



Byron Shire Council



Supplementary Agenda

Ordinary Meeting

Thursday, 25 June 2020

held at Council Chambers, Station Street, Mullumbimby
commencing at 9.00am

Public Access relating to items on this Agenda can be made between 9.00am 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.

Mark Arnold
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 Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

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.

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 of the provisions in the Code of Conduct (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 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

ORDINARY MEETING

BUSINESS OF ORDINARY MEETING

17. LATE REPORTS

- 17.1 Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility
feasibility study funding4

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

LATE REPORTS

Notice of Motion No. 17.1 Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility feasibility study funding

5 **File No:** 12020/922

I move:

That Council:

1. **Seek funding from the State Government or other funding body for this important community project that includes a detailed feasibility study into converting the Petria Thomas Swimming Pool in Mullumbimby into a year round, solar heated facility that could service the needs of the local and visitor population, by adding a disability access ramp to the existing 50 metre pool, a splash children's pool and a rehabilitation / hydrotherapy pool, and that the feasibility also consider various water treatment options and;**
2. **That the feasibility includes the public health and social benefits of such a facility including research of other council areas that have installed similar facilities such as the Ballina Shire to see how these types of projects have worked in other similar communities.**

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Signed: Cr Sarah Ndiaye

Councillor's supporting information:

15 Mullumbimby has grown with the addition of Tallowood and the amount of people serviced by this village has grown to 3,500 directly and approximately 7,000 when you take in the hinterland and the suburbs to the north such as Brunswick Heads, Ocean Shores and New Brighton.

20 The shire has long needed a year round place to swim laps for their physical and mental health and more appropriate rehabilitation facilities for people recovering from injury or just maintaining health aging practices. While a fully equipped hydrotherapy pool may not be possible, a warm water pool for general aquatic fitness programs and basic level aquatic therapy would be a highly appreciated addition to our region.

25 The Open Space and Recreation Needs Study 2018 identified that 'our community wants recreation, sports and aquatic facilities to meet the Shire's needs' and while there may be some funding challenges to overcome, this pool has a long history of being able to garner community support to make things happen. The first Chincogan Charge in 1960 was a fundraiser to build the swimming pool and the second race happened in 1967 to celebrate its opening. Since then the community have also raised money for some of the upgrades and other refurbishments. Both the State and Federal Governments have also had a variety of rounds of funding that a project such as this could meet the criteria. It is important we get the feasibility study underway to see if it is a viable option and to apply for these funding grants.

35

Notes from the Recreational Study regarding the pool included:

5 *“The Petria Thomas Swimming Pool is the only 50 metre pool in the Shire. Open between
October to March, some survey respondents indicated they are keen for the facility to be
heated and open year-round. Council’s Access Consultative Working Group advised that
access into the facility is not currently provided, for example there is no disabled parking,
kerb and guttering or all abilities pedestrian access, making access to utilise the facility
difficult. It is recommended that the Access Consultative Committee Working Group,
10 Mullumbimby High School and Petria Thomas Swimming Pool operators work with Council to
review pedestrian movement to address these issues. In addition, while it is extremely
expensive to add a ramp into the pool, any future retrofitting or redesign of the pool should
consider the addition of a ramp, especially with an ageing community.”*

15 The Mullumbimby Residents Association has long been interested in helping to make this vision a
reality for our community and has recently been collecting signatures in support of the project and
garner community interest. To date they have over 1,000 signatures in support. They have also
had preliminary concept drawings prepared and while they may not meet all the necessary
requirements, they allow people to reimagine the space and the opportunities it could present. So
20 far the response has been very enthusiastic with hundred already signing the petition.

25 While discussions have gone on around the possibility of redeveloping the pool at Main Beach or
building an aquatic centre at the Cavanbah Centre, there have been multiple challenges at both of
these sites. Byron Bay is getting a huge investment in both the bike track from Suffolk Park to
Byron as well as the multi-million dollar skate park that has been earmarked for the area behind
the YAC and the Byron Library. This project would help service the needs of the broader
community and add value to the experience of living in the hinterland and the northern parts of the
Shire.

30 For a long time the main objection has been the cost, however the Ballina Shire have shown that
this does not have to be the case. Having completed a full overhaul of their facility, the new facility
was expected to continue running at a deficit, however it is now running at a profit. The popularity
of a facility like this could see it breaking even or increasing revenue for council and providing a
host of benefits for the community.

35 **RESOLUTION NUMBER:** 20-061

Resolved that Council:

- 40 1. *Conduct a feasibility study into converting the Petria Thomas Swimming Pool in
Mullumbimby into a year round, solar heated facility that could service the needs of the
local and visitor population, by adding a disability access ramp to the existing 50 metre
pool, a splash children’s pool and a rehabilitation / hydrotherapy pool, and that the
feasibility also consider various water treatment options*
- 45 2. *In assessing feasibility, consider the public health and social benefits of such a facility*
3. *Research other council areas that have installed similar facilities such as Ballina Shire
to see how these types of projects have worked in other similar communities.*
- 50 4. *Allocate the appropriate budget to conduct this study in the draft 2020/21 budget.*
5. *Identify potential funding sources including money from Council’s own funds and
appropriate grant opportunities and relevant timelines. (Ndiaye/Cameron)*

Due to financial constraints caused by the Covid-19 Pandemic, this resolution remains unfunded within the draft 2020/21 budget, which is being reported separately to Council on 25 June 2020.

5 The provision of an all round public pool that is operationally financially sustainable into the future is highly important to our community from a health and wellbeing perspective and where there are opportunities to improve the financial sustainability of Council owned facilities, then these opportunities should be pursued as a priority.

10 **Staff comments by Michael Matthews, Manager Open Spaces and Resource Recovery, Infrastructure Services:**

(Management Comments must not include formatted recommendations – resolution 11-979)

15 The redevelopment of the Petria Thomas Swimming Pool would provide the opportunity to achieve full accessibility in compliance with current standards and best practise. It would also provide significant opportunity to improve the facilities operational efficiency through the use of modern equipment and technologies.

20 There are recent examples of pool redevelopment to current standards that have moved the facilities financial position from an operating deficit to an annual profit through significantly improving the facilities utilisation relative to its operating costs.

Financial/Resource/Legal Implications:

25 Aquatic facility design including upgrades is a specialist field that involves multi-disciplinary engineering skills including Civil, Electrical, Mechanical, Environmental and architectural disciplines.

30 A cost estimate to achieve detailed site specific feasibility with concepts is in the order of \$50,000.

The purpose of the Notice of Motion is for Council to request funding from the State Government to undertake the feasibility study which is currently an unfunded project.

35 The capital costs for the redevelopment of the Petria Thomas Swimming Pool have not included in Council's Long Term Financial Plan. These would be considered for inclusion following the preparation of the feasibility study.

Is the proposal consistent with any Delivery Program tasks?

40 Yes.

45 Such a project is consistent with Provide active and passive recreational Community space that is accessible and inclusive for all. Ensure ongoing maintenance and upgrade of inclusive community buildings and swimming pools, Increase accessibility of facilities, Provide council buildings which are water and energy efficient.