

NOTICE OF MEETING



BIODIVERSITY AND SUSTAINABILITY PANEL MEETING

A Biodiversity and Sustainability Panel Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 31 August 2017
Time	11.30am

A handwritten signature in black ink, appearing to read 'S Burt'.

Shannon Burt
Director Sustainable Environment and Economy

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
BIODIVERSITY AND SUSTAINABILITY PANEL MEETING

BUSINESS OF MEETING

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1 Biodiversity and Sustainability Panel Meeting held on 29 June 2017

4. STAFF REPORTS

Sustainable Environment and Economy

4.1	Environmental Levy Budget.....	4
4.2	Zero Emissions Byron (ZEB) Presentation	12

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **Environmental Levy Budget**
Directorate: Sustainable Environment and Economy
5 **Report Author:** Sharyn French, Manager Environmental and Economic Planning
File No: I2017/946
Theme: Ecology
10 Planning Policy and Natural Environment

Summary:

15 This report provides information on the projects funded by the Environmental Levy in accordance with Council's policy.

RECOMMENDATION:

That the Biodiversity and Sustainability Panel note the report.

Attachments:

- 20 1 Policy: Environmental Levy Implementation (Adopted Res No. 15-094) (Current_Policies),
E2015/31373 , page 6 [↓](#)

Report

Council's adopted Environmental Levy Implementation Policy, **Attachment 1**, states:

5. POLICY STATEMENT

5.1. *The Biodiversity and Sustainability Advisory Committee will review the allocation of funds from the Environmental Levy, namely by:*

- 10 a) *Providing advice to Council on matters to be considered for funding from the Environmental Levy each year*
- b) *Reviewing the projects funded by the Environmental levy on a quarterly basis, following advice provided by Council staff and report progress to Council*
- 15 c) *Reviewing annually the draft budget for expenditure of the Environmental Levy and providing advice to Council on both the allocation and expenditure of funds consistent with the Environmental Levy Terms of Reference including prioritisation and monitoring environmental outcomes of Levy funded projects*

20 The following information on the 2017/18 allocation and expenditure of the Environmental Levy is provided for the Panel's consideration.

Activity	2017/18 Allocation \$
Staff wages*	299,700
Operating costs Bush Regeneration Team	10,000
CZMP for Byron Bay Embayment (Council share)	16,900
Biodiversity Conservation Strategy	20,000
Emissions Reduction Strategy	40,400
Integrated Weed Strategy Management Review	13,300
TOTAL	400,300

25 * Staff wages funds Bush Regeneration Team, Environment Support Officer and partly funds Coastal Estuary Officer and Sustainability Officer

Financial Implications

Council adopted the 2017/18 budget at the 22 June 2017 Meeting.

30 Statutory and Policy Compliance Implications

Environmental Levy Implementation Policy.

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BYRON SHIRE COUNCIL

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POLICY NO. 15/003

ENVIRONMENTAL LEVY IMPLEMENTATION

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E2015/31373

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY INFORMATION ABOUT THIS DOCUMENT

4.1 - ATTACHMENT 1

Date Adopted by Council	7 May 2015	Resolution No.	15-094
Policy Responsibility	Manager Land and Natural Environment		
Review Timeframe	As required		
Last Review Date:		Next Scheduled Review Date	

5 **Document History**

Doc No.	Date Amended	Details Comments eg Resolution No.
E2014/44800	26 June 2014	Draft Version after Res 14-321
E2014/61683	11 September 2014	Draft incorporating Biodiversity & Sustainability Advisory Committee recommendations (public exhibition version Res 15-94)
E2015/31373	7/5/2015	Adopted after close of exhibition 7/5/2015 as per Res 15-094 no submissions received

Further Document Information and Relationships

Related Legislation*	Coastal Protection Act 1979
Related Policies	Byron Biodiversity Conservation Strategy Byron Low Carbon Strategy Coastal Zone Management Plans
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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TABLE OF CONTENTS

1. OBJECTIVES 1

5 2. BACKGROUND 1

3. PRINCIPALS 1

4. TERMS OF REFERENCE 1

5. POLICY STATEMENT 2

10

5

10

15

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POLICY TITLE ENVIRONMENTAL LEVY IMPLEMENTATION POLICY

5 **1. OBJECTIVES**

1.1. To inform the allocation of revenue raised through the Environmental Levy in the Byron Shire Council local government area.

10 1.2. To outline the arrangements for allocating and managing the Environmental Levy funds

2. BACKGROUND

15 Byron Shire is well know for its diverse, natural environment including beautiful coastlines, lush rainforests, creeks, rivers and mountain ranges which form part of the remnants of the Wollumbin caldera. These environmental assets are supported by an active and aware community that values and promotes the protection and enhancement of the environment.

20 Following the adoption of the Byron Biodiversity Conservation Strategy in 2004 Council received approval from the NSW government to apply a special rate variation of 2% for four years to fund a Biodiversity Levy in order to implement the Byron Biodiversity Conservation Strategy. In 2008, the Biodiversity Levy was replaced with an Environmental Levy that continues to support the implementation of the Byron Biodiversity Conservation Strategy as well as Council's sustainability and coastal programs.

25 The Environment Levy is a key revenue source to assist in the implementation of Council endorsed environmental plans and strategies. The Levy has been essential to the successes achieved through the implementation of a range of biodiversity, coastal and sustainability programs and enabled Council to leverage significant additional funding via external grants.

30 **3. PRINCIPLES**

The Environmental Levy is to be used to fund activities which either:

35 3.1. Identify, maintain, protect or enhance native biodiversity, ecosystems and ecological processes.

3.2. Reduce Byron Shire's greenhouse gas emissions or improve the environmental sustainability and resilience of Council and the community.

40 3.3. Undertake studies and prepare plans for coastal processes, values and risks and implement those actions that address protecting or enhancing coastal biodiversity, ecosystems and ecological processes.

45 **4. TERMS OF REFERENCE**

The Environmental Levy will only be used to fund staff, priority actions and projects consistent with:

4.1. Developing and/or delivering the Byron Biodiversity Conservation Strategy

50 4.2. Developing and/or delivering the Roadside Vegetation Management Plan

4.3. Developing and/or delivering the Byron Shire Low Carbon Strategy

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- 4.4. Developing Coastal Zone Management Plans (CZMP), including estuary management plans, and delivering actions that are consistent with the above Principles, and/or the objectives of the above strategies, but not the implementation of 'coastal protection works' as defined under the *Coastal Protection Act 1979*¹.

5. POLICY STATEMENT

- 5.1. The Biodiversity and Sustainability Advisory Committee will review the allocation of funds from the Environmental Levy, namely by:
- a) Providing advice to Council on matters to be considered for funding from the Environmental Levy each year
 - b) Reviewing the projects funded by the Environmental levy on a quarterly basis, following advice provided by Council staff and report progress to Council
 - c) Reviewing annually the draft budget for expenditure of the Environmental Levy and providing advice to Council on both the allocation and expenditure of funds consistent with the Environmental Levy Terms of Reference including prioritisation and monitoring environmental outcomes of Levy funded projects
- 5.2. All funds collected including any funds raised through Environment Levy business activities is held and accounted for separately from Council's general revenue.
- 5.3. Environment Levy funds should not be available at any time for expenditure as general revenue in accordance with principles of the Environmental Levy.
- 5.4. Any unspent funds at the end of financial year are to be returned to the Environment Levy budget.
- 5.5. The Environment Levy can be used for leveraging funding through grants and partnership opportunities offered by government and other organisations.
- 5.6. Funds from the Environment Levy may be quarantined or saved annually in order to compound funds over subsequent years to raise a larger sum of funds for designated projects or matching grants.

¹ Under Part 1, section 4 (1) of the *Coastal Protection Act 1979*, *coastal protection works* means activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters and includes seawalls, revetments, groynes and beach nourishment.

Report No. 4.2 **Zero Emissions Byron (ZEB) Presentation**
Directorate: Sustainable Environment and Economy
Report Author: Alana Barry, Environmental Support Officer
File No: I2017/1120
5 **Theme:** Ecology
 Planning Policy and Natural Environment

Summary:

10 At the Biodiversity and Sustainability meeting held on 29 June 2017, a Panel recommendation was to invite Zero Emissions Byron to attend the next meeting to discuss the development of a household/business template to calculate emissions.

15 Tiffany Harrison will present an update from ZEB at this meeting.

RECOMMENDATION:

That the Biodiversity and Sustainability Panel note the Zero Emissions Byron (ZEB) presentation.

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Report

Following the 29 June 2017 report regarding 'Community engagement on sustainability education' the panel recommended:

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3. *That the Biodiversity and Sustainability Panel invite Zero Emissions Byron to attend the next meeting to discuss the development of a household/business template to calculate emissions.*

10 Tiffany Harrison will present an update from ZEB at this meeting.

Financial Implications

15 Nil

Statutory and Policy Compliance Implications

Nil