



Byron Shire Council



Agenda

Strategic Planning Committee Meeting Thursday, 22 November 2012

held at Council Chambers, Station Street, Mullumbimby
commencing at 9.00am

A handwritten signature in black ink, appearing to read 'Phil Holloway'.

Phil Holloway
Acting 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.

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STRATEGIC PLANNING COMMITTEE MEETING

22 NOVEMBER 2012

(1)

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

4. EXECUTIVE MANAGER’S REPORTS

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COMMUNITY INFRASTRUCTURE – EXECUTIVE MANAGER’S REPORT

Report No. 4.1. South Golden Beach Flood Pump and Drain Issues

Executive Manager: Community Infrastructure

5 File No: #E2012/13491

Theme: Community Infrastructure, Local Roads and Drainage

Summary: Council has previously considered a report regarding ponding water and maintenance issues at the South Golden Beach Flood Pump and associated drain (resolution follows).

Since the date of the previous report, Council has received further correspondence from the affected residents, together with representations from Hon Don Page MP which identifies a further two (2) issues, being noise and subsidence.

This report makes recommendation in relation to an unresolved matter regarding the rectification works for the ponding water from the previous resolution and these two further issues.

RECOMMENDATION:

10 That the Strategic Planning Committee resolve under delegated authority to allocate up to \$43,000 from the urban drainage maintenance program to be used for the construction of approximately 20m of 375 x 225 box culvert to drain the standing water at the inlet area of the South Golden Beach Flood Pump and for the repair work necessary to rectify the
15 subsidence and erosion issues at this location.

Attachments:

- 20 • **CONFIDENTIAL** Email from affected residents #E2012/4352 [4 pages]Annexure 7(a)
- **CONFIDENTIAL** Representations from Hon Don Page MP #DM1248572 [5 pages] Annexure 7(b)
- List of Capital Works Projects for 2013/14 financial year #E2012/18712 [3 pages]Annexure 7(c)

Report

At the Ordinary Meeting of 1 December 2011, Council considered a report ([Report No. 12.7](#)) regarding ponding water and maintenance issues at the South Golden Beach Flood Pump and associated drain, which is located in a drainage reserve between Gloria Street and Berrimbilla Court at South Golden Beach (refer Figure 1). Council resolved:

5

Res. 11-965

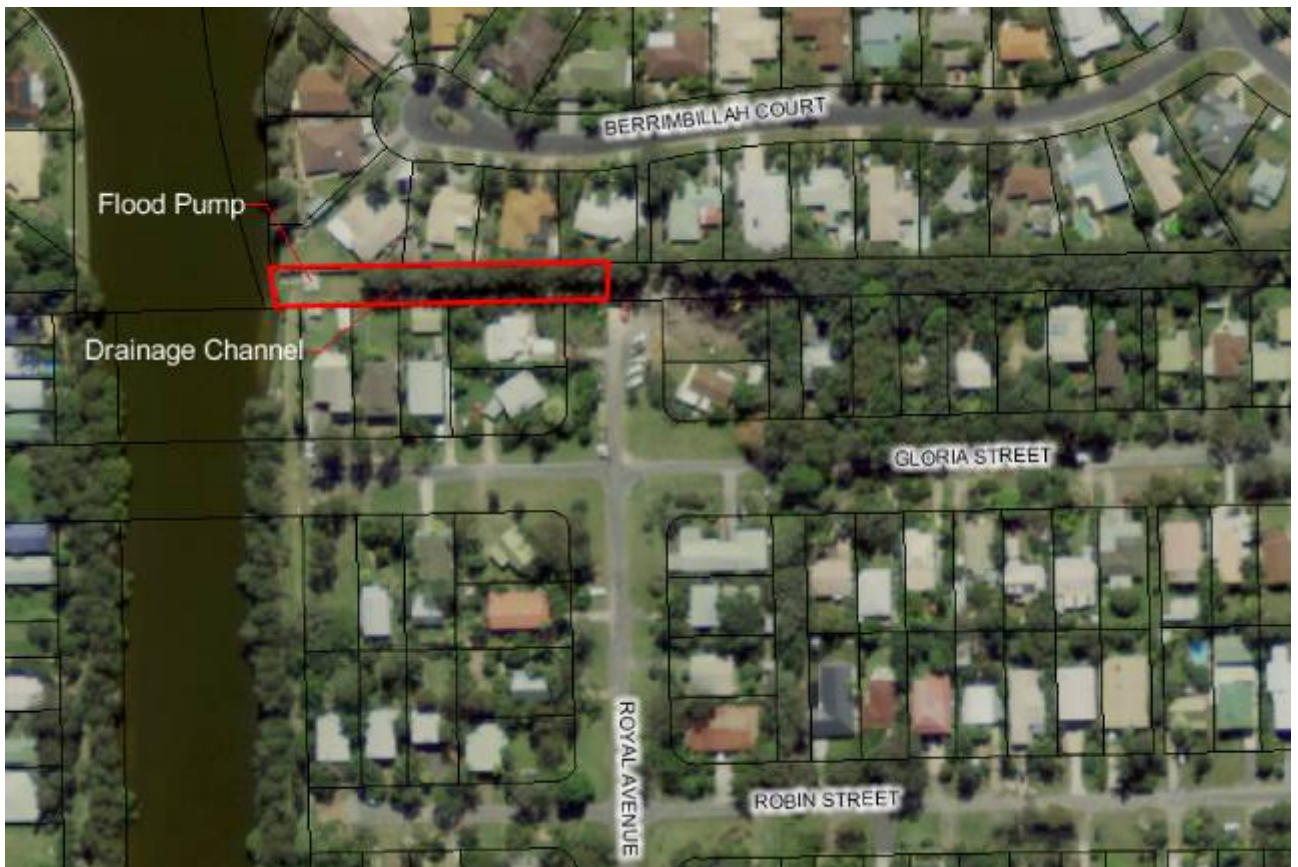
- 10
1. That Council advises the author of Annexure 12 (#1163259) Council does not currently have sufficient funds to complete further works on the South Golden Beach Flood Pump.
 2. That the construction of a box culvert between Royal Avenue and the South Golden Beach Flood Pump inlet be added to future Council budgets for consideration against other priorities at that time.
- 15
3. That Council adopts the service levels in option number 2 of this report for the open drains which supply the South Golden Beach Flood Pump.
Quarterly inspections:
 - Maximum grass length of 100mm
 - Quarterly debris removal
- 20
4. That an allocation of up to \$20,000 from the urban drainage maintenance program be used for urgent rectification works including either a metal plate or a box culvert up to 20 metres.

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Items 1, 2 & 3 of the above resolution have been actioned, however item 4 is currently outstanding.

Figure 1: Locality plan



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Since the date of the above resolution, Council has received further correspondence from the affected residents (refer annexure 7(a)), together with representations from Hon Don Page MP (refer annexure 7(b)), which identifies a further two (2) issues being noise and subsidence.

5 The three (3) issues that remain unresolved at this time are:

1. ponding of water within the drainage channel
2. subsidence behind retaining wall affecting adjoining property, and
3. noise from water flowing down the rock lined drainage chute of the flood pump

10

Ponding of water within the drainage channel

15 The affected residents have advised that there has been a heavy mosquito presence since the drain was first constructed (2008) and that the permanent stagnant water has been an ongoing problem that has significantly increased mosquito presence at their properties. They have also advised that they engaged a Mosquito Consulting Service to assess the drain and the affects of the stagnant water adjoining their properties who advised them that the permanent standing water even during a period of dry weather is the major breeding and feeding mosquito habitat.

20 Since the completion of the pump station and associated drainage works, water has ponded at the inlet to the pump station (refer photos below). Staff have attempted to resolve this with the larger sump pump and minor alterations to the inlet works, however, the ponded water remains an issue.

25 The water ponding is partly caused by the local water table being higher than the drain invert at times and the inability to fully drain this water away. The water table can remain high for long periods of time and generally only reduces after a reasonable dry period. Investigations reveal that the inlet pipe to the flood pump is at a higher level than part of the concrete v-drain and inlet area (refer photos 7 and 8 below).

30

Water ponding is also caused because of silt and sediment build up in the drain invert, which stops water from draining to the outlet. Survey levels indicate that the concrete v-drain and inlet area has minimal grade to the headwall at the inlet pipe, with some areas having no grade or falling away from the inlet pipe, which does not allow for self cleansing of the drain. An additional issue contributing to the silt and sediment build up is erosion at the end of the retaining wall at the inlet area (refer photos 9 and 10 below).

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Photo 1 – inlet area and v-drain showing silt build up and water ponding (9/8/12)



Photo 2 – inlet area following maintenance and long period without rain (13/9/12)

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Photo 3 – inlet area showing water ponding following 1st rain event after dry period (24/9/12)



Photo 4 – v-drain showing silt build up and water ponding (9/8/12)



Photo 5- inlet area and v-drain following maintenance and long dry period (13/9/12)



Photo 6 – inlet area and v-drain following 1st rain event after dry period (24/9/12)



Photo 7 – inlet area at inlet pipe (5/10/12)



Photo 8 – inlet pipe at inlet area (5/10/12)



Photo 9 – erosion at end of retaining wall at inlet area (9/8/12)



Photo 10 – silt from erosion in concrete inlet area (17/7/12)

Part 4 of resolution **11-965** states:

- 5 4. *That an allocation of up to \$20,000 from the urban drainage maintenance program be used for urgent rectification works including either a metal plate or a box culvert up to 20 metres.*

10 The provision of a “metal plate” to cover the ponded water requires further concrete works to channel the ponded water to an area suitable to cover. Initial estimates indicate that the cost for the concrete works and metal plate-cover would be in the order of \$21,000. Concerns with this option include the likely build up of silt and sediment under the metal plate due to there being insufficient fall on the v-drain to self clean. This will likely increase the extent of ponding in the open drain. Cleaning of silt and sediment from under the metal plate will likely result in a significant increase in maintenance costs.

15 Initial estimates indicate the costs for the construction of 20m of 375mm x 225mm box culvert would be in the order of \$35,000. Concerns with this option include the sacrifice of the concrete inlet area and the loss of flood storage volume. Additional funding in the order of \$10,000 would be required to reconstruct the concrete inlet area.

20 In regard to the loss of flood storage, there is still more flood storage available than that originally proposed by GHD in their design plans for the flood pump, which included a 1200mm x 900mm box culvert with overland flow. In this regard, the open drain was not the preferred option for supplying the pump station with storm water. The preferred option was a concrete box culvert with a drain above it. At the time of construction, Council did not have sufficient funds for a box culvert, therefore, an open drain was constructed. Given the funding constraints the open drain was considered to be the most cost effective method of supplying the flood pump with the water volumes it requires.

Subsidence behind retaining wall affecting adjoining property

30 The land behind a retaining wall near the inlet area is subsiding (refer photos below). The soil from behind and under the footings of the retaining wall is being washed out into the open drain, causing the soil behind the retaining wall to slump. The likely cause is due to the exposure of the footings of the retaining wall in the open drain during construction of the concrete inlet area, which has weakened the foundation soil allowing the water pressure behind the retaining wall to
 35 force water out under the footings at this location instead of through the weep holes in the retaining wall.



Photo 11 – lower and upper retaining walls near subsidence (27/6/12)



Photo 12 – exposed footing of upper retaining wall (13/9/12)



Photo 13 – area of subsidence behind retaining wall (17/7/12)



Photo 14 – affect of subsidence on boundary fencing (13/9/12)

5 Staff have contractors ready to repair the subsidence issue by providing additional drainage behind the retaining wall and extension of a lower retaining wall to cover the exposed footings for a cost of \$5,000. However these works are partly within (and require access to) the private property affected by the subsidence and the registered proprietors (affected residents) are unwilling to authorise entry to their property.

10 The affected residents have met with senior staff regarding their continued frustrations and have expressed their desire to have the problem of both the subsidence and the mosquito issues (ponding water) resolved by using drainage pipes or culverts from the pump inlet to the Royal Avenue walk bridge.

15 Initial estimates indicate the costs for the construction of 87m of 1200mm x 900mm box culvert from the pump inlet to the Royal Avenue walkway consistent with the original GHD design for the flood pump would be in the order of \$163,000. Concerns with this option include the sacrifice of the drainage infrastructure (including concrete v-drain, concrete inlet area and retaining walls), the loss of existing flood storage volume and access difficulties to the inlet area.

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5 The length of construction could be reduced by approximately 17m to allow access to the inlet area from the end of Royal Avenue. Initial estimates indicate the costs for the construction of 70m of 1200mm x 900mm box culvert from the pump inlet to the end of Royal Avenue consistent with the original GHD design for the flood pump would be in the order of \$138,000. Concerns with this option still include the sacrifice of the drainage infrastructure (including concrete v-drain, concrete inlet area and retaining walls) and the loss of existing flood storage volume.

10 To reduce the amount of sacrificed drainage infrastructure and loss of flood storage volume a smaller box culvert could be used instead of the 1200mm x 900mm box culvert mentioned above. Initial estimates indicate the costs for the construction of 70m of 375mm x 225mm box culvert with an open drain over the top from the pump inlet to the end of Royal Avenue would be in the order of \$97,000. Concerns with this option still include the sacrifice of the drainage infrastructure (including concrete v-drain and concrete inlet area) and the loss of some flood storage volume.

15 A further option is to reconstruct the existing pipeline between the concrete inlet area and the flood pump to provide fall from the inlet area to the flood pump. It would still be necessary to provide concrete works to the inlet area to contain stormwater flows within the concrete v-drain so that flows can drain to the new inlet pipe. Initial estimates indicate the costs for the construction of 20m of 900mm reinforced concrete pipe with associated concrete works would be in the order of \$37,000. Concerns with this option include the necessity to ensure the regular maintenance of the concrete v-drain and inlet area because of the flat grades to remove silt and sediment build up.

20 With all of the above options it is still recommended to provide additional drainage behind the retaining wall in the area of subsidence, with such drainage connecting to the open drain or box culvert, as the case may be.

25 It should also be noted that in discussions with the affected residents that they advised that their consultant engineer was of the opinion that a large box culvert for at least 40m from the area of subsidence was needed to rectify the subsidence issue.

Noise from water flowing down the rock lined drainage chute of the flood pump.

35 The affected residents have advised that during heavy rain the pump runs every five minutes for a period of 25 seconds and that the noise generated by the water flowing down the rock lined chute (not the pump) 24 hours a day is unacceptable.

40 In attempts to resolve the ponding water in the drain, a larger sump pump and inlet works were provided to the flood pump station. The sump pump delivers water to the rock lined drainage chute (refer photo 15 below), which then flows to the canal. Inspection of Council's records for the operation of the sump pump confirms that the sump pump is running (at times) as indicated by the affected residents.

45 Staff agree that the noise from the water flowing down the rock lined chute at all hours of the night is unacceptable. Arrangements have been made for the installation of a timer for the operation of the sump pump to ensure that the pump only switches on between the hours of 9am and 3pm for the draining of nuisance ponding water, but will still turn on at all hours when needed for flood events.



Photo 15 – rock lined drainage chute for flood and sump pump (17/7/12)

5 Discussion of Options

In considering the above issues, Council has the following options:

- 1 Concrete channel works with metal plate at an estimated cost of \$21,000 to cover the standing water. An additional cost in the amount of \$10,000 is estimated for the repair work necessary to rectify the subsidence and erosion issues. Maintenance will be a major issue and water will still be present under the metal plate and in the headwall area. A total estimated cost for this option is **\$31,000**.
- 2 Concrete channel works only at an estimated cost of \$15,000 to restrict standing water to a smaller area. An additional cost in the amount of \$10,000 is estimated for the repair work necessary to rectify the subsidence and erosion issues. Maintenance will be a major issue and water will be present in the channel until it evaporates. A total estimated cost for this option is **\$25,000**.
- 3 Construction of 20m of 375 x 225 box culvert at an estimated cost of \$35,000 to drain the standing water at the inlet area and does not include a concrete inlet area. An additional cost in the amount of \$8,000 is estimated for the repair work necessary to rectify the subsidence (extension of a lower retaining wall not required to cover exposed footings) and erosion issues. Sacrifice of constructed infrastructure and loss of some flood storage are the major issues. This option will cover the exposed footings affecting the subsidence issue and provide a constant fall from the concrete v-drain to the pump inlet pipe. A total estimated cost for this option is **\$43,000**.
- 4 Construction of 87m of 1200 x 900 box culvert at an estimated cost of \$160,000 for full length of open drain between flood pump inlet pipe and Royal Avenue walkway. Additional costs in the amount of \$3,000 is estimated for the repair work necessary to rectify the subsidence

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issue (extension of lower retaining wall and works for erosion issue not required). Sacrifice of constructed infrastructure, loss of flood storage and access to inlet area are the major issues. This option will not only cover the exposed footings affecting the subsidence issue, but also cover the erosion issue at the end of the retaining wall at the inlet area and provide a constant fall from the Royal Avenue walkway to the pump inlet pipe. A total estimated cost for this option is **\$163,000**.

5 Construction of 70m of 1200 x 900 box culvert at an estimated cost of \$135,000 between flood pump inlet pipe and the end of Royal Avenue roadway. Additional costs in the amount of \$3,000 is estimated for the repair work necessary to rectify the subsidence issue (extension of lower retaining wall and works for erosion issue not required). Sacrifice of constructed infrastructure and loss of flood storage are the major issues. This option will also cover the exposed footings affecting the subsidence issue and cover the erosion issue at the end of the retaining wall at the inlet area and provide a constant fall from the end of the roadway at Royal Avenue to the pump inlet pipe. A total estimated cost for this option is **\$138,000**.

10 6 Construction of 70m of 375 x 225 box culvert at an estimated cost of \$97,000 between flood pump inlet pipe and the end of Royal Avenue roadway. An additional cost in the amount of \$8,000 is estimated for the repair work necessary to rectify the subsidence (extension of a lower retaining wall not required to cover exposed footings) and erosion issues. Sacrifice of constructed infrastructure and loss of some flood storage are the major issues. This option will cover the exposed footings affecting the subsidence issue and provide a constant fall from the concrete v-drain to the pump inlet pipe. A total estimated cost for this option is **\$105,000**.

15 7 Reconstruct the existing pipeline between the concrete inlet area and the flood pump and carry out inlet area works at an estimated cost of \$37,000 to drain the inlet area and v-drain to the flood pump. An additional cost in the amount of \$10,000 is estimated for the repair work necessary to rectify the subsidence and erosion issues. Concerns with this option include the necessity to ensure the regular maintenance of the concrete v-drain and inlet area because of the flat grades to remove silt and sediment build up. This option relies on a retaining wall to cover the exposed footings affecting the subsidence issue and will drain the inlet area if there is no silt or sediment build up. A total estimated cost for this option is **\$47,000**.

25 30 Option 5 is considered to be the preferred engineering option, however, Council does not currently have the funds available to complete the works and other projects have higher priorities. Option 1 is unlikely to totally resolve the issues. Due to current funding constraints Option 3 is Management's recommendation to Council.

Financial Implications

35 40 The following table provides a summary of the above options and their estimated cost:

Option	Work	Amount
1	Concrete channel works with metal plate	\$ 31,000
2	Concrete channel works	\$ 25,000
3	Construction of 20m of 375 x 225 box culvert	\$ 43,000
4	Construction of 87m of 1200 x 900 box culvert	\$163,000
5	Construction of 70m of 1200 x 900 box culvert	\$138,000
6	Construction of 70m of 375 x 225 box culvert	\$105,000
7	Reconstruct existing pipeline	\$ 47,000

45 The works required to carry out option 3 (ie 20m of 375 x 225 box culvert and repair work to rectify subsidence and erosion issues) have been estimated at \$43,000. This value represents a considerable amount of money, for which provision has not been made in the current 2012/13 Community Infrastructure budgets.

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The works cannot be funded from Section 94 contributions as these works are not generated by additional demand from development.

5 The Stormwater Levy fund cannot be used on activities for which the primary purpose does not relate to providing stormwater management services to parcels of land eligible to be charged the levy. The works relate to issues associated with flood mitigation works and do not fall into the definition of stormwater management services.

10 The opportunity to seek grant funding, under the Floodplain Risk Management Grants Scheme Program, to help fund the above works was discussed with an officer from the NSW Government Office of Environment & Heritage, who advised that the proposed works are maintenance related and not flood mitigation works and as such would not receive support under the Grants Scheme.

15 Council's current annual drainage maintenance budgets for the northern part of the Shire comes from the following:

North - Urban Drainage Maintenance Planned	=	\$ 37,000.00
North - Urban Drainage Maintenance Unplanned	=	\$ 83,200.00
Total	=	\$120,200.00

20 Expenditure to date allocated to the above drainage maintenance budgets is \$47,879.00, which leaves \$72,321.00 remaining in the maintenance budget for the north of the Shire. There are sufficient funds available to provide for the estimated cost of construction for option 3 from the drainage maintenance budget, but this may have an impact on other unplanned maintenance.

25 Should Council resolve to provide for the construction of options 4 or 5, at estimated costs of \$163,000 or \$138,000 respectively, being options preferred by the affected residents, Council must reallocate funding from another project from within the existing programs. A list of capital works projects for the 2013/14 financial year is included at Annexure 7(c).

30

Statutory and Policy Compliance Implications

35 Council has a general duty of care to provide reasonable infrastructure, as resources and priorities permit. Where existing infrastructure becomes known to be inadequate for any reason within the control of Council, repair, renewal and upgrade of drainage assets for the provision of stormwater is a fundamental component of meeting Council's obligations.

40 Provision of stormwater infrastructure is a legitimate function of local government under the *Local Government Act* 1993. To the extent that the provision of stormwater infrastructure protects public roads, other infrastructure, Council land, Crown land, private land and the community. Council is also responsible for drainage under the *Roads Act* 1993.

45 In all cases, Council must meet its obligation to provide a satisfactory and safe level of drainage for the Shire's residents and a drainage network which is maintained in a condition which is not likely to endanger the Shire's residents during or after a rainfall event.

Resolving as recommended would show Council is identifying and managing its duty of care to the best of its ability and at the highest level achievable with the current funding levels for infrastructure maintenance.

COMMUNITY INFRASTRUCTURE and CORPORATE MANAGEMENT – EXECUTIVE MANAGERS’ REPORT

Report No. 4.2. Regional Development Australia Rounds Three and Four Funding Applications

5 **Executive Manager:** Community Infrastructure & Corporate Management
File No: #E2012/17749

Theme: Infrastructure Planning

Summary: This report has been prepared in accordance with part 7 of Resolution **12-875** adopted by Council at its Ordinary meeting held on 8 November 2012, being:

7. That staff present a report to the next Strategic Planning Committee Meeting on 22 November 2012 of possible Round 3 projects.”

Council at the same Ordinary meeting in relation to Round 3 projects resolved via Resolution 12-891 to prepare an Expression of Interest for a project to develop future stages for the Tweed Street redevelopment project.

A listing of other possible Round 3 Projects has been detailed in this report in accordance with part 7 of Resolution 12-875.

10 **RECOMMENDATION:**

15 **That the Strategic Planning Committee resolve under delegated authority to note the details in Annexure 9(b) ‘Council Projects and Eligibility for Round 3 of the Regional Development Australia Fund’, as potential alternative projects for submission to Regional Development Australia.**

20

Attachments:

- 25 • Council Projects And Eligibility for Round 2 of the Regional Development Australia Funding #E2012/19282 [4 pages]**Annexure 9(a)**
- Council Projects and Eligibility for Round 3 of the Regional Development Australia Funding #E2012/19283 [2 pages] **Annexure 9(b)**

30

Report

The Australian Government has announced the opening of Rounds 3 and 4 of the Regional Development Australia Fund (RDAF).

5 Round three will see \$50 million dedicated specifically to projects in small towns, while round four will distribute \$175 million to support strategic infrastructure projects. Both rounds will be rolled out at the same time, therefore \$225 million is available now for partnership projects right across Australia.

10 The government will also soon be announcing details of round five, which will mean all commitments in relation to this program will be announced in advance of the next federal election.

15 Funding under the RDAF program will be offered via two separate funding rounds, open and running at the same time. Please refer below for the key points from the eligibility criteria. For further information and full guidelines about the program refer to:
<http://www.regional.gov.au/regional/programs/rdaf.aspx>

20 Key Dates

Milestone	Date
Expressions of Interest for Rounds 3 & 4 open	26 October 2012
Expressions of Interest for Rounds 3 & 4 close	5.00pm (local time) 6 December 2012
RDA decisions on EOIs to the government	11 February 2013
Notification of EOI outcomes by Dept Full applications for Rounds 3 & 4 open	13 February 2013
Full applications Round 3 close	5.00pm (local time) 27 March 2013
Full applications Round 4 close	5.00pm (local time) 11 April 2013
Minister announces Round 3 projects	From 7 June 2013
Minister announces Round 4 projects	From 12 July 2013
Funding agreement negotiated and executed	Within 6 months of announcement
Projects in Rounds 3 & 4 must commence	Within 12 months of signing funding agreement
All projects must be completed	31 December 2016

Note: Expressions of Interest do not require supporting documentation, however full applications will require a considerable amount of planning and supporting documentation.

25 In regard to rounds 3 and 4 of the RDA Fund, at the Ordinary Meeting held 8 November 2012, Council resolved as follows:

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12-875 Resolved:

- 5
- “1. That Council submit an Expression of Interest (EOI) for the Regional Development Australia Fund Round 4.
2. That the project involve the provision of a park and ride scheme to operate during school holiday and long weekend periods.
- 10
3. That the project incorporates the following aspects as part of the submission:
- a) Use of Byron Regional Sports and Cultural Centre as a Northern parking site and Red Devil Park or other suitable Southern site
- b) Road and traffic readjustment creating a bus transit lane along Shirley Street
- 15
- c) An entrance into the Jonson Street (North) carpark for buses
- d) The closure of Jonson street, from Marvel Street to Bay Street to vehicles (not including the Jonson Street/Lawson Street roundabout) for the creation of a pedestrian precinct.
- 20
- e) Changes to parking time limits
- f) Promotional and marketing development
- 25
- g) Informative Street signage
4. That, as matching funding is a declared RDA preference, matching funding be considered from the following:
- 30
- a) Income derived from parking/bus fees
- b) A low interest, infrastructure renewal scheme loan
- 35
- c) Paid parking
- d) Footpath dining fees
- 40
- e) Other possible funding streams identified.
- f) A combination of the above
5. That staff consult with the Sunshine Coast Council to gain information and logistics from the Noosa Heads park and ride model.
- 45
6. That the following plans and policies be considered to support the EOI
- Byron Shire Council Community Strategic Plan 2022
 - Tourism Management Plan 2008-2018
 - The NSW State Plan (2010)
 - Far North Coast Regional Strategy (2006)
 - Northern Rivers Regional Plan (2011)
 - Community Economic Development Policy
 - Strategic Transport Statement (Transport Policy)
 - Improving the Town Centre
- 50
- 55

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8. *That staff present a report to the next Strategic Planning Committee Meeting on 22 November 2012 of possible Round 3 projects."*

(Richardson)

5 and

12-891 Resolved:

10 *"That Council prepare an Expression of Interest for Round 3 to RDA Northern Rivers by 6 December 2012:*

15 *Part 1 - Support this as the Byron Shire Council project to be submitted for EOI to RDA Northern Rivers and that staff be directed to incorporate this project in 2012-2016 Delivery Program as developed in conjunction with the Community Strategic Plan.*

20 *Part 2 - To use part or all of S94 roads funding of \$71,000 (currently available) to conduct detailed road design and quantity survey of master plan precincts so that as future s94 funding becomes available, funding can be used to develop future stages of Tweed Street Redevelopment Project."* (Woods/Spooner)

25 This report is in response to part 7 of Resolution 12-875 – possible projects for Round 3 RDA funds. However, it is noted that Resolution 12-891 already requires an EOI for a project in Tweed Street, Brunswick Heads. Therefore, this report merely provides details of other potential projects that may be considered, noting that Council may only apply for one project in each of Round 3 and Round 4.

As stated in the guidelines:

30 *"Applicants who submit an EOI/application to Round Three may also submit an EOI/application to Round Four. Each EOI/application must be for different projects."*

Further, an overview of Round Three indicates that it supports small towns by:

- 35
1. \$50 million available
 2. Grants of \$50,000 to \$500,000
 3. Local government and not-for-profit organisations with an annual income of \$500,000 or more
 4. RDA committees select up to five priority projects to proceed to full application
 5. An Advisory Panel considers all eligible applications and makes recommendations on most meritorious to the Minister
- 45

In more detail, regarding Round Three projects:

- 50
1. Projects seeking funding from Round Three must be located in a town with a population of 30,000 or less
 2. Smaller projects will be supported, with grants of between \$50,000 and \$500,000 available
 3. Strong preference will be given to projects that have partner contributions. Preference will also be given to projects where these partner contributions include cash. In-kind contributions will be accepted as partner contributions. Partner contributions must be ready to flow from the time that the Funding Agreement is signed.
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4. The income threshold for not-for-profit organisations has been reduced to \$500,000, averaged over the two most recent consecutive years. Not-for-profit organisations with an annual income of less than \$500,000 may still participate in the program as a member of a consortium led by an eligible applicant.
5. While projects may fall into one or more categories, proponents should nominate the primary category for their project - economic; community; arts and culture; or sport and recreation
6. The number of documents to be provided with applications has been reduced. Failure to provide some of these documents will not render an application as ineligible, however it can diminish the project's chance of success as it will impact on the assessment of risk, viability and capacity to deliver the project. It will also impact on the Department's analysis of the case against the selection criteria, which informs the discussions and recommendations of the RDAF Advisory Panel.
7. The number of ineligible activities has been reduced
8. Four selection criteria are in place, and applications must make a case against at least three of these criteria (depending on the nature of the project). Applicants must address one or both of Criterion 1 or Criterion 2, depending on the nature and impact of their project. Applicants must also address Criterion 3. Projects which are considered to be the core business of local, state or territory governments should address Criterion 4.
9. The request for a commencement date for projects has been removed, however projects must commence within 12 months of signing the Funding Agreement. Projects must be completed by 31 December 2016.
10. RDA committees are encouraged to select a diverse range of projects from towns across their region.

Northern Rivers Regional Plan

The Northern Rivers Regional Plan (NRRP) has been developed by RDA to identify regional priorities. This has been completed in consultation with stakeholders, including Local Government. Through this process Council nominated a range of projects it would like progressed during the planning period.

Any projects Council submitted need to be aligned with the Northern Rivers Regional Plan (NRRP) which is available online: <http://www.rdanorthernrivers.org.au/>

The following projects from Byron Shire are listed in the NRRP:

1. Coastal Zone Management Plan
2. Climate change mitigation
3. Byron Bay town centre bypass
4. Construction of cycleways
5. Byron Regional Sport and Cultural Complex
6. Extension to the landfill
7. Brunswick area sewerage augmentation scheme

8. Transport Management Plan

5 The projects outlined above are contained within the NRRP and may potentially offer a greater chance of receiving funding via the RDAF, however it is worth noting that the RDA regional plan appears to provide opportunity to develop other projects that can align with the plan's broad goals of developing natural, social and economic capital for the region over the coming decade.

10 For example, projects that address employment, housing affordability, education, transport, health and / or the needs of the young and the aged appear consistent with the regional plan and potentially able to meet the RDAF criteria, as do projects that address climate change, protect biodiversity and manage and plan for future land use, population growth and economic, industry and infrastructure demands.

15 Possible Projects and Eligibility

Annexure 9(b) provides a list of possible projects identified by Management for RDAF Round 3 in 2012.

20 **Financial Implications**

The RDA applications require some level of matching funds, together with some level of in-kind support.

25 Further, the most significant financial impact will be maintenance in regards to the Tweed Street proposal under Round Three and the operational costs of running a park and ride service for Round 4.

Statutory and Policy Compliance Implications

30 Statutory, policy and compliance implications are dependent upon the project and will need to be considered during the planning and background stages of each project.

CORPORATE MANAGEMENT – EXECUTIVE MANAGER'S REPORTS

Report No. 4.3. Amendment of Local Approvals Policy and Policy 5.57 Busking

Executive Manager: Corporate Management

File No: #E2012/12651

Theme: Corporate Management, Compliance

Summary: The purpose of a Local Approvals Policy (LAP) includes;

1. to specify any circumstances where Council approval is not required before carrying out an activity and
2. to specify other matters relevant to seeking approvals from Council.

The LAP (page 16), which was adopted on 24 June 2010 and commenced on 23 September 2010, provides a set of conditions which exempts certain buskers and street thespians from requiring a s68 approval.

Council has adopted a Policy in respect of busking (Policy 5.57 Busking). In terms of law, the LAP overrides Council Policy 5.57 Busking.

The contest between the LAP and Policy 5.57 Busking and the inconsistency between the two policies appears to have led to confusion in interpretation.

Due to the 22 March 2012 amendment of Policy 5.57 Busking certain inconsistencies have arisen between the LAP and Policy 5.57 Busking. The recommended amendments to each Policy seek to aid interpretation and promote consistency.

RECOMMENDATION:

That the Strategic Planning Committee recommend to Council:

1. That Council endorse the amendments to the Local Approvals Policy (Annexure 1(a) #E2012/12765) and Policy 5.57 Busking (Annexure 1(b) #E2012/12285).
2. That the Amended Local Approvals Policy (Annexure 1(a) #E2012/12765) and the Amended Policy 5.57 Busking (Annexure 1(b) #E2012/12285) be placed on public exhibition for a minimum of 42 days (Amended Local Approvals Policy) and for a minimum of 28 days (Amended Policy 5.57 Busking).
3. That any submissions received as a result of the public exhibition be presented to Council for consideration in determining the adoption of the Amended Local Approvals Policy. In the event that there are no submissions received during the exhibition period, then the Amended Local Approvals Policy be submitted to the Director General for concurrence and, subject to that concurrence, be adopted.
4. That any submissions received as a result of the public exhibition be presented to Council for consideration in determining the adoption of Policy 5.57 Busking. In the event that there are no submissions received during the exhibition period, then the Amended Policy 5.57 Busking be adopted.

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5. That Council publicly advertise for 28 days the proposed changes to fees and charges identified in this report and if no submissions are received they be adopted.

5 6. That Council note the proposed education program and the moratorium.

Attachments:

- 10
- Draft Amended Local Approvals Policy E2012/12765 [21 pages]**Annexure 1(a)**
 - Draft Amended Policy 5.57 Busking E2012/12285 [21 pages] **Annexure 1(b)**

Report

Policy No. 5.57 – Busking was last amended by Council on 22 March 2012. The amendments were;

5

12-192 Resolved:

That Council amend the Busking Policy (5.57), in the following ways:

10

1. *Change Condition 4.3.10 to read- The use of percussion instruments for busking is permitted in designated sites as shown in maps in annexure 3 and 4 of the Policy;*
2. *Create a new 4.3.11 to read- The use of 'electronically amplified sound equipment' by groups of 3 or more for busking are permitted in designated sites as shown in maps in annexure 3 and 4 of the Policy;*
3. *Adjust current Conditions 4.3.11-23 accordingly;*
- 15 4. *Change Condition 5.2. Designated Sites (4 designated sites), to read, Designated Sites (3 designated sites)".*

15

The current Policy 5.57 Busking as amended on 22 March 2012 can be viewed at

<http://www.byron.nsw.gov.au/policies> .

20

In Management comments on the Notice of Motion then before Council it was said under (Legal and Policy Implications) that;

25

The greater policy problem appears to be the confusion and conflicting direction arising from the busking part of the adopted "Local Approvals Policy" and Busking Policy 5.57. This is not the subject of this Notice of Motion.

The Notice of Motion 8.5 titled 'Amendment to Busking Policy' can be viewed

<http://www.byron.nsw.gov.au/meetings/2012-03-22-ordinary>

30

The current Local Approvals Policy (LAP) can be viewed at <http://www.byron.nsw.gov.au/policies>

The purpose of a LAP includes:

35

1. to specify any circumstances where Council approval is not required before carrying out an activity and
2. to specify other matters relevant to seeking approvals from Council.

40

The LAP (page 16), which was adopted on 24 June 2010 and commenced on 23 September 2010, provides a set of conditions which exempts certain buskers and street thespians from requiring a s68 permit.

In terms of law, the LAP overrides Council Policy 5.57 Busking.

45

Section 68 of the Local Government Act (the Act) is in the following terms;

"68 What activities, generally, require the approval of the council?"

50

(1) *A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval."*

The relevant Table is as follows:

“Part D – Community Land

- 5 4. *For fee or reward, play a musical instrument or sing.”*
 It is an offence to carry out an activity set out in Section 68 Part D4 without approval.

“626 Failure to obtain approval

10 *A person who carries out an activity specified in Parts B–F of the Table to section 68 without having obtained a prior approval of the council under Part 1 of Chapter 7 required for the carrying out of that activity is guilty of an offence.*
Maximum penalty: 20 penalty units.”

15 The LAP provides that busking is to be in accordance with Council’s Busking Policy.

This is consistent with purpose 2 of a LAP set out previously.

20 Policy 5.57 Busking provides the following in respect of approvals (emphasis added);

“4.2 Obtaining an authorised approval to busk within the Byron Shire:

- 25 1. **Buskers must hold an authorised approval to busk, issued by the Byron Shire Council.** *Approval may be obtained, during business hours, from the Byron Shire Council Chambers, Station Street, Mullumbimby following payment of appropriate Council fees where applicable.*
- 30 3. **Details of Buskers holding Approvals to Busk will be entered into a Register of approvals granted by Byron Shire Council pursuant to Section 113 of the Local Government Act.** *Additionally, pursuant to Sections 113(2) and 113(5) of the Act the information recorded will include the name and address of the person or persons to whom the approval is granted and this information will be available for public inspection without charge during ordinary office hours.*

35 **4.3 Conditions for busking in the Shire:**

In relation to busking in all public areas of the Shire (with the exception of those areas outside the authority of the Byron Shire Council), the following conditions apply:

40 ***Buskers must display a copy of this policy and their Approval to Busk in a prominent, highly visible position in the busking site at all times during their acts.”***

Consistent with the notion that busking must be with a permit Council’s Adopted Fees and Charges provides the following:

45

Section 68 (Part D1)			
	Busking /Street Entertainment	1675.4	
	Application fee (once off)		20.00
	Per annum (12 month approval from date of issue)		100.00
	Per month		26.00
	No Charge - persons under 18 years of age		No Charge

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In summary, an approval to play a musical instrument or sing for fee or reward in Byron Shire requires Council approval unless a LAP allows the activity to be carried out without approval.

5 By its inclusion in the LAP busking (within certain parameters) does not require Council approval pursuant to the provisions of section 68 of the Act but by the LAP reference to busking being required to be in accordance with Council's Busking Policy the requirement to obtain a permit still exists. Council's existing Busking Policy specifically requires that buskers must hold an authorised approval to busk.

10 There is a difference between a section 68 approval and the application for and issue of a permit.

15 The contest between the LAP and Policy 5.57 Busking and the inconsistency between the two policies appears to have led to confusion in interpretation and has resulted in what appears to be information being given to the busking public which is consistent with the LAP but inconsistent with Policy 5.57 Busking.

Since November 2010 Council staff have been advised that "... *There is no need to obtain an approval where (the criteria set out in the LAP) is (sic) being met.*"

20 That information has thereafter been conveyed in answering enquiries as to whether a Busking Permit is required.

25 Posted on Council's website is a Fact Sheet entitled "Busking in Byron Shire". The Fact Sheet details that "*No permit is required if you are not using any amplified amplification and a busking between 8 am to 8 pm. You must hold an authorised approval to busk if you have amplification.*" It is noted that as at September 2011 when the Fact Sheet was posted busking hours were regulated to between 8 am and 8 pm. These times were also set out in the LAP. It appears that the information provided by Council staff is not accurate.

30 Further, due to the amendment of Policy 5.57 Busking certain inconsistencies have arisen. For example:

LAP	POLICY
Only between the hours of 8am and 8pm.	All amplified busking to cease at 10.30pm with no amplified busking to occur between the hours of 10.30pm and 8.00am and non-amplified busking to cease at 12.00 midnight, with no non-amplified busking to occur between 12.00 midnight and 8.00 am.
Not to include a public address system or amplified music.	All amplified busking to cease at 10.30pm with no amplified busking to occur between the hours of 10.30pm and 8.00am and non-amplified busking to cease at 12.00 midnight, with no non-amplified busking to occur between 12.00 midnight and 8.00 am. Where electrically amplified sound equipment is used, it must not be powered by mains power or generators. Only battery power from sealed (gel) or dry cell batteries may be used. The use of 'electronically amplified sound equipment' by groups of 3 or more for busking are permitted in designated sites as shown in maps in Annexure 3 and 4 of the Policy.

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Whilst it appears without question that Council has created a situation where a section 68 approval is not required to undertake most busking, Council has not waived the requirement that busking activity be by permit only.

5 If Council is to maintain the position that some form of approval/permit is required in order to busk in Byron Shire there is a need to define the nature of the approval/permit and to differentiate it from an approval pursuant to section 68 of the Act.

10 It is recommended that the appropriate term is a permit ie Approval will mean an approval pursuant to s68 of the Act while a Permit will be that issued by Council on application.

15 By the maintaining of a permit system Council puts itself in a position to be satisfied that the activity as proposed to be carried out will comply with applicable standards established by Council ie the Busking Policy. A permit system is a means to regulate compliance with such standards. Additionally, as is set out in the Busking Policy;

20 *'By signing the Application for Permit to Busk in the appropriate space, applicants must agree to comply with:*

- a) *The requirements for obtaining busking approvals and special busking approvals, and,*
- b) *The conditions for busking in the town in both unrestricted and the designated sites in restricted areas.'*

25 To overcome confusion in interpretation and to eliminate inconsistencies each of the LAP and Policy 5.57 Busking have been amended. The amended Policies, LAP (Annexure 1(a)) and Policy 5.57 Busking (Annexure 1(b)) are recommended for consideration.

30 The only amendments to the LAP are to Section 68 Part D 4 on page 16, the columns '*Exemption Circumstances/Requirements*' and '*Advisory Note*'.

Exemption Circumstances/Requirements

35 The presently existing circumstances relating to hours and a public address system or amplified music have been removed as they are inconsistent with Policy 5.57 Busking as amended on 22 March 2012.

40 There is a clear statement that a busking permit is required. It is noted that the application for a permit carries with it a statement that the Policy will be complied with.

The reference to busking being in accordance with Council's Busking Policy has been retained as has the need for Dangerous and Circle acts to obtain approval.

Advisory Note

45 The reference to traffic problems and possible injuries has been removed as the areas where busking, in its various forms, is permitted is made clear by Policy 5.57 Busking. The Advisory Note refers to that policy for further detail.

50 The reference to Council and the Police has been retained to advise as to the enforceability of Policy 5.57 Busking. Annexure 1(b) is the amended Policy 5.57 Busking.

The Policy has been amended to remove all references to "approval" and to replace each with "permit".

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The form of the 'Application for Busking Permit' and 'Renewal Application for Busking Permit' have been added to the policy document so as to be informative and to provide consistency.

- 5 Present clause 4.2.3 has been amended by adding 4.2.3 (b) and by renumbering present clause 4.2.3 to 4.2.3 (a). As was stated earlier, there is a difference between a section 68 approval and the application for and issue of a permit.

10 Accordingly clause 4.2.3 (a) refers to a Register of approvals and to section 113 of the Act. That Register and that section relate to section 68 approvals (Dangerous and Circle acts). They are not a Register or a section which deal with the issue of permits.

Clause 4.2.3 (b) is a register which deals with the issue of permits.

- 15 Clause 4.3 .21 has been added so as to provide clarity to buskers and to Council officers (the Rangers) in respect of complaints received by, and investigated by, Council.

20 It is noted that all complaints over the past year have been passed on to and have been dealt with by Council's Busking Liaison Officer and have not required enforcement action.

25 In recommending the maintaining of a permit system staff were cognisant of the fact that Council's presently Adopted Fees and Charges may be fixed at a level which is beyond the means of most buskers. Fees and Charges which are too high encourages avoidance of the application process for a busking permit and, consequently, sees busking activity being conducted without a permit.

Staff considered the fees and charges imposed by a number of Councils and found assistance from those fixed by the City of Melbourne.

"Fees

- 30
- *An application fee of \$20 per year will apply for all new permit applications.*
 - *A reapplication fee of \$10 per year will apply for all permit types."*

Accordingly it is recommended that Council's Adopted Fees and Charges be amended to the following in respect of busking;

35

Section 68 (Part D1)		
Busking /Street Entertainment	1675.4	
Busking Permit		
Initial application per annum (12 month approval from date of issue)		25.00
Reapplication per annum (12 month approval from date of issue)		15.00
All applications per month		5.00
Persons under 18 years of age exempted		No Charge

It is further recommended that should the amended Fees and charges in respect of Busking/Street Entertainment be adopted, that the requirement for a Busking Permit not be enforced until 1 July 2013, whilst an education process is undertaken to advise existing and

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prospective buskers of the need to apply for a permit, the applicable fees and the requirements of Policy 5.57 Busking.

5 To assist with getting the message out the following promotional tasks would be undertaken at a budget cost of approximately \$1,700 (excl GST):

- 3 weeks of run-of-station 15 second x 30 adverts on Bay FM
- 2 x small display adverts in the entertainment section of the Byron Shire Echo
- 1 x public notice advert in Byron Shire Echo
- 10 ▪ Inclusion of information on Byron Shire Council rates notice insert and posted at the Byron Community Centre.
- Update of Busking factsheet
- Face to face advice by Council's Rangers and Council's Busking Liaison Officer.

15 **Financial Implications**

Promotional tasks budget as above.

20 Below is a table of income received for busking (job #1675.4) in 2010 to 2013 to date.

Year	Income
2010	6,448.92
2011	5,042.92
2012	3,950.91
2013 (to Date)	1,599.10

Given that the period covered by the above table is the same period during which staff have been advising that approvals to busk are not required it is difficult to estimate the income which may be generated from the reduced application fees.

25 **Statutory and Policy Compliance Implications**

Part 3 of Chapter 7 of the Local Government Act (the Act) deals in detail with the adoption of local policies concerning approvals and orders.

30 Section 158 covers the preparation of a draft local policy for approvals (LAP). This provision requires that LAPs include circumstances under which a person would be exempted from needing to obtain a particular approval, the criteria which Council would take into consideration in respect of particular approvals and any other relevant matters.

35 Council must give the public notice of a draft local policy once it is prepared and the period of public exhibition must be not less than 28 days. Furthermore, the notice must specify a period of not less than 42 days from the date on which the draft local policy is placed on public exhibition during which submissions may be made to Council.

40 When publicly exhibiting the details of a draft local policy, Council must notify any other matter which he considers appropriate to enable the draft local policy to be understood-section 160.

45 After considering the submissions it has received, Council can then decide whether to amend the draft local policy, to adopt it without amendment or not to adopt it, except where the adoption of criteria is mandatory.

If the draft local policy is adopted with amendments, Council must again exhibit the policy if the amendments are of a substantial nature.

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If the amendments are not substantial, the Council may adopt the amended policy without further exhibition-section 161. Whether amendments are substantial should be judged in the context of the local policy, that is, whether they change the effect or operation or ambit of the draft.

- 5 Section 162 states that Council does not have the power to adopt that part of the draft LAP that specifies circumstances in which (if the policy were to be adopted) a person would be exempt from the net from the necessity to obtain a particular approval of the Council, unless Council has first received the Director-Generals consent.
- 10 To amend a local policy adopted under the Act, Council must adopt another local policy. This may deal with the whole or part of the local policy to be amended.

The Act requires Council to give public notice in a form and manner prescribed by the regulations, if any, or as determined by Council of the adoption or revocation of local policy.

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Report No. 4.4. Australia Day 2013 Ambassador Program

Executive Manager: Corporate Management

File No: #E2012/17518

Theme: Corporate Management, Administrative Services - Councillors

Summary: At the Australia Day 2013 Project Reference Group ("PRG") meeting held on 31 October 2012, the members requested that staff report to Council a further request from the PRG for approval to participate in the Australia Day Council Ambassador program.

5

RECOMMENDATION:

- 10 **That the Strategic Planning Committee resolve under delegated authority to authorise the Australia Day 2013 Project Reference Group to register for participation in the Australia Day Council Ambassador program.**

Report

At the Ordinary Meeting held on 27 September 2012, Council resolved (12-777) to adopt the Constitution for the Australia Day 2013 Project Reference Group (PRG). The Constitution is available at <http://www.byron.nsw.gov.au/committees/australia-day->

The adopted Constitution does not allow for the PRG to participate in the Australia Day Council Ambassador Program, as it states at Objective 4(c) 'Selection of an Ambassador is not to include any Woolworths sponsored Ambassador.' This objective was added to the Constitution in 2011 as a result of resolution 11-195 which resolved (in part) 'That invitations to Woolworths' Australia Day Ambassadors be discontinued in favour of utilising local identities in this role.'

The decision of Council (refer Resolution 11-195) not to participate in the 2012 Ambassador 25 Program was discussed at the PRG meeting held 12 October 2011. At this meeting the PRG made the following recommendation to Council:

"That the PRG request Council to participate in the Ambassador Program for 2013 Australia Day Activities."

The PRG was of the view that the attendance of an Ambassador at the individual community events was well received and contributed to the success of the events as a drawcard.

The request of the PRG was considered by Council at the 27 September 2012 Ordinary meeting as part of the report for the establishment of the 2013 Australia Day Project Reference Group. This request was not acceded to by Council.

At the Australia Day 2013 PRG meeting held on 31 October 2012, staff advised the PRG of the decision not to participate in the Ambassador Program, as part of the 2013 Australia Day Activities. The PRG following consideration of this advice requested that a further recommendation of the PRG be reported to Council being:

"That the Australia Day Project Reference Group recommend to Council the Group participates in the Ambassador Program."

In support of this request, the PRG re-enforced that the attendance of a national or state identity as an Australia Day Ambassador, at the Australia Day activities assisted in the promotion of the activities and the community support and attendance at the individual events. That the Australia Day address at the Official Ceremony at Ocean Shores would be made by a local personality.

The following information is an extract for the Australia Day website on the Ambassador Program:

"The Australia Day Ambassador Program is an initiative that sees high achieving and proud Australians attend local Australia Day celebrations in towns and cities across the nation. Australia Day Ambassadors volunteer their time and energy to inspire pride and celebration in hundreds of local communities in cities, regional areas and in the country."

The Australia Day Ambassador program is sponsored by Woolworths. Additional information on the program is available at <http://www.australiaday.org.au/australia-day/ambassadors.aspx>

Financial Implications

There is no fee for participation in the Australia Day Council Ambassador program and the Australia Day Council pays for the Ambassador's flights and/or hire car. There are, however, Council costs associated with accommodation for two nights totalling \$600 and wages for Council's staff member acting as chaperone to the Ambassador for the whole day. The Australia Day budget for 2013 is \$12,300 and can accommodate these costs.

Statutory and Policy Compliance Implications

5 There are no statutory or Policy Compliance implications other than the adopted Australia Day 2013 PRG Constitution. This Constitution was reported to Council on 27 September 2012 at Annexure 1.

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Report No. 4.5. Investments – October 2012

Executive Manager: Corporate Management

File No: #E2012/17384

Theme: Corporate Management, Financial Services

Summary: This report includes a list of investments as at 31 October 2012.

5

RECOMMENDATION:

10

That the Strategic Planning Committee resolve under delegated authority to receive and note the record of investments for the month of October 2012.

Attachments:

15

- Investment Valuations and Graphs October 2012 #E2012/12192 [2 pages].....**Annexure 8(a)**

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Report

Council at its Ordinary Meeting held 27 September 2012 resolved as follows:

5 **12-778:**

1. *“Receive and note the record of investments for the month of August 2012.*
2. *Invite its investment advisors to provide a short presentation at the next available Ordinary Meeting.”*

10

Arrangements have been made with Council's independent investment advisors, Denison Financial Advisory to attend the Ordinary Council Meeting to be held on 6 December 2012 at 2.30pm to provide Council with a presentation on the investment portfolio held by Council.

15

In relation to the investment portfolio as at 31 October 2012, Council has continued to maintain a diversified portfolio of investments. The average 90 day bank bill rate for the month of October was 3.16%. Council's performance for the month of October is a weighted average of 3.99%. This performance is again higher than the benchmark. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits. Council's investment portfolio should continue to out-perform the benchmark as the capital protected investments earning 0% interest begin to mature or are able to be switched favourably. There are still a number of Council's capital protected investments being partially and fully allocated to an underlying zero coupon bond. This is part of the "Capital Protection Mechanism" and coupons will not be paid if any allocation is made to this bond.

25

The current value of an investment compared to the principal value (face value or original purchase price) provides an indication of the performance of the investment without reference to the coupon (interest) rate. The current value represents the value received if an investment was sold or traded in the current market, in addition to the interest received.

30

For the month of October, the current value of investments has remained lower than the principal amount. The table below shows a decrease in the unrealised loss for Council from September to October 2012.

35

Movement in Principal and Current Market Valuations

Month	Principal	Current Value (at end of month)	Unrealised Gain/(Loss)
SEPTEMBER	61,070,812.97	60,367,938.97	(702,874.00)
OCTOBER	59,788,560.99	59,106,580.99	(681,980.00)

40

This unrealised loss is a consequence of the lingering effects of the Global Financial Crisis. Some of Council's investments are linked to the Credit and Equity Markets which have been adversely affected and are yet to recover. A breakdown of this can be seen in the table below. The figures are for October 2012.

Dissection of Council Investment Portfolio as at 31 October 2012

Principal (\$)	Investment Linked to:-	Current Value	Unrealised Gain/(Loss)
37,771,000.00	TERM DEPOSITS	37,771,000.00	0
3,017,560.99	BUSINESS ONLINE SAVER	3,017,560.99	0
3,500,000.00	MANAGED FUNDS	3,296,600.00	(203,400.00)

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6,000,000.00	CREDIT	5,921,240.00	(78,760.00)
9,000,000.00	EQUITY	8,585,680.00	(414,320.00)
500,000.00	BONDS	514,500.00	14,500.00
59,788,560.99		59,106,580.99	(681,980.00)

5 Council uses a diversified mix of investments to achieve short, medium and long-term results. Council's historical strategy is to use credit/equity markets for exposure to long term growth. It should be noted that Council's exposure to credit/equity products is capital protected when held to maturity, which ensures no matter what the market value of the product is at maturity, Council is insured against any capital loss. The investment strategy associated with long term growth is now prohibited under the current Ministerial Investment Order utilising credit/equity markets to seek investment products. However, the 'grandfathering' provisions of the Ministerial Investment Order provides Council can retain investments now prohibited until they mature. Council is also looking continually at 'switch' opportunities for these investments in conjunction with its independent investment advisors. Any 'switch' opportunities undertaken are reported to Council in the investment report relating to the month the 'switch' occurred. Notwithstanding the current valuations of credit/equity investments, these products will trend toward their full principal value as they approach maturity.

15

Investments held as at 31 October 2012

Date	Principal (\$)	Description	CP*	Rating	M'ty	Type	Rate	Current Value
24/7/07	1,000,000	AVERON II	CP	AAA	07/14	CR	0.00%*	916,400.00
17/1/08	1,000,000	ANZ SUB DEBT	N	A+	01/13	CR	4.36%	1,000,380.00
22/4/08	2,000,000	ANZ TRANSFERABLE DEPOSIT	N	AA-	04/13	CR	4.36%	2,009,040.00
14/11/08	2,000,000	ANZ TRANSFERABLE DEPOSIT	N	AA-	12/12	CR	3.83%	1,995,420.00
26/9/05	1,500,000	EMU NOTES	CP	AAA-	10/15	MFD	0.00%*	1,368,600.00
29/6/06	2,000,000	ALL SEASONS NOTE	CP	AA+	08/14	MFD	0.00%*	1,928,000.00
22/6/06	1,000,000	HIGH INCOME NOTES	CP	A	06/13	E	0.00%*	969,510.00
22/11/06	1,000,000	LIQUIDITY	CP	A+	11/12	E	0.00%*	1,003,200.00
30/3/07	1,000,000	INFRASTRUCTURE AND UTILITIES NOTE	CP	A	04/14	E	0.00%*	950,890.00
28/9/07	1,000,000	TRI-SECTOR LINKED NOTE	CP	A	09/14	E	0.00%*	933,880.00
5/11/07	1,000,000	ELN 2	CP	AA-	11/12	E	3.00%	1,006,900.00
28/11/07	3,000,000	CLIENT MANAGED NOTE	CP	A	11/14	E	0.00%*	2,772,900.00
20/12/07	1,000,000	DANDELION NOTE	CP	AA	12/12	E	0.00%*	948,400.00
20/6/12	500,000	HERITAGE BUILDING SOCIETY BONDS	N	BBB+	06/17	B	7.25%	514,500.00
12/10/12	2,000,000	HERITAGE BUILDING SOCIETY	N	BBB+	01/13	TD	4.70%	2,000,000.00
6/3/12	2,000,000	SUNCORP	P	A+	12/12	TD	4.95%	2,000,000.00
12/10/12	1,000,000	MACQUARIE BANK	P	A	04/13	TD	4.65%	1,000,000.00
29/9/08	2,000,000	WESTPAC BANK	P	AA	09/13	TD	8.00%	2,000,000.00
16/12/08	1,000,000	WESTPAC BANK	N	AA	12/13	TD	6.00%	1,000,000.00
28/9/09	785,000	INVESTEC BANK	P	BBB+	01/14	TD	8.02%	785,000.00
18/6/10	786,000	SUNCORP	N	A	06/14	TD	7.30%	786,000.00

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23/10/12	1,000,000	BANK OF QUEENSLAND	P	A2	01/13	TD	4.70%	1,000,000.00
26/4/12	1,000,000	ME BANK	P	BBB	12/12	TD	5.05%	1,000,000.00
23/10/12	1,000,000	NEWCASTLE PERMANENT	P	NR	01/13	TD	4.40%	1,000,000.00
5/9/12	2,000,000	SOUTHERN CROSS CR UNION	P	NR	01/13	TD	5.11%	2,000,000.00
12/5/11	1,000,000	INVESTEC BANK	N	BBB+	05/14	TD	7.48%	1,000,000.00
23/10/12	2,000,000	ING BANK (AUSTRALIA)	P	A1	02/13	TD	4.62%	2,000,000.00
28/3/12	1,000,000	RABO BANK	P	AA	11/12	TD	5.30%	1,000,000.00
8/8/11	1,000,000	RABO BANK	N	AA	8/13	TD	6.50%	1,000,000.00
24/8/12	1,000,000	GREATER BUILDING SOCIETY	P	NR	1/13	TD	4.95%	1,000,000.00
28/8/12	2,000,000	ST GEORGE BANK	P	AA-	11/12	TD	4.87%	2,000,000.00
30/7/12	1,000,000	NATIONAL AUSTRALIA BANK	P	AA-	11/12	TD	5.05%	1,000,000.00
4/4/12	1,000,000	ME BANK	N	BBB	12/12	TD	5.03%	1,000,000.00
31/10/12	2,200,000	POLICE CREDIT UNION	P	NR	12/12	TD	4.55%	2,200,000.00
8/10/12	2,000,000	INVESTEC	N	BBB+	01/13	TD	4.80%	2,000,000.00
23/7/12	2,000,000	ME BANK	N	BBB	12/12	TD	5.00%	2,000,000.00
9/8/12	2,000,000	BANK OF QUEENSLAND	N	A2	11/12	TD	5.10%	2,000,000.00
5/9/12	1,000,000	ELDERS RURAL BANK	N	BBB	03/13	TD	5.00%	1,000,000.00
6/9/12	2,000,000	RABOBANK	N	AA	09/13	TD	5.02%	2,000,000.00
12/10/12	1,000,000	INVESTEC	N	BBB+	10/13	TD	4.71%	1,000,000.00
12/10/12	1,000,000	SOUTHERN CROSS CR UNION	N	NR	01/13	TD	4.60%	1,000,000.00
N/A	3,017,561	CBA BUSINESS ONLINE SAVER	N	A	N/A	CALL	3.75%	3,017,560.99
Total	59,788,561					AVG	3.99%	59,106,580.99

It should be noted that at the time of writing this report, Council had not received a valuation for the Dandelion Note investment for 31 October 2012. This investment is highlighted in bold in the table above with the valuation reflective from 30 September 2012 being the most current valuation Council has.

5

Note 1. CP = Capital protection on maturity
 N = No Capital Protection
 Y = Fully covered by Government Guarantee
 P = Partial Government Guarantee of \$250,000

Note 2.

Type	Description	
CR	Credit	Principal varies based on valuation, interest payable via a floating interest rate that varies except for those capital protected investments that have transferred to their capital protection mechanism.
E	Equity	Principal varies based on valuation, interest payable via a floating interest rate that varies except for those capital protected investments that have transferred to their capital protection mechanism.
MFD	Managed Fund	Principal varies based on fund unit. Price valuation, interest payable varies depending

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		upon fund performance.
TD	Term Deposit	Principal does not vary during investment term. Interest payable is fixed at the rate invested for the investment term.
CALL	Call Account	Principal varies due to cash flow demands from deposits/withdrawals, interest is payable on the daily balance at the cash rate +0.50%

Note 3. Floating rate notes and Term Deposits can be traded on a day-to-day basis, and therefore Council is not obliged to hold the investments to the maturity dates. Managed funds operate in a similar manner to a normal bank account with amounts deposited or withdrawn on a daily basis. There is no maturity date for this type of investment.

Note 4. The coupon on these investments is zero due to the Capital Protection mechanism working. This occurs when the investment falls below a certain level. This coupon may be paid again in the future as the market recovers.

Other Information – Financial Claims Scheme (FCS)

On 1 February 2012, the Financial Claims Scheme (FCS - or Government guarantee) coverage for any one investor in deposits will reduce to \$250,000 from \$1,000,000 per Approved Deposit Institution (ADI). The Financial Claims Scheme was introduced as a result of the Global Financial Crisis (GFC), essentially to provide investors confidence when taking out deposits with all ADIs and to ensure that their primary business of lending money was not significantly hindered due to lack of funding. NSW Local Government Councils have under the Ministers Order always been able to invest with ADIs without a dollar limit on any one institution.

Under Australian Prudential Regulatory Authority (APRA) regulation Building Societies and Credit Unions must meet the same capital requirements as a Bank. Whilst the majority are much smaller in terms of balance sheet size to the Banks they are still considered to be strong business' and investing in their term deposits still low risk. Most of Councils' term deposits have now been amended to show a partial guarantee of this \$250,000 per deposit taking institution.

Financial Implications

The reduction of the current value of Council's portfolio is a result of the downturn in global markets stemming from the global financial crisis. It should be noted that Council's exposure to the credit/equity markets is supported by capital protection which ensures that the initial value of the investment is not reduced when held to maturity. In downward cycles, the capital is protected by allocating the investment to an underlying bond. If the investment is 100% allocated to this bond, no interest will be paid up to maturity. This will impact negatively on Council's interest earnings on investments.

Council's investment strategy is to invest for the long term while maintaining sufficient liquid investments to meet short term requirements. It is important that this strategy is maintained to ensure that principal attached to credit/equity investments is recovered over time as maturity occurs or 'switch' opportunities to alternative investments present themselves.

Statutory and Policy Compliance Implications

In accordance with clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer of Council must provide Council with a monthly report detailing all monies Council has invested under section 625 of the Local Government Act 1993.

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- 5 The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. In this regard, the current Council Meeting cycle does not always allow this to occur, especially when the second meeting of a month is a Strategic Planning Meeting or when the meeting dates are brought forward. Under normal circumstances it is not possible to present the investment report to the first Ordinary Meeting in the month, as investment valuations required for the preparation of the report, are often received after the deadline for the submission of reports for the meeting.
- 10 Council's investments are carried out in accordance with section 625(2) of the Local Government Act 1993 and Council's Investment Policy. The Local Government Act 1993 allows Council to invest money as per the Ministers Order – Forms of Investment, last published in the Government Gazette on 11 February 2011.
- 15 Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds.

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Report No. 4.6. Annual Reporting Requirements 2011-2012

Executive Manager: Corporate Management

File No: #E2012/17730

Principal Activity: Administration

Summary: In accordance with the Local Government Act 1993 (LG Act 1993) Council is required to provide a copy of its Annual Report and State of the Environment Report to the Minister for Local Government within five months of the end of the financial year (ie 30 November 2012).

The 2011-2012 Annual Report contains achievements with respect to the objectives and performance targets set out in the management plan for that year.

5

RECOMMENDATION:

That the Strategic Planning Committee resolve under delegated authority:

10

a) **That the Annual Report 2011-2012 as shown at Annexure 5(a) (#E2012/19323) be adopted.**

15

b) **That in accordance with the Local Government Act 1993 the Annual Report 2011-2012 be forwarded to the Minister for Local Government prior to 30 November 2012.**

20

c) **That the Annual Report 2011-2012 be made available on Council's website and hard copies made available at Council's administration building and community access points.**

25

d) **That the community be advised of the availability of the Annual Report 2011-2012 in its block advertising and by media release.**

e) **That the Annual Report Community Summary as shown at Annexure 5(b) (#E2012/19308) be noted.**

Attachments:

30

- Annual Report 2011-2012 Statutory version #E2012/19323 [432 pages] **Annexure 5(a)**
- Annual Report 2011-2012 Community Summary version #E2012/19308 [12 pages] **Annexure 5(b)**

35

Annexure 5(a) has been provided to Councillors only. The Annexure can be viewed on Council's website at www.byron.nsw.gov.au/Meetings/

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Report

In accordance with the Local Government Act 1993 Council is required within five months at the end of each financial year to provide an Annual Report to the Minister for Local Government.

5 The Annual Report has been prepared in accordance with Department of Local Government (DLG) Circular to councils 12-06 Reporting Requirements of Councils for 2011-2012. A copy of this circular can be found on the DLG's web site at:

10 www.dlg.nsw.gov.au/dlg/dlghome/dlg_DocumentsIndex.asp?documenttype=1§ionid=1&actionid=1&next=y&irecx=2&mi=6&ml=3&year=

The Annual Report is now presented to Council for adoption prior to forwarding to the Minister before 30 November 2012.

15 A full copy of the 2011-2012 Annual Report has been included at Annexure 5(a) to this report. A copy of the Annual Report Community Summary has been included at Annexure 5(b) to this report.

20 The Annual Report includes the State of the Environment Supplementary Report 2011-2012 and a copy of the audited Financial Statements. A full copy of the Audited Financial Statements and Auditor's Reports were provided to Council at its Ordinary Meeting held on 25 October 2012.

25 In accordance with the publishing options in DLG Circular 12-06, the Annual Report will be available on Council's website. A hard copy of the document will be available for community members that do not have internet access at Council's Administration building and community access points.

30 In addition, a community summary of the Annual Report for ratepayers has been completed. A promotional page will feature in the Community Update and distributed with the January 2013 rate notice reminder. The Community Update will act as a promotional notification that the Community Report (summary of the Annual Report including significant achievements) will be available on the website and at community access points.

35 In summary, communication plan for the Annual Report includes:

- | | | |
|----|-----------------------------|---|
| 1. | Annual Report in full | Community Access Points
Byron Shire Council website |
| 40 | 2. Community Report summary | Byron Shire Council website
Community Access Points
Available by request via post |
| 45 | 3. Community Update | January rate notice insert
¼ pg advertisement in Byron Shire News
and Echo |

Financial Implications

50 The preparation of the Annual Report and the Community summary report along with the implementation of the communication plan is within the allocated budget vote for the Annual Report and Promotions of \$10,000.

Statutory and Policy Compliance Implications

The Annual Report has been produced in accordance with the following legislation:

- 5
- Local Government Act 1993
 - Local Government (General) Regulations 2005
 - Government Information (Public Access) Act 2009
 - Privacy and Personal Information Protection Act 1998
 - Environmental Planning and Assessment Act 1979
- 10

ENVIRONMENT AND PLANNING – EXECUTIVE MANAGER'S REPORT

Report No. 4.7. PLANNING -Delegations for the Gateway Process Local Matters – Making of LEPs

5 **Executive Manager:** Environment and Planning
File No: #E2012/18346

Theme: Environment, Land and Natural Environment

Summary: The Minister for Planning is returning local planning decisions to local councils by delegating all of his functions under section 59 of the Environmental Planning and Assessment Act 1979 back to local councils for the making of LEP's where council receives an authorisation following the Gateway determination. In order for Council to be able to exercise these delegations, Council must write to the department advising that they are accepted. Councils are also requested in their response to nominate the officers or employee of council who will be granted the proposed delegation.

NOTE TO COUNCILLORS:

10 In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a
15 Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:

20 That the Strategic Planning Committee resolve under delegated authority:

1. That Council write to the Department of Planning and Infrastructure advising that the delegation of all of the Ministers functions under section 59 of the Environmental
25 Planning and Assessment Act 1979 is accepted.
2. That pursuant to section 378 and 335(2) of the Local Government Act 1993 council delegate to the General Manager, and to the Executive Manager of Environment & Planning the functions under section 59 of the Environmental Planning and
30 Assessment Act, 1979 for the making of the LEP.

Attachments:

- 35 • PLANNING -Delegations for the Gateway Process Local Matters – Making of LEPs #S2012/3150 [2 pages]..... **Annexure 2**

Report

5 The Minister for Planning and Infrastructure, Brad Hazzard has written to Council advising that there has been a review of the draft Plan Making Process to return local planning decisions to local councils and their communities. He has delegated all of his functions under section 59 of the Environmental Planning and Assessment Act 1979 back to local councils for the making of LEP's where council receives an authorisation following the Gateway determination.

10 Delegations will be issued for particular types of draft LEP's along with other types if the Gateway determines that the draft LEP is a local matter. To exercise these delegations, council needs to nominate officers who will be granted the delegations and write to the department advising they are accepted. The functions cannot be delegated to the General Manager or an employee unless the approval of the council has been provided.

15 Council needs to respond to the department by Friday 30 November 2012. Further information on the procedures of the plan making process for delegated draft LEP's is available at: <http://www.planning.nsw.gov.au/lep-practice-notes-and-planning-circulars>

Financial Implications

20 Nil

Statutory and Policy Compliance Implications

25 **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 59**

Making of local environmental plan by Minister

30 **59 Making of [local environmental plan](#) by Minister**

- (1) The [Director-General](#) is to make arrangements for the drafting of any required [local environmental plan](#) to give effect to the final proposals of the [relevant planning authority](#). The [Director-General](#) is to consult the [relevant planning authority](#), in accordance with the [regulations](#), on the terms of any such draft instrument.
- 35 (2) The Minister may, following completion of community consultation:
 - (a) make a [local environmental plan](#) (with or without variation of the proposals submitted by the [relevant planning authority](#)) in the terms the Minister considers appropriate, or
 - (b) decide not to make the proposed [local environmental plan](#).
- (3) The Minister may defer the inclusion of a matter in a proposed local environmental plan.
- 40 (4) If the Minister does not make the proposed local environmental plan or defers the inclusion of a matter in a proposed local environmental plan, the Minister may specify which procedures under this Division the relevant planning authority must comply with before the matter is reconsidered by the Minister.

SOCIETY AND CULTURE – EXECUTIVE MANAGER'S REPORTS

Report No. 4.8. Youth Council Minutes August to October 2012

5 **Executive Manager:** Society and Culture
File No: #E2012/9216

Theme: Society and Culture, Community Services

Summary: The Byron Shire Youth Council met three times during the August to October period - 2 August, 6 September and 4 October 2012. The minutes of those meetings are presented to Council for noting.

Youth Council meetings for this period focused on planning the Youth Police Protocol, Youth Binge Drinking, the Small Change Grants and the preparation of the Youth Council Annual Report June 2011 – July 2012. Other items discussed include the Youth Film Competition, Youth Music Library and review of high priority projects from the 2011- 2015 Youth Strategy and Action Plan.

The purpose of this report is to present the minutes to Council and provide information on the major points of discussion and outcomes from the events undertaken.

RECOMMENDATION:

10

That the Strategic Planning Committee resolve under delegated authority to:

- 1. **Note the informal minutes of the 2 August 2012 Youth Council Meeting.**
- 15 2. **Note the minutes of the 6 September 2012 Youth Council Meeting.**
- 3. **Note the minutes of the 4 October 2012 Youth Council Meeting.**

20 **Attachments:**

- Youth Council Meeting 2 August Informal Minutes #DM1260404 [3 pages] **Annexure 3(a)**
- Youth Council Meeting 6 September Minutes #E2012/9209 [3 pages] **Annexure 3(b)**
- 25 • Youth Council Meeting 4 October Minutes #E2012/17462 [5 pages] **Annexure 3(c)**

Report

The Byron Shire Youth Council met on 2 August, 6 September and 4 October 2012.

5 The 2 August 2012 meeting did not reach quorum, however Youth Council members in attendance held informal discussions with no outcomes or decisions made or recorded. Informal minutes were taken as a record of these discussions, and are attached for Council's interest. Major items of discussion and the outcomes from all three meetings are set out below.

Youth Police Protocol

10 Council staff have worked with Youth Council to produce Youth Police Relationship surveys. Two separate surveys were developed - one to survey police and one to survey local young people. The surveys aim to identify any potential areas of improvement and concern in police/youth relationships, and will inform the creation of a Youth Police Protocol. The youth surveys are currently being
15 distributed. This project is an objective of the Youth Strategy and Action Plan 2011-2015.

Youth Binge Drinking

20 The Youth Council have been actively involved in supporting the Cringe the Binge campaign targeting youth binge drinking. Byron Youth Service staff member Kate Reed attended the October meeting of Youth Council to give a presentation on Cringe the Binge. Youth Council will participate in the weekend of action on the 10 and 11 November 2012.

Small Change Grants

25 The Small Change Grants program is a small grant round open to local young people to deliver a project for local young people, and is an objective of the Youth Strategy and Action Plan 2011-2015.

30 Small Change Grants 2012 opened in April 2012 and winners were announced in July 2012. The winning projects included:

1. "Screen the Teens" – a youth film festival, application received from Lucy Serret,
2. "Shine" – a personal development program for young women by young women, application
35 received from Ellie Davidson,
3. "Byron Youth Playback Company" – professional training for the Byron Youth Theatre in Education group, application received from Lily Smith,
4. "Take 8" – a Hip Hop workshop series, application received from Mali Dry,
5. "Flash Mob Byron" – creating a series of performances and a clip for You Tube, application
40 received Shoshone Dawkins,
6. "Wildfood and Byron Youth Nature" – consciousness and awareness raising event application received by Leelah Shostak.

Each project will receive \$1000 grant towards their proposed projects.

45 Preparation of the Youth Council Annual Report June 2011 – July 2012.

Youth Council members have been actively involved in the preparation of the Youth Council Annual report June 2011 – July 2012. The period has seen a high amount of activity from the Youth Council. The Youth Council Annual report June 2011 – July 2012 will be reported to Council at a December
50 2012 meeting.

Youth Music Library

55 The Youth Music Library project is an initiative of Youth Council which aims to make musical instruments more accessible to young people from low socio economic background or in home school situations.

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The project aims to establish a musical instrument borrowing service through the Byron Bay Library. Council staff are currently working with the Richmond Tweed Regional Library service to progress this project.

5 **Financial Implications**

Nil from this report.

Statutory and Policy Compliance Implications

10

Byron Shire Council Youth Strategy and Action Plan 2011- 2015.
Local Government Act 1993.

Report No. 4.9. Nominations Received for Tourism Advisory Committee

Executive Manager: Society and Culture

File No: #E2012/16740

Theme: Economy

Summary: At the Ordinary meeting on 27 September 2012, Council resolved (12-788) to reform the Tourism Advisory Committee. Nominations were called from the community and this report provides the nominations received, and recommendations about the reformation of the Tourism Advisory Committee.

5

RECOMMENDATION:

That the Strategic Planning Committee resolve under delegated authority:

10

1. That the current constitution be amended to:

(a) allow for “two or more Councillors, as determined by Council”.

15

(b) include an additional dot point under ‘Term’, “additional terms may be served if nominations are called for publicly, and Council consider no suitable alternative nominations are received”.

2. That the following nominations be accepted:

20

- **Tourism industry member from Byron Bay – Person B from Annexure 4(a)**
- **Tourism industry member from Brunswick Heads – Person B from Annexure 4(b)**
- **Tourism industry member associated with a small, family type tourism operation – Person A from Annexure 4(c)**
- **Community members not associated with the tourism industry – Person A and Person C from Annexure 4(d)**
- **Community member not associated with the tourism industry but from a rural area – Person A from Annexure 4(e)**
- **Member from a local environmental organisation – Person A from Annexure 4(f)**

25

3. That Council determine if the tourism industry member associated with rural tourism could be replaced with a second member from the Byron Bay tourism industry – Person A from Annexure 4(a). The Constitution should be changed to reflect the decision of Council.

35

4. That all unsuccessful nominees be written to thanking them for their interest and providing a copy of the Tourism Management Plan Annual Report 2011/12.

40 Attachments:

- **CONFIDENTIAL** Nominations received in the category ‘member associated with tourism industry in Byron Bay’ E2012/18017 [11 pages] **Annexure 4(a)**
- **CONFIDENTIAL** Nominations received in the category ‘member associated with tourism industry in Brunswick Heads’ E2012/18020 [10 pages]..... **Annexure 4(b)**
- **CONFIDENTIAL** Nominations received in the category ‘member associated with a small, family type tourism business’ E2012/18021 [11 pages]..... **Annexure 4(c)**

45

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- **CONFIDENTIAL** Nominations received in the category 'community member not associated with tourism industry' E2012/18028 [16 pages] **Annexure 4(d)**
- **CONFIDENTIAL** Nominations received in the category 'community member not associated with tourism industry and from a rural area' E2012/18030 [7 pages] **Annexure 4(e)**
- 5 • **CONFIDENTIAL** Nominations received in the category 'member from a local environmental organisation' E2012/18033 [4 pages] **Annexure 4(f)**
- Tourism Advisory Committee Constitution E2012/4395 [6 pages] **Annexure 4(g)**

Report

At the Ordinary meeting on 27 September 2012, Council **resolved (12-788)**:

- 5 1. *That Council reform the Tourism Advisory Committee to lead and implement the strategies and actions of the Byron Shire Tourism Management Plan and advise Council on tourism matters.*

- 10 2. *That the draft Revised Constitution for the Tourism Advisory Committee at Annexure 5(a) #E2012/4395 be adopted.*

- 15 3. *That the Aboriginal member of the Tourism Advisory Committee be invited from Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).*

- 20 4. *That a 'call for expressions of interest' to form the Tourism Advisory Committee be advertised seeking applications for the four industry members, the three community members and one member from a local environmental organisation.*

- 25 5. *That Council elect Crs Cameron, Richardson and Ibrahim to be members of the Tourism Advisory Committee for the term of Council 2012-2016.*

25 Nominations were called for all but one of the nine community positions on the Tourism Advisory Committee. For the ninth position, a letter of invitation was sent to the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) inviting them to nominate a member.

30 A media release was prepared and distributed to local media outlets and relevant stakeholders in the Shire. An advertisement was placed in Council Notices for three weeks from 9 October, with submissions closing on Friday 26 October 2012.

35 Fifteen submissions in total were received and are listed below. Submissions were received from some people who have been on the Tourism Advisory Committee previously, which raises a question for Council in terms of 'length of service' – please refer to the constitutional discussion below.

Nominations Received for Tourism Advisory Committee

40 Copies of the nominations received are provided in Annexures 4 (a) to (f). Council need to select one member from each of the following categories, except for 'community member not associated with tourism', in which Council need to select two members.

- Tourism industry member from Byron Bay
- Tourism industry member from Brunswick Heads
- Tourism industry member associated with a small, family type tourism operation
- 45 • Tourism industry member associated with a rural tourist facility – **no nominations received**
- Community members not associated with the tourism industry (**note: 2 members required**)
- Community member not associated with the tourism industry but from a rural area
- 50 • Member from a local environmental organisation

55 Regarding nominations for the tourism industry member associated with rural tourism, this position has been difficult to fill in the past. It has only been filled on two reasonably short occasions in the three years since the Tourism Advisory Committee commenced, from February 2010 – July 2010, and then from March 2011 – February 2012 being the last meeting attended.

On the other hand, the Byron Bay tourism industry, in particular, Byron United, have been vocal about their wish to have two positions on the committee, dating back to initial discussions about the make up of the Tourism Advisory Committee in 2009. Byron United have put forward a nomination in this most recent round of nominations, and there are advantages to having a member of Byron United included in the final Tourism Advisory Committee make-up.

If Council wished, the tourism industry member associated with rural tourism could be filled by a second member from the Byron Bay tourism industry. The constitution should be changed to reflect the decision of Council.

Based on the information each applicant supplied as part of their nomination, management recommendations are:

- Tourism industry member from Byron Bay – Person B from Annexure 4(a)
- Tourism industry member from Brunswick Heads – Person B from Annexure 4(b) (please refer to the constitutional discussion below)
- Tourism industry member associated with a small, family type tourism operation – Person A from Annexure 4(c) (please refer to the constitutional discussion below)
- Community members not associated with the tourism industry – Person A (please refer to the constitutional discussion below) and Person C from Annexure 4(d)
- Community member not associated with the tourism industry but from a rural area – Person A from Annexure 4(e)
- Member from a local environmental organisation – Person A from Annexure 4(f)

Tourism Advisory Committee Constitution

At the ordinary meeting on 27 September 2012, Council also resolved (12-788) '*that the draft Revised Constitution for the Tourism Advisory Committee at Annexure 5(a) #E2012/4395 be adopted*'. A copy of the constitution is provided in Annexure 4(g).

Two matters have arisen where Councillors need to decide either to amend the constitution, or implement the current constitution:

1. The current constitution allows for two Councillors as members of the committee, however Councillors have selected Cr Richardson, Cr Cameron and Cr Ibrahim, ie. three Councillors.

The constitution could be amended to allow for "two or more Councillors, as determined by Council".

2. The constitution states under 'Term':
 - A Committee member shall hold office for a maximum of four years (the term of the current Council) after which they must stand down.
 - Members standing down are eligible to re-nominate if they have not exceeded a four year term.

The constitution could be amended to read, "additional terms may be served if nominations are called for publicly, and Council consider no suitable alternative nominations are received".

The four nominations received that this constitutional matter will affect include:

- Person A in Annexure 4(c) (since September 2011 = over 1 year)
- Person A in Annexure 4(d) (since February 2010 = 3 years)

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- Person B in Annexure 4(b) (since February 2010 = 3 years)
- Person C in both Annexures 4(a) and (c) (since January 2012 = 1 year)

Financial Implications

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Nil associated with this report.

Statutory and Policy Compliance Implications

10 Byron Shire Tourism Management Plan 2008 - 2018

WATER AND RECYCLING – EXECUTIVE MANAGER'S REPORT

Report No. 4.10. Waste Management Strategy 2012-2015

Executive Manager: Water and Recycling

5 **File No:** #E2012/16642

Theme: Community Infrastructure

Summary: At the Ordinary meeting held on 28 June 2012 Council considered a report on the draft Waste /Management Strategy: 2012 – 2015 and resolved to place it on public exhibition for a period of twenty eight (28) days. Seven (7) submissions were received during the public exhibition period.

This report summarises the background associated with the development of the draft Waste Management Strategy, identifies and comments upon the relevant issues raised in the submissions, and recommends that the Strategic Planning Committee resolve to adopt it under delegated authority.

RECOMMENDATION:

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That the Strategic Planning Committee resolve under delegated authority:

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1. **That the public submissions received on the draft Waste Management Strategy be noted and that where relevant the issues raised have been considered in the draft Waste Management Strategy: 2012-2015.**

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2. **That the draft Waste Management Strategy: 2012-2015 be adopted as amended and attached as Annexure 6(a).**

Attachments:

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- Draft Waste Management Strategy 2012-15 as amended #E2012/18678 [66 pages]**Annexure 6(a)**

Confidential submissions Annexure 6(b) E2012/18282 have been produced for Councillors on the Councillors Agenda CD only.

Report

Introduction

- 5 The Byron Shire Council draft Waste Management Strategy 2012-2015 builds upon the solid foundation of the 2007 – 2009 Integrated Waste Management Strategy, and puts in place a framework for sustainable waste management and continuous improvement in resource recovery.
- 10 The draft Strategy has been prepared against a backdrop of change and industry uncertainty as a result of emerging issues such as those resulting from the Clean Energy Legislative package passed by the Senate in November 2011, and the yet to be finalised review of the NSW Government's, landfill waste levy. These issues and the potential implications of other drivers, such as the outcomes of the soon to commence development of the NOROC Regional Waste
- 15 Management Strategy, have necessitated Council's draft Strategy to be prepared with enough flexibility in the Implementation Action Plan to cater for emerging issues as they develop. As such, the draft Strategy presents a combination of high level and, in some cases, more detailed actions to achieve the objectives and targets identified therein.
- 20 The draft Strategy Implementation Action Plan presents a prioritised suite of initiatives designed to maximise waste reduction and resource recovery results, and to ensure Council's large investment in current and future infrastructure assets and service delivery is optimised. Future directions detailed in the draft Strategy include:
- 25
- Infrastructure and Asset management
 - Best Value Services
 - Strategic partnerships
 - Legislation, Regulation and Policy
 - Business and Operation Improvement, and

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 - Communication, Education and Behavioural Change.

Background

35 The Water, Waste and Sewer Advisory Committee considered the draft Waste Management Strategy on three (3) occasions during its preparation, being on: 8 March; 10 May; and 18 May 2012. Various suggestions and amendments were incorporated into the document as a result, and on 28 June 2012 Council considered a report on the draft Waste Management Strategy resolving as follows:

40 **12-575 Resolved:**

That the Draft Waste Management Strategy: 2012 – 2015 be placed on public exhibition as amended below for a minimum period of 28 days and in the event that no submissions are received, it shall be adopted by Council.

- 45
1. *Removal of background shading*
 2. *Opportunities for improvement (throughout the document) identify relevant action.*
 3. *Action 4.3 – 3rd dot point - define the development of ""Waste Minimisation"" DCP.*
 4. *Action 4.5 – Amend to provide a Waste Wise Events section in the BSC Events*

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 5. *Action 6 – Identify a specific action relating to data collection by non-resident users eg analysing seasonal waste collection data and at specific event data eg Schoolies and New Year's Eve*
 6. *Section 4 – Update information relating to per capita waste generation rates*

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 7. *Section 4.2 - State targets points should be numbered*

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8. *Revise 2.2.1 to clarify federal government clean energy legislation and its application to Byron Shire Council and remove references to CPRS*

Public Exhibition Process

5 The draft Waste Management Strategy: 2012 - 2015 was amended accordingly and was placed on public exhibition for a period of twenty eight (28) days from 4 July to 1 August 2012, and during this period seven (7) submissions were received. Table 1 below presents the relevant issues raised in each of the submissions, management analysis and response, and a subsequent
10 recommendation.

Below is a table providing a summary of submissions and staff responses. However, Councillors also need to refer to the full copies of all submissions which have been provided on disc, strictly on a confidential basis, to Councillors. The full copies of the submissions contain personal
15 information such as names and addresses of the persons lodging submissions which are relevant matters to be taken into consideration in determining this matter.

Table 1: Submissions Response Table

Submission Reference	Issue/s Raised	Management Response	Amendments Recommended
DM1259181	Cease dumping putrescible waste at the current site or the intended expanded site. Use the current or expanded site as a transfer station for putrescible waste and recycling.	On 26 April 2012, Council considered a report outlining the status of the current Myocum Landfill and the progress on the Myocum Quarry Landfill Project. The report outlined that the current Myocum landfill is nearing capacity and the Quarry Landfill project is progressing through the environmental assessment phase but will not allow an immediate transition from one site to the next for waste disposal operations. Therefore, for an interim period, waste generated by the Byron Shire community will need to be transported and disposed of outside of the Byron Shire area. Recently, seven Northern Rivers Councils (through NOROC) have finalised a study into regional waste disposal options. This study, produced by an independent engineering and environmental consultancy, concluded that for the short term there are clear environmental and economic benefits for Byron, Tweed, Ballina and Lismore Councils to transport and dispose of waste to other larger facilities with significantly lower gate fees. All these Councils have limited capacities in their existing landfills with the need to transport and dispose of their waste to other landfills in the short term. To this end Ballina Shire Council drafted a tender and offered to allow other NOROC councils, including Byron Shire Council, to join with it to call for tenders for the transport and disposal of waste generated by their communities. Combining the collective council's waste will provide an economy of scale that should provide	Nil.

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	<p>Reassess the suitability of expansion into the current quarry site in light of the topography and impact on the water table.</p>	<p>lower costs for Council than what would be able to be achieved by calling for tenders on its own. Council staff are currently assessing the resultant tenders and a consequent report will be submitted to Council for its consideration in December 2012.</p> <p>The site referred to as the “intended site” is adjacent to the existing Myocum Waste Management Facility, and was identified as the preferred option for a new landfill in the Council adopted 2009 Waste Disposal Strategy. Significant planning work has been undertaken and an Environmental Impact Statement is currently being prepared for Council in this regard.</p> <p>In 2011 Allan Watson & Associates were engaged by Council to undertake a geological and hydro-geological assessment of the Myocum Quarry site, with the objective of this assessment being to assess specific landfill development requirements in the context of the concept design developed by GHD (2010).</p> <p>A site investigation program forms part of this study, with the key aspects being:</p> <ul style="list-style-type: none"> (i) Assessment of geotechnical stability of existing quarry batters. (ii) Assessment of available resources on site for use in landfill construction. (iii) Characterisation of groundwater occurrence and movement. (iv) Characterisation of contaminant migration potential via groundwater as the landfill develops. <p>A summary of AWA recommendations are as follows:</p> <ol style="list-style-type: none"> 1. The existing quarry batters can be trimmed to ensure a safe working environment 2. A limited amount of blasting* is required to remove residual rock from the quarry 3. Landfill development would comprise installation of a low permeability liner on the inner surfaces of the quarry. The objective of the liner would be to reduce the potential for contaminant migration into the surrounding groundwater system, as well as to act as a barrier to groundwater entry into the landfill mass. <p>To manage the potential for either uplift or</p>	<p>Nil.</p>
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	<p>If Council continues to operate the Tip for putrescible waste and does not access the site via Dingo Lane, upgrade Manse Road to make it suitable for the volume of traffic it receives.</p>	<p>localised infiltration into the waste mass, a groundwater depressurisation system from within the annulus between the liner and the quarry surface is recommended.</p> <p>As part of the preparation of the EIS, Cardno conducted an independent review of the geological and hydro-geological assessment (AWA 2011).</p> <p>In line with the recommendations of Cardno (2012) a revised hydro-geological assessment is being undertaken inclusive of the installation of an additional 3 groundwater bores.</p> <p>Cardno has been commissioned by Council to undertake a both a Traffic and Transport and Road Impact Assessment for the Myocum Quarry Landfill. The following tasks are being undertaken</p> <ul style="list-style-type: none"> • Obtain and review background information provided by BSC and the RTA in relation to existing and future network and transport systems. • Obtain base year traffic count data (2011) at five key locations identified by BSC on both Myocum Road and The Manse Road. • Quantify traffic volumes and vehicle classification using the existing Myocum Landfill facility • Estimate likely traffic generation and distribution for the proposed development. • Forecast likely ultimate year (2028) traffic volumes at the three study intersections being Myocum Road/The Manse Road, The Manse Road/Site Access and Dingo Lane/Site Access. • Assess the likely performance of the three study intersections (using SIDRA Intersection) and investigate likely mitigation measures, if any, to support the proposed development. • Undertake a comprehensive safety review of the key roads and intersections identified in discussions with BSC 	<p>Nil.</p>
<p>DM1259671</p>	<p>Various issues by way of an objection on behalf of the owner of adjacent land, which Council was negotiating to purchase. The purpose of the</p>	<p>The purchase of land has been finalised and is now owned by Council. As such the submission is no longer valid.</p>	<p>Nil.</p>

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	objection was to protect the landowner's rights in the event that the proposed purchase did not occur.		
DM1259704	With respect to the existing landfill site various environmental and operational issues were raised, including:	Council is employing a staged implementation of an Environmental Management System aimed at improving all aspects of environmental performance of the Myocum Landfill. This involves the review, development and implementation of specific environmental controls based on their respective environmental risk profile. With regard to the issues identified in this submission Council's targeted actions are listed below.	Nil – included as an action in the draft Waste Management Strategy.
	<ul style="list-style-type: none"> • emission of odour • illegal dumping on the respondents private property • litter on Manse Road 	<p>Council has completed a detailed Odour Mitigation Plan (OMP) (DM1194496) and associated Implementation Plan (E2012/13594). Action to date has resulted in a significant reduction of odour and associated complaints.</p> <p>Council has an adopted Illegal Dumping Action Plan (DM977623) developed to combat this issue. The plan identifies 6 priority areas for dealing with inappropriate disposal of waste in the Byron shire and Council has developed 32 actions to target these areas.</p> <p>A review of the plan is proposed in 2013 to explore the following opportunities for improvement of the Action Plan:</p> <ul style="list-style-type: none"> • Undertake an evaluation of the implementation of the 2010 Illegal Dumping Action Plan • Review and revise the Illegal Dumping Action Plan; • Develop a working group between stakeholder Council divisions (Community and Infrastructure, Compliance and Waste and Recycling) to better implement the plan; • Participate in the implementation of the NEWF's Raising Illegal Dumping Awareness Project. <p>In line with the Litter Control Plan in the Myocum Landfill Environmental Management Plan (DM1016207) Council is attempting to increase public awareness and education aimed at reducing the incidence of littering. This has involved increased 'cover your load' advertising at the landfill and scrutiny by the weighbridge operator of customers with uncovered loads.</p> <p>Council is in the process of installing strategically located litter fences to reduce</p>	<p>Amendment to include the formation of a working group as an opportunity for improvement in the draft Waste Management Strategy.</p> <p>Nil.</p>

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	<ul style="list-style-type: none"> • traffic 	<p>migration of rubbish off-site.</p> <p>See reference to Cardno Road Impact Assessment (above).</p> <p>In addition, Council has notified waste contractors requesting vigilant compliance of road rules with particular reference to speed limits along Manse road.</p>	<p>Nil.</p>
	<ul style="list-style-type: none"> • potential contamination of groundwater aquifers 	<p>Environmental controls identified in the Myocum Landfill Environmental Management Plan (DM1016207) and Quality Assurance Plan (DM1254676) are continuously implemented to prevent groundwater contamination. These controls are constantly being reviewed and updated and include the following actions:</p> <ul style="list-style-type: none"> • General compliance with the rigorous monitoring and reporting requirements of Environmental Protection Licence No. 6057; • Extension of groundwater, surface water and leachate quality monitoring above licence requirements. Council is only required to conduct bi-annual water quality monitoring sampling events however conducts them on a quarterly basis to better manage environmental control. • Council has engaged 'Thinkwater Solutions' to redesign and upgrade the leachate management system for the landfill. This will increase efficiency and effectiveness of landfill leachate management in turn reducing potential impacts on surface and groundwater quality. 	<p>Additional information regarding the strategic management of leachate is included in the draft Waste Management Strategy.</p>
	<p>With respect to the proposed Landfill Quarry Project Council needs:</p> <ul style="list-style-type: none"> • <i>“to re-think where the landfill is, what is the best route to the landfill and incorporate best practise to ensure benefits for the entire community.”</i> 	<p>See reference to Cardno Road Impact Assessment (above)</p>	<p>Nil.</p>
DM1260291	<p>With respect to the existing landfill site various issues were raised, including:</p> <ul style="list-style-type: none"> • Landfill Gas Emissions and Odour 	<p>Refer to comment above regarding Council's Odour Mitigation Plan (OMP).</p> <p>Refer to comment above regarding Council's Odour Mitigation Plan (OMP).</p>	<p>Nil.</p> <p>Nil.</p>

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<ul style="list-style-type: none"> ○ associated with the leachate management system, and the need to repair it ○ reduction in frequency of odour events following installation of new flare 	<p>Refer to 'potential contamination of aquifers' comment above regarding upgrade of leachate management system.</p>	
<ul style="list-style-type: none"> ● Landfill Gas Emissions and Human Health <ul style="list-style-type: none"> ○ <i>“Ensure the landfill gas risk assessment is done over a lengthy period of time as the fumes are often only there at random times”</i> 	<p>Council has installed a landfill gas collection system and landfill gas flare. This system has improved over time and is now capturing and destroying large volumes of landfill gas. Other odour management actions are also complementing this system and as a result odour impacts have been greatly reduced.</p>	<p>Nil.</p>
<ul style="list-style-type: none"> ● Landfill Gas Emissions and Energy Generation <ul style="list-style-type: none"> ○ <i>“Investigate the possibility of harnessing the gas for electricity”</i> 	<p>Work has been undertaken by Mike Ritchie and Associates to model and verify the emissions from Council's Myocum landfill (See report E2012/11032). Council is about to release an Expressions of Interest to the market for the long-term management and upgrade of its flaring system. The specifications within the EOI state that the prospective contractor is to investigate the opportunity of electricity production using the landfill gas resource.</p> <p>Opportunities exist for Council under the Carbon Farming Initiative to create carbon credits through the capture and destruction of legacy waste greenhouse gas emissions. Council is currently applying to the Clean Energy Regulator to become a registered offset entity enabling it to generate an income stream through the trade of carbon credit units.</p>	<p>Additional information regarding the LFG resource recovery project is included in the draft Waste Management Strategy.</p>
<ul style="list-style-type: none"> ● Environmental and Operational Controls <ul style="list-style-type: none"> ○ <i>“Ensure the site capping and revegetation for the Southern expansion happens as soon as possible and no expense is spared. It must be a good job and the view that is currently seen from the road must be hidden in the</i> 	<p>Myocum Landfill Environmental Management Plan (DM1016207) and Quality Assurance Plan (DM1254676) indicate a preliminary plan for final capping of the site which includes:</p> <ul style="list-style-type: none"> ● a sealing layer, drainage layer and geo-fabric topped by a soil growth medium; ● selection of vegetation with root systems that will not permeate the final capping layer will be placed over the soil growth medium. <p>As per Environmental Protection Licence</p>	<p>Nil.</p>

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	<p><i>vegetation”</i></p> <ul style="list-style-type: none"> ○ <i>“Ensure that the separation of putrescible waste occur as soon as possible”</i> <ul style="list-style-type: none"> • Noise <ul style="list-style-type: none"> ○ <i>“Ensure all plant equipment is as silent as possible”</i> ○ <i>“Look into the possibility of Green Waste processing at other locations in the Shire”</i> ○ <i>“Look into other areas for the concrete and metal crushing to take place”</i> <p>With respect to the proposed Landfill Quarry Project various issues were raised, including:</p> <p>Planning</p> <ul style="list-style-type: none"> • <i>“Ensure that the access to Quarry site is via Dingo Lane and Manse Rd is only used during flooding of lower areas”</i> • <i>“Ensure the Landfill or any procedures do not come any further east than the Quarry”</i> • <i>“We would not be happy to see the Leila Plantation Quarry being used when the Quarry fills up in 14 years after it starts”</i> <p>Construction</p> <ul style="list-style-type: none"> • <i>“Ensure that Quarry preliminaries occur at a time that residents are not overwhelmed by dust and noise”</i> 	<p>6057 requirement, a more detailed capping and revegetation plan will be developed 12 months before the landfill is expected to reach capacity.</p> <p>Compliance noise monitoring indicates that routine activities are generally in accordance with Environmental Protection Licence 6057 conditions.</p> <p>Intermittent noise from mulching operations and concrete crushing require prior notification to neighbours and operate during restricted hours to minimise impacts on neighbouring residents.</p> <p>See reference to Cardno Road Impact Assessment (above)</p> <p>Plans do not exist for staged landfilling beyond what is being considered in the Landfill Quarry Project.</p> <p>Plans do not exist for staged landfilling beyond what is being considered in the Landfill Quarry Project.</p> <p>In line with mulching and concrete crushing procedure, prior notification to neighbours will be given and “quarry preliminaries” will operate during restricted hours to minimise impacts on neighbouring residents.</p>	<p>Nil.</p> <p>Nil.</p> <p>Nil.</p> <p>Nil.</p>
DM1260576	<p>With respect to the existing landfill site various issues were raised, including:</p> <p>Landfill Gas Emissions, Odour and Human Health</p> <ul style="list-style-type: none"> • <i>“Living and breathing overpowering tip</i> 	<p>Refer to comment above regarding Council’s Odour Mitigation Plan (OMP).</p>	<p>Nil.</p>

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	<p><i>generated 'chemical like' gases that enter into our home referred to by Council as "a smell" or "an odour"</i></p> <p>Dust</p> <ul style="list-style-type: none"> • <i>"Living and breathing unknown cocktails of tip generated dust that blankets our locality and enters into our home, a chronic event subject to wind direction and of course wet weather periods"</i> • <i>"Drinking rainwater that washes the cocktail of tip generated dust off our roof into our water tanks. We are not on town water."</i> <p>Groundwater</p> <ul style="list-style-type: none"> • <i>"Too frightened to use our bore water. Sometimes it had a bright silver slime on top of the bore water when filled into a bucket. The bore is just downhill from the tip"</i> 	<p>During adverse climatic conditions (i.e dry and windy) a water tanker undertakes dust suppression to limit off-site migration of dust particles.</p> <p>As above.</p> <p>Refer to 'potential contamination of aquifers' comment.</p> <p>It is unlikely that contamination from landfill leachate would cause a "<i>bright silver slime</i>" to occur. The chemical components of leachate are more likely to discolour groundwater resources and produce an odour. It is potentially viable that a more localised contamination sources such as On-site Sewage Management System (OSMS) may be causing the mentioned contamination. A bright slime is often associated with bacterial contamination from a human waste source such as an OSMS.</p>	<p>Nil.</p> <p>Nil.</p> <p>Nil.</p>
DM1262675	This submission was made by an organisation and provided a capability statement regarding its waste management system.	The submission identified synergised goals of the organisation and those actions identified in the draft Waste Management Strategy.	Nil.
DM1262676	This submission presented and proposed a number of amendments, primarily relating to nomenclature, grammar, and consistency. Other comments related to the targets to be included in the draft Waste Management Strategy.	<p>The suggestion to change "illegal dumping" to just "waste dumping" was not amended. Council has an adopted <i>Illegal Dumping Action Plan</i> and illegal dumping is the accepted industry used term for this form of illegal waste dumping.</p> <p>Amendments to figures were not implemented as the data section of the draft Waste Management Strategy was re-written with up-to-date data and a greater strategic focus.</p>	Remaining suggested amendments included.

Further amendments to the draft Waste Management Strategy: 2012 – 2015 following its reconsideration by the Water, Waste and Sewer Advisory Committee subsequent to the public exhibition process

5 Following the public exhibition process a member of the Water, Waste and Recycling Advisory Committee requested the draft Waste Management Strategy: 2012-2015 be resubmitted to the Committee for discussion regarding the high level targets presented in Section 5 - Future
10 Directions, of the document. As a consequence, the Agenda for the 23 August 2012 meeting of the Committee included a reference to Section 5 of the draft Waste management Strategy: 2012 – 2015 under Agenda Item 5 - Business Arising from Previous Minutes, and Section 5 was provided as an attachment.

15 At the meeting of the Committee held on 23 August 2012, the Committee discussed in detail the appropriateness of the High Level targets, and whilst a formal recommendation to Council was not made in this regard, the Committee via the Chairperson requested that the per capita waste reduction targets be removed due to the complexity in calculating meaningful and repeatable figures. The draft Waste Management Strategy: 2012-2015 was consequently amended accordingly.

20 At the same meeting the Committee was advised by staff that Section 3.2 Waste Management Data could be amended to include the most up-to-date annual waste management data and focus on data critical to the waste management strategy performance indicators by bringing the data up to date to include information from 2010/11 and 2011/12. Whilst a formal
25 recommendation to Council was not made in this regard, the Committee via the Chairperson agreed that this would add value to the document. The draft Waste Management Strategy: 2012 - 2015 was consequently amended accordingly.

30 Further amendments to the draft Waste Management Strategy: 2012-2015 following an internal review by staff subsequent to the public exhibition process

A final internal review of the draft Waste Management Strategy: 2012-2015 by staff, subsequent to the above mentioned review steps, identified a number of areas that should be updated to reflect the current status of projects and initiatives that had progressed since initial consideration
35 of the document by the Water, Waste and Sewer Advisory Committee in March 2012. Further, a number of key areas within the document were identified that could benefit by the inclusion of new and/or updated information and comments to improve context. The draft Waste Management Strategy: 2012 - 2015 was consequently amended accordingly and these inclusions are highlighted in the document through the use of red font.

40 It should be noted that these amendments are not considered significant in terms of overall scope, content and context and as such do not warrant the document to undergo another public exhibition process.

45 Conclusion

The Water, Waste and Sewer Advisory Committee considered the draft Waste Management Strategy: 2012 – 2015 on three occasions prior to its consideration by Council prior to being placed on public exhibition. Subsequent to the public exhibition process, and as detailed above,
50 the Water, Waste and Sewer Advisory Committee most recently considered the document at its meeting held on 23 August 2012 where various requests were made, and incorporated. Finally, the document has been subject to an internal review resulting in amendments designed to improve context and present the most up-to-date data and developments.

55 The draft Waste Management Strategy: 2012 – 2015 puts in place a framework for sustainable waste and recycling management, and underpins a large number of significant projects designed

to continually improve resource recovery and secure capacity for residual waste disposal. The document has undergone a very thorough review and revision process and it is recommended for adoption.

5 Financial Implications

10 Many of the Year One (1) Actions, identified in Section 6 – Action Plans of the draft Waste Management Strategy: 2012 – 2015, have been commenced either by way of previous Council resolutions or by necessity to continue to operate and strategically plan for the business and it is anticipated that the budget estimates associated with these initiatives can be absorbed into the 2012/13 budget.

15 In order to test this and to develop a detailed forward financial plan incorporating a number of future scenarios, a financial and pricing model exercise is currently being undertaken. This modelling exercise will inform the development of the 2013/14 budget estimates, and the ten (10) year forward financial plan.

Statutory and Policy Compliance Implications

20 Section 2 of the draft Waste Management Strategy: 2012 – 2015 presents details on relevant Federal and State Legislation, Policies, and Strategies.