



Byron Shire Council



Agenda

Byron Shire Reserve Trust Committee Meeting

Thursday, 3 August 2017

**held at Council Chambers, Station Street, Mullumbimby
commencing at 2.00pm**

Public Access relating to items on this Agenda can be made at 2pm 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 read 'Ken Gainger'.

**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
BYRON SHIRE RESERVE TRUST COMMITTEE

BUSINESS OF MEETING

1. PUBLIC ACCESS
2. APOLOGIES
3. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY
4. STAFF REPORTS

Corporate and Community Services

- 4.1 Request for change of name to Senior Citizen's Hall Byron Bay.....4

Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Director or 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.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 Request for change of name to Senior Citizen's Hall Byron Bay

Directorate: Corporate and Community Services

5 **Report Author:** Joanne McMurtry, Community Project Officer

File No: I2017/810

Theme: Society and Culture

10 Community Development

Summary:

15 The Section 355 Management Committee have requested a change of name for the Senior Citizen's Hall Byron Bay. The committee want to rename the hall 'Marvel Hall' and this report provides information to the Reserve Trust.

RECOMMENDATION:


That Council:

1. **Retain the name 'Senior Citizen's Hall' reflecting the gazetted purpose of the crown land the hall is situated on and the long established name of the facility;**

OR

2. **That the Senior Citizen's Hall Byron Bay be renamed "Marvel Hall".**
 - a. **That the name change be advertised for a period of 28 days.**
 - b. **That any submissions received be reported back to Council for consideration by Council for adoption or otherwise of the name. In the event that no submissions are received the name be adopted after the close of exhibition.**
 - c. **In the event the name is adopted, an application be prepared for submission to the Geographic Names Board for approval and registration of the name.**

Attachments:

- 20
- 1 Application to BSC to change the name of a 355 Committee - Senior Citizen's Hall Byron Bay, E2017/66923 , page 6 [↓](#) 

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Report

5 The Management Committee have requested a change of name for the Senior Citizen's Hall Byron Bay. The committee want to rename the hall 'Marvel Hall' and this is noted in the minutes of their meeting held on 7 June 2017. A letter from the committee is attached.

Land information

10 Crown Reserve R89520 Lot 385 DP 728504, 37 Marvel St Byron Bay NSW 2481, known as the 'Autumn Club' or 'Senior's Citizen's Hall'.
Reserve Trust – Byron Bay Senior Citizens Reserve Trust.
Trust Manager – Byron Shire Council.
Gazetted – 25 July 1975
15 Gazetted purpose – Senior Citizen's Centre.

In making a decision about the proposed change of name for this community facility, the following information has been provided after consulting the 'Guidelines for determination of placenames' from the Geographical Names Board:

- 20 1. The crown land the hall is situated on is gazetted for the purposes of a senior citizen's centre.
2. The hall has been known in the local community for over 40 years as the Autumn Club or Senior Citizen's Hall. The changing of long established placenames is generally not preferred, except where necessary to avoid ambiguity or duplication.
- 25 3. The name 'Marvel Hall' provides little benefit in the general public being able to locate where the hall is (ie Byron Bay).
- 30 4. Preferred names are:
- a. easily pronounced,
 - b. names of Aboriginal origin or with a historical background,
 - c. acknowledging the multicultural nature of society, or
 - 35 d. perpetuate the names of eminent persons, particularly those of early explorers, settlers and naturalists.

It is recognised that the current Management Committee want a more contemporary name to work with in reinvigorating the hall and increasing revenue.

40 **Financial Implications**

Nil implications in the change of name, however if the change of name is adopted, the committee plan to develop up a logo and signage.

45 Community Members of Section 355 Management Committees are volunteer positions unless otherwise resolved by Council.

Income generated from the hire of these facilities is used for minor maintenance and equipment as required.

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Statutory and Policy Compliance Implications

Policy 11/004 Naming of Public Places and Community Facilities Policy

Senior Citizens Hall 355 Committee, Upper Marvell St, Byron Bay NSW 2481

27 June 2017

Dear Byron Shire Council,

We seek to apply for a name change of our 355 Committee to " Marvell Hall" as noted in this extract of the Minutes from 7 June 2017 which includes reasoning:

"Name of Hall

We discussed the name at some length over several meetings. Given that has been a complete change of management with a view that we wanted to be outgoing with a more inclusive name than the outgoing committee we strongly felt that we needed a new name and new branding. As a result we unanimously agreed to notify BSC that we want to rename the hall: Marvell Hall. Moved: Jay Pearse Carried"

We look forward to your prompt reply.



Jim Beatson

(Senior Citizens Hall 355 Committee Chairperson)

Jim Beatson
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