

NOTICE OF MEETING



BYRON SHIRE RESERVE TRUST COMMITTEE MEETING

A Byron Shire Reserve Trust Committee Meeting of Byron Shire Council will be held as follows:

Venue	Council Chambers, Station Street, Mullumbimby
Date	Thursday, 28 June 2012
Time	2.00pm

This meeting will be open to the public and the press.

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.

A handwritten signature in black ink, appearing to be 'Graeme Faulkner', written over a white background.

Graeme Faulkner
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

BYRON SHIRE RESERVE TRUST COMMITTEE MEETING

28 JUNE 2012

(1)

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

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BYRON SHIRE RESERVE TRUST COMMITTEE MEETING

28 JUNE 2012

(2)

COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER'S REPORT

Report No. 3.1. Placement of Historic Signage - Byron Bay

Executive Manager: Community Infrastructure

5 **File No:** ENG075000 #1240417

Principal Activity: Open Space and Recreation

Summary: Approval is sought to install an interpretive sign produced by the Byron Bay Historic Society at Main Beach.

The sign was manufactured using a donation given to the Society by Council under Policy 3.13 – Donations to Community Organisations, Other Groups and Persons 2011/12.

RECOMMENDATION:

- 10 **That Council, as Reserve Trust Manager:**
1. **Approve the design and the installation of an interpretive sign at the western end of Main Beach car park.**
 - 15 2. **Approve that the installation cost of \$150.00 be sourced from Paid Parking- Crown Reserves Main Beach car park.**

Report

At Council's Ordinary Meeting of 25 August 2011 applications under Policy 3.13 – Donations to Community Organisations, Other Groups and Persons 2011/12 were considered. A donation of \$2,500 was made to the Byron Bay Historic Society (#1137696) to assist with the manufacture and erection of an interpretive sign depicting the history of Byron Bay as a seaport (Resolution 11-671).

11-671 Resolved:

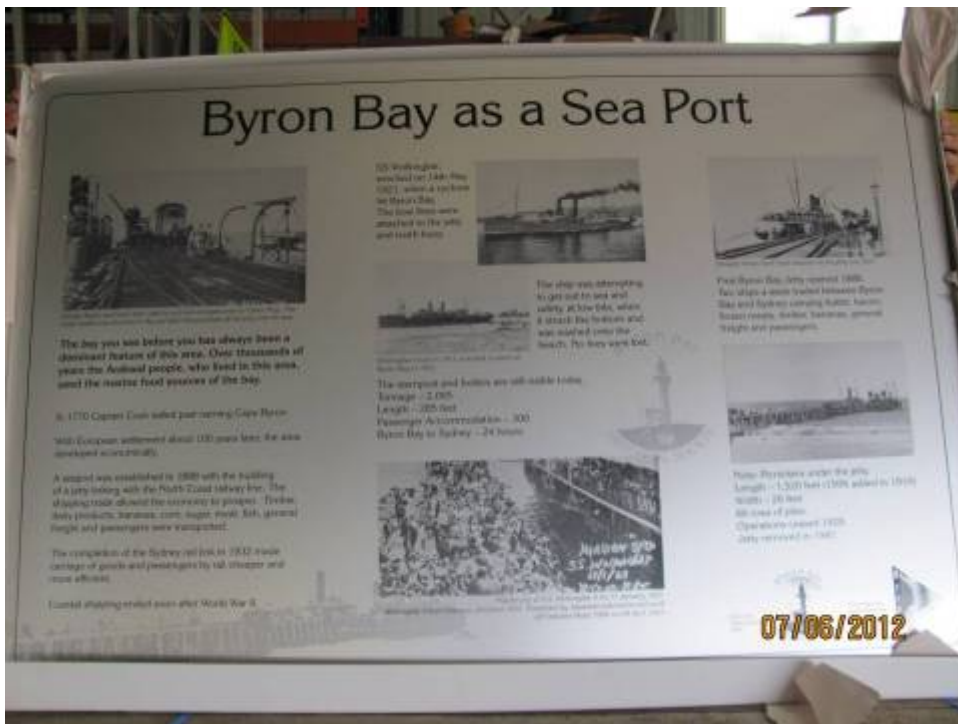
- 2. That as stated in the 2011/12 Budget the amount of \$50,000 be distributed under Policy 3.13 Donations to Community Organisations, Other Groups and Persons as follows:
 ***REFER TO TABLE ON PAGES 9, 10 AND 11 OF MINUTES #1130373

The sign has now been completed and a meeting held between staff and members of the Historic Society to discuss its positioning.

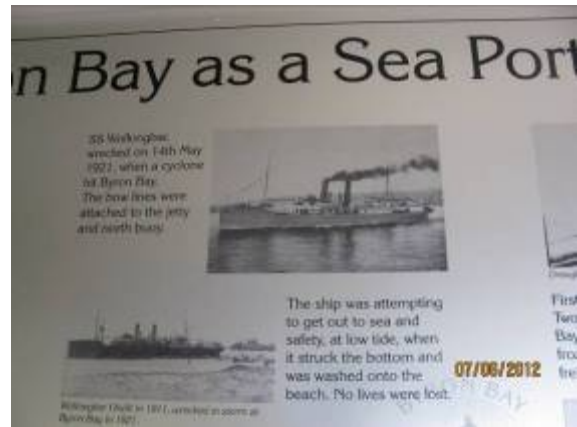
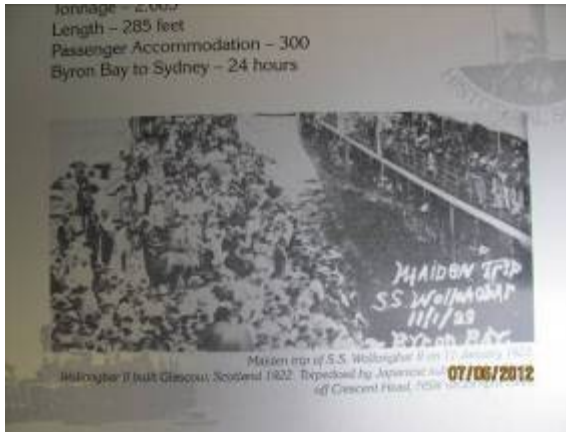
Given the subject matter of the sign, it was suggested at the meeting that the most appropriate position for the sign would be in visual proximity of the wreck of the Wollongbar in Byron Bay.

This location, being at the western end of the Main Beach car park, was selected for its relevance to subject, not impeding pedestrian thoroughfare and to not impinge on coastal vista.

The sign is designed to be mounted on an angle for ease of reading, is made from anodised aluminium and has been manufactured to a high standard.



BYRON SHIRE COUNCIL



- 5 Details from the sign contain history of the 'Wollongbar'. The information gains relevance if the sign is placed within visual proximity of the wreck.



- 10 Proposed position for the sign



Financial Implications

- 5 The sign has been produced by the Historical Society using the Council donation. Financial assistance is sought to install the sign.

Works staff can complete this installation for approximately \$150.00, which can be assigned from Paid Parking, Main Beach car park.

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Statutory and Policy Compliance Implications

Nil

BYRON SHIRE COUNCIL

CORPORATE MANAGEMENT – CONFIDENTIAL REPORT

Report No. 4.1. CONFIDENTIAL Commercial Activities on Coastal and Riparian Crown Reserves - Sub-licences

Executive Manager: Corporate Management
File No: BEN400000 #1235943

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Principal Activity: Property and Contracts

Summary: Council's current Sub-Licences for Commercial Activities expire on 31 August 2012 and Council has completed the process of calling for Tenders for the issue of new sub-licence agreements.

Tenders have been assessed in accordance with the provisions of Council's Purchasing & Tender Guide and the Local Government Act 1993.

This report recommends that the Reserve Trust Committee recommend to Council to grant the sub-licences as offered in the Request for Tender to the preferred proponents for a five year period commencing 1 September 2012.

RECOMMENDATION:

- 10 1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, that Council resolve into Confidential Session to discuss the following report, namely Commercial Activities on Coastal and Riparian Crown Reserves – Sub-licences.
- 15 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.
- 20 (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.
- 25 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 proponents, could adversely affect Council's ability to contract with preferred proponents.

30 **Attachments:**

- CONFIDENTIAL Signed Assessment Panel Report #1236813 [10 pages] Annexure 1(a)
- CONFIDENTIAL Sub-licence agreement #1213503 [31 pages] Annexure 1(b)