

# NOTICE OF MEETING



## SUSTAINABILITY AND EMISSIONS REDUCTION ADVISORY COMMITTEE MEETING

An Sustainability and Emissions Reduction Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Thursday, 29 March 2018</b>
Time	<b>11.30am</b>

A handwritten signature in black ink, appearing to be 'S Burt', is located in the lower left area of the page.

Shannon Burt  
Director Sustainable Environment and Economy

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## CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

### Disclosure and participation in meetings

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

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

### Participation in Meetings Despite Pecuniary Interest (S 452 Act)

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

**Non-pecuniary Interests** - Must be disclosed in meetings.

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

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

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## RECORDING OF VOTING ON PLANNING MATTERS

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

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

**BYRON SHIRE COUNCIL**  
SUSTAINABILITY AND EMISSIONS REDUCTION ADVISORY COMMITTEE MEETING

**BUSINESS OF MEETING**

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

**Corporate and Community Services**

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 4.1**

**Committee Induction**

**Directorate:**

Corporate and Community Services

5 **Report Author:**

David Royston-Jennings, Corporate Governance Officer

**File No:**

I2018/422

**Theme:**

Corporate Management

Governance Services

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**Summary:**

To provide an overview of Council's Code of Conduct and the draft Constitution for the Biodiversity Advisory Committee.

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**RECOMMENDATION:**

1. That the Sustainability and Emissions Reduction Advisory Committee receive a presentation on Byron Shire Council's Code of Conduct.
2. That the Sustainability and Emissions Reduction Advisory Committee confirm the Constitution for this Committee, in accordance with Council Resolution 18-114.

**Attachments:**

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- 1 Byron Shire Council Code of Conduct, E2017/101101 , page 6 [↓](#)
  - 2 Draft Constitution - Sustainability and Emissions Reduction Advisory Committee, E2018/2239 , page 27 [↓](#)

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**Report**

Members of the Sustainability and Emissions Reduction Advisory Committee are required to read and understand Council's Code of Conduct.

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The key points of the Code of Conduct will be provided in a presentation for the Committee's information.

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A copy of Byron Shire Council's Code of Conduct is provided as an attachment to this report for the Committee's perusal.

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The Sustainability and Emissions Reduction Advisory Committee is also required to confirm the Constitution for this Committee, in accordance with Council Resolution 18-114, which reads (in part) as follows:

3. That the draft Terms of Reference for the Biodiversity Advisory Committee (Attachment 1 E2018/2233), and Sustainability and Emissions Reduction Advisory Committee (Attachment 2 E2018/2239) be confirmed at their respective first meetings.

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**Financial Implications**

Nil

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**Statutory and Policy Compliance Implications**

Code of Conduct



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**Policy:**

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**Code of Conduct**

**2016**

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**INFORMATION ABOUT THIS DOCUMENT**

<b>Date Adopted by Council</b>	29 March 1994	<b>Resolution No.</b>	
<b>Policy Responsibility</b>	General Manager		
<b>Review Timeframe</b>	Council is required by s440 of the Local Government Act 1993 to review its Code of Conduct within the first year of office and/or whenever the prescribed Model Code of Conduct changes		
<b>Last Review Date:</b>	4 February 2016	<b>Next Scheduled Review Date</b>	January 2017 or as required by the Local Government Act 1993.

**Document History**

Doc No.	Date Amended	Details Comments eg Resolution No.
	February 2005	Council adopted the Model Code of Conduct for Local Councils in NSW Dec 2004 as issued by the Department of Local Government
#534640	21/11/2006	Res No. 06-746
#790333	28/8/2008	Res No. 08-482
#886424	13/8/2009	Res No. 09-633 reconfirmed existing Code of Conduct
#E2013/4326	14/2/2013	Reported to Council Res 13-16
E2013/12377	1/3/2013	Adopted to commence 1/3/2013 (Res 13-16)
E2016/8002	4/2/2016	Res No. 16-21 statutory change

**Further Document Information and Relationships**

<b>Related Legislation</b>	Local Government Act 1993 Local Government (General) Regulation 2005 Government Information (Public Access) Act 2009 Public Interest Disclosures Act 1994 NSW Ombudsman, Investigating complaints, A manual for investigators June 2008 Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015
<b>Related Policies</b>	Policy No 13/004 – Code of Conduct- Procedures for the Administration of Council's E2013/12510 Policy No 11/008 - Internal Reporting Policy (#DM1137087) Policy No 3.22 - Complaints Management Policy (#1154370) Privacy Management Plan (#214081)
<b>Related Procedures/ Protocols, Statements, documents</b>	Procedure No 26 - Declaration of Gifts and Benefits (#1198559) DLG Circular 12-45 issued 19/12/2012 Information Protection Principles and Health Privacy Principles; The Privacy Code of Practice for Local Government

*NB: This administrative part of this Policy and any cross-references within the Policy may be amended without referral to Council, as procedures, policies, legislation etc are developed, reviewed or updated etc, to ensure ongoing administrative accuracy.*

See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



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*Policy: Code of Conduct 2016*

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**PART 1: INTRODUCTION**

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of Council's Code of Conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council's Code of Conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

**PART 2: PURPOSE OF THE CODE OF CONDUCT**

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.



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### **PART 3: GENERAL CONDUCT OBLIGATIONS**

#### **General Conduct**

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies;
  - b) is detrimental to the pursuit of the charter of a council;
  - c) is improper or unethical;
  - d) is an abuse of power or otherwise amounts to misconduct;
  - e) causes, comprises or involves intimidation, harassment or verbal abuse;
  - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment;
  - g) causes, comprises or involves prejudice in the provision of a service to the community. (Schedule 6A)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (section 439)
- 3.3 You must treat others with respect at all times.

#### **Fairness and equity**

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

#### **Harassment and discrimination**

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

#### **Development decisions**

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.



**Binding Caucus Votes**

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee. .



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**PART 4: CONFLICT OF INTERESTS**

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary

**What is a pecuniary interest?**

- 4.5 A pecuniary interest is 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. (*section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
  - councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
  - designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

**What is a non-pecuniary conflict of interests?**

- 4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11 The political views of a councillor do not constitute a private interest.



**Managing non-pecuniary conflict of interests**

- 4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household;
  - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;
  - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official;
  - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
- 4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the General Manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.



**Reportable Political Donations**

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefited from a reportable political donation:
- 3.12.1 made by a major political donor in the previous four years; and
  - 3.12.2 where the major political donor has a matter before Council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*;
  - b) a "major political donor" is a "major political donor" for the purpose of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefited from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the General Manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

**Loss of Quorum as a Result of Compliance with this Part**

- 4.25 Where a majority of Councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from comply with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under this Part in relation to a matter will result in the loss of a quorum; and
  - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.



- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interest they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
  - b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

**Other business or employment**

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties;
  - b) involve using confidential information or council resources obtained through your work with the council;
  - c) require you to work while on council duty;
  - d) discredit or disadvantage the council.

**Personal dealings with council**

- 4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.





## PART 5: PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

### Gifts and Benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the Council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

### Token Gifts and Benefits

- 5.3 Generally speaking, token gifts and benefits include:
  - a) free or subsidised meals, beverages or refreshments provided in conjunction with:
    - i) the discussion of official business;
    - ii) council work related events such as training, education sessions, workshops;
    - iii) conferences;
    - iv) council functions or events;
    - v) social functions organised by groups, such as council committees and community organisations;
  - b) invitations to and attendance at local social, cultural or sporting events;
  - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
  - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers;
  - e) prizes of token value.

### Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.



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**How are Offers of Gifts and Benefits to be Dealt With?**

5.5 You must not:

- a) seek or accept a bribe or other improper inducement;
- b) seek gifts or benefits of any kind;
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;
- d) accept any gift or benefit of more than token value;
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a "cash like gift" includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

**Improper and undue influence**

5.8 You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.



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## PART 6: RELATIONSHIP BETWEEN COUNCIL OFFICIALS

### Obligations of Councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the Council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the General Manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*);
  - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*);
  - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of Councillors and council staff that have been authorised by the Council and the General Manager;
  - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of Council's Audit Committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

### Obligations of Staff

- 6.3 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of Council must:
- a) give their attention to the business of council while on duty;
  - b) ensure that their work is carried out efficiently, economically and effectively;
  - c) carry out lawful directions given by any person having authority to give such directions;
  - d) give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them;
  - e) ensure that any participation in political activities outside the service of Council does not conflict with the performance of their official duties.



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**Obligations During Meetings**

- 6.5 You must act in accordance with Council's Code of Meeting Practice, if Council has adopted one, and the *Local Government (General) Regulation 2005* during Council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during Council and committee meetings or other formal proceedings of the Council.

**Inappropriate Interactions**

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
  - b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
  - c) Council staff refusing to give information that is available to other Councillors to a particular Councillor.
  - d) Councillors and administrators who have lodged a development application with council, discussing the matter with Council staff in staff-only areas of the Council.
  - e) Councillors and administrators being overbearing or threatening to Council staff.
  - f) Councillors and administrators making personal attacks on Council staff in a public forum.
  - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
  - h) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
  - i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
  - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.



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**PART 7: ACCESS TO INFORMATION AND COUNCIL RESOURCES**

**Councillor and Administrator Access to Information**

- 7.1 The General Manager and Public Officer are responsible for ensuring that members of the public, Councillors and administrators can gain access to the documents available under *Government Information (Public Access) Act 2009*.
- 7.2 The General Manager must provide Councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to Councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.
- 7.4 Members of staff of council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

**Councillors and Administrators to Properly Examine and Consider Information**

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with Council's charter.

**Refusal of Access to Documents**

- 7.7 Where the General Manager and Public Officer determine to refuse access to a document sought by a Councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor or administrator to perform their civic duty (see clause 7.2). The General Manager or Public Officer must state the reasons for the decision if access is refused.

**Use of Certain Council Information**

- 7.8 In regard to information obtained in your capacity as a Council official, you must:
  - a) only access Council information needed for Council business;
  - b) not use that Council information for private purposes;
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council;
  - d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.



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**Use and Security of Confidential Information**

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10 In addition to your general obligations relating to the use of Council information, you must:
- a) protect confidential information;
  - b) only release confidential information if you have authority to do so;
  - c) only use confidential information for the purpose it is intended to be used;
  - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
  - e) not use confidential information with the intention to cause harm or detriment to your Council or any other person or body;
  - f) not disclose any information discussed during a confidential session of a council meeting.

**Personal Information**

- 7.11 When dealing with personal information you must comply with:
- a) *the Privacy and Personal Information Protection Act 1998;*
  - b) *the Health Records and Information Privacy Act 2002;*
  - c) the Information Protection Principles and Health Privacy Principles;
  - d) Council's privacy management plan,
  - e) the Privacy Code of Practice for Local Government.

**Use of Council Resources**

- 7.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.13 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters;
  - b) the representation of employees with respect to grievances and disputes;
  - c) functions associated with the role of the local consultative committee.
- 7.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.



- 7.16 You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official Council material for:
- 3.12.3 the purpose of assisting your election campaign or the election campaign of others; or  
3.12.4 for other non-official purposes.
- 7.18 You must not convert any property of the Council to your own use unless properly authorised.
- 7.19 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

**Councillor Access to Council Buildings**

- 7.20 Councillors and administrators are entitled to have access to the Council chamber, committee room, Mayor's Office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 7.21 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.



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**PART 8: MAINTAINING THE INTEGRITY OF THIS CODE**

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this Code or its administration.

**Complaints Made for an Improper Purpose**

8.2 You must not make a complaint or cause a complaint to be made under this Code for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another Council official;
- b) to damage another Council official's reputation;
- c) to obtain a political advantage;
- d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
- e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
- f) to avoid disciplinary action under this Code;
- g) to take reprisal action against a person for making a complaint under this Code except as may be otherwise specifically permitted under this Code;
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for administration of this Code except as may be specifically permitted under this Code;
- i) to prevent or disrupt the effective administration of this Code.

**Detrimental Action**

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this Code except as may be otherwise specifically permitted under this Code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this Code except as may be otherwise specifically permitted under this Code.

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss;
- b) intimidation or harassment;
- c) discrimination, disadvantage or adverse treatment in relation to employment;
- d) dismissal from, or prejudice in, employment;
- e) disciplinary proceedings.

**Compliance with Requirements under this Code**

8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this Code.





8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this Code.

8.9 You must comply with a practice ruling made by the Division of Local Government.

8.10 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this Code.

**Disclosure of Information about the Consideration of a Matter under this Code**

8.11 You must report breaches of this Code in accordance with the reporting requirements under this Code.

8.12 You must not make allegations of suspected breaches of this Code at Council meetings or in other public forums.

8.13 You must not disclosure information about the consideration of a matter under this Code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted by this Code.

**Complaints Alleging Breaches of this Part**

8.14 Complaints alleging a breach of this Part (Part 8) by a Councillor, the General Manager or an administration are to be made to the Division of Local Government.

8.15 Complaints alleging a breach of this Part by other Council officials are to be made to the General Manager.



**PART 9: DEFINITIONS**

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
administrator	an administrator of Council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
Council committee	a committee established by resolution of council
Council committee member	a person other than a Councillor member of staff of a Council who is a member of a Council committee
council official	includes Councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
delegate of council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of Council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005.

The term "you" used in the Model Code of Conduct refers to Council officials.

The phrase "this Code" used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

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# BYRON SHIRE COUNCIL

## SUSTAINABILITY AND EMISSIONS REDUCTION ADVISORY COMMITTEE

35

### CONSTITUTION

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**INFORMATION ABOUT THIS DOCUMENT**

(INTERNAL USE ONLY)

<b>Date Adopted by Council</b>		<b>Resolution No.</b>	
<b>Responsibility</b>	Director Sustainable Environment and Economy		
<b>Review Timeframe</b>			
<b>Last Review Date:</b>		<b>Next Scheduled Review Date</b>	

5

***Document History***

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details Comments eg Resolution No.</b>
E2018/2239	30 January 2018	Draft to be reported to 22 Feb 2018 meeting (see Res 17-611)

***Further Document Information and Relationships***

<b>Related Legislation</b>	Section 355, Local Government Act (1993)
<b>Related Policies</b>	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice Guide to Operations – Advisory Committee and Panels (E2016/85075)
<b>Related Procedures/ Protocols, Statements, documents</b>	

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**1. Preamble**

The Sustainability and Emissions Reduction Committee is an advisory committee of the Council and does not have executive power or authority to implement actions.

The role of the committee is to report to Council and provide appropriate advice and recommendations on matters relevant to this Constitution.

**2. Purpose**

The purpose of the Sustainability and Emissions Reduction Advisory Committee is:

1. To assist Council in the development, implementation and review of relevant sustainability and emissions reduction plans, policies and projects such as: Council's 100% Emissions Reduction Strategy, renewable energy projects, local network trading and local network charges, carbon reporting, food security initiatives.
2. To support our community's drive towards zero emissions.
3. To identify and report opportunities or concerns regarding sustainability and emission reduction issues to Council including, but not limited too, funding opportunities, special events, government policy, practice or guidelines.

It is proposed that meetings can target specific issues related to sustainability and emissions reduction and that in order for the Committee to understand the issue and identify opportunities, experts on the subject can be invited to contribute.

It is also proposed that meetings can be held outside the Council building within environments that are relevant to that meeting's theme. For example, different formats could be used such as field days and workshops.

**3. Timeframe for Committee**

The lifespan of the Sustainability and Emissions Reduction Advisory Committee is for the term of Council 2016-2020.

**4. Responsible Directorate**

This committee is administered by the Sustainable Environment and Economy Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

**5. Membership**

Council must appoint all advisory committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the advisory committee at any time by a resolution of council. Council may also appoint any new members to a committee at any time by a resolution of council.

5 Membership is to include:

- Councillors - *as determined by council at the 22 February 2018 meeting*
- Eg At least 1 relevantly qualified community representative
- General Manager (or staff member delegate)

10

*Note: Staff members participating on the committee do not have any voting entitlements.*

## **6. Induction**

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All members will be required to participate in an induction process at the establishment of a new committee, and at any time a replacement voting member joins a committee. The induction will be scheduled prior to the first meeting of the committee and will cover topics such as this Constitution, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

20

Replacement voting members will be inducted by experienced committee members at, or prior to, their first meeting.

## **7. Quorum**

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A quorum is to constitute at least half the number of members plus one (resulting half numbers go down), two of which are to be Councillors. The General Manager or delegate, who must be a member of staff, is to attend the Advisory Committee meeting and is not counted in the quorum for the meeting.

30

## **8. Confidentiality**

Members of the committee will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

35

## **9. Election of Chairperson**

The position of Chairperson is to be elected from Councillors comprising the committee but only in circumstances where the Mayor elects not to assume the position of Chairperson.

40

## **10. Voting**

- a) Each member of the committee (with the exception of staff members) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.
- b) Members of the committee who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

45

## 11. Majority Decision

A majority decision of the committee requires a majority of elected members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

5

## 12. Convening Meetings

Meetings will be held as required, generally every quarter. An annual timetable of meetings will be prepared in advance, and adopted by Council every October/November for the following 12 months.

10

A meeting of the committee may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

## 13. Agenda Preparation

It is the responsibility of the chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

20

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to committee members and available on Council's website at least 7 days prior to the meeting being held.

25

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

30

Committee members may request items for inclusion in future agendas, through the Chair.

## 14. Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

35

## 15. Records of meetings

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a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.

45

b) Minutes of committee meetings will be kept and presented to Council at its next meeting via a report of the committee meeting.

## 16. Absence from Committee Meetings



All committee members are required to advise the chair when they are unable to attend committee meetings. The absence of committee members from the meeting is to be recorded in the minutes. A committee member (other than the Mayor) ceases to be a member of a committee if the member:

- 5 a) Has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absence, or
- 10 b) Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

## 17. Project Reference Groups

15 Project Reference Groups may be established by Council at the recommendation of the committee to address issues clearly identified by the committee.

Project Reference Groups operate in accordance with Council's adopted Constitution template for Project Reference Groups.

## 20 18. Section 377 Delegation

The committee does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

## 25 19. Meeting Practice

Meetings are to be conducted in accordance with this Constitution and, where required, reference to Council's Code of Meeting Practice.

## 30 20. Miscellaneous

- 35 a) **Insurance:** All group members are covered by the public liability policy of Council. This insurance does not preclude the Advisory Committee from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- 40 c) **Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, 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. Such other person includes the spouse or de-facto partner or relative of the group member.

45 Section 446 of the Local Government Act states that "a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests..."

50 Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

# BYRON SHIRE COUNCIL

- d) **Work Health Safety:** All group members are required to comply with the “Worker Responsibilities” as prescribed in the Work Health Safety Policy.

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 4.2**

**Future Meeting Agendas**

**Directorate:**

Sustainable Environment and Economy

5

**Report Author:**

Sharyn French, Manager Environmental and Economic Planning

**File No:**

I2018/412

**Theme:**

Ecology

Planning Policy and Natural Environment

10

**Summary:**

The Sustainability and Emissions Reduction Advisory Committee has 4 meetings scheduled in 2018, including today's meeting.

15

This report is to consider future agenda items to ensure the Committee's meetings are productive.

20

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**RECOMMENDATION:**

**That the Sustainability and Emissions Reduction Advisory Committee consider the future meeting schedule in Table 1 of this report.**

**Report**

Council resolved (**Resolution 18-114**, relevant parts only) at the 22 February 2018 meeting:

5    4.    *That Council adopt the meeting scheduled for [the] advisory group as follows:*

*Sustainability and Emissions Reduction Advisory Committee*

- *First week of March 2018 subject to nominated councillor availability*
- *11.30am 29 March 2018*
- 10    • *11.30am 28 June 2018*
- *11.30am 30 August 2018*
- *11.30am 25 October 2018*

15    5.    *That an amount of \$3,000 is considered in the 2018/19 budget to support the committee meetings.*

A meeting in the first week of March was not able to be accommodated due to lead up time to preparing the agenda and the response time for previous Biodiversity and Sustainability Panel members to confirm their attendance on the Committee.

20    The report advised:

25    *....some meetings may engage professionals to present on a particular subject of relevance to the committees and some may use different meeting formats such as field days and workshops. An amount of \$3,000 is required, to support the committee meetings.*

**Table 1: Agenda items are proposed for future Committee meetings:**

<b>Meeting Date</b>	<b>Agenda Items</b>
28 June 2018	Emissions Reduction Strategy
30 August 2018	Improving the sustainability of Byron Businesses
25 October 2018	Investigation into community funding models for sustainability initiatives

**Financial Implications**

30    Council resolved to consider a budget allocation in the 2018/19 budget to support both the Biodiversity and Advisory Committee and the Sustainability and Emissions Reduction Committee

**Statutory and Policy Compliance Implications**

35    Nil

**Report No. 4.3**                    **Funding models for sustainability projects**  
**Directorate:**                    Sustainable Environment and Economy  
**Report Author:**                Daniel Harper, Sustainability Officer  
**File No:**                         I2018/450  
5 **Theme:**                         Ecology  
    Planning Policy and Natural Environment

**Summary:**

10 This report provides information on different funding models for council, small medium enterprises (SMEs) and the local community for potential solar installations and energy efficiency initiatives. These funding models include Environmental Upgrade Agreements (EUAs), Power Purchase Agreements (PPAs) and Community Solar Finance (CSF). These funding models could play a key  
15 role in reaching net zero emissions.

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**RECOMMENDATION:**

**That the Sustainability and Emissions Reduction Committee notes the report and considers the different funding options (EUAs, PPAs and CSF), and their potential application to Byron Shire commercial operators.**

20

**Report**

**Environmental Upgrade Agreements (EUAs)**

5 Participating Councils help local businesses save money on their energy costs by linking them to EUAs which provide low-cost finance solutions and no upfront investment.

EUAs allow approved financiers to lend money for the environmental upgrades via participating Victorian and NSW Councils, who levy an Environmental Upgrade Charge on the building.

10 Repayments are collected through the rates system. This process provides the lender with greater security, unlocking fixed-interest, long term loans at competitive rates. Building owners can ask tenants to contribute towards the cost of the upgrade as they will benefit from lower operational costs. This enables building owners to increase the value of their property with minimal financial outlay. EUAs can also be initiated by tenants.

15 EUAs can provide funding from \$20,000 to \$4,000,000 with repayments calculated to be less than the financial savings so businesses will be cash flow positive from day one. This money can be used on a variety of different environmental upgrades bundled together and includes:

- Solar systems and renewable energy.
- 20 • Lighting, HVAC and thermal performance upgrades.
- Waste and recycling equipment and upgrades.
- Energy and sustainability assessments and audits.
- Water efficiency upgrades and solar hot water.

25 There are 14 councils in Victoria currently participating in the program and six NSW councils which are:

- Blacktown City
- Lake Macquarie City
- City of Newcastle
- 30 • North Sydney
- Parramatta City
- City of Sydney

35 Key groups supporting the councils deliver EUAs are Building Better Finance, Sustainable Melbourne Fund and NSW Office of Environment and Heritage.

**How businesses access EUAs – the process**

1. Building owner agrees to upgrades
2. Building owner, council and finance provider enter into an EUA
- 40 3. Finance provider advances funds for the upgrade
4. Council collects repayments through a rates based system and then passes the repayments through to the finance provider
5. The building owner can ask the tenants to contribute or cover the cost of the upgrades through the savings made on their energy bills and running costs

45



5 Process for Council to provide EUAs

- The timeline to implementation is approximately three months, dependant largely on council approval times.
- NSW OEH is the administrator, providing the forms, processes and systems and assistance in implementation of EUAs.
- Increases to staff hours are minimal in rates and finance departments (estimated at less than an hour per month).
- Melbourne Sustainability Fund can provide lending and will lend from \$20,000 to \$4 million. Major Banks will only lend a minimum of \$500,000 which would substantially limit uptake.

15

**EUA - Background about Sustainable Melbourne Fund**

Sustainable Melbourne Fund (SMF) was established by City of Melbourne Council in 2002 to provide commercially minded financial support to businesses (Non-Residential Properties) who are implementing projects that have an environmental benefit. Since this time SMF have developed, in conjunction with local and state governments the EUA program and currently have 150 projects approved to take advantage of this funding mechanism. This includes everything from solar, waste, and water solutions to some more complex and innovative solutions like waste to energy.

**Byron Bay and NSW**

SMF isn't active in NSW, however they are presently in the final stages of considering entry to NSW. As the most active EUA lender, SMF have indicated the willingness to work with Byron Bay to develop an entry strategy for the region and in principal, provide finance into the shire.

**Power Purchase Agreements (PPA)**

5 A PPA is a contract between an electricity buyer and an electricity generator and provides both parties with greater certainty about price over a long period. In relation to renewable energy, a PPA normally refers to a contract to purchase electricity from a specific project which can be assigned to an existing power plant, or one yet to be constructed.

10 New renewable energy projects need revenue certainty which is why PPAs can be critical to the development and success. PPAs provide the investor or financier with the certainty required to proceed with the investment. To electricity consumers PPAs can offer significant cost savings compared to short-term electricity purchasing contracts.

Solar PPAs bring the following benefits; no upfront capital cost; predictable energy pricing; no system performance or operating risk; meaning projects can be cash flow positive from day one.

15 **Community Solar Finance (CSF)**

Community solar projects enable businesses to install a solar system on their roof with no upfront cost. Under this model, the solar panels are funded and owned by community investors. These are essentially PPAs between an energy consumer and a community owned solar investment organisation.

20 The business or site owner agrees to host the panels and purchase the electricity generated from the community solar operator for an agreed period (usually 5-7 years). The system can also be accessed through a lease or loan arrangement. The community solar organisation helps hosts choose the right system size and manages the installation process. During the agreed period the community solar organisation will own and maintain the panels.

25 Hosts will receive a regular bill from the community solar organisation for the electricity that they use from the solar panels. Revenue from the sale of electricity is passed back to the community investors in the form of a return on investment. After the agreed contract period ends the ownership of the solar panels is transferred to the roof host at no cost, enabling them to access solar energy free of charge.

**Financial Implications**

35 Nil

**Statutory and Policy Compliance Implications**

40 Nil



**Report No. 4.4**                    **Emissions Reduction Strategy and Key Project Updates**  
**Directorate:**                    Sustainable Environment and Economy  
**Report Author:**                Ronnie Lawton, Sustainability and Emissions Reduction Officer  
**File No:**                         I2018/451  
5 **Theme:**                         Ecology  
    Planning Policy and Natural Environment

**Summary:**

- 10 Council Resolution **17-086** included the following specific targets:
- Council commits to achieving 100% net Zero Emissions by 2025 in collaboration with Zero Emissions Byron (ZEB).
  - Council commit itself to source 100% of its energy through renewable energy within 10 years.
- 15 In order to achieve these targets, an Emissions Reduction Strategy is being developed as a transition from the existing Low Carbon Strategy.
- A number of key renewable energy projects aligned with these targets are already progressing.
- 20 This report will provide the Sustainability and Emissions Reduction Advisory Committee an overview of the Strategy development and updates on the key renewable energy projects.

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**RECOMMENDATION:**

**That the Sustainability and Emissions Reduction Advisory Committee note the report.**

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**Report**

The objectives of the Emissions Reduction Strategy are:

- 5       ▪ To provide a strategy that outlines the path towards Council operations achieving net zero emissions by 2025/2026 and sourcing 100% of its energy through renewable energy within 10 years.
- To provide specific actions for delivery by each Council directorate.
- To collaborate with ZEB in the development of Council’s Emissions Reduction Strategy.
- To establish Council’s role and level of service in supporting our community’s drive towards net zero emissions.
- 10     ▪ To investigate best practice programs to work towards incorporating scope 3 emissions initiatives into the Emissions Reduction Strategy.

The strategy is being formulated with the key milestones tabled below:

<b>Project Phase / Deliverable</b>	<b>Milestone / Action</b>	<b>Timeframe</b>
<b>Draft Strategy</b>	Director endorsement of project plan, communications plan, and draft template of strategy.	January 2018 (Complete)
	Executive Team endorsement of project plan, communications plan, and draft template of strategy.	7 February 2018 (Complete)
	Communications panel review of communications plan.	13 February 2018 (Complete)
	Review existing strategies action status.	January - March 2018
	Engagement with internal Council stakeholders and ZEB.	February – May 2018
	Provide SPW status update.	March – April 2018
	Engagement/consultation with Strategic Planning Workshop	10 May 2018
	Council adoption of draft strategy for public exhibition	24 May 2018 (Note: Report due 02/05/18)
<b>Community Consultation</b>	Public Exhibition	11 June 2018 (6 Weeks of public exhibition)
<b>Final Strategy</b>	Council Meeting for endorsement of final strategy	23 August 2018 (Note: Report due 02/05/18)

A number of key projects and initiatives are currently underway. These are tabled below:

<b>Project / Initiative</b>	<b>Summary</b>
<b>Myocum Solar Farm</b>	<p>2MW Solar Farm</p> <p>Buffer land to the Myocum Resource and Recovery Centre is being considered for a large scale ground mounted solar farm. A site feasibility assessment identified that the proposed site is suitable for a solar PV facility of up to 2MW.</p> <p>Council is progressing with a detailed feasibility business case, to fully understand the investment proposition, community delivery model, project risks, implementation structure, funding and financing options, electricity retailing models, procurement pathway and timing.</p>
<b>Bioenergy and STPs</b>	<p>~1 MW Bioenergy Facility</p> <p>In 2017 Council completed a biomass sources and siting assessment which identified Council's municipal green wastes and Sewage Treatment Plant (STP) biosolids as potential feedstocks for bioenergy facilities. Other feedstock, such as the growing of coppice crops intended for use as bioenergy feedstocks, was also considered. Council are investigating siting bioenergy facilities at its STP properties to process and valorise the feedstock materials. It is intended that a blending of solar farms and bioenergy facilities will supply all of the electricity required to run Council's sewage treatment plants into the future</p> <p>Council invited Expressions of Interest (EOI) from organisations wishing to be pre-registered to tender for the potential contract for Bioenergy Projects in the Shire of Byron. 15 submissions were received through its international EOI process, and are currently being assessed.</p>
<b>Local Energy Trading</b>	<p>A logical solution is to generate energy from solar at a low energy user site with large roof space and attribute it the consumption a high energy user with proportionally smaller roof space. This scenario was modelled by the Institute for Sustainable Futures.</p> <p>Council is currently running a procurement process for renewing its electricity contract, in collaboration with Lismore City Council. Included as one element of this process is a request for the prospective retailer to provide Local Electricity Trading between Council assets. If successful, this will be a first for local government in Australia, and could potentially unlock a range of renewable energy options for Council.</p>
<b>Small Scale Solar</b>	<p>99 kW Rooftop Solar</p> <p>The Byron Bay Library, Sandhills Childcare Centre and Byron Bay Resources Centre have received installations to a cumulative total of 99.6kW. Council will continue ongoing investigations into further rooftop solar installation opportunities.</p>
<b>Mullumbimby Administration Centre Solar</b>	<p>Solar size TBC</p> <p>Council is progressing investigations taking into account the different options of solar system (Rooftop and/or Car park) and electric charge station combinations. The potential to work regionally to seek funding for a network of EV charge stations in line with the Northern Rivers EV Strategy is also being considered.</p>

<p align="center"><b>Brunswick Valley Sustainability Centre</b></p>	<p>Renewable energy facilities TBC</p> <p>The Brunswick Valley Sustainability Centre is a concept involving the operational land owned by Byron Shire Council. It is intended to develop the site as a whole for sustainable eco-pursuits, renewable energy technologies and innovative environmental processes. Council have developed a Management Plan to provide a framework for the management, development and future use of the Brunswick Valley Sustainability Centre. Areas of interest include biomass coppice crops and associated bio-projects and solar energy farms. A first phase expression of interest is currently under preparation to seek responses from industry on what available technology would suit the results sought for this site in terms of sustainability and renewable energy outcomes.</p>
<p align="center"><b>EV Strategy</b></p>	<p>The Electric vehicle (EV) strategy was completed in November 2017. One of the key goals of the EV strategy is to establish a comprehensive network of charge stations in our region that will ensure EV users have confident access to charge opportunities in the Northern Rivers region. The NRMA plan to deliver Australia’s largest EV fast-charge network, with approximately 47 stations across NSW and ACT. Council is currently in contact with NRMA to determine the potential for a partnership.</p>

**Financial Implications**

- 5 Projects are progressing within 2017/18 budget allocations. Grants will be sought where appropriate to support project delivery.

**Statutory and Policy Compliance Implications**

- 10 Nil