

# NOTICE OF MEETING



## COMMUNICATIONS COMMITTEE MEETING

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

Venue	<b>Executive Team Meeting Room, Administration Building, Mullumbimby</b>
Date	<b>Thursday, 25 June 2015</b>
Time	<b>2.00pm</b>

A handwritten signature in black ink, appearing to read 'Ken Gainger', with a large, stylized flourish at the end.

Ken Gainger  
General Manager

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## 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)

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## 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**  
**COMMUNICATIONS COMMITTEE MEETING**

**BUSINESS OF MEETING**

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**
- 4. BUSINESS ARISING FROM PREVIOUS MINUTES**
- 5. STAFF REPORTS**

**Organisation Development**

- 5.1 Community Engagement.....4

**STAFF REPORTS - ORGANISATION DEVELOPMENT**

**Report No. 5.1**                    **Community Engagement**  
**Directorate:**                    Organisation Development  
5 **Report Author:**                Donna Johnston, Media Communications Officer  
**File No:**                            I2015/499  
**Theme:**                            Corporate Management  
    Organisation Development

10 **Summary:**

15 A Draft Community Engagement Policy was developed in 2014 and reported to Council. As a result, Council requested that a focus group be convened for input into the new policy. Three focus groups have been held and the input is summarised below. Plus, a Community Roundtable has since been convened and a draft protocol developed to help guide that group.

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**RECOMMENDATION:**

**That Communications Committee recommends to Council that Council:**

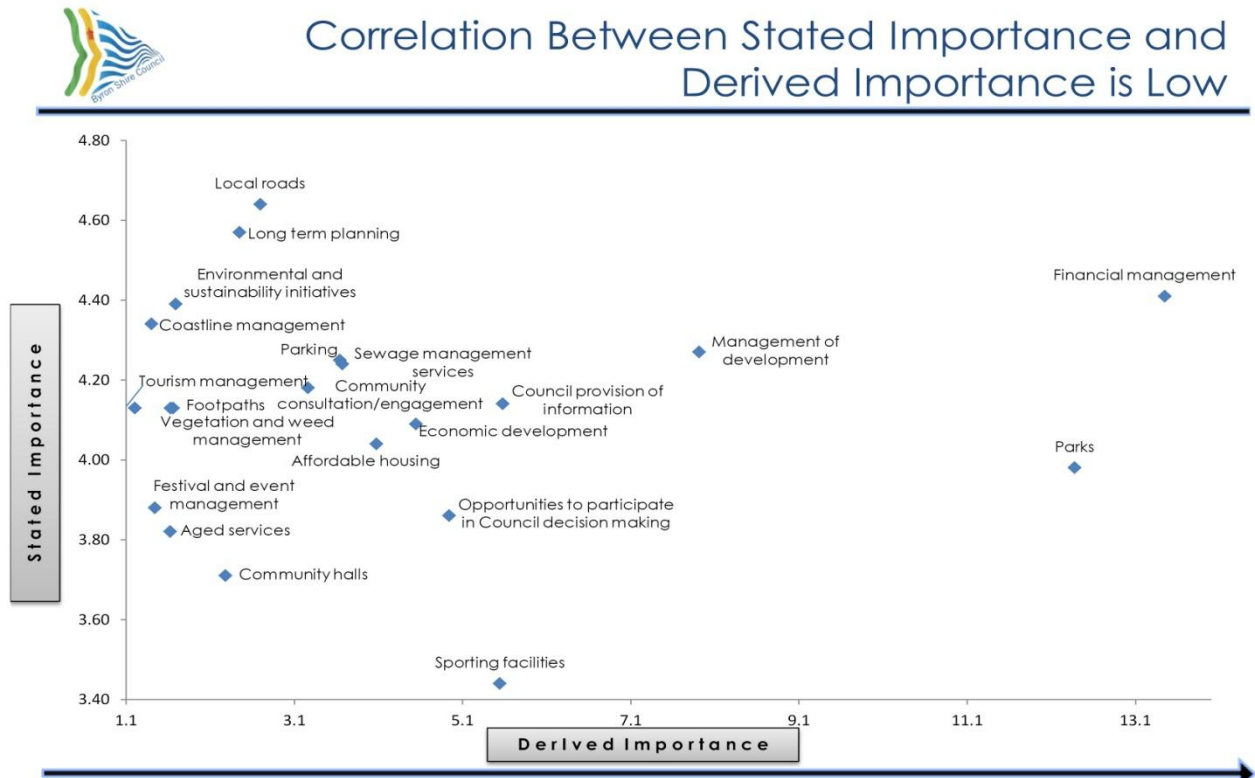
1. **adopt the Community Engagement Policy and repeal Policy 3.38 Community Consultation and Participation in Council’s Decision Making.**
2. **endorse the Community Roundtable Protocol.**

20 **Attachments:**

- 1 Community Engagement Policy, E2015/13070
- 2 Community Roundtable Protocol, E2015/30560



Figure 2.



The regression data identifies that financial management is a key driver of satisfaction. Parks, the management of development, drainage/flood management, sporting facilities and opportunities to participate in Council decision making are also crucial drivers of community satisfaction.

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Micromex Byron Shire Council Community Satisfaction Survey 2013

To help guide Council, a draft Community Engagement Policy was developed in 2014. Council resolved (14-219):

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*Committee Recommendation CAC 4.1.1*

a) A focus group is to be convened to assist with the development of a draft Community Engagement Policy

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b) The outcomes from the focus group are to be reported to the Communications Advisory Committee.

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In an effort to capture 'inclusive' feedback on the Draft Community Engagement Policy, three groups were convened and consisted of young people (Byron Shire Youth Council), older demographic (U3A) and a group of residents who generally had 'little or no' contact with Council.

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All three groups reported that they valued face-to-face consultation and that Council should 'go to the people'. Other avenues listed as key ways to reach the community included traditional information sources of local newspapers and radio. Council's website and social media were also noted as an information source and our young people reported that they loved getting a 'snail mail' letter.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - ORGANISATION DEVELOPMENT

5.1

5 Customer service was identified as a high area for improvement from two out of the three groups with the younger group not raising this as an issue. Two of the groups stated that Council was perceived to be 'faceless' and it was hard to reach the appropriate person who could solve the issue, and as a result this lead to a feeling of frustration and/or a reluctance to make contact or be involved.

10 All three groups had 'listening' as a key requirement for effective community engagement. Interestingly, the young people also recognised that 'listening' was a way for them to hear differing perspectives on an issue; in effect, they saw listening as a two way process and was a key way to learn and be informed.

A summary of key points from the focus groups can be found below.

Focus Group 1 General	Focus Group 2 Older Demographic	Focus Group 3 Young people
<b>Top 3 principles</b>  Accountable Engaging Coordinated	<b>Top 3 principals</b>  Transparent Committed Inclusive	<b>Top 3 principals</b>  Empower Meaningful Collaborate
<b>Preferred way to reach</b>  Newspaper Website Face to face	<b>Preferred way to reach</b>  Face to face – come to us	<b>Preferred way to reach</b>  Go to where the young people are eg via schools Social media We love letters in the mail
<b>Feedback</b> He/she who speaks the loudest gets the most attention and therefore may not be truly representative nor warrant the most time/attention	<b>Feedback</b> Volunteers are getting fatigued – it's often the same community people putting their hand up all the time	<b>Feedback</b> Engagement activities that allow opportunities to participate and to hear differing perspectives
Tap into the skills-base of the shire	Improve customer service – it's hard to go back when you've had a negative experience	Keep things interesting
Council can be faceless – unsure of who to call. Like going into a maze.	More action needed – less talk. Don't always need to ask – just do it.	Use small groups – not large – this will allow for everyone to be heard and improve participation.
Need an organisational structure that sets out contacts and position responsibility.	Listen to the community – sometimes we feel like we are wasting our time talking to Council.	Give the youth a cause - a reason to be involved
Very Byron centric	Decision making should reflect what the community want.	Ensure diversity – gender and ages
Appreciate face to face contact.	Return to a ward system for fairer representation	Recognise that there are two sides to every issue – positives and negatives

<b>Focus Group 1</b> General	<b>Focus Group 2</b> Older Demographic	<b>Focus Group 3</b> Young people
Stronger customer focus – must be consistent throughout the entire organisation	Be SMART... Specific Measurable Achievable Realistic Timely	Involve us from the beginning
Strong support for local newspapers and radio	Allocate infrastructure equitably	Act on what we say so we know that we are being listened to
Put in place local community liaison officers		We don't necessarily want to be involved in 'everything'
Perception that Council is Byron centric		
Take a walk/drive with community people in their towns/village		

To assist with improved community engagement and ensure that feedback is reflected within Council work practices, the attached Draft Community Engagement Policy had been developed and reviewed with the aim to address the feedback from the three focus groups.

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It should also be recognised that Council already has a number of key ways in which the community can become involved on a sustained basis through its range of Special Advisory Committees, Project Reference Groups and Stakeholder Groups, current lists of which include:

10 **Advisory Committees**

- Access Advisory Committee
- Arakwal Memorandum of Understanding (MoU) Advisory Committee
- Belongil Creek Flood Risk Management Committee
- Biodiversity and Sustainability Advisory Committee
- 15 • Communications Committee
- Community Infrastructure Advisory Committee
- Community Summer Safety and Cultural Activities Committee
- Finance Advisory Committee
- Internal Audit Committee
- 20 • North Byron Coastal Creeks Flood Risk Management Committee
- Tourism Advisory Committee 2012-2016
- Transport Advisory Committee
- Water, Waste and Sewer Advisory Committee

25 **Project Reference Groups**

- Australia Day 2015 Project Reference Group
- Koala Plan of Management Project Reference Group
- Markets Policy Review Project Reference Group
- Safe Summer in the Bay PRG
- Vibrant Byron Bay Strategy
- 30 • Wilsons Creek Project Reference Group



### Section 355 Committees

5 Under the Local Government Act 1993 Section 355 Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.

- Bangalow A&I Hall Board of Management
- Bangalow Parks (Showground)
- Brunswick Heads Memorial Hall
- 10 • Brunswick Valley Community Centre
- Byron Library Exhibition Space Section (managing the "Lone Goat Gallery")
- Cook Pioneer Centre Mullumbimby
- Durrumbul Community Centre
- Heritage House Bangalow and Tennis Court
- 15 • Mullumbimby Civic Memorial Hall Board of Management
- Ocean Shores Community Centre S
- South Golden Beach Section

### Stakeholder Groups

- 20 • Business Roundtable
- Sports Stakeholder
- Community Roundtable

25 The most recently created of these groups was the Community Roundtable with its first meeting held on 14 May. It is envisaged that the Community Roundtable will function as per the other two Stakeholders groups and at its first meeting saw 14 community groups represented. At this meeting, a Draft Community Roundtable Protocol was developed to help guide the group on its purpose and structure and a copy has been included for Council's review and endorsement.

30 As can be seen by a review of the focus groups comments, groups such as Stakeholder Groups can be considered as key ways in which Council can:

- Meet face-to-face
- Tap into the skills base
- 35 • Community liaison
- Listen to community views

### Financial Implications

40 To support capacity skills development of staff, key staff will undertake IAP2 training over the coming year.

Consultation and engagement has financial and resource impacts that need to be considered and funded when programs are designed for individual projects/issues.

### 45 Statutory and Policy Compliance Implications

Many Acts impose particular consultation requirements. Legislation requirements may include:

- Minimum periods of time for public exhibition
- Methodologies for communication (eg newspaper advertisements as mandatory requirements)
- 50 • Specification about who should be consulted
- Methodologies for how consultation has to be undertaken.

When finalised, the Community Engagement Policy will replace Policy 3.38 Community Consultation and Participation in Council's Decision Making.