



Byron Shire Council



Supplementary Agenda

Ordinary Meeting

Thursday, 22 October 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	Filming Event - Coopers Shoot Road	4
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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

Report No. 17.1 **Filming Event - Coopers Shoot Road**
Directorate: Infrastructure Services
5 **Report Author:** Andrew Pearce, Traffic Engineer
 Jess Gilmore, Events & Economy Team Leader
File No: I2020/1628

Summary:

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 15 The purpose of this report is to request Council support for the temporary closure of a portion of Coopers Shoot Rd in Hayters Hill, associated with a Nine Perfect Strangers Film Event in November 2020.

20 An extraordinary electronic meeting of the LTC was held between 16-19 October where the event and proposed recommendation was supported. The recommendation provided below is the same recommendation submitted to LTC and endorsed without changes.

RECOMMENDATION:

1. **That Council supports the Nine Perfect Strangers film project and the associated temporary closure of part of Coopers Shoot Road, subject to:**
 - a. **The location of the temporary road closure to be in accordance with Attachment 1 (E2020/83292).**
 - b. **Council and Local Traffic Committee support and associated Local Traffic Committee recommendations, namely:**
 - i. **Traffic Management Plan (TMP) and Traffic Control Plans (TCP) to be developed and implemented by those with appropriate RMS accreditation and to be in accordance with the submitted TMP (E2020/83292)**
 - ii. **The TMP and TCP is include adequate private property access and egress affected by the project;**
 - iii. **Separate approvals by NSW Police and TfNSW to be obtained, as required;**
 - iv. **That the impact of the event be advertised via a notice in the local weekly paper a minimum of 14 days prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
 - v. **The film project organiser is to:**
 - **liaise with Council depot to ensure filming does not conflict with and significantly impact any Council works proposed in the area;**
 - **provide event details so it can be notified on Council's webpage;**
 - **inform the community and businesses that are directly impacted by the temporary road closure via written information which is delivered to the property in a timely manner so as to document, consider and**

- respond to any concerns raised;
- undertake consultation with emergency services, bus companies, taxi and waste operators ensuring arrangements are made for provision of services during conduct of the event;
- hold \$20m public liability insurance cover which is valid for the event;
- pay Council's Road Event Application Fee prior to the event.

Attachments:

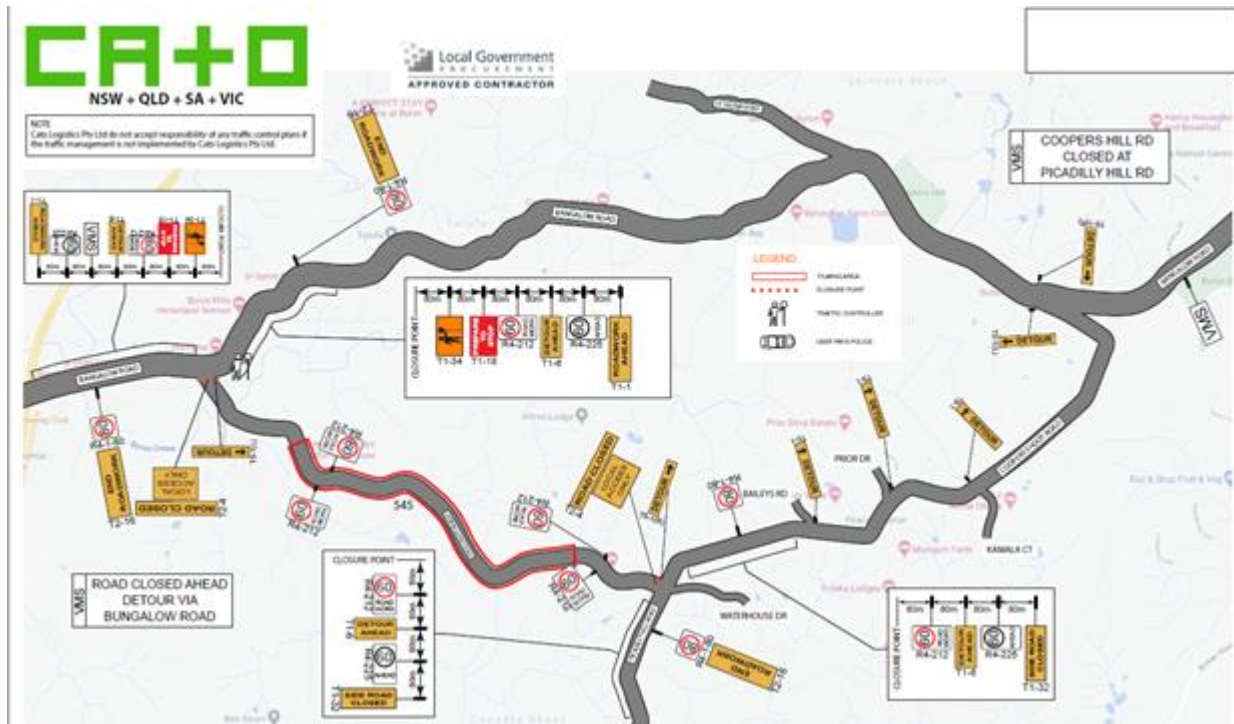
- 1 Confidential - Nine Perfect Strangers - TMP Bangalow Rd, E2020/83292

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REPORT

This following section is a direct copy of the report submitted to the LTC. Where additional sentences have been added to this Council report these sentences will be in italics:

- 5 Council and LTC recently approved the temporary one day closure of a section of Bangalow Rd, Bangalow, associated with this film event. An additional request has now been submitted to Council to also temporarily close a section of Coopers Shoot Road for one day as part of the same film event.
- 10 The closure of Coopers Shoot Road and Bangalow Road will be on different days to avoid any conflict. The snippet below gives a summary of where the Coopers Shoot Rd closure is proposed.



- 15 A Traffic Management Plan has been submitted (and is attached) which covers both the Bangalow Rd and Coopers Shoot Rd closures. *This TMP confirms no conflict will occur between the two road closures or between the proposed TCP's.*

Adequate traffic control and consideration has been given to ensure safety and local access during the proposed temporary closures.

ADDITIONAL COMMENTS

The following shows the recommendation submitted to LTC. These recommendations are a copy of the recommendations approved as part of the Bangalow Road closure but with minor changes to reflect Coopers Shoot Road and their recently submitted Traffic Management Plan:

That Council and LTC supports the Nine Perfect Strangers film project and the associated temporary closure of part of Coopers Shoot Road, subject to:-

- a. ***The location of the temporary road closure to be in accordance with Attachment 1 (E2020/83292).***
- b. ***Council and Local Traffic Committee support and associated Local Traffic Committee recommendations, namely:-***

- i. **Traffic Management Plan (TMP) and Traffic Control Plans (TCP) to be developed and implemented by those with appropriate TfNSW accreditation and to be in accordance with the submitted TMP (E2020/83292)**
- ii. **The TMP and TCP is to include adequate private property access and egress affected by the project;**
- iii. **Separate approvals by NSW Police and TfNSW to be obtained, as required;**
- iv. **That the impact of the event be advertised via a notice in the local weekly paper a minimum of 14 days prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
- v. **The film project organiser is to:-**
 - **liaise with Council depot to ensure filming does not conflict with and significantly impact any Council works proposed in the area;**
 - **provide event details so it can be notified on Council's webpage;**
 - **inform the community and businesses that are directly impacted by the temporary road closure via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
 - **undertake consultation with emergency services, bus companies, taxi and waste operators ensuring arrangements are made for provision of services during conduct of the event;**
 - **hold \$20m public liability insurance cover which is valid for the event;**
 - **pay Council's Road Event Application Fee prior to the event.**

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6	Manage traffic and parking in an efficient manner	1.6.4	Improve effectiveness of Local Traffic Committee	1.6.4.1	Report regulatory traffic matters for recommendation to Council and items requiring comment through the Local Traffic Committee
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.7	Support range of existing, emerging and major events	2.1.7.3	Administer licences for weddings, events, activities and filming on council and crown land

Consultation and Engagement

Community consultation will be required as per the recommendation.