

# 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, 14 March 2019</b>
Time	<b>9.00am</b>

A handwritten signature in black ink, appearing to read 'S Burt', is located below the meeting details.

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**

- 3.1 Sustainability and Emissions Reduction Advisory Committee Meeting held on 25 October 2018

**4. STAFF REPORTS**

**Sustainable Environment and Economy**

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4.6	Update from Cr Coorey - climate change issues .....	29
4.7	Issues raised with Council on renewable energy projects.....	31

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.1**

**2019 Meeting dates**

**Directorate:**

Sustainable Environment and Economy

**Report Author:**

Michelle Chapman, Project Support Officer

**File No:**

I2019/43

**Theme:**

Sustainable Environment and Economy  
Planning Policy and Natural Environment

**Summary:**

This report advises the Committee of the adopted 2019 Sustainability and Emissions Reduction Advisory Committee meeting dates.

Point 12 of the Constitution of the Committee advises, in regard to 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. 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.*

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**RECOMMENDATION:**

**That the Sustainability and Emissions Reduction Advisory Committee note the 2019 meeting dates.**

**REPORT**

***Background***

At 13 December Council meeting, the following dates were adopted by Council to hold the Sustainability and Emissions Reduction Advisory Committee 2019 meetings on:

- Thursday 14 March at 9.00am
- Thursday 8 August at 9.00am
- Thursday 31 October at 11.30am.

***Options***

The Committee may recommend that additional meeting dates be arranged. Another meeting day, in lieu of a Thursday, should be considered as an option if this were to occur as there would be few vacant Thursday dates available.

**STRATEGIC CONSIDERATIONS**

***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects

***Legal/Statutory/Policy Considerations***

Nil

***Financial Considerations***

Nil

***Consultation and Engagement***

Not applicable

**Report No. 4.2**                      **Sustainability and Emissions Reduction Projects - Update Report**  
**Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                  Hayley Briggs, Sustainability and Emissions Reduction Officer  
    Coral Latella, Sustainability Officer  
5    **File No:**                          I2019/211

**Summary:**

10    This report provides a short update on the key sustainability and emissions reduction projects across Council. Project managers will speak to their items.

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**RECOMMENDATION:**

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

**Attachments:**

- 20    1    Confidential - Attachment 1 to Sustainability and Emissions Reduction Advisory Committee (SERAC)  
    Key Project Updates Report - Energy Matrix for Council Projects (WORKING DRAFT;  
    CONFIDENTIAL) 14 March 2019, E2019/13644

**REPORT**

**Resource Recovery Key Projects**

**5 Dingo Lane, Myocum Solar Farm project**

- Presentation of preliminary business case findings to November Councillor SPW
- Detailed network enquiry by Essential Energy has been completed and the report issued in late January 2019. The report findings are currently being reviewed by Staff and Consultants.
- 10 • The initial project preliminary business case and internal OLG Capital Expenditure Review internal Business Case Analysis will be updated with results from the Essential Energy detailed network enquiry.
- Report to Council with recommended next steps based on above in April 2019

**15 Utilities Key Projects**

**Bioenergy Project**

Tender documents are being prepared for a Bankable Feasibility Study and Business Case. Key project dates are:

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Tender Received	April 2019
Under Review	May 2019
Council Contract Decision	Aug 2019
Council Decision re Design & Construct Bioenergy Plant	Aug 2019
Design and Construct Contract Award	Sept 2019
Bioenergy Plant Operation Start up	Dec 2020

**Brunswick Valley Sustainability Centre**

- The project has slowed in recent months. The project management team is being reorganised to speed up this process. The team plans to present its draft project management plan to relevant stakeholders in the coming months, with the overarching approach of dividing the project into five smaller chunks with each section having its own task manager:
  1. Community solar
  2. Nursery and big scrub
  - 30 3. Walkway and river bank stabilisation
  4. Community education centre / affordable housing
  5. Coppice or biomass crops
- General: meetings with Council's Community Services and Governance teams have taken place to start up a rigorous community consultation/participation process.
- 35 • Community solar: the Community Solar Farm Expression of Interest has been prepared. Decision and report pending regarding the land rent charged for the use of sewage treatment plant land for the community solar farm.
- Nursery and big scrub: work is underway to proceed with the rehabilitation of the on-site nursery to facilitate the occupation of the Big Scrub Reforestation team and other community groups.
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**Solar PV at 3 x Sewage Treatment Plant**

- Request for Tender 2018-0020 – *Design, Construct and Install of Solar PV at 3 Byron Shire Council STP sites namely Bangalow, Byron Bay and Brunswick STP's* received and reviewed. Tender Evaluation report will be completed shortly with GM approval pending.
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**Sustainability Team Key Projects**

**Mullumbimby Administration Building Solar Carpark**

- This project is being jointly delivered by Sustainable Environment & Economy and Infrastructure Services.
- The Request for Tender closed on 29 January 2019. Four submissions were received.
- The Tender Evaluation Panel is met on 05 February 2019 to make a decision on the submissions. At the 21 February 2019 Planning Meeting, Council awarded the contract to the winning tenderer. The name of the winning tenderer will remain confidential until tenderers are notified.
- The project is expected to be complete between 30 June and 30 September 2019.

**Emissions Reduction Strategy**

- The draft Emissions Reduction Strategy, *Net Zero Emissions Strategy for Council Operations 2025*, was endorsed for public exhibition at the Ordinary Council Meeting of 13 December 2018. The draft Strategy is on exhibition for six weeks from 27 February until 10 April 2019.
- Public responses will be collated and incorporated into the draft where relevant in April and May, with the final version of the Strategy to go to the Council Planning Meeting of 20 June 2019 for endorsement.
- Staff have engaged a consultant to run scenario trajectory projections for Council to achieve net zero emissions by 2025. The work produced from that project (scenario trajectory graphs etc.) will be included in the final version of the Strategy.

**Sustainable Events Toolkit**

- The Toolkit is a collaboration between the Events Team and the Sustainability Team and integrates a range of sustainability guidelines and actions into one comprehensive event planning document.
- The draft Toolkit will be aimed at small and large scale community events held in the Byron Shire in addition to internal Council events and functions.
- A Sustainable Events Roundtable will be held in March where event organisers from a range of community run events and markets in the area will come together with Council staff to discuss the Toolkit and broader sustainability issues around our local events.
- The Toolkit is due for completion by 30 June 2019.

**Clean Energy Council (CEC) – Best Practice Charter for Renewable Energy Developments**

- In November 2018, Mayor Richardson requested that staff investigate the possibility of Council committing to the CEC's Best Practice Charter for Renewable Energy Developments.
- Staff contacted the CEC to request further information on the Charter and to ascertain whether Council was eligible to commit. The information received was that:
  - The Best Practice Charter for Renewable Energy Developments is a voluntary set of commitments for CEC members designed to communicate the standards that the signatories will uphold in the development of current and new clean energy projects. The Charter outlines a commitment by signatories to engage respectfully with the communities in which they plan and operate projects, to be sensitive to environmental and cultural values and to make a positive contribution to the regions in which they operate.
  - Only CEC members who pay an annual fee can commit to the Charter. The CEC is aimed at industry bodies. Membership is not intended for governmental organisations, nor have any public sector organisations joined. Council does not fit into any of the existing CEC member categories:
    - a) *Associate* (open to small businesses – “relatively small organisations operating in the dynamic energy space”) – annual fee \$3,650;
    - b) *Corporate* (open to all companies “leading organisations in a sector, looking to develop their profile in the clean energy sector”) – annual fee \$14,500; and

c) *Sponsoring* (open to all companies – “major players in the clean energy industry”) – annual fee \$55,500.

- Given the above, staff determined that Council is unable to commit to the Charter due to not meeting the CEC member criteria, and that further investigation into becoming a member is not warranted given that membership is not intended for governmental organisations.

**Energy Matrix**

- The Sustainability Team coordinates the Energy Matrix, a living document that details completed and future energy projects across Council, Attachment 1.

**STRATEGIC CONSIDERATIONS**

***Community Strategic Plan and Operational Plan***

<b>CSP Objective</b>	<b>L2</b>	<b>CSP Strategy</b>	<b>L3</b>	<b>DP Action</b>	<b>L4</b>	<b>OP Activity</b>
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.5	Provide continuous urban water and sewerage services within the Shire	1.5.1	Increase the energy efficiency of Sewerage treatment Plants	1.5.1.1	Expand solar farms at Bangalow; Byron and Brunswick Valley Sewage Treatment plants
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.1	Prepare Emissions Reduction Strategy
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.2	Prepare Bioenergy Project Plan
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.3	Build community Solar Farms at Brunswick Valley STP
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.4	Implement actions to achieve zero emissions by 2025
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.1	Provide environmental and sustainability information

***Legal/Statutory/Policy Considerations***

*Draft Net Zero Emissions Strategy for Council Operations 2025*

***Financial Considerations***

This is a project update report only. Financial considerations for individual projects have been or will be considered on a case by case basis. Sustainability and emissions reduction projects have the potential to either cost or save Council money.

***Consultation and Engagement***

Water Sewer Systems Environment Officer, Infrastructure Services

Team Leader Resource Recovery and Quarry, Infrastructure Services  
Civil Engineer, Infrastructure Services

**Report No. 4.3**                      **Minutes of previous meeting held 25 October 2018**  
**Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                  Michelle Chapman, Project Support Officer  
**File No:**                              I2019/239

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**Summary:**

- 10    The minutes of the previous Sustainability and Emissions Reduction Advisory Committee meeting held on 25 October 2018 referred to at Item 3 of this meeting's agenda, are attached.



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**RECOMMENDATION:**

**That the Sustainability and Emissions Reduction Advisory Committee note the minutes of 30 August 2018 meeting which were reported to 18 October Council meeting.**

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**Attachments:**

- 1       Minutes 25/10/2018 Sustainability and Emissions Reduction Advisory Committee, I2018/2005 , page  
13  

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**REPORT**

The minutes of the previous Sustainability and Emissions Reduction Advisory Committee meeting held on 25 October 2018 are attached and available at

[https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2018/10/SERAC\\_25102018\\_MIN\\_878.PDF](https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2018/10/SERAC_25102018_MIN_878.PDF) .

The minutes were reported to 22 November Council meeting, resulting in Resolutions 18-736 to note the minutes and Res 18-737 to adopt Committee Recommendation 4.4.1 - Climate Emergency Declaration.

**STRATEGIC CONSIDERATIONS*****Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects

***Legal/Statutory/Policy Considerations***

Nil

***Financial Considerations***

Nil

***Consultation and Engagement***

Not applicable

# MINUTES OF MEETING

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## SUSTAINABILITY AND EMISSIONS REDUCTION ADVISORY COMMITTEE MEETING

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Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 25 October 2018
Time	11.30am

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**Minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on Thursday, 25 October 2018**

**File No: Error! Unknown document property name.**

**PRESENT:** Cr S Richardson, Cr M Lyon, Cr S Ndiaye, Cr C Coorey

Staff: Shannon Burt (Director Sustainable Environment and Economy)  
 Sharyn French (Manager Environmental and Economic Planning)  
 Tania Crosbie (Economy and Sustainability Coordinator)  
 Hayley Briggs (Sustainability and Emissions Reduction Officer)  
 Daniel Harper (Sustainability Officer)  
 Phil Holloway (Director Infrastructure Services)  
 Claudio Germany (Assistant Environment Officer, Infrastructure Services)  
 Jessica Huxley (Contractor, Infrastructure Services)  
 Kane Goldsworthy (Environmental Programs Officer, Infrastructure Services)

Community: Luke McConell  
 Chris Sanderson  
 Anthony Pangallo  
 Vicki Brooke for John Taberner (ZEP representative)  
 Ella Goninan (COREM representative)

*Cr Richardson (Chair) opened the meeting at 11.35am and acknowledged that the meeting was being held on Bundjalung Country.*

**APOLOGIES:**

Joanna Immig, John Taberner, Lloyd Isaacson (Team Leader Resource Recovery and Quarry)  
 Coral Latella (Sustainability Officer)

**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

There were no declarations of interest.

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Committee Recommendation:**

**That the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 30 August 2018 be confirmed.**

(Richardson/Sanderson)

*The recommendation was put to the vote and declared carried.*

*Note: The minutes of the meeting held on 30 August 2018 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 18 October 2018.*

**BUSINESS ARISING FROM PREVIOUS MINUTES**

There was no business arising from previous minutes.

**Report No. 4.1**                      **Code of Conduct Policy**  
**File No:**                              I2018/1976

**Committee Recommendation:**

**That the Sustainability and Emissions Reduction Advisory Committee note the Code of Conduct Policy and return signed acknowledgement form, Attachment 3 (E2018/25100).**  
(McConell/Sanderson)

*The recommendation was put to the vote and declared carried.*

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**Report No. 4.2**                      **Minutes of previous meeting held 30 August 2018**  
**File No:**                              I2018/1918

**Committee Recommendation:**

**That the Sustainability and Emissions Reduction Advisory Committee note the minutes of 30 August 2018 meeting which were reported to 18 October Council meeting.**  
(Sanderson/Richardson)

*The recommendation was put to the vote and declared carried.*

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**Report No. 4.3**                      **Updates from Zero Emissions Byron and COREM**  
**File No:**                              I2018/1923

**Committee Recommendation:**

**That the Sustainability and Emissions Reduction Advisory Committee note the updates from ZEB and COREM.**  
(Lyon/Pangallo)

*The recommendation was put to the vote and declared carried.*

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**Report No. 4.4**                      **Climate Emergency Declaration**  
**File No:**                              I2018/1987

**Committee Recommendation:**

1. **That the Sustainability and Emissions Reduction Advisory Committee provides the following input into terms of reference, membership for, and where Council has a role to play in a community-led Climate Emergency Guidance Group as it develops a Shire-wide Community Climate Emergency Plan:**
  - a) **That the Terms of Reference for the community-led climate change adaptation plan consider:**
    - i) **resilience in coastal erosion risk & sea level rise areas**
    - ii) **agriculture**
    - iii) **heat waves**
    - iv) **bush fires**
    - v) **floods**
    - vi) **social dislocation / impacts**
    - vii) **food security.**
  - b) **That the following be invited via newspaper ad, email, or direct contact to the first meeting to be held in about a month with Cr Coorey to be champion of meeting:**
    - **Foundation for Rural & Regional Renewal (FRRR),**

- **Zero Emissions Byron (ZEB),**
  - **disaster and emergency response,**
  - **social services.**
- c) **That the Scope be:**
- i) **implementation plan/ action checklist;**
  - ii) **acknowledging and supporting work already being done by existing mitigation groups (including ZEB and Community-Owned Renewable Energy Mullumbimby [COREM])**
  - iii) **identifying gaps.**
- d) **That Council support through facilitation of the initial meeting and identify desirable membership that covers the Shire and areas listed in the first dot point..**

(Ndiaye/Goninan)

*The recommendation was put to the vote and declared carried.*

**Report No. 4.5                      SERAC Key Project Updates**  
**File No:                              I2018/1916**

**Committee Recommendation:**

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

(Sanderson/ Brooke)

*The recommendation was put to the vote and declared carried.*

**Report No. 4.6                      Emissions Reduction Strategy - Update & First Draft**  
**File No:                              I2018/1946**

**Committee Recommendation:**

- 1. That the Sustainability and Emissions Reduction Advisory Committee note the report.**
- 2. That members of the Sustainability and Emissions Reduction Advisory Committee provide electronic feedback on the working draft *Net Zero Emissions Strategy for Council Operations 2025* (E2018/83561) by Close of Business Monday 5 November.**

(Lyon/Pangallo)

*The recommendation was put to the vote and declared carried.*

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*There being no further business the meeting concluded at 1.33pm.*

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**Report No. 4.4**                      **Council's Climate Change Adaptation Processes - discussion**  
**Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                Hayley Briggs, Sustainability and Emissions Reduction Officer  
**File No:**                            I2019/252

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**Summary:**

10    This report provides information on Council's previous and current climate change adaptation processes for consideration by members of the Sustainability and Emissions Reduction Advisory Committee. The information is intended to facilitate discussion among members on Council's approach to climate change adaptation processes going forward.



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**RECOMMENDATION:**

1.    **That the Sustainability and Emissions Reduction Advisory Committee note the report *Council's Climate Change Adaptation Processes - Update Report (Attachment 1 – I2019/25).***
2.    **That the Sustainability and Emissions Reduction Advisory Committee note that there is currently no resourcing allocated to updating Council's Climate Change Adaptation Implementation Plan, and that any requests for funding will be considered against other Council priorities as part of the preparation of the draft 2019/20 Operational Plan and Budget.**

**Attachments:**

- 20    1    Report 21/02/2019 Planning Council's Climate Change Adaptation Processes - Update Report, I2019/25 , page 20  

## REPORT

At the ordinary Council Meeting of 13 December 2018, Council passed **Resolution 18-841** requesting staff provide an update report to the next available meeting on Council's climate change adaptation processes for rising temperatures, emergencies, asset maintenance, and water resources in a changing environment.

The requested update report on Council's climate change adaptation processes was reported to the Planning Meeting of 21 February 2019, where Council passed **Resolution 19-011** consisting of two parts:

1. *to consider the development of an updated Climate Change Adaptation Implementation Plan for Council operations in the preparation of the draft 2019/20 Operational Plan and an allocation of \$80,000 in the preparation of the draft 2019/20 Budget; and*
2. *that the Climate Change Adaptation Process be made an agenda item at the next meeting of the Sustainability and Emissions Reduction Advisory Committee for consideration.*

This report fulfils part two of **Resolution 19-011**.

**Key issues**Background

The update report on Council's climate change adaptation processes is Attachment 1 to this report.

Climate change adaptation processes in Byron Shire currently occur at Council and at the regional level through Rous County Council and the New South Wales Government. Byron Shire Council supports Rous County Council who is planning for a reduced water supply in the region, and participates in regional adaption measures coordinated by the New South Wales Office of Environment and Heritage.

Council itself has been active in the climate change adaptation space for some time, but delivery of actions has been piecemeal. In 2008, Byron and Tweed Shire Councils were jointly awarded federal government funding to engage a consultant to undertake a comprehensive risk assessment of the potential impacts of climate change on Council services and activities, and to recommend possible adaptation planning processes. From this work, Council resolved to adopt a *Climate Change Adaptation Implementation Schedule* (which included additional actions separately identified by Council). While the Schedule was not resourced, Council has still been somewhat proactive in the adaptation space with some actions being delivered through other projects on an ad hoc basis. Council's most comprehensive current climate change adaptation document, the *Climate Change Strategic Planning Policy*, provides guidance on future flood, coastline management and biodiversity planning.

Due to the age of the *Climate Change Adaptation Implementation Schedule* and the fact that it was not resourced or implemented in a consistent manner, the update report recommended that Council develop an updated Climate Change Adaptation Implementation Plan. Council resolved to consider the development of an updated Climate Change Adaptation Implementation Plan for Council operations in the preparation of the draft 2019/20 Operational Plan and an allocation of \$80,000 in the preparation of the draft 2019/20 Budget (**res-19-011**).

More detailed information on Council's history in the adaptation space and current adaptation strategies and policies can be found in the report to Council, Attachment 1.

Resourcing

Consideration of Council's climate change adaptation approach going forward should take into account the fact that there is currently no resourcing allocated to updating Council's Climate Change Adaptation Implementation Plan, and that any requests for funding will be considered against other Council priorities as part of the preparation of the draft 2019/20 Operational Plan and Budget.

**Legal/Statutory/Policy Considerations**

Byron Shire Council *Climate Change Strategic Planning Policy*

**Financial Considerations**

At the Planning Meeting of 21 February 2019, Council resolved to consider the development of an updated Climate Change Adaptation Implementation Plan for Council operations in the preparation of the draft 2019/20 Operational Plan and an allocation of \$80,000 in the preparation of the draft 2019/20 Budget (**res-19-011**). This report was not reviewed by the Finance Manager as the proposed funding allocation will be considered at a later date as part of the 2019/20 Budget.

**Consultation and Engagement**

n/a

## BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.4 - ATTACHMENT 1

**Report No. 6.3**      **Council's Climate Change Adaptation Processes - Update Report**  
**Directorate:**      Sustainable Environment and Economy  
**Report Author:**      Hayley Briggs, Sustainability and Emissions Reduction Officer  
**File No:**      I2019/25  
5 **Theme:**      Sustainable Environment and Economy  
                 Planning Policy and Natural Environment

### Summary:

10 This report provides an update on Council's climate change adaptation processes as requested by Council at the 13 December 2018 meeting (Res 18-841).

15 Climate change adaptation processes in Byron Shire currently occur at Council and at the regional level through Rous County Council and the New South Wales Government. Byron Shire Council supports Rous County Council who is planning for a reduced water supply in the region, and participates in regional adaption measures coordinated by the New South Wales Office of Environment and Heritage.

20 Council itself has been active in the climate change adaptation space for some time, but delivery of actions has been piecemeal. In 2008, Byron and Tweed Shire Councils were jointly awarded federal government funding to engage a consultant to undertake a comprehensive risk assessment of the potential impacts of climate change on Council services and activities, and to recommend possible adaptation planning processes. From this work, Council resolved to adopt a *Climate Change Adaptation Implementation Schedule* (which included additional actions separately identified by Council). While the Schedule was not resourced, Council has still been somewhat  
25 proactive in the adaptation space with some actions being delivered through other projects on an ad hoc basis. Council's most comprehensive current climate change adaptation document, the *Climate Change Strategic Planning Policy*, provides guidance on future flood, coastline management and biodiversity planning.

30 Due to the age of the *Climate Change Adaptation Implementation Schedule* and the fact that it was not resourced or implemented in a consistent manner, it is recommended that Council develop an updated Climate Change Adaptation Implementation Plan.

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### RECOMMENDATION:

**That Council consider the development of an updated Climate Change Adaptation Implementation Plan for Council operations in the preparation of the draft 2019/20 Operational Plan and an allocation of \$80,000 in the preparation of the draft 2019/20 Budget.**

### Attachments:

- 40 1 Byron and Tweed Shire Councils Climate Change Risk Assessment Final Report, May 2009, DM862857  
2 Byron and Tweed Shire Councils Climate Change Adaptation Action Plan, June 2009, DM877053  
3 Byron Shire Climate Change Adaptation Implementation Schedule - with recommended amendments from Res 10-408, DM977169

45

## REPORT

At the ordinary Council Meeting of 13 December 2018, Council passed **Resolution 18-841** requesting staff provide an update report to the next available meeting on Council's climate change adaptation processes for rising temperatures, emergencies, asset maintenance, and water resources in a changing environment.

**Background**

There are two main policy responses to climate change: mitigation and adaptation.

Mitigation addresses the root causes of climate change by reducing greenhouse gas emissions. Council has been conducting work in the mitigation space since 2004 and continues to do so with its goals of net zero emissions for Council operations by 2025 and 100% renewable energy by 2027.

Adaptation is the process by which strategies to moderate, cope with and take advantage of the consequences of climatic events, are enhanced, developed, and implemented (United Nations Development Programme, 2005). Adaptation can be either a planned, proactive response to climate change or a reactive adjustment to climate change impacts after they have occurred.

Proactive adaptation processes in Byron Shire are currently occurring here at Council as well as at the regional level through Rous County Council and the New South Wales (NSW) Government. Given that climate change is a global phenomenon that will not affect Byron Shire in isolation, coordinated regional approaches often deliver the most effective outcomes.

**Council strategies and policies**

Council has been engaged in climate change adaptation work for over a decade. In May 2008 Byron Shire Council and Tweed Shire Council were jointly awarded funds from the Australian Department of Climate Change for the joint project 'Assessing Climate Change Risks and Adaptation Strategy Development in the NSW Northern Rivers Region' under the *Local Adaptation Pathways Program* (LAPP). The Program was overseen by Council's then Sustainability Officer and facilitated by way of consultancy with input from a cross-section of Council staff during a series of workshops held in both Local Government Areas.

The LAPP project was based on the understanding that the level of uncertainty of climate change projections compounds the ability of local government to prioritise adaptation responses to unavoidable climate change. The project aimed to identify strategies to minimise potential adverse impacts on Council services and assets caused by climate change, develop and implement robust adaptation responses and integrate priority actions into Council's management, operations and strategic planning framework.

In August 2008, GHD were successful in being awarded the tender for the project and subsequently engaged to deliver the following process:

1. Establish the context of climate change risk management for Byron / Tweed Shires.
2. Deliver a Contextual Workshop for selected Council staff.
3. Deliver a Risk Assessment Workshop for selected Council staff.
4. Prepare a *Risk Assessment Report* for council operations and responsibilities.
5. Deliver an Adaptation Workshop for selected Council staff.
6. Prepare an *Adaptation Action Plan* for council operations and responsibilities.

The *Risk Assessment* and *Adaptation Action Plan* reports (Attachments 1 & 2) provided background, contextual information used in the preparation of the *Byron Shire Climate Change Adaptation Implementation Schedule* (Attachment 3). At the 27 May 2010 meeting, Council adopted the *Implementation Schedule* (Res-10-408). The *Implementation Schedule* included GHD's suggested adaptation actions for a number of the hazards identified in the reports, as well as four further adaptation actions identified independently by Council (being action items 2.6, 4.4, 8.1 and 8.2 in the *Implementation Schedule*). The LAPP project concluded on 31 August 2009.

Complementing Council's work with GHD around this time was the development of the *Climate Change Strategic Planning Policy*, which was adopted by Council on 12 November 2009 (Res-09-968). This policy is aimed mainly at future flood planning, but also incorporates coastline management planning and biodiversity planning. It was updated on 26 June 2014 (Res 14-315) and is scheduled for review again in 2019. Its three objectives are:

- to set out Council's accepted climate change parameters to inform the decision making process for strategic, infrastructure and operational planning;
- to mitigate impacts associated with climate change on future generations through commitment to the precautionary principle; and
- to review climate change parameters as further information becomes available from leading government organisations.

### ***Delivery of actions***

Whilst the 2010 *Implementation Schedule* was not resourced and therefore not implemented in a systematic manner, in the intervening years Council has delivered some (or part of some) of the actions through other mechanisms. Examples include:

- **Hazard 2: Increased Flood Level and Frequency** – *Adaptation Action 2.1: Review infrastructure design standards for public works* (including ensuring Council's existing *Climate Change Strategic Planning Policy* is integrated with the Shire-wide Development Control Plan [DCP]).
  - All adopted flood studies and management plans post-2009 have incorporated climate change considerations e.g. see the *Tallow Creek Floodplain Risk Management Study and Plan*. Further, Council has since incorporated the *Climate Change Strategic Planning Policy* into Chapter C2 (clause C2.16) of DCP 2014 and the flood planning provisions in that Chapter were developed having regard to the overall framework of that policy.
- **Hazard 3: Introduction and Proliferation of Exotic Species** – *Adaptation Action 3.3 Develop Pest Species Management Plan*.
  - Council's current *Feral Animal Management Plan* is being reviewed. A new *Pest Animal Management Plan* is being prepared in accordance with the *NSW Biosecurity Act 2015* and *Local Land Services Act 2013* and consultation with the community, to manage pest animals in the Shire. The draft plan was available for public comment for 6 weeks from 9 August to 21 September 2018. Submissions have been assessed and are being reported to the Biodiversity Advisory Committee in February 2019.
- **Hazard 6: Coastal Erosion and Impacts of Coastal Development** – *Adaptation Action 6.2 Finalise and implement Coastal Zone Management Plan*.
  - Council's existing coastal management activities and previous Coastal Zone Management Plans (CZMPs) are currently being revised under the coastal planning process in accordance with the *Coastal Management Act 2018*. Council has commenced preparing a Coastal Management Program for the area from Cape Byron to South Golden Beach with Stage One of the process (Scoping Study) due to be completed by May 2019.
  - The new Coastal Management Program will focus on coastal hazards. Two areas of concern where property and/or infrastructure are at risk are Belongil Beach and New Brighton Beach, and the review will concentrate on these zones. Community consultation was held in late 2018 with public agency and Council engagement planned for February 2019.

While adaptation actions for waste management, infrastructure and processes were not included in the *Implementation Schedule*, the Resource Recovery Team has been working for a number of years to manage risks. Examples include:

- continual upgrades to the Byron Resource Recovery Centre to improve environmental performance in extreme weather events;
- production of compost to assist in local soil health and resistance to long drought periods;
- cessation of landfilling operations in the Shire which reduces the environmental risks associated with an operational landfill during such events; and
- disaster management planning to enable Council to better manage waste after extreme weather events.

Asset management in relation to flooding is included in the *Implementation Schedule*, however general asset management in relation to increased temperatures, etc. is not explicitly mentioned. Currently, Council's *Asset Management Policy* and draft *Transport Asset Management Plan* do not specifically reference climate change adaptation measures. The Asset Management Team will soon be introducing a climate change factor into its Predictive Modelling for future asset capital works programs, but have advised that the factor is quite low so the impact may be negligible. Whether this factor will apply to new work only or to the renewal of existing infrastructure as well is yet to be confirmed. In relation to undertaking infrastructure works under increased temperature conditions, the Asset Management Team advised that the timing of works may be scheduled for early morning, late afternoon or overnight to ensure worker safety.

### ***Regional adaptation measures***

In addition to the above measures, Council participates in regional adaption measures coordinated by Rous County Council and the NSW Office of Environment and Heritage.

#### Rous County Council

Byron Shire Council supports Rous County Council (RCC) who is planning for a reduced water supply in the region. RCC performs three main functions for local councils in the NSW Far North Coast region: delivery of the bulk water supply, flood mitigation (*not* emergency response to flooding) and weed biosecurity. The second two functions are not relevant to climate change adaptation processes in Byron Shire.

The North Coast Region's existing water sources can comfortably meet demand for water in the short to medium term; however the availability of water for North Coast LGAs in the future is much less certain. To maintain a sustainable water supply for the region in the face of a changing climate and increased population, RCC has developed a suit of three policy documents: *Future Water Strategy*, *Drought Management Plan* and *Regional Demand Management Plan*. The *Future Water Strategy* projects future water needs and provides a framework for long-term water planning and infrastructure development in the Region. The *Drought Management Plan* aims to ensure continued water supply during drought conditions in order to meet water user, public health and firefighting needs. The *Regional Demand Management Plan* describes the water supply demand management initiatives to be implemented in the local government areas of Ballina, Byron, Lismore and Richmond Valley over the next four years (2019 – 2022). As a constituent council, Byron Shire Council is directly affected by, and has actively participated in the development of all three documents.

#### NSW Office of Environment and Heritage

The NSW Office of Environment and Heritage (OEH) manages the state's approach to climate change adaptation. At the information dissemination level, OEH administers the *Adapt NSW* website (<https://climatechange.environment.nsw.gov.au/>), the central information hub for understanding and adapting to climate change in NSW.

At the policy level, OEH developed a process to enable regional adaptation and planning by working with local government, agencies and other local stakeholders to identify and understand regional climate vulnerabilities. NSW local government areas were grouped into seven regional zones for assessment, and in 2014 the North Coast's vulnerability to climate change was examined in the North Coast Integrated Regional Vulnerability Assessment (IRVA). Council staff participated in the workshops along with representatives from human services, landscapes and ecosystems, industries, settlements and infrastructure, and emergency management sectors in

order to understand the vulnerability of the region to the forecast effects of climate change. The local knowledge was incorporated into two reports:

- North Coast IRVA Volume 1: identifies regional climate change vulnerabilities and canvasses action to reduce them through a coordinated response.
- North Coast IRVA Volume 2: presents the detailed results of the sector workshops.

The North Coast Enabling Regional Adaptation (ERA) project is the follow-on to the IRVA process. In 2018, representatives from Council again attended workshops held across the North Coast to revise the initial vulnerability assessment and identify and develop adaptation models for the following key regional systems:

- energy;
- settlements;
- tourism;
- biodiversity;
- food and agricultural;
- emergency management;
- infrastructure and water; and
- communities.

The North Coast ERA report is currently being drafted. It will go to the Department of Premier and Cabinet's Regional Leadership Executive for endorsement in the first half of 2019 before publication later this year. Examples of key projects likely to be included are as follows:

- Climate resilient energy infrastructure and pricing project
- Northern Rivers 100% Renewable Energy transition to 2050
- North Coast Electric Vehicle Network
- Climate Adaption into Business Management Practices
- Social Licence to Support Sustainable Agriculture
- Cross Dependency Risk Analysis of Critical Infrastructure
- Investment Generation Innovation Hub
- Mapping High Risk Assets to Identify Infrastructure Hot Spots
- Person-Centred Emergency Preparedness
- Sharing Knowledge Projects with Aboriginal and Torres Strait Islander Communities
- Sustainable Housing Project
- Urban Environment Intelligence
- Sustainable Events Project.

### ***Community led climate change***

Council at the 31 October 2018 meeting resolved (**18-680**) to seek the Sustainability and Emission Reduction Advisory Committee's (SERAC) input to convene a community-led Climate Emergency Guidance Group. The Guidance Group's purpose is to develop a Shire-wide Community Climate Emergency Plan to further enhance resilience and reduce climate impacts.

Acknowledging that Council was not resourced to undertake the work, SERAC recommended amongst other things (Resolution **18-737**) that Council support the guidance group through facilitation of the initial meeting. The first meeting of the Community Climate Change Emergency Plan was held on 7 December 2018 and successive meetings have been held since.

The work of the community led Guidance Group is focused on community adaptation to climate change impacts and will complement the work recommended to update the Climate Change Adaptation Implementation Plan for Council Operations.

### ***Options***

Council does not currently have a single overarching climate change adaptation document. The 2010 *Byron Shire Climate Change Adaptation Implementation Schedule* was not resourced and climate change adaptation processes have been incorporated into some Council policies, plans and strategies on an ad hoc basis since then. Given the amount of time that has passed since the

adoption of the *Implementation Schedule*, a review would be necessary before considering implementing any more of the suggested adaptation actions. A review and update of the 2009 *Risk Assessment* and *Adaptation Action Plan* reports would be required to provide the background information necessary for updating the *Implementation Schedule*.

Council has two options going forward:

1) Business as usual. Council can continue to incorporate climate change adaptation processes into its plans and policies on an ad hoc basis and as guided by the regional approach.

2) Develop an updated Climate Change Adaptation Implementation Plan for Council Operations

This would include reviewing the existing Byron Tweed Climate Change Risk Assessment (Attachment 1) and Climate Change Adaptation Action Plan (Attachment 2) reports and the 2010 Byron Shire Climate Change Adaptation Implementation Schedule (Attachment 3).

Costs would be in the order of \$80,000. Funding to implement individual projects would be determined on a case by case basis and require separate funding support.

It is recommended that Council proceed with option 2.

## **References**

United Nations Development Programme (2005). *Adaptation Policy Frameworks for Climate Change. Developing Strategies, Policies and Measures*, Ed. Bo Lim, Erika Spanger-Sieghfried, Co-authors Ian Burton, Elizabeth Malone, and Saleemul Huq.

## **STRATEGIC CONSIDERATIONS**

### ***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.1	Finalise and implement Coastal Zone Management Plan Eastern Precincts Byron Bay Embayment
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.2	Prepare Coastal Management Program scoping study for New Brighton and Byron Bay Embayment Western Precincts

### ***Legal/Statutory/Policy Considerations***

Byron Shire Council Climate Change Strategic Planning Policy

### ***Financial Considerations***

The costs to develop an updated Climate Change Adaptation Implementation Schedule will be considered in the preparation of the draft 2019/20 Operational Plan and budget.

### ***Consultation and Engagement***

*Council staff*

Coastal & Biodiversity Coordinator, Sustainable Environment & Economy

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

### 4.4 - ATTACHMENT 1

Manager Works, Infrastructure Services

Team Leader Infrastructure Planning, Infrastructure Services

Asset Management Coordinator, Infrastructure Services

Team Leader Resource Recovery and Quarry, Infrastructure Services

5 Development Engineering Supervisor, Infrastructure Services

Flood and Drainage Engineer, Infrastructure Services

*External to Council*

Senior Team Leader, Regional Preparedness, NSW Office of Environment and Heritage

**Report No. 4.5                      Updates from Zero Emissions Byron and COREM**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Michelle Chapman, Project Support Officer

**File No:** I2019/255

5    **Theme:** Sustainable Environment and Economy  
Planning Policy and Natural Environment

**Summary:**

10

Representatives from Zero Emissions Byron and COREM will provide an update from their organisations to the Committee.

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**RECOMMENDATION:**

**That the Sustainability and Emissions Reduction Advisory Committee note the updates from ZEB and COREM.**

15

**Report**

Representatives from Zero Emissions Byron and COREM to provide verbal updates to the committee from their respective organisation.

5

**STRATEGIC CONSIDERATIONS*****Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.2	Encourage and support environmental and sustainable community activities and groups

10

***Legal/Statutory/Policy Considerations***

Draft Net Zero Emissions Strategy for Council Operations 2025

***Financial Considerations***

Nil

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***Consultation and Engagement***

N/A

20

**Report No. 4.6**                      **Update from Cr Coorey - climate change issues**  
**Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                Hayley Briggs, Sustainability and Emissions Reduction Officer  
**File No:**                            I2019/286

5

**Summary:**

10      Cr Coorey will provide a verbal update to the Committee on the following climate change issues:

1.      Climate Emergency Group; and
2.      ICLEI (International Council for Local Environment Initiatives) Regional Executive Committee meeting Cr Coorey attended in February.

15

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**RECOMMENDATION:**

**That the Sustainability and Emissions Reduction Advisory Committee note Cr Coorey's update on climate change issues.**

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**REPORT**

Cr Coorey to provide a verbal update on the following climate change issues:

- 5     1.     Climate Emergency Group; and
2.     ICLEI Regional Executive Committee meeting Cr Coorey attended in February.

**STRATEGIC CONSIDERATIONS**

10     ***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.2	Encourage and support environmental and sustainable community activities and groups

***Legal/Statutory/Policy Considerations***

n/a

15     ***Financial Considerations***

n/a

***Consultation and Engagement***

n/a

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**Report No. 4.7**                      **Issues raised with Council on renewable energy projects**  
**Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                  Hayley Briggs, Sustainability and Emissions Reduction Officer  
**File No:**                              I2019/287

5

**Summary:**





- 10      This report responds to a number of issues which have been raised with Council:
- (a) the Clean Energy Council's (CEC) Best Practice Charter for Renewable Energy Developments;
- 15      (b) the potential waiving of Development Assessment (DA) fees for solar installations;
- (c) the potential for Council to identify Council land that is suitable for solar / renewables and which is in excess of its own requirements, and
- 20      (d) that a guide be created detailing how to proceed with solar / renewable development proposals including elements that may need to be addressed in DAs.

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**RECOMMENDATION:**

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

25      **Attachments:**

- 1      New South Wales (NSW) Legislation - Infrastructure SEPP 2007 - Part 3 - Division 4, E2019/14409 ,  
page 35  
- 2      Byron Shire Council Planning Development and Building Fee Schedule 2017-18, E2019/14412 , page  
30      46  

## REPORT

This report responds to a number of issues which have been raised with Council:

5 (a) Clean Energy Council's Best Practice Charter for Renewable Energy Developments

Staff investigated the possibility of Council committing to the CEC's Best Practice Charter for Renewable Energy Development. The response to this item is covered in the report to this meeting titled *Sustainability and Emissions Reduction Projects – Update Report*.

10 (b) The potential waiving of Development Assessment fees for solar installations

The waiving of DA fees for renewable energy developments has been researched and is not considered feasible at this time. The waiving of DA fees would be a decision of the full Council and would have a direct impact on staffing.

The City of Sydney has been referenced when discussing DA fee waivers for renewable energy developments. It should be noted that their waiver is only for installations less than \$2 million.

20 Solar DA guidelines in Byron Shire

The fees for solar DAs in Byron Shire are governed by NSW legislation. The NSW Government has a tiered approvals regime for renewable energy systems, to ensure the level of assessment is appropriately tailored to the scale and type of the system.

25 • Large-scale renewable energy proposals

Under *State Environmental Planning Policy (State and Regional Development) 2011*, electricity generating works including renewable energy proposals such as wind or solar farms with a capital cost of more than \$30 million (or \$10 million in an environmentally sensitive area) are considered as State Significant Development under Part 4 of the *Environmental Planning and Assessment Act 1979*.

30 • Small-scale renewable energy proposals

Under the *State Environmental Planning Policy (Infrastructure) 2007* ("Infrastructure SEPP"), there are a range of assessment pathways for small-scale renewable energy proposals. These are tailored to the size, location and level of environmental impact of the proposal. Small-scale renewable energy systems covered by the Infrastructure SEPP include photovoltaic systems, solar hot water systems, solar air heating systems, small wind turbine systems and wind monitoring towers. Additional provisions may be included in the relevant local council's Local Environmental Plan (LEP) and / or Development Control Plan (DCP).

40 Under the Infrastructure SEPP, Part 3, Division 4, Section 39 (**Attachment 1**) clarifies which renewable energy systems are exempt from development approval. Part 3.f.vi of the section stipulates that photovoltaic systems with the capacity to generate no more than 10 kW of electricity are exempt from development assessment. Systems over this size do require a DA, and therefore fall under Council's Planning Development and Building Fee Schedule (**Attachment 2**). The estimated cost of the system will dictate the fee payable.

45 (c) The potential for Council to identify Council land that is suitable for solar / renewables and which is in excess of its own requirements.

Council land that is identified to be in excess of Council's requirements will be offered to interested parties through an open and transparent Expression of Interest process, so as not to engage in corrupt conduct under the *Independent Commission Against Corruption (ICAC) Act 1988*.

- 5 (d) that a guide be created detailing how to proceed with solar/renewable development proposals including elements that may need to be addressed in relation to DAs.

This advice can be provided through Council's Development Support Staff as advice needs to be tailored to the specific proposal.

There is also an existing guideline on the Department of Planning's web site that provides the community, industry, applicants and regulators with information on the planning framework for the assessment and approval of State significant large-scale solar energy projects. It provides a good overview of the assessment process in any case.

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Renewable-Energy/Large-scale-Solar-Energy-Guideline>

## **STRATEGIC CONSIDERATIONS**

### ***Community Strategic Plan and Operational Plan***

<b>CSP Objective</b>	<b>L2</b>	<b>CSP Strategy</b>	<b>L3</b>	<b>DP Action</b>	<b>L4</b>	<b>OP Activity</b>
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.3	Build community Solar Farms at Brunswick Valley STP
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.4	Implement actions to achieve zero emissions by 2025
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.1	Provide environmental and sustainability information
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.2	Encourage and support environmental and sustainable community activities and groups

### ***Legal/Statutory/Policy Considerations***

*State Environmental Planning Policy (Infrastructure) 2007*

*Independent Commission Against Corruption (ICAC) Act 1988*

### ***Financial Considerations***

n/a

***Consultation and Engagement***

n/a

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## State Environmental Planning Policy (Infrastructure) 2007

**Historical** version for 5 August 2016 to 13 November 2016 (accessed 22 February 2019 at 15:36) **Current version**

Part 3 > Division 4

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### Division 4 Electricity generating works or solar energy systems

#### 33 Definitions

In this Division:

*electricity generating works* has the same meaning as it has in the Standard Instrument.

**Note.**

The term *electricity generating works* is defined by the Standard Instrument as follows:

*electricity generating works* means a building or place used for the purpose of making or generating electricity.

*prescribed residential zone* means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone R5 Large Lot Residential,
- (f) Zone RU5 Village.

*prescribed rural zone* means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU3 Forestry,
- (d) Zone RU4 Rural Small Holdings.

*prescribed rural, industrial or special use zone* means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) RU3 Forestry,
- (d) RU4 Rural Small Holdings,

State Environmental Planning Policy (Infrastructure) 2007 [NSW]

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- (e) IN1 General Industrial,
- (f) IN2 Light Industrial,
- (g) IN3 Heavy Industrial,
- (h) IN4 Working Waterfront,
- (i) SP1 Special Activities,
- (j) SP2 Infrastructure.

**small wind turbine** means a wind turbine that has a generating capacity of no more than 100kW.

**small wind turbine system** means a system comprising one or more small wind turbines each of which feed into the same grid or battery bank.

**solar energy system** means any of the following systems:

- (a) a photovoltaic electricity generating system,
- (b) a solar hot water system,
- (c) a solar air heating system.

**waste or resource management facility** has the same meaning as it has in Division 23 of this Part (Waste or resource management facilities).

#### 34 Development permitted with consent

- (1) Development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural, industrial or special use zone.
- (2) Development for the purpose of a back-up electricity generating plant that operates for not more than 200 hours in any year may be carried out by any person with consent on any land.
- (2A) Development for the purpose of the expansion of existing electricity generating works may be carried out by or on behalf of a public authority with consent on any land that is adjacent to the existing works.
- (2B) Consent is not required to carry out any such development on land if the development could, but for subclause (2A), be carried out on that land without consent.
- (3) Development for the purpose of, or resulting in, a change of fuel source of an existing coal or gas fired generating works by a proportion of more than 5 per cent in any 12 month period may only be carried out with consent.
- (4) If, under any environmental planning instrument (including this Policy), development for the purpose of:
  - (a) industry, or
  - (b) a waste or resource management facility,

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Current version

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State Environmental Planning Policy (Infrastructure) 2007 [NSW]

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may be carried out on land with consent, development for the purpose of electricity generating works that generate energy from waste, or from gas generated by waste, may also be carried out by any person with consent on that land.

- (5) Without limiting subclause (1), development for the purpose of a small wind turbine system may be carried out by any person with consent on any land.

- (6) However, subclause (5) only applies in relation to land in a prescribed residential zone if:

- (a) the small wind turbine system has the capacity to generate no more than 10kW, and
- (b) the height of any ground-mounted small wind turbine in the system from ground level (existing) to the topmost point of the wind turbine is no more than 18m.

**(7) Solar energy systems**

Except as provided by subclause (8), development for the purpose of a solar energy system may be carried out by any person with consent on any land.

- (8) Development for the purpose of a photovoltaic electricity generating system may be carried out by a person with consent on land in a prescribed residential zone only if the system has the capacity to generate no more than 100kW.

**35 Other development permitted with consent where electricity generating works permitted**

If, under any environmental planning instrument (including this Policy), development for the purpose of coal-fired or gas-fired electricity generating works may be carried out on land with consent, development for the purpose of industry may also be carried out by any person with consent on that land if the industry:

- (a) is located close to the works, and
- (b) provides opportunities for energy efficiency or co-generation in the operation of the works.

**36 Development permitted without consent**

- (1) Development for any of the following purposes may be carried out by or on behalf of a public authority without consent on any land:

- (a) the generation or distribution of hydro-electric power using existing dam infrastructure,
- (b) routine maintenance of, or emergency works relating to, electricity generating works,
- (c) the installation of plant that:

- (i) is on the site of, and required in connection with, existing electricity generating works, and

- (ii) does not increase the existing electricity generating capacity of the works by more than 2 percent.

- (1A) In subclause (1) (c), *existing electricity generating capacity* of works includes the electricity generating capacity of the works, as changed from time to time as a result of the alteration of the works (other than solely as a result of alterations that have been carried out in reliance on that paragraph).

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State Environmental Planning Policy (Infrastructure) 2007 [NSW]

- (2) If, under any environmental planning instrument (including this Policy), development for the purpose of sewage treatment works may be carried out on land without consent, development for the purpose of electricity generating works that generate energy from waste, or from gas generated by waste, may also be carried out by any person without consent on that land.

(3) **Solar energy systems**

Development for the purpose of a solar energy system may be carried out by or on behalf of a public authority without consent on any land if:

- (a) it is ancillary to an existing infrastructure facility, and
- (b) in the case of development for the purpose of a photovoltaic electricity generating system—the system has the capacity to generate no more than 100kW.

**37 Complying development**

(1) **Small wind turbine systems**

Development for the purpose of a small wind turbine system is complying development on any land if:

- (a) the development complies with clause 20B, and
- (b) the land is not in a heritage conservation area, and
- (c) the system is installed no less than:
  - (i) 25 metres—in the case of a system that has a source sound power level of 0–70 dB(A), or
  - (ii) 40 metres—in the case of a system that has a source sound power level of 71–80 dB(A), or
  - (iii) 126 metres—in the case of a system that has a source sound power level of 81–90 dB(A), or
  - (iv) 200 metres—in the case of a system that has a source sound power level of more than 91 dB(A), or
  - (v) 200 metres—in the case of a system that has an unknown source sound power level, from any dwelling that is not owned or occupied by the owner of the system, and
- (d) the system is located clear of any works, including power lines, of any relevant network operator (within the meaning of the [Electricity Supply Act 1995](#)) and complies with any requirements of the network operator that relate to clearance from those works, and
- (e) the system is installed in accordance with the manufacturer's specifications or by a person who is endorsed for the design and installation of small wind turbine systems under the Clean Energy Council's wind endorsement scheme, and
- (f) in the case of any ground-mounted small wind turbine in the system—the turbine does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating

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within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority, and

- (g) in the case of land in a prescribed residential zone:
  - (i) the system has the capacity to generate no more than 10kW, and
  - (ii) if the system is ground-mounted:
    - (A) the development will result in no more than one small wind turbine being situated on the lot concerned, and
    - (B) the small wind turbine has a height of not more than 18m above ground level (existing), and
    - (C) the small wind turbine is not installed forward of any existing building line on the lot concerned that faces a primary road, and
  - (iii) if the system is not ground-mounted:
    - (A) the development will result in no more than 2 small wind turbines being situated on the lot concerned, and
    - (B) each small wind turbine does not protrude more than 3m above any building to which it is attached (as measured from the point of attachment), and
    - (C) each small wind turbine is not attached to a wall or roof facing a primary road, and
- (h) in the case of land in a prescribed rural, industrial or special use zone:
  - (i) the system has the capacity to generate no more than 100kW, and
  - (ii) if the system is ground-mounted:
    - (A) the development will result in no more than 3 small wind turbines being situated on the lot concerned, and
    - (B) each small wind turbine has a height of not more than 35m above ground level (existing), and
  - (iii) if the system is not ground-mounted:
    - (A) the development will result in no more than 4 small wind turbines being situated on the lot concerned, and
    - (B) each small wind turbine does not protrude more than 5m above any building to which it is attached (as measured from the point of attachment), and
- (i) in the case of land in any land use zone other than a land use zone referred to in paragraph (g) or (h):
  - (i) the system has the capacity to generate no more than 100kW, and
  - (ii) if the system is ground-mounted:

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- (A) the development will result in no more than 2 small wind turbines being situated on the lot concerned, and
- (B) each small wind turbine has a height of not more than 26m above ground level (existing), and
- (iii) if the system is not ground-mounted:
  - (A) the development will result in no more than 4 small wind turbines being situated on the lot concerned, and
  - (B) each small wind turbine does not protrude more than 5m above any building to which it is attached (as measured from the point of attachment).
- (2) **Solar energy systems**

Development for the purpose of a solar energy system is complying development on any land if:

  - (a) the development complies with clause 20B, and
  - (b) the land is not in a heritage conservation area, and
  - (c) in the case of development for the purposes of a photovoltaic electricity generating system:
    - (i) the system is installed in accordance with the manufacturer's specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and
    - (ii) the system has the capacity to generate no more than 100kW if the land is in a prescribed residential zone, and
  - (d) in the case of development for the purposes of a system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer's specifications, and
  - (e) in the case of a system that is ground-mounted:
    - (i) the system occupies an area of not more than 500m<sup>2</sup>, and
    - (ii) the system has a height of not more than 10m above ground level (existing), and
    - (iii) the system is installed no less than 10m from any adjoining property boundary, and
    - (iv) if the system involves the use of mirrors or lenses to reflect or concentrate sunlight—the system is installed no less than 100m from any dwelling or other building that is not owned or occupied by the owner of the system, and
    - (v) if the solar energy system is a photovoltaic electricity generating system having the capacity to generate 10kW or more—the system is installed no less than 50m from any dwelling that is not owned or occupied by the owner of the system, and
  - (f) in the case of a system that is not ground-mounted:
    - (i) the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and

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**Note.** The term **building** is defined in the [Environmental Planning and Assessment Act 1979](#) as including any structure.

- (ii) the system does not involve mirrors or lenses to reflect or concentrate sunlight, and
  - (iii) if the land is in a prescribed residential zone and is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and
  - (iv) if the land is in a prescribed residential zone and is not attached to a wall or roof facing a primary road:
    - (A) the system does not protrude more than 1.5m from any building to which it is attached (as measured from the point of attachment), and
    - (B) the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and
  - (v) the system does not protrude more than 3m from any building to which it is attached (as measured from the point of attachment) if the land is in a land use zone other than a prescribed residential zone.
- (3) For the purposes of subclause (1) (c), a **source sound power level** is a level that is measured at a wind speed of no less than 8 metres per second and in accordance with the International Standard IEC 61400—11 *Noise Measurement*.

### 38 Prohibited development

Development on any land for the purpose of electricity generating works that burn native forest bio-material (within the meaning of clause 57L of the [Protection of the Environment Operations \(General\) Regulation 1998](#)) is prohibited.

### 39 Exempt development

#### (1) Small wind turbine systems

Development for the purpose of a small wind turbine system is exempt development on land in a prescribed rural zone if:

- (a) it complies with clause 20 (other than clause 20 (2) (f)), and
- (b) the system is ground-mounted, and
- (c) each small wind turbine has a height of not more than 35m from ground level (existing), and
- (d) each small wind turbine is installed no less than 200m from any dwelling that is not owned or occupied by the owner of the system, and
- (e) the development will result in no more than 2 small wind turbines being situated on the lot concerned, and
- (f) each small wind turbine is located clear of any works, including power lines, of any relevant network operator (within the meaning of the [Electricity Supply Act 1995](#)) and complies with any requirements of the network operator that relate to clearance from those works, and

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- (g) each small wind turbine does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority, and
- (h) the system is installed in accordance with the manufacturer's specifications or by a person who is endorsed for the design and installation of small wind systems under the Clean Energy Council's wind endorsement scheme, and
- (i) if the land contains a State or local heritage item or is in a heritage conservation area—the system is not visible from any road at the point where the road adjoins the property boundary concerned.

**(1A) Wind monitoring towers**

The installation of a wind monitoring tower used in connection with investigating or determining the feasibility of a small wind turbine system that has a generating capacity of no more than 1 MW is exempt development on any land if:

- (a) it complies with clause 20 (other than clause 20 (2) (f)), and
- (b) the tower is located clear of any works, including power lines, of any relevant network operator (within the meaning of the *Electricity Supply Act 1995*) and complies with any requirements of the network operator that relate to clearance from those works, and
- (c) the tower does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority, and
- (d) the tower is installed in accordance with the manufacturer's specifications or by a person who is endorsed for the design and installation of small wind turbine systems under the Clean Energy Council's wind endorsement scheme, and
- (e) if the land contains a State or local heritage item or is in a heritage conservation area—the tower is not visible from any road at the point where the road adjoins the property boundary concerned, and
- (f) in the case of land in a prescribed residential zone:
  - (i) there is no other wind monitoring tower installed on the lot concerned, and
  - (ii) the height of the tower from ground level (existing) to the topmost point of the tower is no more than 18m, and
  - (iii) the tower is installed no less than 18m from any dwelling that is not owned or occupied by the owner of the tower, and
- (g) in the case of land in a prescribed rural, industrial or special use zone:
  - (i) there are no more than 2 other wind monitoring towers installed on the lot concerned, and

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- (ii) the height of the tower from ground level (existing) to the topmost point of the tower is no more than 35m, and
    - (iii) the tower is installed no less than 35m from any dwelling that is not owned or occupied by the owner of the tower, and
  - (h) in the case of land in any land use zone (other than a land use zone referred to in paragraph (f) or (g)):
    - (i) there is no more than one other wind monitoring tower installed on the lot concerned, and
    - (ii) the height of the tower from ground level (existing) to the topmost point of the tower is no more than 26m, and
    - (iii) the tower is installed no less than 26m from any dwelling that is not owned or occupied by the owner of the tower, and
  - (i) the tower is demolished within 30 months after the construction or installation is completed.
- (2) Development for the purpose of a wind monitoring tower used in connection with the investigation or determination of the feasibility of a wind farm that has a generating capacity of more than 1 MW is exempt development if:
- (a) it complies with clause 20, and
  - (b) the tower:
    - (i) is erected in accordance with the manufacturer's specifications, and
    - (ii) has a height of not more than 110m, and
    - (iii) is removed within 30 months after its erection is completed, and
  - (c) the site of the tower:
    - (i) is enclosed by a fence that prevents unauthorised entry to the site, and
    - (ii) is not within 100m of any public road, and
    - (iii) is not within 1km of any other wind monitoring tower or a school, and
    - (iv) is not within 1km of any dwelling except with the prior written permission of the owner of the dwelling, and
    - (v) is not within 500m of any State heritage item, and
    - (vi) does not affect a significant view to or from any such item that is identified in a conservation management plan (as defined by clause 3 of the *Heritage Regulation 2005*) for the item, and
  - (d) before the tower is erected, the Civil Aviation Safety Authority (established under the *Civil Aviation Act 1988* of the Commonwealth) is notified in writing of:

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- (i) the tower's "as constructed" longitude and latitude co-ordinates, and
- (ii) the ground level elevation at the base of the tower, referenced to the Australian Height Datum, and
- (iii) the height from ground level (existing) to the topmost point of the tower (including all attachments), and
- (iv) the elevation to the top of the tower (including all attachments), referenced to the Australian Height Datum, and
- (v) the date on which it is proposed to remove the tower.

(3) **Solar energy systems**

Development for the purpose of a solar energy system is exempt development if:

- (a) it complies with clause 20 (other than clause 20 (2) (f)), and
- (b) in the case of development for the purposes of a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer's specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and
- (c) in the case of development for the purpose of any solar energy system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer's specifications, and
- (d) the system does not involve mirrors or lenses to reflect or concentrate sunlight, and
- (e) in the case of a system that is ground-mounted:
  - (i) the system occupies an area of not more than 150m<sup>2</sup>, and
  - (ii) the system has a height of not more than 5m above ground level (existing), and
  - (iii) the system is installed no less than 3m from any adjoining property boundary, and
  - (iv) if the land contains a State or local heritage item or is in a heritage conservation area—the system is not visible from any road at the point where the road adjoins the property boundary concerned, and
  - (v) if the solar energy system is a photovoltaic electricity generating system having the capacity to generate 10kW or more—the system is installed no less than 10m from any dwelling that is not owned or occupied by the owner of the system, and
- (f) in the case of a system that is not ground-mounted:
  - (i) the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and

**Note.** The term **building** is defined in the *Environmental Planning and Assessment Act 1979* as including any structure.

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- (ii) if the land is in a prescribed residential zone and is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and
- (iii) if the land is in a prescribed residential zone and is not attached to a wall or roof facing a primary road:
  - (A) the system does not protrude more than 1m from any building to which it is attached (as measured from the point of attachment), and
  - (B) the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and
- (iv) if the land contains a State or local heritage item or is in a heritage conservation area:
  - (A) the system is not attached to any wall or roof of a building facing a primary road, and
  - (B) the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment), and
- (v) the system does not protrude more than 1.5m from any building or structure to which it is attached (as measured from the point of attachment) if the land is in a land use zone other than a prescribed residential zone, and
- (vi) in the case of development for the purposes of a photovoltaic electricity generating system—the system has the capacity to generate no more than 10kW.



## Planning, Development and Building Fee Schedule 2017-2018

#E2017/69067

<b>DEVELOPMENT APPLICATION FEES</b>	
<b>DA FEE TABLE</b>	
<b>Estimated Cost</b>	<b>Maximum fee payable</b>
Up to \$5,000	\$110
\$5,001 - \$50,000	\$170 plus an additional \$3 for each \$1,000 (or part of \$1,000) of the estimated cost
\$50,001 - \$250,000	\$352 plus an additional \$3.64 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$50000
\$250,001 - \$500,000	\$1160 plus an additional \$2.34 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$250,000
\$500,001 - \$1,000,000	\$1745 plus an additional \$1.64 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$500,000
\$1,000,001 - \$10,000,000	\$2,615 plus an additional \$1.44 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$1,000,000
More than \$10,000,000	\$15,875 plus an additional \$1.19 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$10,000,000
Environmental Enforcement Levy	Environmental Enforcement Levy 0.1% of the estimated cost of a development up to \$2M. The charge does not increase for development over \$2M. i.e. Maximum charge \$2,000
Information and Technology Service fee	0.07% of the estimated cost of a development
Long Service Levy	Applicable to developments where the estimated cost is \$25,000 and over 0.35% of the estimated cost
Planning Reform Fee	0.064 cents for every dollar of the estimated cost of developments valued at more than \$50,000
Dwelling Houses <\$100,000	\$455
Advertising / Notification <i>*additional fees for Designated and Advertised Development applications apply- see below</i>	Level 1 .....\$95 Level 2 .....\$285 Level 3 .....\$285 PLUS \$100 per advertising sign
Advertising Signs	\$285 plus \$93 for each advertisement in excess of one <b>or</b> the fee calculated in accordance with the table, whichever is greater
Change of Use	\$285
Subdivision - inc. new road	\$665 plus \$65 per additional lot PLUS standard DA fee based on the estimated cost of works
Subdivision - no new road	\$330 plus \$53 per additional lot PLUS standard DA fee based on the estimated cost of works
Strata Subdivision	\$330 plus \$65 per additional lot
Additional fee for referral to a Design Review Panel under SEPP65	\$760



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<b>DEVELOPMENT APPLICATION FEES</b>	
Designated Development	\$920 (minimum fee) <b>PLUS</b> standard DA fee based on estimated cost
Integrated Development	\$140 submission fee payable to Council <b>PLUS</b> \$320 per each approval body <i>(cheque to be made payable to the integrated or concurrence authority)</i>
Concurrence Development	\$140 submission fee payable to Council <b>PLUS</b> \$320 per each approval body (cheque to be made payable to the integrated or concurrence authority)
Environmental Enforcement Levy (applies to every DA)	0.1% of the estimated cost of development up to \$2M. The charge does not increase for development over \$2M. [i.e. Maximum charge \$2,000]
Scanning/archiving fee (per application)	\$30
Part V Applications	Standard DA fee based on estimated cost of activity (refer to DA Fee Table above for calculation)
Additional advertising fees	Designated Development .....\$2,220 Advertised Development .....\$575
Development Advisory Panel Advice	\$460 per hour / minimum one hour <i>(payable prior to the meeting)</i>
Written information on zoning, policy or permissibility of development	\$155
Assessment of plans or details submitted as a condition of development consent	\$155 / hour – min one hour
Inspection of development as required by condition of a development consent	\$155 / hour – min one hour

<b>SECTION 96 APPLICATIONS TO MODIFY A DEVELOPMENT</b>	
<b>Section 96(1)</b>	\$71 (maximum fee)
<b>Section 96(1A) or Section 96AA(1)</b>	\$645 or 50% of the fee for the original application, whichever is the lesser
<b>Section 96(2) or Section 96AA (1)</b>	
a) If the fee for the original application was less than \$100	50% of that fee
b) In the case of an application with respect to a development application that involves the erection of a dwelling house or structures associated with a single dwelling house	\$190 or 50% of the original DA fee whichever is the lesser
c) If the fee for the original application was \$100 or more:	
(i) in the case of an application with respect to a development application that does not involve the erection of a building, the carrying out of work or the demolition of a work or building	50% of original DA fee
(ii) in the case of an application with respect to a development application that involves the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less	\$190
(iii) in the case of an application with respect to any other development application as set out in the table below based on estimated cost of the development::	



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<b>SECTION 96 APPLICATIONS TO MODIFY A DEVELOPMENT</b>	
Up to \$5,000	\$55
\$5,001-\$250,000	\$85 plus \$1.50 for each \$1,000 (or part) of estimated cost
\$250,001-\$500,000	\$500 plus \$0.85 for \$1,000 (or part) by which estimated cost exceeds \$250,000
\$500,001-\$1,000,000	\$712 plus \$0.50 for each \$1,000 (or part) by which estimated cost exceeds \$500,000
\$1,000,001-\$10,000,000	\$987 plus \$0.40 for each \$1,000 (or part) by which estimated cost exceeds \$1,000,000
More than \$10,000,000	\$4,737 plus \$0.27 for each \$1,000 (or part) by which the estimated cost exceeds \$10,000,000
An additional fee is required if Clause 258(2A) of the EP&A Regulations applies	\$760
Advertising / Notification Fees	If the modified development application is required to be advertised / notified, it will be in accordance with the original development application.

<b>REVIEW OF DETERMINATION S82A</b>	
In the case of a request with respect to a development application that does not involve the erection of a building, the carrying out of work or the demolition of work or building	50% of the original DA fee
In the case of a request with respect to a development application that involves the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less.	\$190
In the case of a request with respect to any other development application, as set out in the following table:	
Up to \$5,000	\$55
\$5,001-\$250,000	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of the estimated cost
\$250,001-\$500,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000
\$500,001-\$1,000,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000
\$1,000,001-\$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000
More than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000
Advertising / Notification Fees	If the modified development application is required to be advertised / notified, it will be in accordance with the original development application.



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<b>CONSTRUCTION CERTIFICATE (CC) FEES – BUILDING</b>		
Assessment Fee		\$180 / hour
Inspection Fee		\$180 / inspection
Construction Certificate amendment fee		\$360
<b>CONSTRUCTION CERTIFICATE FEES (CC)- SUBDIVISIONS</b>		
Assessment Fee		\$180 / lot
Inspection Fee		\$180 / hour
Construction certificates amendment fee		\$360
<b>COMPLYING DEVELOPMENT CERTIFICATE (CDC) FEES</b>		
Preliminary assessment of CDC <i>*fee may be transferred to DA/CC if CDC can not be undertaken</i>		\$180 / hour – min two hours
Assessment Fee		\$180 / hour
Inspection Fee		\$180 / inspection
CDC amendment fee		\$360
<b>OTHER ANCILLARY APPLICATIONS</b>		
Inspection fees		\$155 / hour or part thereof - min one hour
Assessment fee for amended applications or where submitted plans are unsatisfactory		\$155 / hour
<b>Water Supply and Sewerage</b>	<b>S68</b>	
Swimming pool		
Works not exceeding \$250,000	<i>Includes 2 inspections</i>	\$565
Works between \$250,000 and \$500,000	<i>Includes 3 inspections</i>	\$800
Works between \$500,000 and \$1,000,000	<i>Includes up to 5 inspections</i>	\$1,230
Works over \$1,000,000	<i>Includes up to 5 inspections</i>	\$1,650
Water meter and tapping fees		<b>Refer Council's Fees &amp; Charges</b>
<b>Onsite Sewage Management System (OSSM)</b>	<b>S68</b>	
OSSM System - new	<i>Includes 3 inspection</i>	\$915
OSSM System – alter or add to existing system	<i>Includes 2 inspection</i>	\$560
Approval to operate an OSSM (ATO)		\$50
<b>Stormwater Drainage Works</b>	<b>S68</b>	
Residential dwelling		\$360
Onsite detention		\$500
<b>Driveway Crossover</b>	<b>S138</b>	
New dwelling	<i>Includes 2 inspections</i>	\$415
Commercial / Industrial	<i>Includes 2 inspections</i>	\$695
<b>Footpath dining / Goods &amp; Chattels</b>	<b>S125/126</b>	<b>Refer Council's Fees &amp; Charges for rates / m<sup>2</sup></b>
Commercial use of footpath – new applications		\$450
Commercial use of footpath – renewal		\$150
<b>Use of Public Road Reserve</b>	<b>S138</b>	<b>Refer Council's Fees &amp; Charges for rates / m<sup>2</sup></b>
Hoardings (temporary fencing around construction site)	<i>Includes 2 inspections</i>	\$457
Roadwork within public road reserve	<i>Includes 2 inspections</i>	\$457
Construction zone fees (impeding car spaces)	Byron Bay Rest of Shire	\$91/ space / day \$46 / space / day



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# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.7 - ATTACHMENT 2

SUBDIVISION RELATED CERTIFICATES	
Subdivision Certificate	\$250 <b>PLUS</b> \$120 / lot
Strata Subdivision	\$250 <b>PLUS</b> \$120 / lot
Inspection fee – minimum one hour	\$155 / hour
Section 88B Instrument	\$150
Strata development contract	\$350
Community title management statement	\$1,000
Community title development contract	\$250
Assessment of additional information – minimum one hour	\$180 / hour
Off Maintenance Inspection	<i>0-5 lots.....\$360</i> <i>5+ lots.....\$720</i> <i>Off maintenance re-inspection fee.....\$180 / hour</i>
Request for bonding works (inc. inspection)	\$380
Works as Executed	\$781
Road naming – new subdivision	<i>Processing fee.....\$750</i> <i>Advertising fee (up to two roads).....\$400</i> <i>Advertising fee (more than two roads).....\$800</i>
Endorsement of legal documents	\$380
MISCELLANEOUS FEES	
PCA - Transfer of PCA applications to Council	\$400 PLUS inspection fees
PCA - Registration and Archiving - Certificates submitted by accredited certifiers	<i>Complying Development Certificate.....\$36</i> <i>Construction Certificate.....\$36</i> <i>Subdivision and Strata Certificate.....\$36</i>
Flood Certificate	\$155 / certificate / property



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