



Byron Shire Council



Agenda

Extraordinary Meeting

Thursday, 13 August 2015

held at Council Chambers, Station Street, Mullumbimby
commencing at 10.30am

Public Access relating to items on this Agenda can be made between 10.00am and 10.30am on the day of the Meeting. Requests for public access should be made to the General Manager or Mayor no later than 12.00 midday on the day prior to the Meeting.

Ken Gainger
General Manager

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
EXTRAORDINARY MEETING

BUSINESS OF EXTRAORDINARY MEETING

1. PUBLIC ACCESS
2. APOLOGIES
3. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY
4. NOTICES OF MOTION AND RESCISSION
 - 4.1 Byron Bay Parking Study - Pay Parking exemptions and Butler Street Reserve.....4

Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Executive Manager prior to the meeting. Any suggested amendments to the recommendations should be provided to the Administration section prior to the meeting to allow the changes to be typed and presented on the overhead projector at the meeting.

NOTICES OF MOTION

5 **Notice of Rescission Motion No. 4.1** **Byron Bay Parking Study - Pay Parking exemptions and Butler Street Reserve**
File No: I2015/806

We move that Council rescind Resolution No. 13-368 from its Extraordinary meeting held on 30 July 2015 which reads as follows:

1. That Council confirm its intention to introduce a system of paid parking to the Byron Town Centre during the 2015/16 financial year as outlined in resolution 15-235 and that this system is based upon a pay by number plate approach.
2. That Council set a yearly Shire Resident or Ratepayer exemption fee of \$50 per annum for fee paying coupon recipients and receive a report on establishing the costs, benefits and other criteria of pay parking exemptions including that:
 - a) for an annual fee an exemption is provided for two categories of end user, one being a shire resident/ratepayer and the second being for a business operator, or an employee of one, located within the pay parking area
 - b) the exemption benefit is for 12-months from date of purchase, can be transferred to another vehicle if needed and not based on date or jurisdiction of registration;
 - c) investigate implications of payment options including an annual fee as a single fixed amount, or providing an option of periodic payments;
 - d) no refunds be provided for or towards cost of exemptions except that those wishing to upgrade their fully paid exemption be provided credit of their unused amount, calculated at a daily pro-rate rate, toward such upgrade;
 - e) changing the exemption criteria; and
 - f) considering businesses with multiple vehicles.
3. That Butler Street Reserve be made available as an all day car park, operating 6am to 6pm daily with an hourly rate of \$4.00 per hour, up to a maximum of \$20 all day, with the Shire Resident or Ratepayer exemption applying and a \$40/month non-Shire worker/business operator fee.
4. That, to provide incentive to park outside the town centre, Clarkes Beach carpark, Jonson Street (south of Kingsley Street) and on-street, east of Middleton, operate as all day carparks with an hourly rate of \$4.00 per hour, up to a maximum of \$20 all day, with the Shire Resident or Ratepayer exemption applying, and operating hours of 9am to 6pm.
5. That 4P areas (not including Main Beach carpark and Bay Street between Jonson Street and Fletcher Streets) have an hourly rate of \$4.00 per hour with a maximum rate of \$12.00 for 4 hours. (Richardson/Cameron)

10 If successful we intend to move:

1. That Council confirm its intention to introduce a system of paid parking to the Byron Town Centre during the 2015/16 financial year as outlined in resolution 15-235 and that this system is based upon a pay by number plate approach.
- 15 2. That Council set a yearly Shire Resident or Ratepayer exemption fee of \$50 per annum for fee paying coupon recipients and receive a report on establishing the costs, benefits and other criteria of pay parking exemptions including that:

BYRON SHIRE COUNCIL

NOTICES OF MOTION AND RESCISSION

4.1

- 5 a) for an annual fee an exemption is provided for two categories of end user, one being a shire resident/ratepayer and the second being for a business operator, or an employee of one, located within the pay parking area
- b) the exemption benefit is for 12-months from date of purchase, can be transferred to another vehicle if needed and not based on date or jurisdiction of registration;
- c) investigate implications of payment options including an annual fee as a single fixed amount, or providing an option of periodic payments;
- 10 d) no refunds be provided for or towards cost of exemptions except that those wishing to upgrade their fully paid exemption be provided credit of their unused amount, calculated at a daily pro-rate rate, toward such upgrade;
- e) changing the exemption criteria; and
- f) considering businesses with multiple vehicles.
- 15 3. That Butler Street Reserve be made available as an all day car park, operating 6am to 6pm daily with an hourly rate of \$3.00 per hour, up to a maximum of \$20 all day, with the Shire Resident or Ratepayer exemption applying and a \$40/month non-Shire worker/business operator fee.
- 20 4. That, to provide incentive to park outside the town centre, Clarkes Beach carpark, Jonson Street (south of Kingsley Street) and on-street, east of Middleton, operate as all day carparks with an hourly rate of \$3.00 per hour, up to a maximum of \$20 all day, with the Shire Resident or Ratepayer exemption applying, and operating hours of 9am to 6pm.

25 **Attachments:**

- 1 Associated information (to be provided under separate cover), E2015/50336

30 **Signed: Cr Chris Cubis**
Cr Rose Wanchap
Cr Diane Woods

35 **Comments from Director Infrastructure Services:**

At the time of finalising the Extraordinary Meeting Agenda, staff were still working on comments, revised scheme information, financial modelling and comparisons, and forecast financial impacts on the Council Improvement Plan submitted to IPART. Once this work has been completed, the information will be made available under separate cover in Attachment 1.

40