

Supplementary Agenda Ordinary Meeting

Thursday, 22 May 2025



BYRON
SHIRE
COUNCIL

Supplementary Agenda Ordinary Meeting

held at Council Chambers, Station Street, Mullumbimby
commencing at 3:00 PM

Public access relating to items on this agenda can be made between 3:00pm and 4:00pm 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 'Mark Arnold'.

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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

BYRON SHIRE COUNCIL

BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS

2. APOLOGIES

3. ATTENDANCE BY AUDIO-VISUAL LINK

4. REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

6. TABLING OF PECUNIARY INTEREST RETURNS (CL 4.14 CODE OF CONDUCT FOR COUNCILLORS)

7. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

7.1 Ordinary Meeting held on 24 April 2025

8. RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

9. NOTICES OF MOTION

Nil

10. MAYORAL MINUTE

11. PETITIONS

12. DELEGATES' REPORTS

No table of contents entries found.

13. QUESTIONS WITH NOTICE

Nil

14. LATE REPORTS

15. FOR INFORMATION ONLY

14.1 Call for nominations for appointment to the Cape Byron Marine Park Advisory Committee 7

Questions with Notice: A response to Questions with Notice will be provided at the meeting if possible, that response will be included in the meeting minutes. If a response is unable to be provided the question will be taken on notice, with an answer to be provided to the person/organisation prior to the next Ordinary Meeting and placed on Councils website www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice

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 screen at the meeting.

LATE REPORTS

**Report No. 14.1 Call for nominations for appointment to the
Cape Byron Marine Park Advisory
Committee**

Directorate: Corporate and Community Services

Report Author: Sarah McCabe, Governance Support Officer

File No: I2025/722

Summary:



In previous terms Council has had representatives on the Cape Byron Marine Park Advisory Committee.

Department of Primary Industries and Regional Development has invited nominations for a representative from Council on the Cape Byron Marine Park Advisory Committee for the new term of Council.

RECOMMENDATION:

**That Council nominates Cr _____ to represent Council on the Cape
Byron Marine Park Advisory Committee.**

Attachments:

- 1 Request for appointment to Cape Byron Marine Park Advisory Committee, E2025/51672 ,
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Report

The NSW Department of Primary Industries and Regional Development (DPIRD) Fisheries have invited Council to nominate a representative of Council to join the Cape Byron Marine Park Advisory Committee.

- 5 DPIRD notes local councils often appoint a Councillor who are also within their own Coastal Management Program with strong links to a coastal and estuary management committee.

The following Councillors are current members of Council's Coast and ICOLL Advisory Committee:

- 10
 - Cr Kay
 - Cr Warth
 - Cr Hauge

- 15 Marine Park Advisory Committees aim to hold a minimum of two meetings per calendar year but may meet more frequently when there are significant matters requiring the attention of members.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.1: Enhance trust and accountability through open and transparent leadership	1.1.2: Governance - Ensure legislative compliance and support Councillors to carry out their civic duties	1.1.2.4	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

Legal/Statutory/Policy Considerations

Council's nominee may be an elected councillor or employee of council.

- 20 The committees are advisory only and do not have a statutory or decision making role.

Financial Considerations

Membership is voluntary and members do not receive sitting fees.

Consultation and Engagement

Not applicable.

Department of Primary Industries
and Regional Development



OUT25/5926
15 May 2025

Mayor Sarah Ndiaye
Byron Shire Council
PO Box 219 Mullumbimby NSW 2481
70 Station St Mullumbimby
sarah.ndiaye@cr.byron.nsw.gov.au
cc council@byron.nsw.gov.au

Cape Byron Marine Park Advisory Committee - call for nomination

Dear Sarah

The NSW Department of Primary Industries and Regional Development (DPIRD) Fisheries invites the Byron Shire Council to nominate a local government member for the Cape Byron Marine Park Advisory Committee.

Marine parks are special places designed to conserve marine biodiversity and deliver a range of benefits to the community, including public appreciation and enjoyment, Aboriginal culture, scientific research, education, and sustainable recreational and commercial uses such as scuba diving, fishing, boating and tourism.

Each of the six marine parks in NSW has a marine park advisory committee to provide an important voice for local communities and key stakeholders in the management of NSW marine parks and the broader marine estate.

The operational procedures of marine park advisory committees are set out in the [Marine Park Advisory Committee Handbook](#) jointly developed by NSW marine estate agencies. As local government is an important and valued stakeholder in marine park management, the Marine Park Advisory Committee Handbook provides for local government member/s on each committee.

The Cape Byron Marine Park lies predominantly within and adjacent to local government area of the Byron Shire Council. This call for nominations is to appoint new members for a term until November 2026, due to previous members no longer being sitting Councillors. In accordance with the Marine Park Advisory Committee Handbook, the Byron Shire Council is invited to nominate a representative to participate as a member on the committee.

The Byron Shire Council's nominee may be an elected councillor or employee of a council.

dpiird.nsw.gov.au

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Your nominee should satisfy the following appointment criteria:

- Demonstrated ability to act with integrity and exercise sound judgement
- Active involvement in local government
- Recognised as having well developed specialist skills, experience and knowledge in local government
- Ability to liaise and engage with other members of the committee
- Knowledge, experience and understanding of the local marine park, its issues, stakeholders and needs
- Ability to communicate effectively and actively contribute at meetings and out of session. Access to email to facilitate timely and effective out of session discussions is preferred.
- Ability to prepare for meetings (including reading a variety of documents in advance and liaising with other stakeholders)
- Understanding of the key issues relating to the marine estate and marine parks in NSW
- Understanding of the NSW Government's marine estate reforms and approach to marine park planning

Most local councils have appointed coastal and estuary management advisory committees to support development and implementation of Coastal Management Programs in accordance with the NSW coastal management framework. These committees consist of key stakeholders, and their business often overlaps with marine park management. Where possible, nomination of a local government representative with strong links to a coastal and estuary management committee is encouraged to support linkages between marine park management and the NSW coastal management program.

Marine park advisory committees aim to hold a minimum of two meetings per calendar year, but may meet more frequently when there are significant matters requiring the attention of members. Membership is voluntary and members do not receive sitting fees. The committees are advisory only and do not have a statutory or decision-making role.

It would be appreciated if the Byron Shire Council could nominate a local government member to serve on the Cape Byron Marine Park Advisory Committee by completing and returning the attached local government member nomination form by 23 May.

If you have any questions, please contact David Maguire, A/Manager Cape Byron Marine Park, by email to david.maguire@dpi.nsw.gov.au or on 0408 601 252.

Sincerely



David Maguire

A/Manager Cape Byron Marine Park



Marine Park Advisory Committee Local Government Nomination Form

Personal details of nominated City of Coffs Harbour Council representative

Prefix		Given name(s)		Surname	
Position in local government					
Street address					
Postal address					
Preferred phone number			Email		

Please submit your completed nomination form by email to cape.byron@dpird.nsw.gov.au