Tallowood Ridge playground

The Deputy Mayor tabled a petition containing 47 signatures which states:

We the residents of Tallowood Ridge Estate and Hottentot Crescent, are writing to ask you to please organise for some shade cloths to be erected at the Tallowood Ridge playground.

2. Online Petition Save Busker Dave – It's time to reissue him with a permit

The Deputy Mayor tabled an online petition containing over 236 signatures.

SUBMISSIONS AND GRANTS

There were no submissions or grants tabled.

DELEGATES' REPORTS**Delegates Report No. 12.1. Rous County Council Meeting held on 20 August 2014**

#E2014/59407

Resolutions of Rous included:

- **Merger of three Counties:** Rous will apply to the NSW Minister for Local Government for integration of the three County Councils into a single County. Rous Water's business is larger than the other two (FNCWeeds and Richmond River County). Those two Counties also resolved for the merger.

I was successful on removing from the proposal a clause to have the two Byron Councillors prevented from voting on Richmond River matters (that floodplain doesn't occur in our Shire).

Under the proposal, Tweed and Kyogle LG Areas would be served by Service Level Agreements for their weed management by the merged County.

- **Fluoride for three Shires:** after a recent tendering process, Rous will award a Design & Construct contract for 4 fluoride dosing systems on its network. Urban areas in Ballina, Lismore and Richmond Valley Shires will be dosed. Byron will not have fluoride in its supply.
- **Demand Management - Rebate Program:** Rous will revise its Residential Rebate program to increase the subsidy for rainwater tank connection but will cease to support dual-flush toilets, showerheads and other devices. This is because you now can't even buy 'un-wise' versions.
Rous will first consult with its four constituent Councils to make these changes consistent across the urban areas of the region.
- **Rous to stay at 218-232 Molesworth Street in Lismore:** Rous will renew its Lease for the Rous Water Administration Centre for a further seven years plus two five-year options.

The next meeting is due on 17 September 2014.

Signed: Cr Duncan Dey

Delegates Report No. 12.2. LG Water Maintenance Conference, 25-27 August 2014 at Port Macquarie

#E2014/59427

I attended this conference as a Rous Delegate. Important revelations included:

- **Minister goes fiscal:** in relation to new dams, which he loves, the NSW Minister for Natural Resources, Land & Water (Kevin Humphries) thinks that "if we build a new storage and the environment wants a share of the water, they should pay". Letting the rivers run is clearly not on his 'bucket' list.
- **Panel on LG Structural Reforms:** the list of Reviews is long but none has come to fruition. This invites leadership from Councils.

Reforms include assets being made ready for sale. Those interested in keeping local control of local assets should therefore keep their structures full of local inconsistencies.

Keeping water in LG hands can strengthen LG position (Graham Sansom). Building up and normalising assets could lead to “asset recycling” ie selling-off (Keith Rhoades).

About 60 Local Water Utilities (LWU) own/operate their own dams.

It was argued that water should be viewed as an “enabler” not a “limiter”. Its management should be taken out of environmental departments and handled by infrastructure ones.

Recycled water projects suffer from costs to establish (piping) and to operate (pumping). Prices are often set at 50% for both access and usage charges. This is often many fold less than cost to the authority. This is because the alternative (traditional disposal like discharge to rivers) is too cheap.

- **Energy Efficiency in water utility operations:**

“Co-digestion” is the adding of organic waste (preferably liquid) to sewage systems to improve generation of gas / electricity. Currently, flows of at least 18 ML/day are needed.

Energy purchase is such that only 30-40% is for usage, 60-70% are network charges like the Maximum KVA Charge (peak usage in the month, separated for each rate - eg off-peak). Operators can learn to stay inside one tariff period or avoid one and thus reduce power bill.

Jo Clarke of Snowy River Shire Council has investigated mini-hydro options, in their case for the water supply from the Snowy to Berridale.

Signed: Cr Duncan Dey

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS

Report No. 13.1. Election of Deputy Mayor 2014-2015

File No: #E2014/50723

Moved:

1. That Council elect a Deputy Mayor for the period 18 September 2014 until the first September 2015 Ordinary Meeting.
2. That the method of election of the Deputy Mayor be by way of ordinary ballot.
(Woods/Cubis)

PROCEDURAL MOTION

14-451 Resolved that Report 13.1 rest on the table. (Woods/Cubis)

The motion was put to the vote and declared carried.

Report No. 13.5. Review of Councillor representation on Council’s Committees

File No: #E2014/53592

14-452 Resolved:

1. That the report be received and noted with the following correction:

BYRON SHIRE COUNCIL

ORDINARY MEETING MINUTES

18 SEPTEMBER 2014 (10 of 16)

- i. To recognise Col Draper and Madeleine Green as the current community representatives on the Water, Waste and Sewer Committee.
2. That Council accept the resignation of Cr Sol Ibrahim as a Councillor delegate on the Biodiversity and Sustainability Advisory Committee and appoint Cr Alan Hunter as the replacement Councillor delegate on the Committee.
3. That Council accept the resignation of Cr Diane Woods as a Councillor delegate on the Community Summer Safety and Cultural Activities Committee and appoint Cr Rose Wanchap as the replacement Councillor delegate on the Committee.
4. That Council accept the resignation of Cr Simon Richardson as a Councillor delegate on the Internal Audit Committee and appoint Cr Alan Hunter as the replacement Councillor delegate on the Committee.
5. That Council accept the resignation of Cr Simon Richardson as the Councillor delegate on the Byron Library Exhibition Space (managing the Lone Goat Gallery) Section 355 Management Committee and appoint Cr Paul Spooner as the replacement Councillor delegate on the Committee.
6. That Council accept the resignation of Cr Sol Ibrahim as the alternate Councillor delegate on the Byron Library Exhibition Space (managing the Lone Goat Gallery) Section 355 Management Committee and appoint Cr Alan Hunter as the replacement alternate Councillor delegate on the Committee.
7. That Council appoint Cr Duncan Dey as the alternate Councillor delegate on the Mullumbimby Civic Memorial Hall Board of Management.
8. That Council accept the resignation of Cr Sol Ibrahim as a Councillor delegate to Byron United and appoint Cr Rose Wanchap as the replacement Councillor delegate on the Committee.
9. That Council accept the resignation of Cr Rose Wanchap as a Councillor delegate on the Richmond Tweed Regional Library Committee and appoint Cr Duncan Dey as the replacement Councillor delegate on the Committee.
10. That Cr Dey be appointed as a member of the Belongil Creek Floodplain Risk Management Advisory Committee and the Constitution of that Committee be amended accordingly.
11. That Council accept the resignation from Cr Sol Ibrahim from the Sports Stakeholder Forum and as an alternate to the s355 Suffolk Park Community Hall and seek a replacement. (Dey/Woods)

The Mayor arrived at 9.48am and took the Chair.

The motion was put to the vote and declared carried.

PROCEDURAL MOTION

14-453 Resolved that Report 13.1. be lifted off the table. (Woods/Cameron)

The motion was put to the vote and declared carried.

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS

Report No. 13.1. Election of Deputy Mayor 2014-2015

continued

File No: #E2014/50723

14-454 Resolved:

1. That Council elect a Deputy Mayor for the period 18 September 2014 until the first September 2015 Ordinary Meeting.
2. That the method of election of the Deputy Mayor be by way of ordinary ballot.
(Woods/Cubis)

The motion was put to the vote and declared carried.

The Returning Officer notified Council that one nomination for the position of Deputy Mayor had been received from Cr Hunter. As there was no further nominations, Cr Hunter was declared elected as Deputy Mayor for the ensuing year.

Report No. 13.7. Byron Recreation Ground

File No: #E2014/56318

14-455 Resolved:

1. That Council review the Plan of Management for Byron Bay Recreation Ground July 2002.
2. That Council allocate an amount of \$25,000 from the Property Reserve to undertake the review of the current Plan of Management for Byron Bay Recreation Ground and development of a new Plan of Management.
(Cubis/Hunter)

The motion was put to the vote and declared carried.

Crs Ibrahim and Woods voted against the motion.

ONE MINUTE SILENCE

Council held a one minute silence to honour the recent passing of four young lives in the tragic accident on the Pacific Highway at Knockrow.

The meeting adjourned at 10.25am for a break and reconvened at 10.46am.

Report No. 13.8. Review of Busking Policy

File No: #E2014/54288

The Director Corporate and Community Services, Mark Arnold, left the Chambers at 10.46am in accordance with his earlier declared pecuniary interest in this item.

14-456 Resolved:

1. That Council amend its Busking Policy as follows: Sub-clause 4.2.2b) be deleted and subsequent clauses renumbered.

2. That the Draft amended Policy be placed on public exhibition in parallel with the following new Draft Policy.
3. That a new Policy be drafted for Pop-up Entertainment or similar title on the basis of the Busking Policy but acknowledging the difference between busking and activities such as Silent Disco, where the public has to hire equipment to participate.
4. That, until that Policy is brought to Council, Silent Disco be permitted under arrangements as presented in Annexure 5 plus the following:
 - a) silent disco is not permitted between the hours of 12 midnight and 8am;
 - b) silent disco is limited to 3 hours' duration, followed by a 3 hour pause. (Dey/Woods)

AMENDMENT

Moved:

1. That Council endorse the amendments to the Busking Policy as follows:
 - a) The words "conducting a silent disco" be inserted after the words "fortune readers" in the definition of "Busker" in the "Glossary of Terms".
 - b) The following definition be added to the "Glossary of Terms". *Silent Disco: where people dance to music listened to on wireless headphones. Rather than using a speaker system, music is broadcast via a radio transmitter with the signal being picked up by wireless headphone receivers worn by the participants.*
 - c) Sub Clause 4.2.2b) be deleted and that the subclauses thereafter be re-lettered.
 - d) Sub Clause 4.3.5 be amended by adding the following words at the end of the subclause "However a silent disco may operate at any of the two (2) designated sites between the hours of 8am and 12 midnight."
 - e) Sub Clause 4.3.6 be amended by adding the following words at the end of the subclause "For clarity, soliciting includes the busker nominating the amount of the voluntary donation".
 - f) The following subclause be added as 4.3.12 "The operation of a silent disco is limited to the issue of a maximum of fifty (50) headsets at any one time and is permitted only in designated areas as shown in maps in Annexure 3 and 4 of the Policy. Motor vehicles used in conjunction with the silent disco must not be taken on to the reserves on which the designated areas are located." and by re-numbering the subsequent sub-clauses.
 - g) Sub Clause 5.1.6 be amended by adding the words "other than silent disco" after the word "Busking".
 - h) The following subclause be added as 5.2.3 "Silent disco is permitted only in designated areas marked with the letter "D" as shown in maps in Annexure 3 and 4 of the Policy. Motor vehicles used in conjunction with the silent disco must not be taken on to the reserves on which the designated areas are located." and by re-numbering the subsequent sub-clauses.
 - i) Annexure 3 (Apex Park) be amended by adding the letter "D" (for Disco) so that the Busking Area refers to "P", "C", "S" and "D" Site.
 - j) Annexure 4 (Railway Park) be amended by adding the letter "D" so that the Busking Area refers to "P", "C" and "D" Site.
2. That the Draft amended Busking Policy (#E2014/56179) be placed on public exhibition for a minimum of 28 days.
3. That any submissions received as a result of the public exhibition be presented to Council for consideration in determining the adoption of the Draft amended Busking Policy. In the event that there are no submissions received during the exhibition period, then the Amended Busking Policy be adopted. (Spooner/Richardson)

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

*The motion was put to the vote and declared carried.
Crs Richardson, Cameron, Wanchap and Spooner voted against the motion.*

Report No. 13.10. Year to Date Finance Report – August 2014

File No: #E2014/58626

14-457 Resolved that the Year to Date Finance Report – August 2014 be received and noted.

(Hunter/Dey)

The motion was put to the vote and declared carried.

Report No. 13.13. Community Infrastructure Advisory Committee - Community Representative Nominations

File No: #E2014/52896

14-458 Resolved:

1. That Council appoint Leah Kapral (Annexure 3(a) #E2014/54408) as community representatives to Council's Community Infrastructure Advisory Committee and amend the committee's Constitution as necessary.
2. That Council formally thank any unsuccessful applicants for their expressions of interest to membership of the Community Infrastructure Advisory Committee. (Dey/Richardson)

AMENDMENT

Moved:

1. That the constitution be changed to accept one replacement and one extra representative.
2. That council appoint numbers 3 and 8 (Annexure 3(a) #E2014/54408) as community representatives to Council's Community Infrastructure Advisory Committee and amend the committee's Constitution as necessary.
3. That Council formally thank any unsuccessful applicants for their expressions of interest to membership of the Community Infrastructure Advisory Committee. (Woods/Hunter)

*The amendment was put to the vote and declared lost.
Crs Ibrahim, Dey, Cubis, Richardson, Cameron, Wanchap and Spooner voted against the amendment.*

The motion was put to the vote and declared carried.

GENERAL MANAGER - COMMITTEE REPORTS

Report No. 14.1. Report of the Tourism Advisory Committee Meeting held on 15 August 2014

File No: #E2014/56149

14-459 Resolved:

1. That Council establish a Sustainable Economic Development and Management Advisory Committee, which includes the TAC Terms of Reference and the continued
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implementation of the Tourism Management Plan and the original intent of the Tourism Advisory Committee to minimise any negative impacts of tourism on the local community whilst simultaneously developing Byron's tourism industry in a way that strengthens the Byron brand and develops a sustainable visitor economy.

2. That a Terms of Reference be formulated by Council staff, with input from external stakeholders if required to ensure that the Advisory Committee will incorporate community, business and sustainability representation, for consideration by Council.
3. That following the establishment of the SEDMAC, the continuation of the TAC be considered. (Cameron/Richardson)

PROCEDURAL MOTION

- 14-460 Resolved** that Cr Cameron be granted a two minute extension to his speech. (Richardson/Spooner)

The motion was put to the vote and declared carried.

The motion (Cameron/Richardson) was put to the vote and declared carried.

INFRASTRUCTURE SERVICES - CONFIDENTIAL REPORTS

Report No. 15.2. CONFIDENTIAL Tender Assessment for Provision of Surf Life Saving Services 2014/2015 to 2015/2016

File No: #E2014/51884

14-461 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, .
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. (Woods/Richardson)

The motion was put to the vote and declared carried.

CONFIDENTIAL SESSION

14-462 Resolved:

1. That Council award Contract 2014-0018 - Provision of Surf Life Saving Services for 2014/2015 to 2015/2016 to Surf Life Saving Services Pty Ltd (trading as Australian Lifeguard Service) in the amount of \$1,052,932.84, incl GST, in accordance with their complying tender and alternative tender dated 13 August 2014 and Council's Request for Tender dated 15 July 2014.
2. That the budget for surf lifesaving services for 2014/15 be increased from \$339,200 to \$352,460 and be funded from Crown Reserve.
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. (Spooner/Cubis)

The motion was put to the vote and declared carried.

FORESHADOWED MOTION

14-463 Resolved:

1. That Council undertakes a review by February 2015 of surf life saving services across the Shire including risk assessment and identifies areas of responsibility with other agencies.
2. That Council note that the request for a financial contribution from North Coast Holiday Parks towards surf life saving in Brunswick Heads has been declined and that this information be shared with the public via a Council press release. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

14-464 Resolved that the meeting move out of confidential session. (Woods/Richardson)

The motion was put to the vote and declared carried.

Report No. 15.3. CONFIDENTIAL Tender Assessment – Hire of Crusher and Plant for Myocum Quarry 2014-0019
File No: #E2014/56691

14-465 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, Hire of Crusher & Plant for Myocum Quarry 2014-0019.
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:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the Council, or
 - (iii) Reveal a trade secret.

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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 disclosure of the confidential information could compromise the commercial position of the tenderers, 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
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

14-466 Resolved:

1. That Council award the Contract for Hire of Crusher and Plant for Myocum Quarry to Smith Plant.
2. That Council make 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. (Ibrahim/Cubis)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 1.01pm.

I hereby certify that these are the true and correct Minutes of this Meeting as confirmed at Council's Ordinary Meeting on 9 October 2014.

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Mayor Simon Richardson