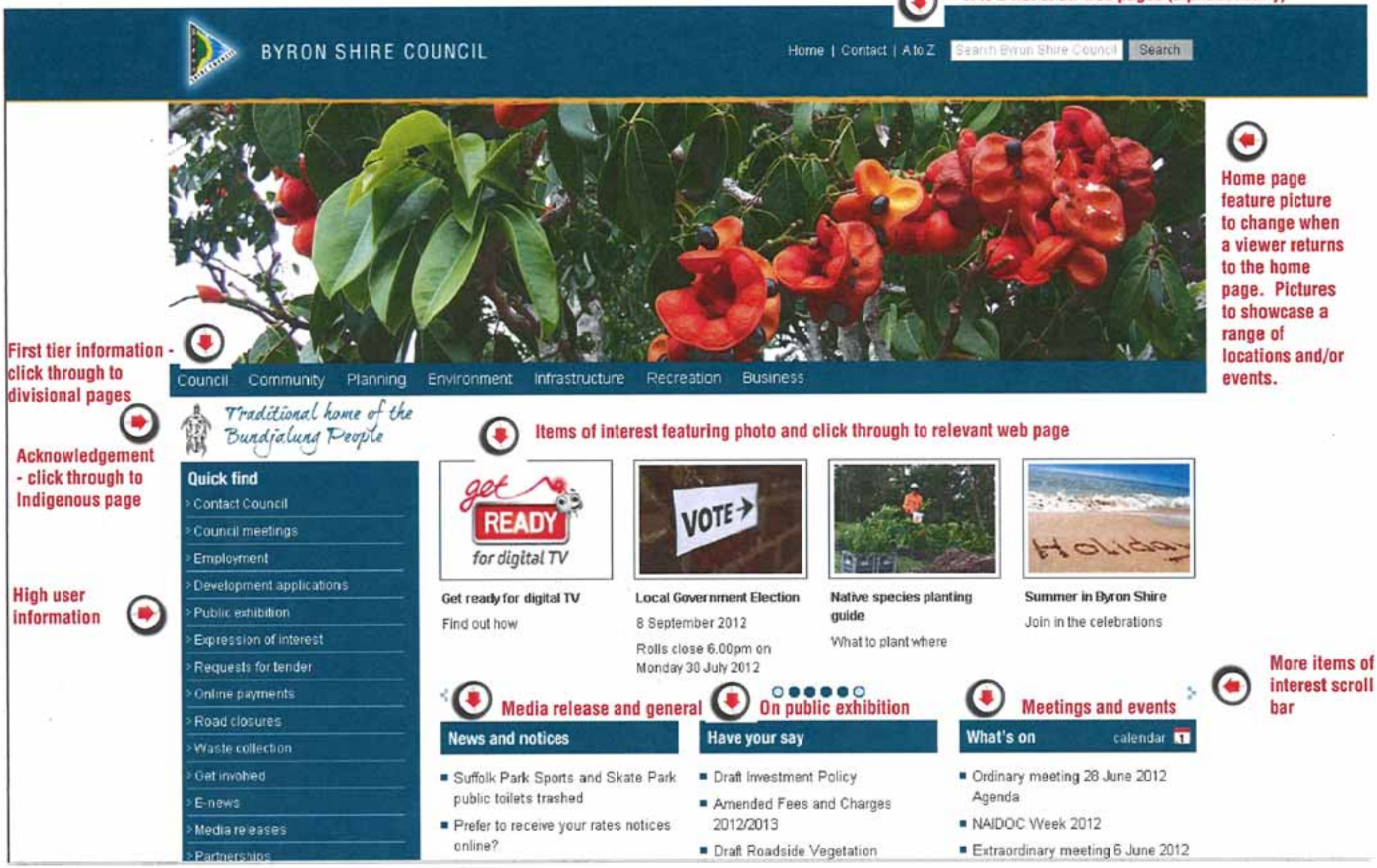
Home page - corporate colour top and bottom banner

A to Z list of all web pages (alphabetically)




Home page feature picture to change when a viewer returns to the home page. Pictures to showcase a range of locations and/or events.

First tier information - click through to divisional pages

Acknowledgement - click through to Indigenous page

High user information

Items of interest featuring photo and click through to relevant web page

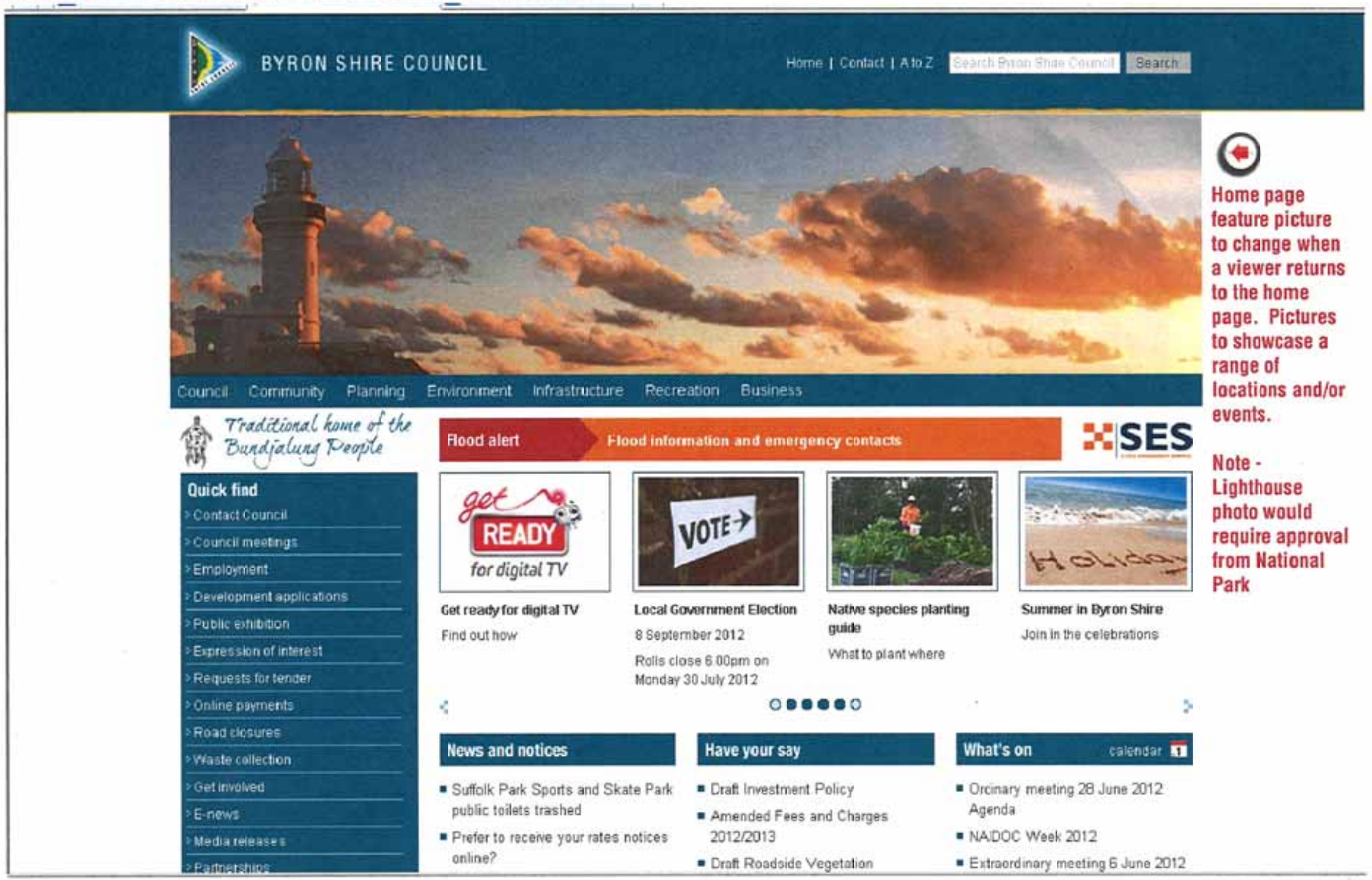
More items of interest scroll bar

Media release and general

On public exhibition

Meetings and events

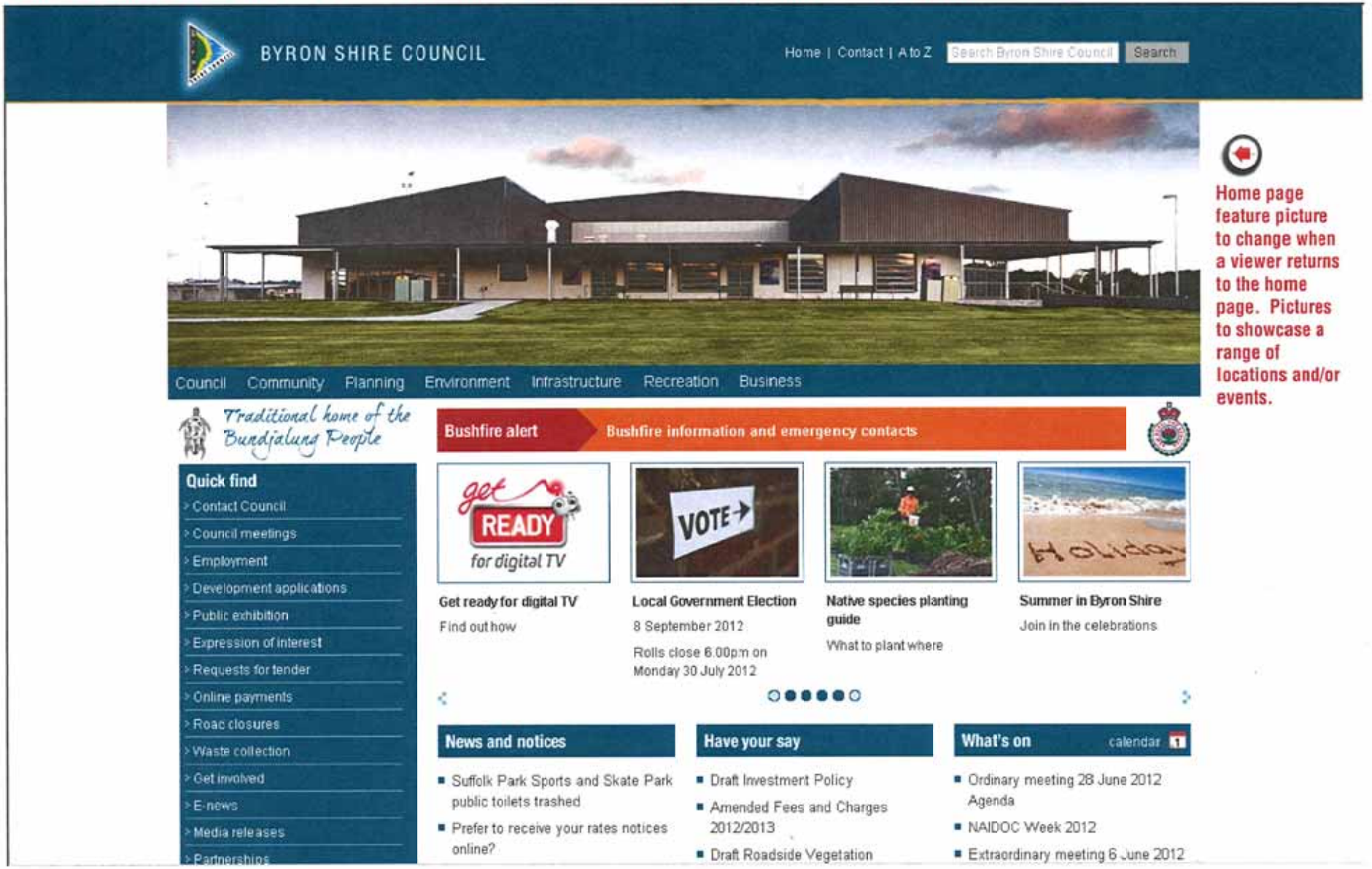
## Home page - with Flood Emergency Alert (linked to further infomation)




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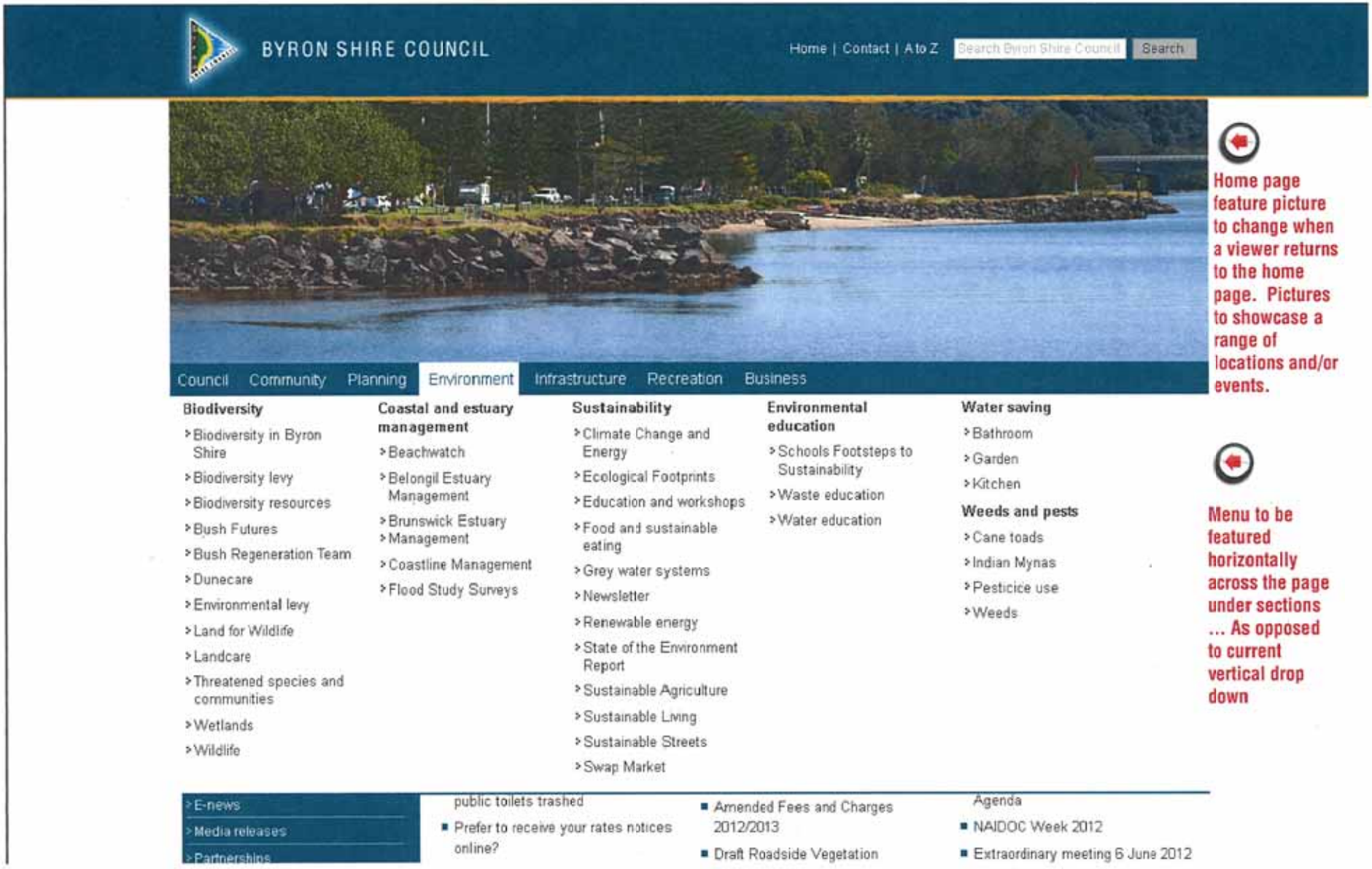
Note - Lighthouse photo would require approval from National Park

Home page - with Bush fire Alert (linked to further infomation). Note - this could also be used for highway closures and pandemics/health alerts




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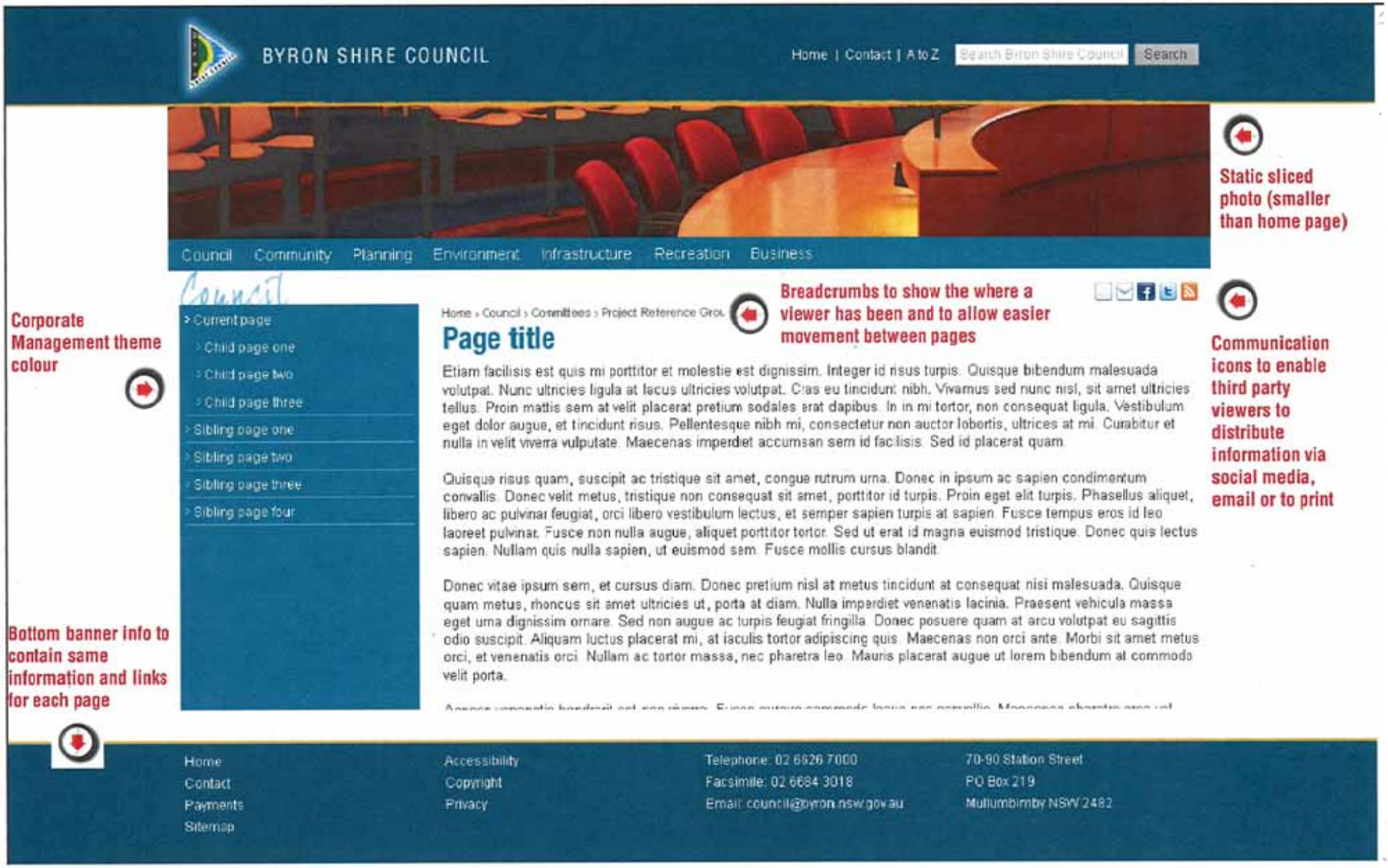
**Home page example - with drop menu**



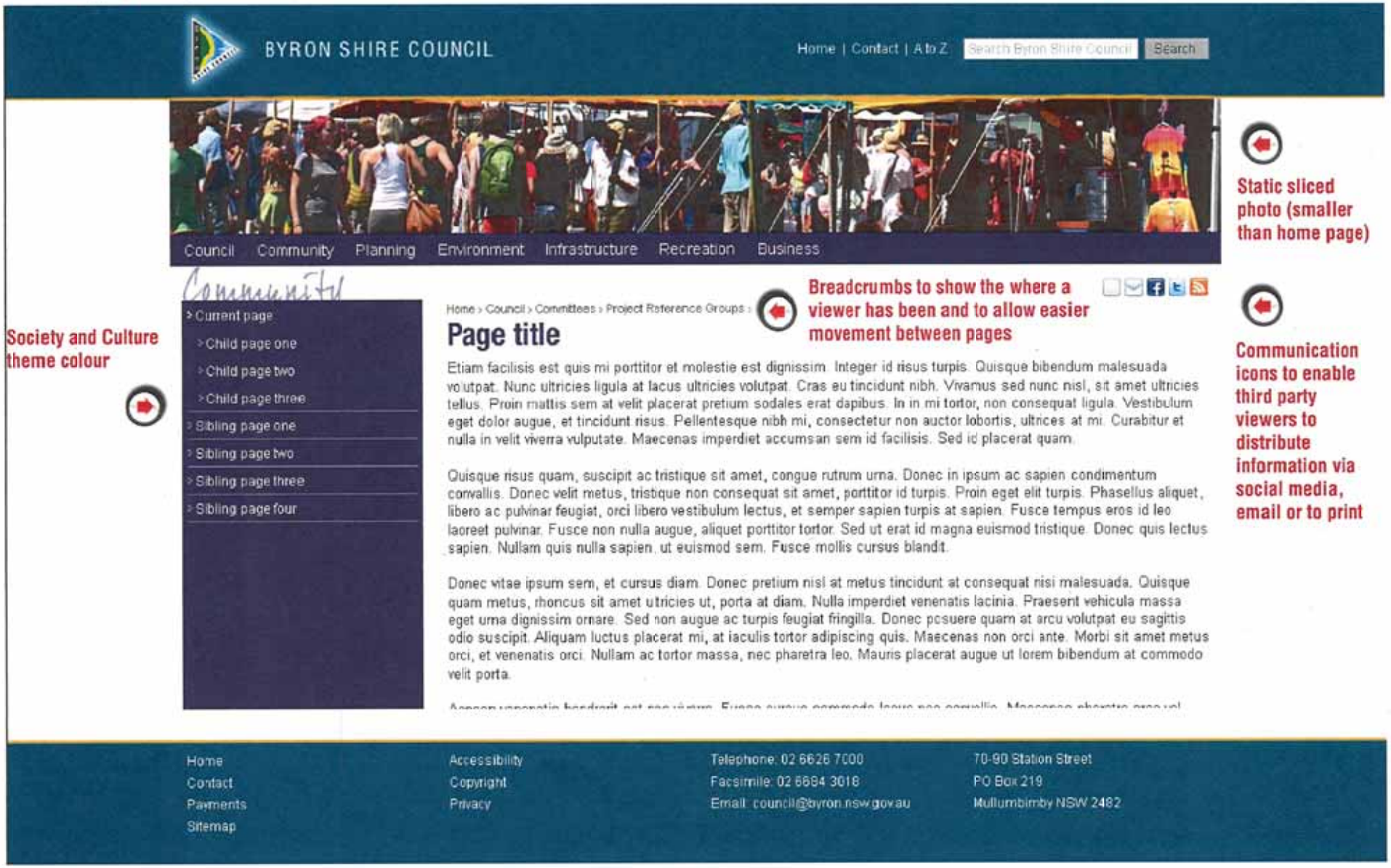

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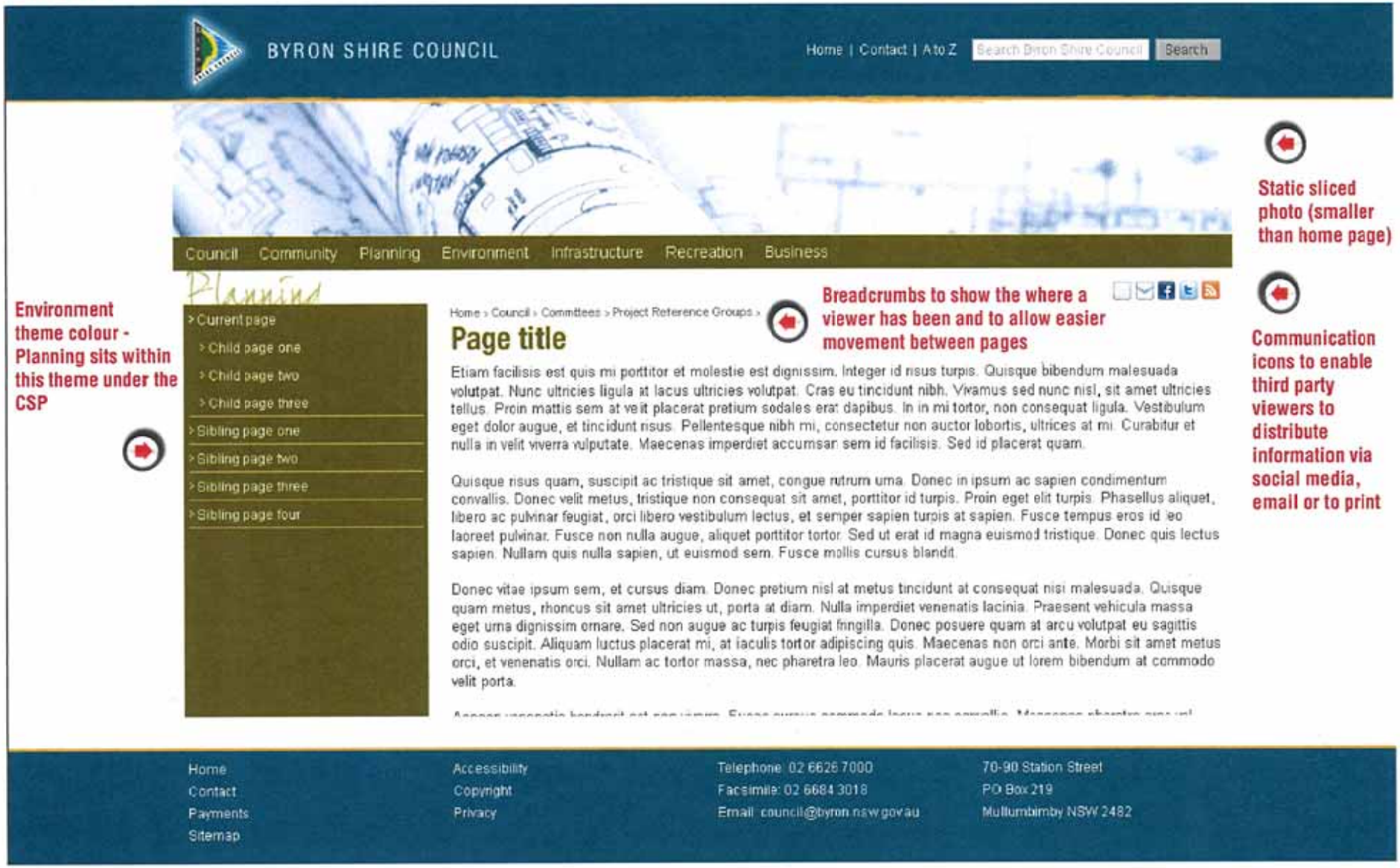
Council page example - Byron Shire Council corporate colour for all top and bottom web banners



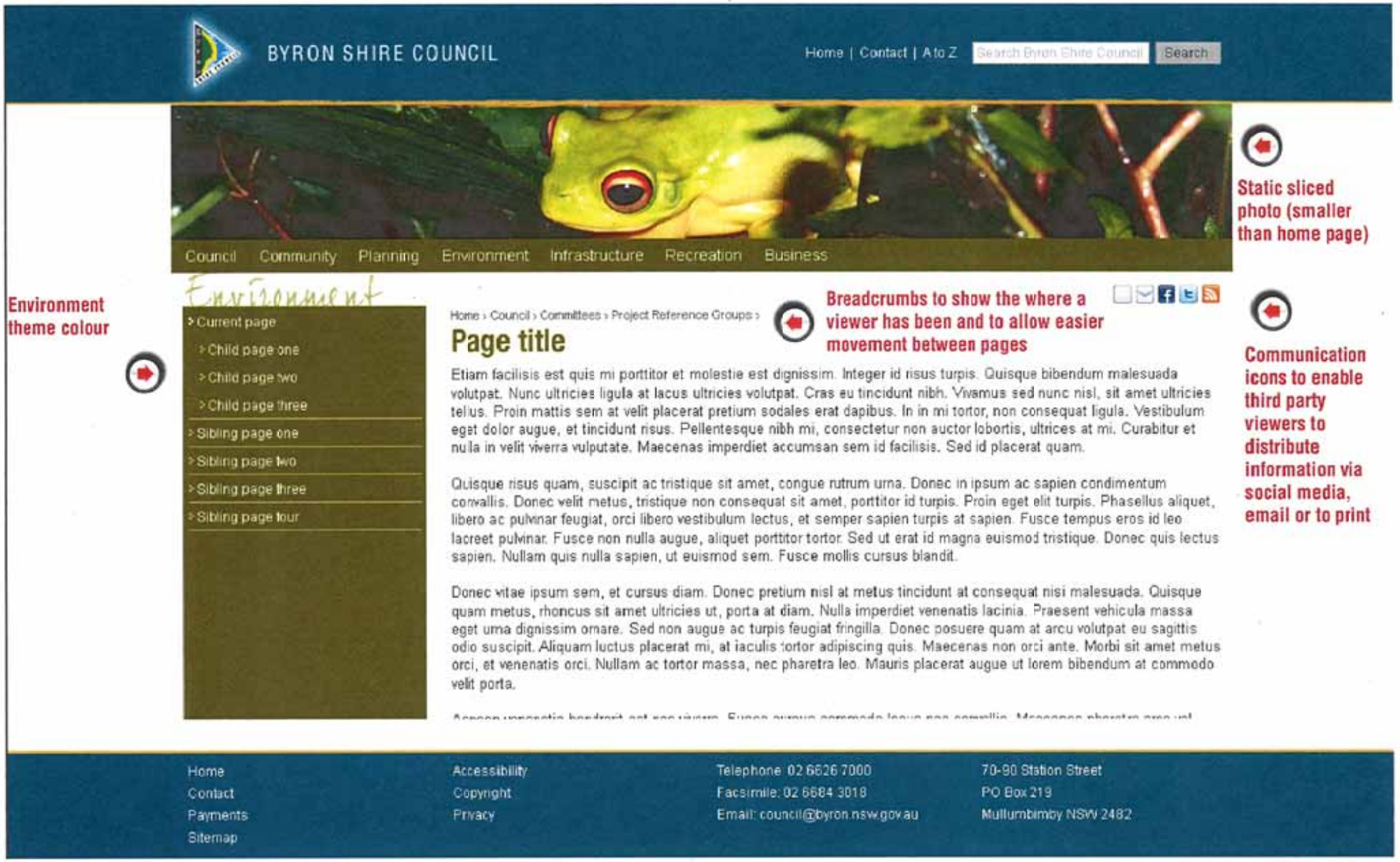
**Community page example**



**Planning page example**



## Environment page example



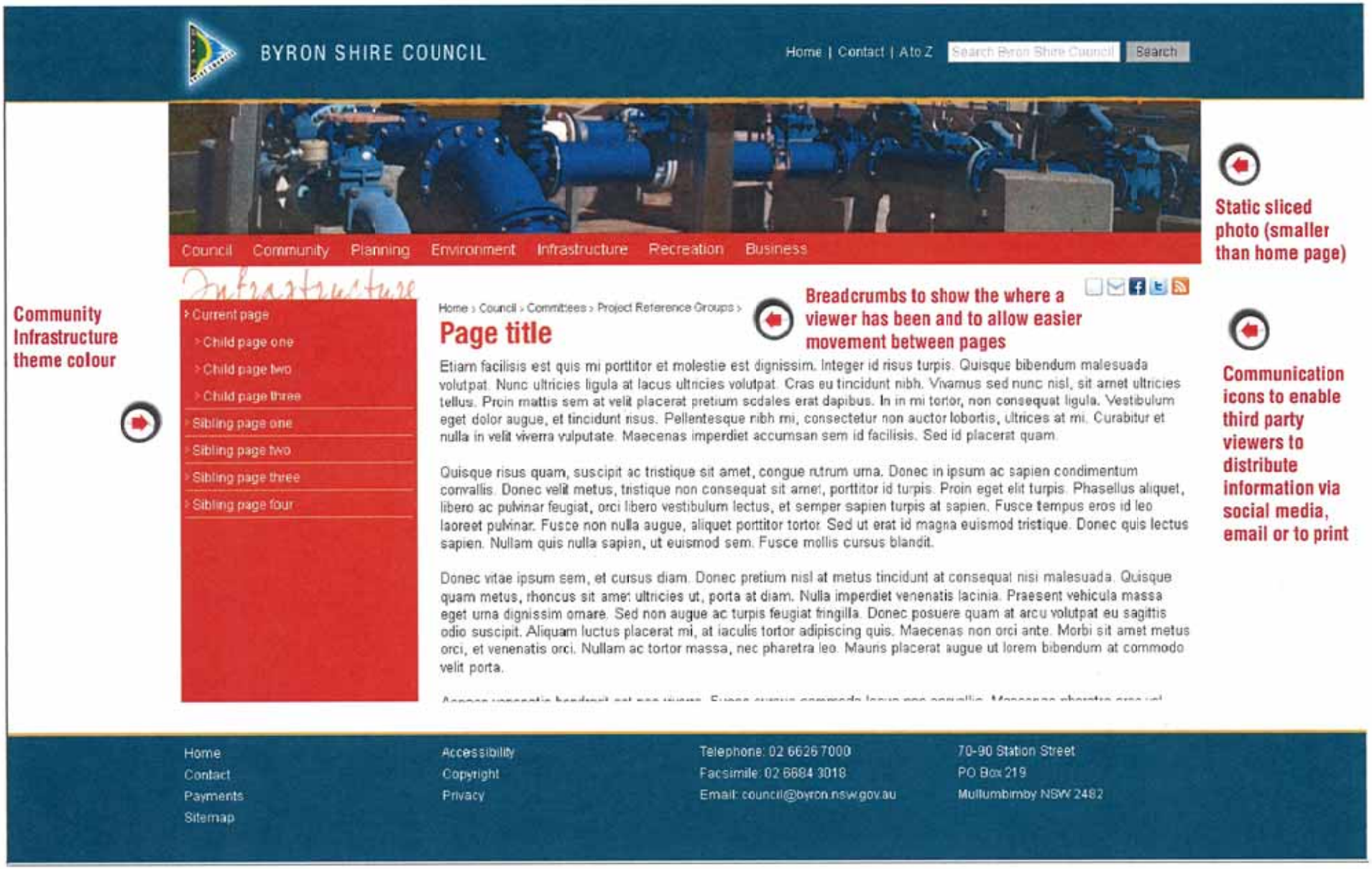

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Environment theme colour

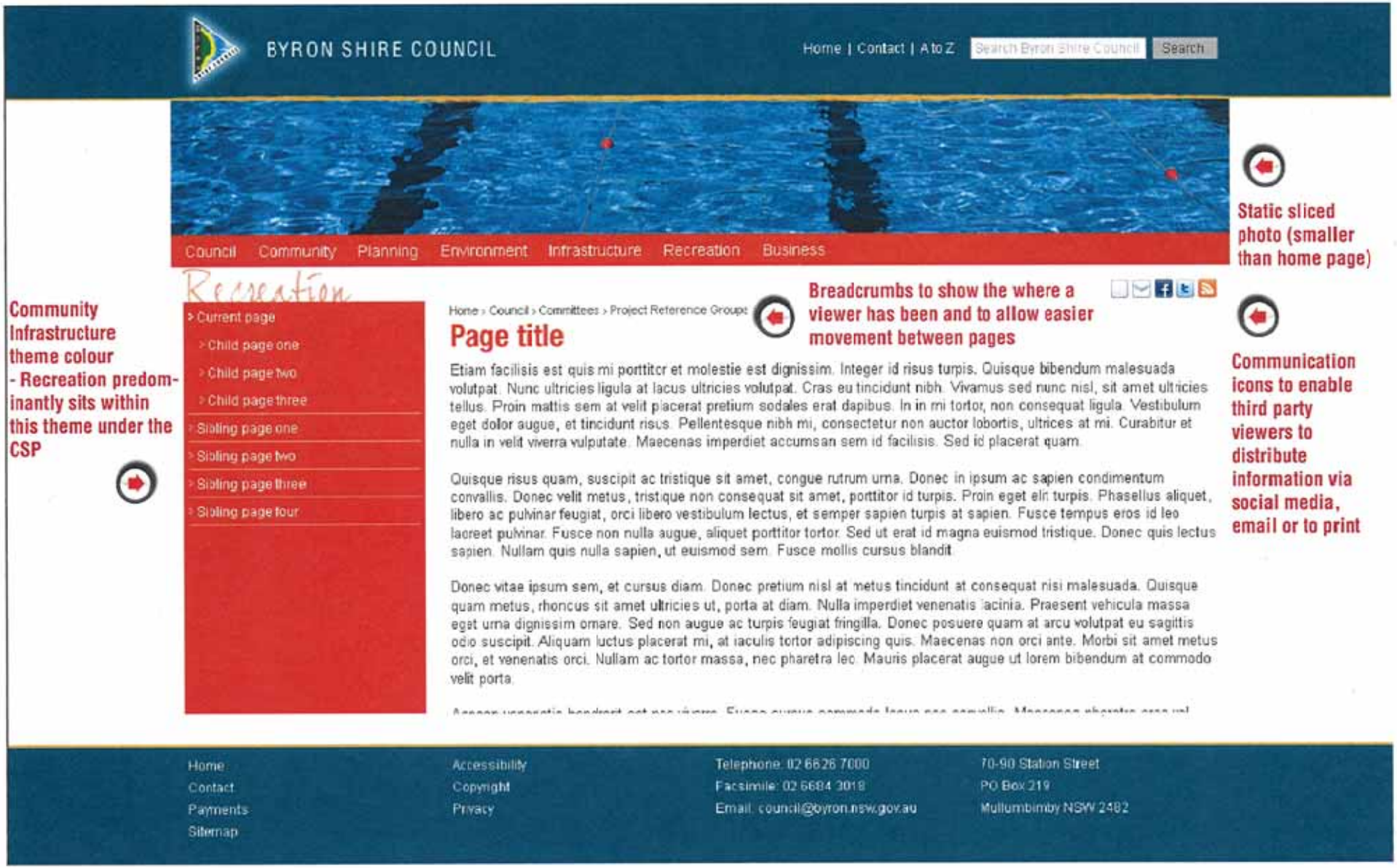
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## Infrastructure page example



## Recreation page example



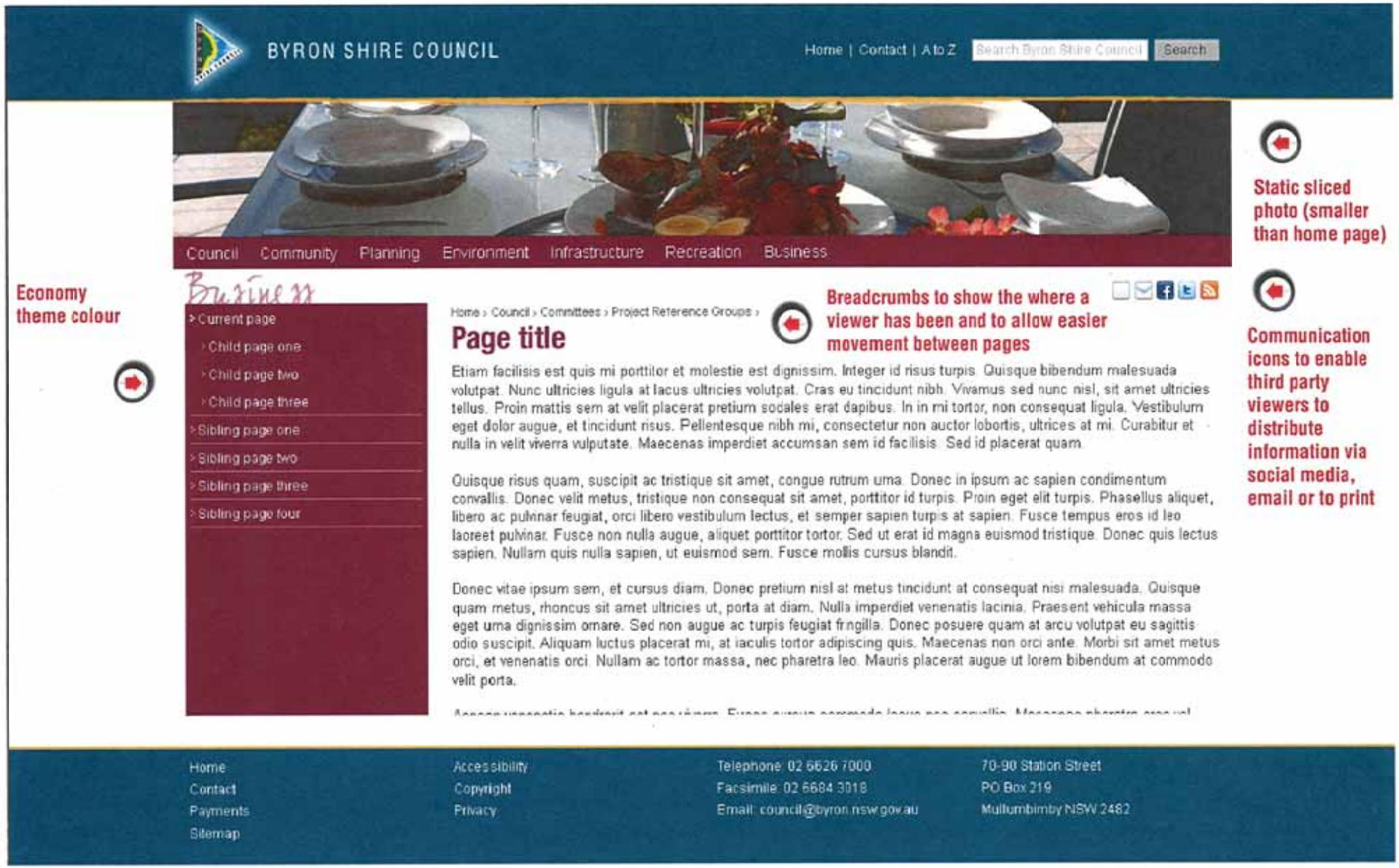

**Community Infrastructure theme colour - Recreation predominantly sits within this theme under the CSP**

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**Business page example**




Economy theme colour

Breadcrumbs to show the where a viewer has been and to allow easier movement between pages

Static sliced photo (smaller than home page)

Communication icons to enable third party viewers to distribute information via social media, email or to print

BYRON SHIRE COUNCIL

**Sections**

- Council
- Community
- Planning
- Environment
- Infrastructure
- Recreation
- Business

**Native species planting guide**

What to plant where



**Get ready for digital TV**

Find out how




**Local Government Election**

8 September 2012
Rolls close 6.00pm on Monday 30 July 2012




**Summer in Byron Shire**

Join the celebrations



Smartphone / tablet

Home page example layout

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**Summer in Byron Shire**

Join the celebrations



**News and notices**

- Suffolk Park Sports and Skate Park public toilets trashed
- Prefer to receive your rates notices online?
- Get ready for digital TV

**Have your say**

- Draft Investment Policy
- Amended Fees and Charges 2012/2013
- Draft Roadside Vegetation Management Plan

**What's on**

- Ordinary meeting 28 June 2012 Agenda
- NAIDOC Week 2012
- Extraordinary meeting 6 June 2012 minutes

Home

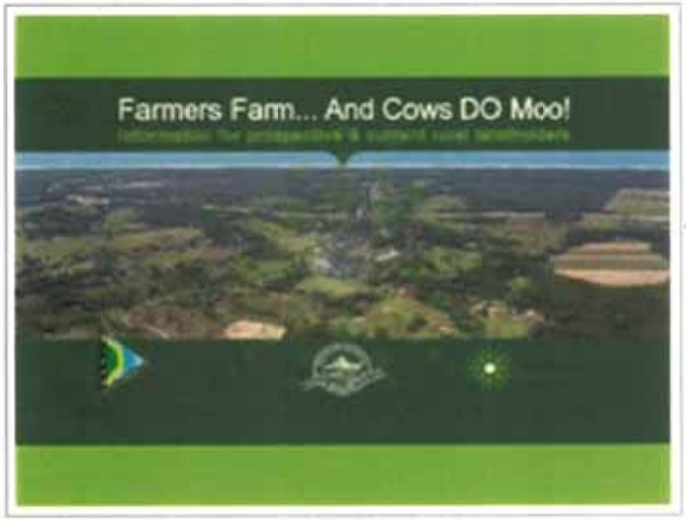
Standard site

BYRON SHIRE COUNCIL

Sections

Home > Community >

# Rural living




Farmers Farm... and Cows DO Moo! 850.35 KB

Information for prospective and current rural landholders

The Byron Shire hinterland is becoming increasingly popular for new residents, as it offers a landscape and quality of life that many people find hard to resist. So it's no wonder there are many new arrivals to our shire. Whilst such a move can offer a wonderful change of lifestyle, it's important for a realistic understanding of rural life before buying a property.

Smartphone / tablet

Secondary page-example layout

Split into two screen shots for the purpose of this report only

to our shire. Whilst such a move can offer a wonderful change of lifestyle, it's important for a realistic understanding of rural life before buying a property.

Although it may may look peaceful (and usually is), many people earn their livelihood in rural areas and carry out legitimate activities that may surprise those who haven't lived in rural areas previously.

This brochure, an initiative of Council's Sustainable Agriculture Strategy summarises some important aspects of rural life that are worth considering prior to purchasing land. It is also a useful guide for all landholders on being a better neighbour.

**Attachments**

Farmers Farm... and Cows DO Moo! 850.35 KB

**Related information**

Sustainable Agriculture Strategy

**Community**

- Rural living
- Aboriginal services and programs
- Affordable housing
- Aged and disability services
- Alcohol Free Zones

**BYRON SHIRE COUNCIL**

**DELEGATION OF AUTHORITY [Name]**

**Section 355 Management Committee**In order to provide for the expedient exercise and performance of its functions, Byron Shire Council hereby:

(a) revokes all previous delegations to the **[Name] (Committee)**;

(b) delegates to the Committee under Section 377 of the *Local Government Act, 1993*, the exercise of Council's functions specified in Schedule 1 subject to the limitations specified in Schedule 2.

This delegation shall commence on **[insert date]** and remain in force until expressly amended or revoked by the Council by further resolution.

**SCHEDULE 1** (Functions)

1. The responsibility for day-to-day care and management of the Facility so as to:
   i) promote usage of the Facility to greatest extent possible;
   ii) ensure, as far as possible, that fees received from usage generates sufficient revenue to meet:
      a) necessary maintenance of the Facility;
      b) the costs of future enhancement, expansion or upgrade of the Facility as determined by the Council;
   iii) ensure the health and safety of persons using the Facility.
2. To make recommendations to the Council on rules which should be applicable to the use of the Facility.
3. The responsibility to ensure that usage of the Facility is in accordance with any Rules adopted by the Council in respect of the Facility (**Rules**).
4. To make recommendations to the Council as to the appropriate fees for usage of the Facility and to levy fees for usage of the Facility as are approved by Council.
5. To expend revenue received from use of the Facility and any other operational funds which may be received, towards day-to-day operational expenses and any minor maintenance referred to in paragraph 6.
6. To expend revenue from use of the Facility towards such minor maintenance of the Facility as the Committee considers necessary and appropriate to a maximum value of $1000 for each work. To ensure that such minor maintenance works are carried out by licensed contractors with public liability insurance and workers compensation (if not a sole trader) and further to ensure that contactors can show compliance with WH&S standards and regulations. All works must comply with the Building Code of Australia and relevant Australian Standards.

8. To make recommendations to the Council as to any other maintenance of the Facility that the Committee considers necessary and appropriate and to expend revenue towards any such maintenance as approved and directed by the Council.
9. To make recommendations to the Council as to any enhancement, expansion or upgrade of the Facility that the Committee considers appropriate.
10. To make such other recommendations to the Council in respect of the Facility as the Committee thinks appropriate from time to time.

**SCHEDULE 2** (Limitations)

11. The Functions do not include any which are excluded from being delegated to the Committee by s377(1) of the Local Government Act 1993 or any other law as applicable from time to time including, but without limitation:

| | |
|---|---|
| s377(1)(f) | the borrowing of money, |
| s377(1)(g) | the voting of money for expenditure on Council works, services or operations, |
| s377(1)(i) | the acceptance of tenders which are required to be invited by the Council. |

12. Without limiting the generality of the above, exercise of the Functions is subject to:
    i) the limitations specified in s2.2 of Council's 'Section 355 Committee Guidelines' as amended from time to time;
    ii) decisions of the Committee being made in accordance with the Meeting Procedures specified in s4 of Council's 'Section 355 Committee Guidelines' as amended from time to time and otherwise according to law;
    iii) compliance by the Committee with the accounting requirements specified in s5 of Council's 'Section 355 Committee Guidelines' as amended from time to time; and
    iv) otherwise according to law.
13. The Committee may not direct Council staff.

**Note:** Councillors, members of staff and delegates of council must comply with the Council's adopted code of conduct.

**In this delegation:**

'**Facility**' means Name and Address of Facility

# Roadside Vegetation Management Plan

## Byron Shire Council



quality solutions sustainable future

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# Roadside Vegetation Management Plan

## Byron Shire Council

Prepared for: Byron Shire Council
© GeoLINK, 2012

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# Acknowledgements

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| 1944940 | Second issue - draft V2 | 30/04/2012 | Tom Pollard | Veronica Silver |
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# Executive Summary

This Roadside Vegetation Management Plan (RVMP or the Plan) has been prepared for Byron Local Government Area (LGA). The aims of developing this RVMP are to:

(a) Protect significant conservation values, including threatened species and Endangered Ecological Communities (EECs).

(b) Balance ecological conservation with the necessities of roadside vegetation management.

(c) Outline the preferred management techniques for roadside vegetation within the project area.

(d) Improve Council's capacity to protect, restore and minimise damage to significant roadside vegetation by promoting improved management practices.

This project consists of three components:

1. Production of the RVMP report.
2. Production of a field booklet that includes maps and information on the maintenance activities for the conservation categories.
3. Training for relevant roadside vegetation management staff and contractors on the use of the plan and booklet.

Development of this RVMP was based around analysis of data collected in the Byron Shire Roadside Vegetation Survey (the Survey) across Byron LGA conducted in 2011/ 2012. This was incorporated with existing data from vegetation community mapping, wildlife corridor mapping, threatened species records and Council's Chemical Sensitive Register records. The main product of this analysis was the categorisation of roadside vegetation into high, medium or low vegetation quality.

The Survey collected data from 860 km of road reserve. The Survey recorded 206 native plant species and 79 exotic plant species. Results of the data analysis identified that high quality vegetation occurs along 12.5% of the roadsides surveyed. Medium quality vegetation occupies 52.6% of roadsides and low quality vegetation occupies the remaining 34.9%. There were 2,708 locations identified in the Survey that support threatened flora species listed under state and federal threatened species legislation and Rare or Threatened Australian Plants (RoTAP) species. Four different EECs were also identified at 36 locations.

This RVMP provides specific management actions for each vegetation quality category and for an additional category of special management areas that includes cultural heritage and community values. These actions guide vegetation maintenance staff and contractors on the appropriate methods to undertake roadside vegetation management while protecting areas of High Quality Roadside (HQR) vegetation, threatened species and EECs along the roadsides of Byron LGA. Recommendations for control of weeds and protocols for machinery hygiene are also discussed as weeds are a significant threat to the conservation values of roadside vegetation in Byron LGA. Over 80% of the roadsides surveyed have over 80% exotic plant cover.

Monitoring and evaluation guidance is provided along with an adaptive management strategy for future revision of the Plan so that newly available information and priorities can be incorporated, thereby strengthening future management protocols for high quality vegetation in Byron LGA.

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# 1 Introduction

## 1.1 Background

Byron Shire Council's (BSC) Byron Biodiversity Conservation Strategy (2004) identified the preparation of a Roadside Vegetation Management Plan (RVMP) as a high priority. BSC received funding from the NSW Environmental Trust to complete a comprehensive roadside survey which was used to inform the development of the RVMP. The project is overseen by a steering committee consisting of representatives from various divisions in Council with responsibilities for the management of roadside vegetation, infrastructure and the natural environment.

BSC adopted a Rural Road and Roadside Land Management Plan (RRRLMP) at their meeting of 28 August 2011 (Resolution No. 11-691). The RRRLMP focuses on the construction and maintenance of roads and doesn't provide a framework for best practice management of roadside vegetation. This presents a significant threat to biodiversity through the potential mismanagement, spread of weeds and direct damage to high quality roadside (HQR) vegetation, including threatened species and Endangered Ecological Communities (EECs). This project aims to ensure use of appropriate roadside vegetation management techniques.

The Byron Shire Roadside Vegetation Survey (the Survey) was conducted in 2011/ 2012 along approximately 860 km of rural roadsides by Environmental Training and Employment (EnviTE). The Survey (EnviTE 2012) will form Part B of this project. The RVMP has been developed incorporating the results of the Survey and is Part A of the project.

This Plan does not include urban roads, and only applies to rural roads within Byron LGA with a speed limit of >60 km/h. The Pacific Highway and Bangalow Road west of Bangalow are also not covered by this Plan, as these roads are managed by the Roads and Maritime Services.

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Information shown is for illustrative purposes only

Drawn by: RE Checked by: MVE Reviewed by: TJP Date: August 2012
Source of base data: Department of Lands




LEGEND

Byron Shire local government area

Road network

North

0 4 km

Location and Extent of Byron LGA

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944704

Illustration 1.1

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## 1.2 Roadside Environment

The Survey states that:

*"Surveyed polygons varied greatly in width. Boundary features such as fences were the only way of identifying the boundary locations. In some areas the boundary fence could be 15 m from the edge of the road and in others only 2 m. Heavily vegetated areas or areas without fencing or clear delineation of boundaries were difficult to estimate the road reserve extent. In these circumstances the area visible from the road was surveyed or the area currently under management from Council".*

Whilst the roadside environment is variable in dimension and it can be difficult to see its boundaries, cadastral boundaries exist and can be accurately surveyed and pegged if required.

Therefore, the roadside environment, as defined for the development of the current RVMP, is variable in dimension and encompasses the area from the road edge to the boundary of the road reserve.

## 1.3 Values of Roadside Vegetation

The area of roadside environment surrounding the road network in NSW, including travelling stock routes and reserves, has a combined area that is almost equal to the total NSW National Parks estate (NSW Roadside Environment Committee). Therefore, the values contained within the vegetation in this land are significant and often overlooked.

Threats to roadside vegetation are often incremental, such as weed encroachment, inappropriate fire regime, firewood collection, and over-grazing. No matter how small or localised, these incremental effects can lead to serious long-term degradation when all losses and impacts are accounted for.

The linear nature of the road corridor provides a vector along which weeds can easily spread at a rate far greater than their natural dispersal mechanisms would allow.

Areas of roadside vegetation are significant both ecologically and socially:

### Ecological Values

- Providing habitat for flora and fauna, including threatened species and EECs.
- Supporting the seed source and genetic diversity of native plant species.
- Maintaining linear connectivity between remnant patches of native vegetation in the landscape.
- Facilitating native arboreal fauna movement across roads in areas with extensive canopy cover.

### Environmental Values

- Erosion and sediment run-off control.
- Acting as a windbreak to limit aeolian erosion processes.
- Buffer protection from edge effects on adjacent patches of native vegetation.
- Filtration of pollutants (e.g. hydrocarbons) deposited on the road surface.
- Reducing impacts of soil salinity by assisting in the maintenance of ground water levels.

### Social and Historic Values

- Providing historical or cultural significance to an area.
- Preserving items of cultural, historical or Aboriginal significance.
- Recreational opportunities for bicycle riding, horse riding and bushwalking.

### Aesthetic Values

- Providing an aesthetically pleasing driving experience for motorists.
- Encourage tourist visitation and scenic drives.
- Reduce the impacts of noise and dust (from unsealed roads) on adjoining land owners and residents.

### Economic Values

- Reduced maintenance costs in areas with a dense vegetation canopy when compared with open grassland dominated by exotic weed species.
- Provide shelter and shade for livestock.
- Enhanced real-estate values reflecting roadside vegetation contributing to the value of a landscape.

## 1.4 Aims

The RVMP aims to:

(a) Protect significant conservation values, including threatened species and EECs.

(b) Balance ecological conservation with the necessities of roadside vegetation management.

(c) Outline the preferred management techniques for roadside vegetation within the project area.

(d) Improve Council's capacity to protect, restore and minimise damage to significant roadside vegetation by promoting improved management practices.

## 1.5 Why a RVMP?

The past approach to roadside management in Byron Shire has focused on practical maintenance outcomes and not necessarily ecological outcomes. Such an approach has the potential to inadvertently impact on significant ecological features. One significant factor leading to the past approach to roadside vegetation management has been a lack of an overarching maintenance strategy that considered ecological values, based on reliable and comprehensive data. The implementation of the RVMP will assist in ensuring that the ecological assets within the Shire's roadside are adequately protected.

The development and implementation of a RVMP has a number of important advantages, including:

- Improving knowledge and understanding of the issues involved in roadside management by all stakeholders and the community.
- Savings in time and effort through the co-ordination of information and resources, and streamlining of procedures.
- Improved communication and co-ordination between the various stakeholders in roadside management.
- Tourism and amenity benefits from the recognition of significant landscape and cultural heritage features.
- Minimising impacts on threatened species and EECs associated with roadside vegetation management activities.
- Ensuring a safe roadside environment for all users; including motorists, cyclists, horse riders, and bushwalkers.

## 1.6 Guiding Policy Documents and Legislation

The RVMP is guided by the following policies and plans:

- Northern Rivers Catchment Management Authority (NRCMA) Region LGA Rural Roads and Roadsides Land Management Strategic Plan (2008).
- NSW Roadside Environmental Committee's Roadside Vegetation Management Guidelines for Authorities (undated).
- NSW Roadside Environment Committee Roadside Handbook (1996).

- Council's Bush Regeneration Guidelines (2010).
- Council's Policy No. 11/007 – Camphor Laurel Management in Byron Shire (2011).
- Council's Rural Roads and Roadside Management Plan [RRRMP] (2011).
- Council's Biodiversity Conservation Strategy (2004).

Legislation that needs to be considered for activities carried out in the roadside that are likely to impact on native vegetation are shown in **Table 1.1**. This list of relevant legislation is derived from Annexure 2 of the NSW *Roadside Environment Committees Roadside Vegetation Management Guidelines for Authorities*.

**Table 1.1 Statutory Considerations for Roadside Works**

| *Legislation* | *Summary of Obligations* |
|---|---|
| *Environment Protection and Biodiversity Conservation Act 1999* | ▪ Identify if any National Environmental Significance matters have the potential to be impacted on by the activities proposed;<br>▪ Assess the potential impact of the activity against the Environment Protection and Biodiversity Conservation significant impact criteria;<br>▪ Refer to Department of Sustainability, Environment, Water, Population and Communities any activity that could significantly impact on National Environmental Significance matters. |
| *Environmental Planning and Assessment Act 1979* | ▪ Determine if other integrated environmental approvals, consultation or permits are required;<br>▪ Prepare a Review of Environmental Factors (REF) to determine if a significant impact is likely, and prepare an Environmental Impact Statement and/ or Species Impact Statement if this is the case. |
| *Local Government Act 1993* | ▪ Consideration of the impacts of flooding;<br>▪ Consideration of Ecologically Sustainable Development principles. |
| *National Parks and Wildlife Act 1974* | ▪ Protection of lands administered under the *National Parks and Wildlife Act 1974;*<br>▪ Protection of Aboriginal places, sites and objects. |
| *Native Vegetation Act 2003* | ▪ Not applicable if clearing native vegetation in rural areas if it is authorised under the *Rural Fires Act 1997, Threatened Species Conservation Act 1995, Fisheries Management Act 1994, National Parks and Wildlife Act 1974, Water Management Act 2000*, and/ or *Roads Act 1993*;<br>▪ The *Native Vegetation Act 2003* determines when offsetting is required for vegetation removal (via Property Vegetation Plans) and outlines requirements to meet the 'improve or maintain' principle in relation to development and activities under the *Environmental Planning and Assessment Act 1979*. |
| *Noxious Weeds Act 1993* | ▪ Suppress, control or eradicate noxious weeds in the road corridor. |

| *Legislation* | *Summary of Obligations* |
|---|---|
| *Roads Act 1993* | ▪ Public reserves not classed as 'operational land' require a Plan of Management;<br>▪ Clearing to remove traffic hazards may be an exempt activity;<br>▪ Under s138 (1) (c) *a person must not remove or interfere with a structure, work or tree on a public road, otherwise than with the consent of the appropriate roads authority.* However refer to SEPP Infrastructure 2007 which precludes development consent. |
| *Rural Fires Act 1997* | ▪ Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* to be carried out on any land without development consent. This includes clearing of vegetation in accordance with an adopted Bushfire Risk Management Plan or a bushfire hazard reduction certificate. |
| *Rural Lands Protection Act 1998* | ▪ Manage travelling stock routes along roads in a sustainable fashion;<br>▪ Regulate movement and grazing of stock along roads;<br>▪ Obtain approval for issuing stock permits. |
| State Environmental Planning Policy (Infrastructure) 2007 | ▪ Clause 94 of SEPP Infrastructure 2007 permits development on any land for the purpose of a *road or road infrastructure facilities* to be carried out by or on behalf of a public authority without consent;<br>▪ Road infrastructure facilities include *environmental management works, if the works are in or adjacent to a road corridor*;<br>▪ Roadside maintenance works are therefore precluded from requiring development consent under Clause 94 of ISEPP. However, the works becomes an 'activity' for the purposes of Part 5 of the EP&A Act and is subject to an environmental impact assessment. |
| *Threatened Species Conservation Act 1995* | ▪ Assess the potential environmental impacts of proposed activities;<br>▪ Seek the concurrence of the Director-General where significant effects are likely;<br>▪ Consider relevant recovery plans, priority action statements, threat abatement plans and key threatening processes for threatened species/ communities. |

# 2 Project Methodology

## 2.1 Project Methodology

The *NSW Roadside Environmental Committee's Roadside Vegetation Management Guidelines for Authorities* recommends that development of a RVMP be based on categorisation of vegetation into conservation value classes of Low, Medium and High. This approach relies on comprehensive and high quality data of relevant factors such as vegetation quality, presence of threatened species and localities of dense weed infestation. The Survey provided the data necessary to employ this method.

There are four tasks to the RVMP project. The main tasks were to:
Task 1 - Undertake a Survey (Part B).
Task 2 - Produce a RVMP (Part A).
Task 3 - Produce a field booklet for use by Council staff and contractors.
Task 4 - Undertake training of Council staff and contractors on the use of the field booklet.
Task 5 - Implement and review.

The project methodology is displayed in **Illustration 2.1**.

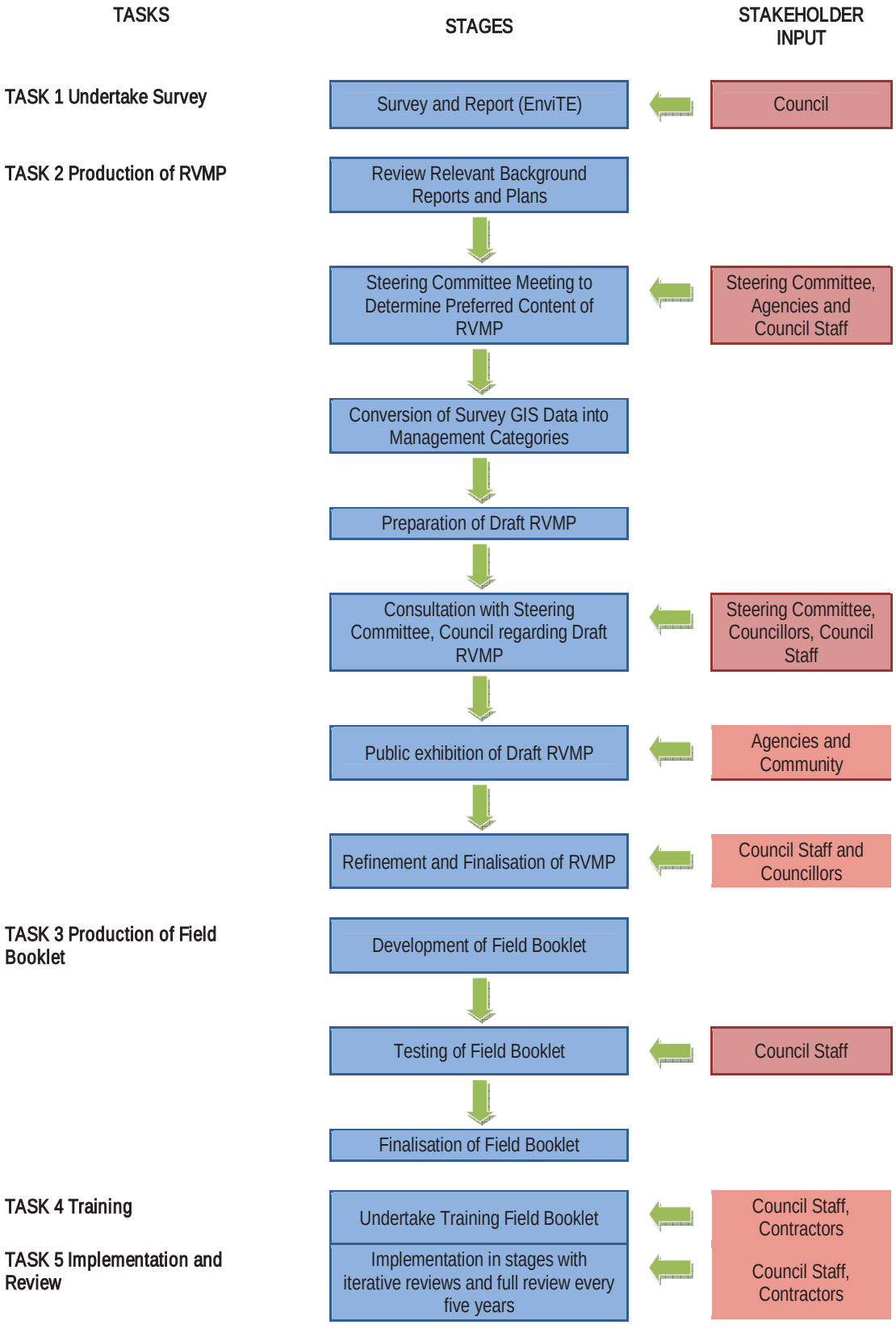



Illustration 2.1 Methodology Used to Develop and Deliver the RVMP and Associated Components

### 2.1.1 Task 1: Byron Shire Roadside Vegetation Survey

The following section is a summary of the Survey methodology contained in Part B of the project.

#### *2.1.1.1 Aims*

The Survey provided the baseline data used to develop the RVMP. The primary aim of the Survey was to undertake a comprehensive analysis of vegetation along rural roads greater than 60 km/hour.

The Survey objectives were:

- Map roadside vegetation communities.
- Map the location of threatened flora, EECs and significant weed occurrences.
- Record condition of roadside vegetation.
- Develop a geographical information system (GIS) that presents the outcomes of the survey.

#### *2.1.1.2 Methods*

The methods developed for the Survey were developed with input from BSC's Natural Environment team and GIS staff.

The Survey was undertaken over approximately 860 km of roadside vegetation. Data was collected in the field using hand-held Personal Digital Assistant loaded with custom forms. These custom forms were developed to facilitate the capture of a range of data on a large number of fields. The Survey was undertaken over a period of approximately 16 weeks and involved a vehicle-based survey supplemented with survey on foot in areas with more complex vegetation structure and composition.

Data was collected within discrete polygons that were created for vegetation that displayed sufficiently distinct characteristics. A potential limitation of the Survey was that it was not always possible to represent small-scale variability in vegetation type/ structure in the polygon data. This was due to constraints of time and resource available to undertake and complete the Survey in a consistent manner throughout the road network and ensuring polygon were at an appropriate scale for roadside management considerations.

Information was also entered for polygons relating to suggested management treatments and bushland regeneration techniques. The fields for which data was entered during the Survey are listed in **Table 2.1**.

**Table 2.1 Data Collection Fields for Polygons and Points**

| *Polygon Fields* | *Point Fields* |
|---|---|
| Survey observer | Survey observer |
| Date of survey | Date of survey |
| Survey method | Estimated positional error of Global Positioning System (GPS) |
| Native plant % cover | Distance from road edge |
| Byron Shire Council vegetation community | Roadside attributes |
| Forest ecosystem | Heritage values |
| EEC | Habitat |
| Influencing factors on vegetation | Significant isolated trees |
| Dominant native plant 1 | Native plant species |
| Dominant native plant 2 | Comments |
| Dominant native plant 3 | Threatened fauna |
| Dominant exotic plant 1 | Geo referenced photo subject |
| Dominant exotic plant 2 | Geo referenced photo reference number |
| Dominant exotic plant 3 | Dead animals on or near road |

| *Polygon Fields* | *Point Fields* |
|---|---|
| Exotic plant % cover | Threatened plant species |
| Vegetation condition | Common name of threatened plant species |
| Recommended roadside management technique | Plant form – tree, shrub etc. |
| Evidence of community work | RoTAP |
| Average height of canopy | *Threatened Species Conservation Act 1995* |
| Comments | *Environmental Protection and Biodiversity Conservation Act 1999* |
| Recommended bush regeneration techniques | Exotic plant species common name |
| Stratum with exotic plants present | Exotic plant species scientific name |
| Threatened species presence within 30 m | Noxious weed class |
| Alternative roadside management technique 2 (Vines and scramblers) | Environmental weed |
| Alternative roadside management technique 3 (Coral trees) | Agricultural weed |
| | Noxious weed |

### 2.1.2 Task 2: Production of RVMP

The methodology for producing the RVMP is:

- Review relevant background information, including similar RVMPs produced for other LGAs, and the policies and plans listed in **Section 1.6** of the current document.
- Incorporate feedback from steering committee meeting.
- Review information collected in the Survey.
- Defining protocol for sorting vegetation quality categories (High, Medium and Low) for roadsides based on the Survey results.
- Produce GIS maps showing vegetation quality categories across the Shire.
- Determine management approach for roadside vegetation and protocols for each of the vegetation quality category.
- Write draft plan.
- Review draft plan by steering committee.
- Public consultation/ input via a stakeholder workshop and public exhibition.
- Finalise plan.
- Endorsement by BSC.

### 2.1.3 Task 3: Production of Field Booklet

The field booklet aims to provide a concise visual representation of the vegetation quality categories and the relevant management protocols for each category in a user friendly format for use by Council staff, contractors and Agencies.

The field booklet consists of the following components:

- A series of maps of the vegetation quality categories, covering the entire Shire's road system in discrete and logical sections that are defined by sub-catchments, small geographic regions or localities.
- An overview of the management protocols to be adopted during roadside maintenance for the conservation value categories.
- Weed management and equipment hygiene protocols.

### 2.1.4 Task 4: Training on RVMP Implementation

Training of BSC staff and contractors is required to ensure that the RVMP is understood and the management actions are effectively implemented.

Training will be focused on how to use the booklet and provide a context for implementation of the RVMP.

Training will consist of:

- initial training for existing BSC staff and contractors.
- periodic refresher training.
- training for new BSC staff and contractors as part of formalised induction process.

Training will likely be undertaken internally by BSC staff with expertise in biodiversity/ vegetation management in conjunction with staff responsible for management of roadside vegetation.

### 2.1.5 Task 5: Implementation and Review

The Plan will be implemented in stages as funding and resources allow. Implementation will be an iterative process and an adaptive management framework will be applied. Any practical difficulties and inconsistencies in the Plan will be reported to Council staff by users and this feedback will be used to aid in refining future versions of the RVMP. A comprehensive review of the Plan should occur in five years.

**Section 9** of this Plan provides detail of the implementation process.

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# 3

# Values of Byron LGA Roadside Vegetation

## 3.1 Native Flora

### 3.1.1 Overview of Vegetation in Byron Shire

Byron Shire is recognised as having a high level of biodiversity. The Byron Flora and Fauna Study (1999) found that the Shire supports amongst the highest number of threatened flora and fauna species in NSW. Vegetation mapping has identified 49 different vegetation associations occurring in the Shire with the most abundant vegetation type being dominated by Camphor Laurel, which occupies more than a quarter of the Shire. The next most abundant vegetation types are moist to dry sclerophyll forest and rainforest which occupy approximately 15% and 10% of the Shire respectively. Many flora species found in Byron LGA have conservation significance related to features such as endemism, threatened status and being from ancient lineages (e.g. genera such as *Tasmannia*, *Wilkiea* and *Hicksbeachia*).

Some vegetation types have been impacted more heavily than others, with those on prime agricultural lands and in coastal areas being most heavily cleared. Prior to European settlement, much of the area now occupied by Byron LGA was vegetated by lowland rainforest. This rainforest was part of the 'Big Scrub' that once dominated the landscape of low rolling hills and plateaus located on the southern basalt flows of the Mount Warning shield. Estimated to have covered an area of 75,000 ha, this rainforest was quickly cleared for farming. Today an estimated 0.13% of the 'Big Scrub' remains as isolated remnants totalling approximately 100 ha (NSW National Parks and Wildlife Service 1997) and is protected as an EEC.

It is often the case that roadside vegetation represents a significant proportion of the remaining vegetation in a landscape. This is particularly true in historically over-cleared districts and/ or districts with valuable agricultural lands. In this landscape, remnant vegetation remains in those areas that have too many constraints to support agriculture or are economically non-viable to farm, such as the rugged southern slopes and ridges of the Mount Warning Caldera. Much of the regrowth in Byron LGA is dominated by weeds, particularly the introduced weed Camphor Laurel (*Cinnamomum camphora*), which is able to quickly establish and thrive in areas that are practically frost free, have reliable rainfall and rich basaltic soils. Regrowth is often located along fence lines, in riparian zones, areas not under management, on steep hillsides, and in disturbed areas of crown land such as within the road reserve.

### 3.1.2 Roadside Vegetation Survey Results

Data was collected in the Survey for 1,677 polygons and 3,437 points. The Survey recorded 206 native plant species and 79 exotic plant species. Exotic weed species are discussed in **Section 7** of this Plan.

The dominant vegetation communities identified in the Survey are detailed in **Table 3.1**. Two vegetation classification systems were adopted; the Byron Shire Vegetation Communities (Landmark 1999) and Forest Ecosystems (DEC 2004).

EnviTE (2012) identified challenges in describing vegetation such as exotic grasses when using the existing Byron Shire Vegetation Communities classification. Vegetation dominated by exotic grasses was captured in the Survey as 'Mixed Regrowth', as this was the closest match to the vegetation encountered. To allow for accurate representation of the exotic grasses commonly located on roadside verges a new Forest Ecosystem type was added as 'Exotic Grasses' (noting that this is a non-forest vegetation type).

Table 3.1 Summary of Dominant Vegetation Communities on Byron LGA Roadsides

| *Vegetation Classification System* | *Dominant Vegetation Community* | *Secondary Dominant Vegetation Community* | *Tertiary Dominant Vegetation Community* |
|---|---|---|---|
| Byron Shire Vegetation Communities | Mixed Regrowth (*68.33%*) | Rainforest + 10-50% Camphor Laurel (*8.29%*) | Camphor Laurel 51-80% (*8.23%*) |
| Forest Ecosystems | Grasses Exotic (*69.22%*) | Camphor Laurel (*13.47%*) | Rainforest (*9.55%*) |

The condition of the majority of roadside vegetation was categorised as being weed dominated and having only a few emergent native trees and shrubs present (refer to **Table 3.2**), and exotic plant cover was predominantly in the 81-100% category (refer to **Table 3.3**).

Table 3.2 Vegetation Condition of Byron LGA Roadsides

| *Vegetation Condition* | *Number of Polygons* | *Metres* | *Percentage* |
|---|---|---|---|
| Weed dominated with native trees absent or dead. | 156 | 37,744 | 4.4 |
| Weed dominated with a few emergent native trees and shrubs. | 1026 | 645,625 | 75.33 |
| Vegetation structure present heavy weed cover and no natural regeneration | 193 | 72,046 | 8.41 |
| Vegetation structure present moderate weed cover and some natural regeneration | 185 | 63,023 | 7.35 |
| Vegetation in moderate-good condition with low - moderate weed threats | 76 | 21,343 | 2.49 |
| Vegetation in good condition with only sporadic weeds | 37 | 16,338 | 1.91 |
| Vegetation in very good or benchmark condition | 4 | 974 | 0.11 |

Source: modified from EnviTE 2012

Table 3.3 Exotic Plant Cover of Byron LGA Roadsides

| *Exotic Plant Cover* | *Number of Polygons* | *Metres* | *Percentage* |
|---|---|---|---|
| 0 | 0 | 0 | 0 |
| 1-9% | 35 | 21,017 | 2.45 |
| 10-30% | 62 | 12,226 | 1.43 |
| 31-50% | 85 | 30,474 | 3.56 |
| 51-80% | 239 | 92,877 | 10.84 |
| 81-100% | 1,256 | 700,498 | 81.73 |

Source: EnviTE 2012

### 3.1.3 Threatened Flora Species

Byron LGA supports 66 flora species listed as threatened species in NSW under the *Threatened Species Conservation Act 1995* (TSC Act) and/ or listed federally under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Office of Environment and Heritage [OEH] 2011; SEWPaC 2011). A full list of these species is shown in **Appendix A**.

The Survey identified 2,708 locations where TSC Act, EPBC Act and Rare or Threatened Australian Plants (RoTAP) listed species were identified. In decreasing order of abundance, the most commonly encountered threatened species on Byron LGA roadsides were Rough-shelled Bush Nut (*Macadamia tetraphylla*), Veiny

Lace Flower (*Archidendron muellerianum*), Red Boppell Nut (*Hicksbeachia pinnatifolia*), Davidson's Plum (*Davidsonia jerseyana*), *Cordyline congesta,* Black Walnut (*Endiandra globosa*), and Durroby (*Syzygium moorei*). Threatened flora records from the Survey are listed in **Table 3.4**.

**Table 3.4 Threatened Flora Species Present on Byron LGA Roadsides**

| *Botanical Name* | *Common Name* | *Status (TSC Act or RoTAP listing* - see note for explanation)* | *Number of Individuals Recorded in the Survey* |
|---|---|---|---|
| *Acacia bakeri* | Marblewood | V | 17 |
| *Acronychia littoralis* | Scented Acronychia | V | 2 |
| *Archidendron hendersonii* | White Lace Flower | V | 68 |
| *Archidendron muellerianum* | Veiny Lace Flower | RoTAP *3RCa** | 494 |
| *Cordyline congesta* | - | RoTAP *2RC-** | 198 |
| *Cryptocarya foetida* | Stinking Cryptocarya | V | 80 |
| *Cupaniopsis newmanii* | Long-leaved Tuckeroo | RoTAP *2RC-** | 26 |
| *Davidsonia jerseyana* | Davidson's Plum | E | 231 |
| *Davidsonia johnsonii* | Smooth Davidson's Plum | E | 15 |
| *Desmodium acanthocladum* | Thorny Pea | V | 9 |
| *Diploglottis campbellii* | Small-leaved Tamarind | E | 11 |
| *Doryanthes palmeri* | Spear Lily | V | 3 |
| *Endiandra floydii* | - | E | 10 |
| *Endiandra globosa* | Black Walnut | RoTAP *2RC-** | 219 |
| *Endiandra muelleri* subsp. *bracteata* | Green-leaved Rose Walnut | E | 3 |
| *Floydia praealta* | Ball Nut | V | 3 |
| *Gossia fragrantissima* | Sweet Myrtle | E | 2 |
| *Grevillea hilliana* | White Yeil Yeil | E | 12 |
| *Hicksbeachia pinnatifolia* | Red Boppell Nut | V | 334 |
| *Lepiderema pulchella* | Fine-leaved Tuckeroo | V | 29 |
| *Macadamia tetraphylla* | Rough-shelled Bush Nut | V | 501 |
| *Owenia cepiodora* | Onion Cedar | V | 1 |
| *Quassia 'Mt Nardi'* | - | RoTAP *3RC-** | 18 |
| *Rhodamnia maideniana* | Smooth Scrub Turpentine | RoTAP *2RC-** | 1 |
| *Senna acclinis* | Rainforest Senna | E | 1 |
| *Syzygium hodgkinsoniae* | Smooth-barked Rose Apple | V | 8 |
| *Syzygium moorei* | Durroby | V | 295 |
| *Tinospora tinosporoides* | Arrow-head Vine | V | 116 |

Source: modified from EnviTE 2012

*Note: Codes for RoTAP species (Briggs & Leigh 1995):

- 2 Geographic range in Australia is less than 100 km.
- 3 Geographic range in Australia is more than 100 km.
- R Taxon is rare in Australia but which currently does not have an identifiable risk.
- C Taxon has at least one population within a National Park, other proclaimed conservation reserve or in an area otherwise dedicated for the protection of flora.

### 3.1.4 Endangered Ecological Communities

Eleven EECs listed under the TSC Act, are recorded as occurring in Byron LGA refer to **Table 3.5**.

Four EECs were identified in the Survey with 36 occurrences. The most dominant EEC was Lowland Rainforest, which was recorded along approximately 7 km of roadside and <1% of the Survey length. Other EECs recorded were Littoral Rainforest, Coastal Cypress Pine and Swamp Sclerophyll Forest.

**Table 3.5 Endangered Ecological Communities occurring in Byron LGA**

| *Endangered Ecological Communities* | *Recorded in Road Reserve* |
|---|---|
| Byron Bay Dwarf Graminoid Clay Heath Community | |
| Coastal Cypress Pine Forest in the New South Wales North Coast Bioregion | |
| Coastal Saltmarsh in the New South Wales North Coast; Sydney Basin and South East Corner Bioregions | |
| Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast; Sydney Basin and South East Corner Bioregions | |
| Littoral Rainforest in the New South Wales North Coast; Sydney Basin and South East Corner Bioregions | |
| Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions | |
| Lowland Rainforest on Floodplain in the New South Wales North Coast Bioregion | |
| Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion | |
| Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions - Northern Rivers | |
| Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast; Sydney Basin and South East Corner Bioregions | |
| *Themeda* grassland on sea-cliffs and coastal headlands in the NSW North Coast; Sydney Basin and South East Corner bioregions | |

### 3.1.5 High Conservation Value Land

High Conservation Value (HCV) lands were identified and mapped in Byron LGA as part of the Byron Biodiversity Conservation Strategy (2004). The mapping used in the Byron Biodiversity Conservation Strategy was based on that developed for the Byron Flora and Fauna Study (1999). In this strategy, HCV lands were defined as all lands that scored greater than 27 on the Relative Ecological Values Matrix. Native vegetation and habitats (including rainforest with <50% Camphor Laurel) within identified wildlife corridors was classified as being HCV on its own merit (BSC 2004). Wildlife corridor mapping for Byron LGA (BSC 2004) is displayed in **Illustration 3.1**.

*Information shown is for illustrative purposes only*

*Drawn by: TJP Checked by: MVE Reviewed by: GJM Date: August 2012*
*Source of base data: Byron Shire Council*




LEGEND

- Byron Shire local government area
- Wildlife corridors
- Road network

North

0 4 km

Mapped Wildlife Corridors in Byron LGA

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944299

Illustration 3.1

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## 3.2 Native Fauna

### 3.2.1 Threatened Fauna Species

Byron LGA supports 90 fauna species listed as threatened in NSW under the TSC Act and/ or listed federally under the EPBC Act. Thirty-six migratory species listed in the EPBC Act are also recorded as occurring in Byron LGA (OEH 2011; SEWPaC 2011). A list of these species is shown in **Appendix A**.

### 3.2.2 Fauna Usage of Roadside Vegetation

Roadside vegetation provides habitat for a range of fauna species. Vegetation features that provide habitat for supporting breeding populations of native fauna include:

- Presence of tree hollows.
- Fallen logs.
- Structural diversity of vegetation with a range of nesting opportunities.
- Vegetation cover in riparian areas.
- Presence of native ground cover.
- Presence of leaf litter.
- Vine curtains.

These features are typical of higher quality forest vegetation, and are therefore often associated with HCV vegetation. Protection of HCV vegetation in a landscape protects a diversity of native fauna by protecting the habitat that they rely on.

Lower quality vegetation can also provide significant resources for a range of native fauna, even areas heavily infested with weeds. In particular, the abundant weed species Camphor Laurel (*Cinnamomum camphora*) has been identified as providing an important winter seed source for some rainforest pigeons in areas in which seed sources from native rainforest fruiting species are now absent as a result of extensive historic clearing (Date and Recher 1989). Camphor Laurel stands have also been reported to facilitate the establishment of rainforest by nursing a range of rainforest trees in the understorey (Neilan *et al.* 2005). Ensuring that weeds are appropriately managed whilst retaining beneficial ecological functions is desirable but it can be challenging to balance these conflicting aims. Further discussion on weeds in the road corridor is provided in **Section 7** of this Plan.

### 3.2.3 Roadside Vegetation and Wildlife Corridors

One benefit derived from retaining a network of roadside vegetation within a cleared landscape is to facilitate fauna movement by providing a vegetated linear corridor. When a network of roads is viewed as a whole, the numerous roads along with other vegetated areas create a network for fauna movement across a landscape. Wildlife corridors are critical for maintaining fauna movement and genetic flow within species, and are also focus areas for revegetation activities and restoration works aimed at improving the quality and connectivity of the vegetation within the wildlife corridors.

One of the primary aims of the Byron Biodiversity Conservation Strategy was to identify wildlife corridors as well as HCV vegetation. The strategy identified connectivity and restoration as a key principle for biodiversity conservation in Byron Shire:

***Connectivity and restoration*** *– the long-term viability of biodiversity in Byron Shire depends on the identification and establishment of a system of protected wildlife corridors and 'stepping stones' that link existing habitat areas. This requires establishing corridors over extant areas of vegetation and undertaking the restoration and enhancement of degraded lands and habitats in defined corridor areas, extant habitats and in local habitat links.*

It has also been recognised in the Byron Biodiversity Conservation Strategy that stands of Camphor Laurel are able to play an important role in providing wildlife corridors. The Byron Biodiversity Conservation Strategy recommends that ideally stands of Camphor Laurel should be incrementally replaced with native species, in a manner that promotes regeneration and maintains habitat features.

# 4 Classification of Byron LGA Roadside Vegetation

## 4.1 Background

The primary aim of the RVMP is to provide a basis for effectively managing the HCV vegetation occurring along Council managed roadsides in Byron Shire. The initial task in achieving this aim is to classify the vegetation so that HCV vegetation can be identified. The methodology and results of classifying the roadside vegetation forms the basis of this section.

The *NSW Roadside Environmental Committee's Roadside Vegetation Management Guidelines for Authorities* recommends classifying roadside vegetation into Low, Medium and High Conservation Value categories. In this Plan roads were classified into High, Medium and Low Vegetation Quality categories rather than Conservation Value categories. This was primarily done to eliminate confusion between the HCV lands identified in the Byron Biodiversity Conservation Strategy which used a different methodology (see **Section 3.1.5**). Classifying roadside categories was based on the Survey results which have been ground truthed for all rural roads

The Survey data formed the basis for classifying the roadside vegetation in Byron LGA. As shown in **Table 2.1**, the Survey collected a large amount of data. When viewed as a whole, this data provides an excellent resource for describing the state of the roadside vegetation, for the purpose of producing the RVMP, not all of this data was needed for effective classification.

Those fields that were considered critical for determining the conservation value categories were EEC, vegetation condition, and threatened species presence within 30 m. An additional 'Special Management' category was also developed to represent significant cultural features, areas in which bushland regeneration activities are present, and locations where the adjacent landowners are on Council's Chemical Sensitive Register.

### 4.1.1 Classifying Conservation Categories

The Survey used seven vegetation condition categories. These were simplified into three classes for the purposes of determining the management categories of the road reserve (refer to **Table 4.1**).

**Table 4.1 Assigned Vegetation Condition Class**

| *Vegetation Condition Categories from Survey* | *Vegetation Condition Class* |
|---|---|
| 1VL - Weed dominated native trees absent or dead | 3 |
| 2L - Weed dominated with a few emergent native trees and shrubs | |
| 3LM - Vegetation structure present heavy weed cover and no natural regeneration | |
| 4M - Vegetation structure present moderate weed cover and some natural regeneration | 2 |
| 5MG - Vegetation in moderate-good condition with low - moderate weed threats | |
| 6G - Vegetation in good condition with only sporadic weeds | 1 |
| 7VG - Vegetation in very good or benchmark condition | |

The protocol for determining whether the vegetation was classified as low, medium or high quality roadside vegetation is shown in **Illustration 4.1**.

HQR vegetation was assigned to any polygon that contained an EEC or was given a vegetation condition class of 1.

Polygons that were not an EEC but had a vegetation condition class of 2 were either assigned to medium or high quality roadside vegetation category, depending on whether threatened species were present. Essentially, the presence of threatened species raises the significance of the polygon up a level from medium to high. Polygons that were not an EEC, had a vegetation condition class of 2 and did not have threatened species present were classified as medium quality roadside vegetation.

Polygons that were not an EEC and had a vegetation condition class of 3 were either classified as low or medium vegetation quality, depending on whether the area had threatened species present. Once again, the presence of threatened species raises the significance of the polygon up a level, in this case from low to medium. Therefore, polygons that were not an EEC, had a low vegetation condition class of 3 and did not have threatened species present were classified as low quality vegetation.

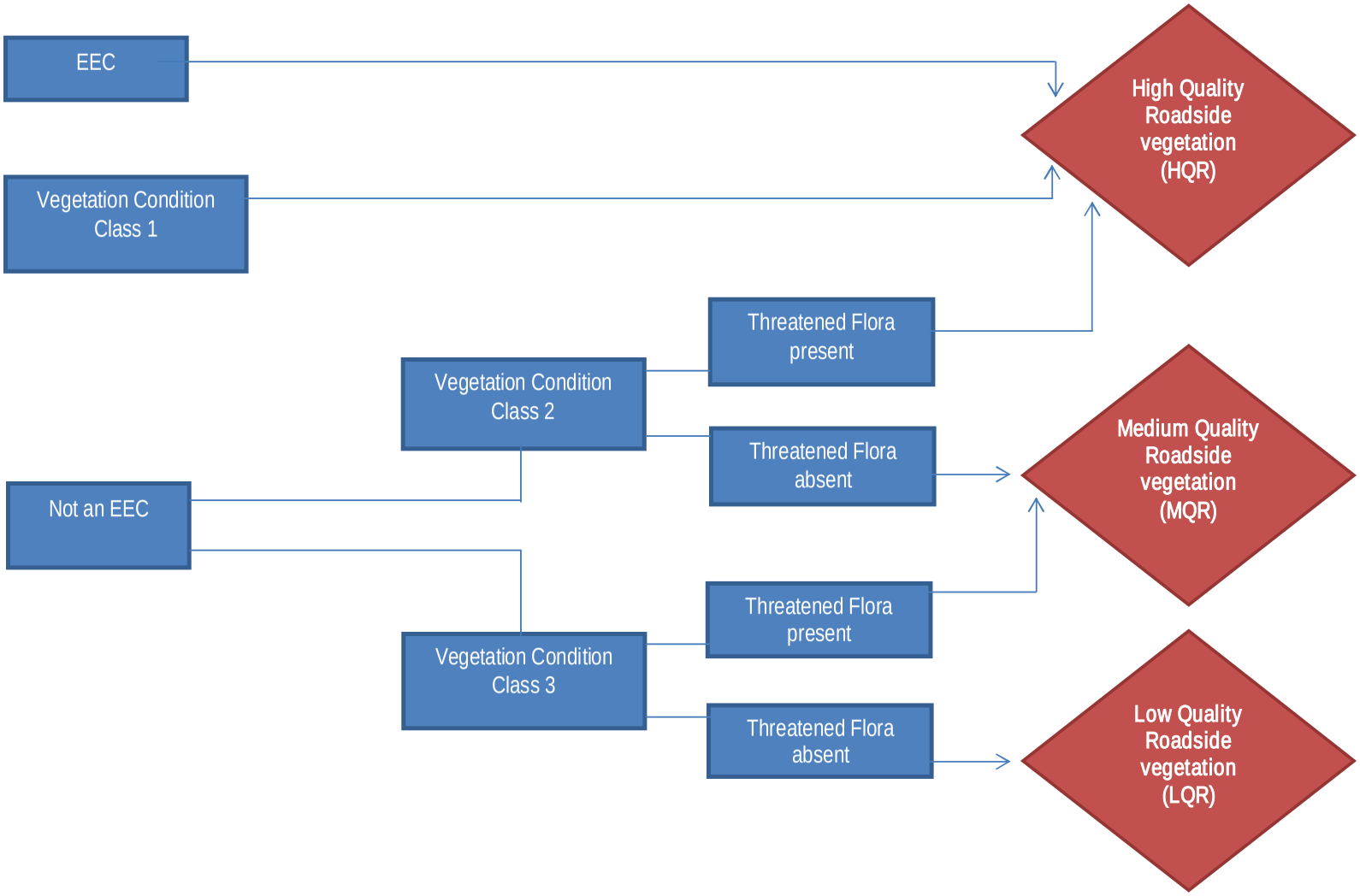



**Illustration 4.1 Protocol for Determining Conservation Value Categories for Polygons**

## 4.2 Results of Roadside Vegetation Classification

The classification results are summarised in **Table 4.2**.

**Table 4.2 Classification of Polygons into Conservation Categories**

| *Conservation Category* | *Number of Polygons* | *Area (ha)* | *Percentage* |
|---|---|---|---|
| Low Quality Roadside vegetation (LQR) | 708 | 181.95 | 34.9 |
| Medium Quality Roadside vegetation (MQR) | 732 | 273.76 | 52.6 |
| High Quality Roadside vegetation (HQR) | 237 | 65.17 | 12.5 |
| **Total** | **1,677** | **404.10** | **100.0** |

The results of the data analysis indicate that approximately 12.5% of the area of road reserve surveyed is classified as being HQR.

The roadside vegetation quality categories across Byron LGA have been mapped in **Illustration 4.2**.

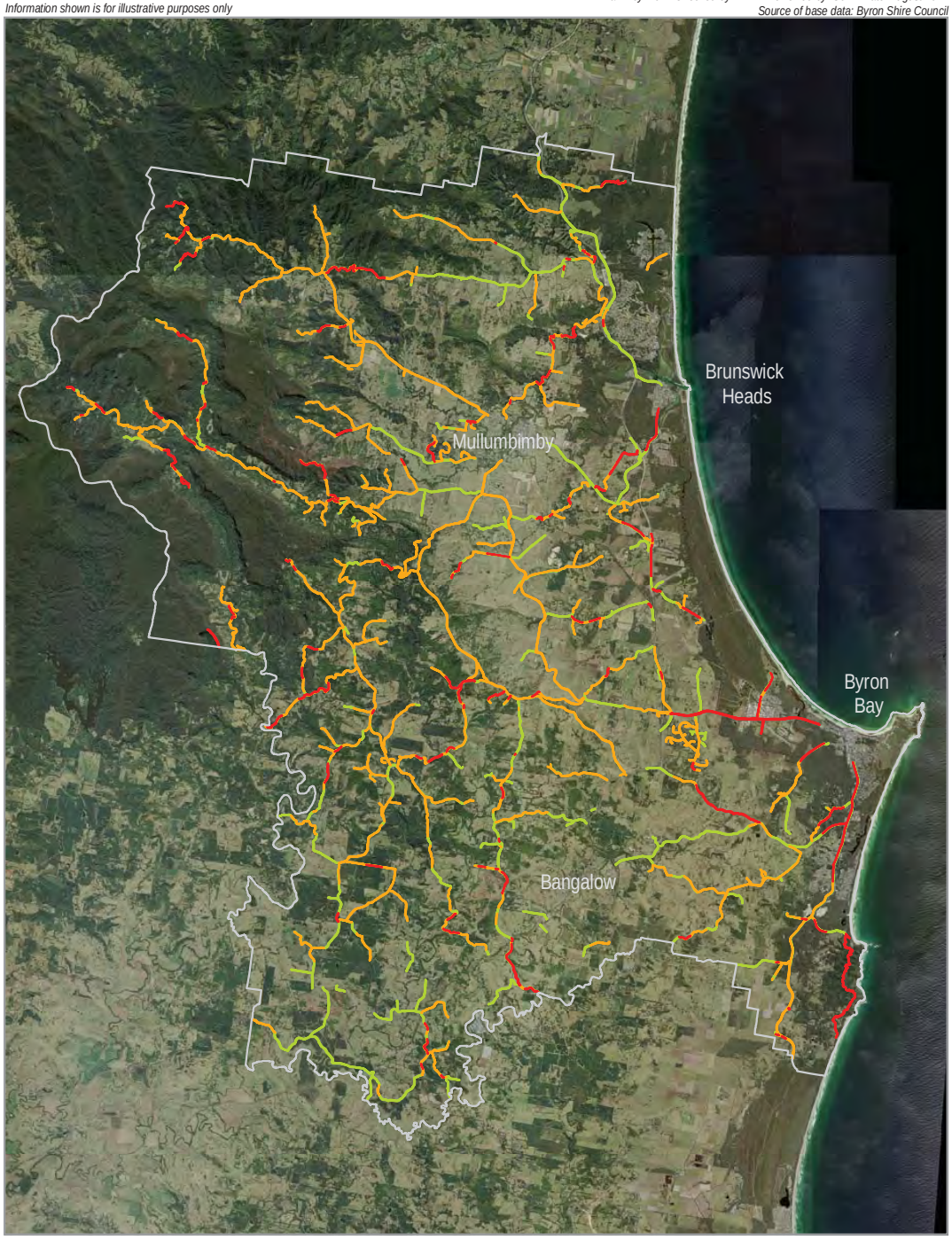
Special Management Areas (SMAs) require additional consideration due to the presence of:

- Existing community bush revegetation/ rehabilitation areas; or
- Presence of cultural/ aboriginal heritage items.

SMAs are intended to be managed in conjunction with the areas vegetation quality category. Management of SMAs is discussed in detail in **Section 6.6**.

*Information shown is for illustrative purposes only*

*Drawn by: TJP Checked by: MVE Reviewed by: GJM Date: August 2012*
*Source of base data: Byron Shire Council*




LEGEND

- Byron Shire local government area
- HQR vegetation
- MQR vegetation
- LQR vegetation

North

0 4 km

Conservation Value Categories of Roadside Vegetation in Byron LGA

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944287

Illustration 4.2

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# 5

# Specific Management Actions for Vegetation Quality Categories

## 5.1 High Quality Roadside (HQR) Vegetation

The distribution of HQR vegetation in Byron LGA is shown in **Illustration 5.1**.

Areas of HQR vegetation are defined as having a high condition class and/ or are EECs. Some areas of medium condition class vegetation with threatened species present are also categorised as HQR vegetation.

Without targeted weed control and appropriate management, HQR vegetation may deteriorate and some areas may degrade to MQR or LQR vegetation. The values and protection afforded to EECs and threatened species may also be compromised by weed infiltration, and attrition at the edges of vegetation patches by inappropriate roadside maintenance activities.

Aims

- To maintain a safe road corridor while protecting and enhancing HCV vegetation.
- To implement vegetation management techniques in HQR areas that result in no net loss or degradation of threatened species/ threatened communities or loss of significant habitat.

Specific management actions for HCV vegetation are as follows:

Prescriptive Measures

1. Natural Environment and Works Maintenance staff to undertake an onsite inspection of HQR areas to determine appropriate management actions that meets the aims of HQR areas. This will include a review of management recommendations proposed in the Survey.
2. Erect roadside markers at boundary of HQR area to alert operators they are entering a HQR area and at intervals (e.g. 30 to 50 m) to ensure next marker is within line of sight.
3. Side arm slashing of native vegetation will not be carried out within HQR areas. This includes areas of native trees, shrubs, ferns and groundcovers.
4. Slashing or side arm slashing of species listed in **Table 7.2** is not permitted without prior herbicide treatment (control with herbicide prior to slashing to reduce spread via machinery).
5. Native vegetation removal within HQR areas is restricted to trees and branches that encroach on the minimum recommended dimensions in the Austroad Standards or which pose a risk to public safety.
6. An ecological assessment by appropriately qualified person will be completed before removing any native vegetation. This will form part of the initial assessment undertaken as per point 1 above.
7. If threatened species are proposed to be removed or disturb, translocation and compensatory planting works will be considered and used when possible.
8. Implement machine hygiene practices that ensure machinery is free of weed seed and plant material before entering HQR areas.
9. Use a qualified arborist to remove dangerous trees or branches.

Management Options

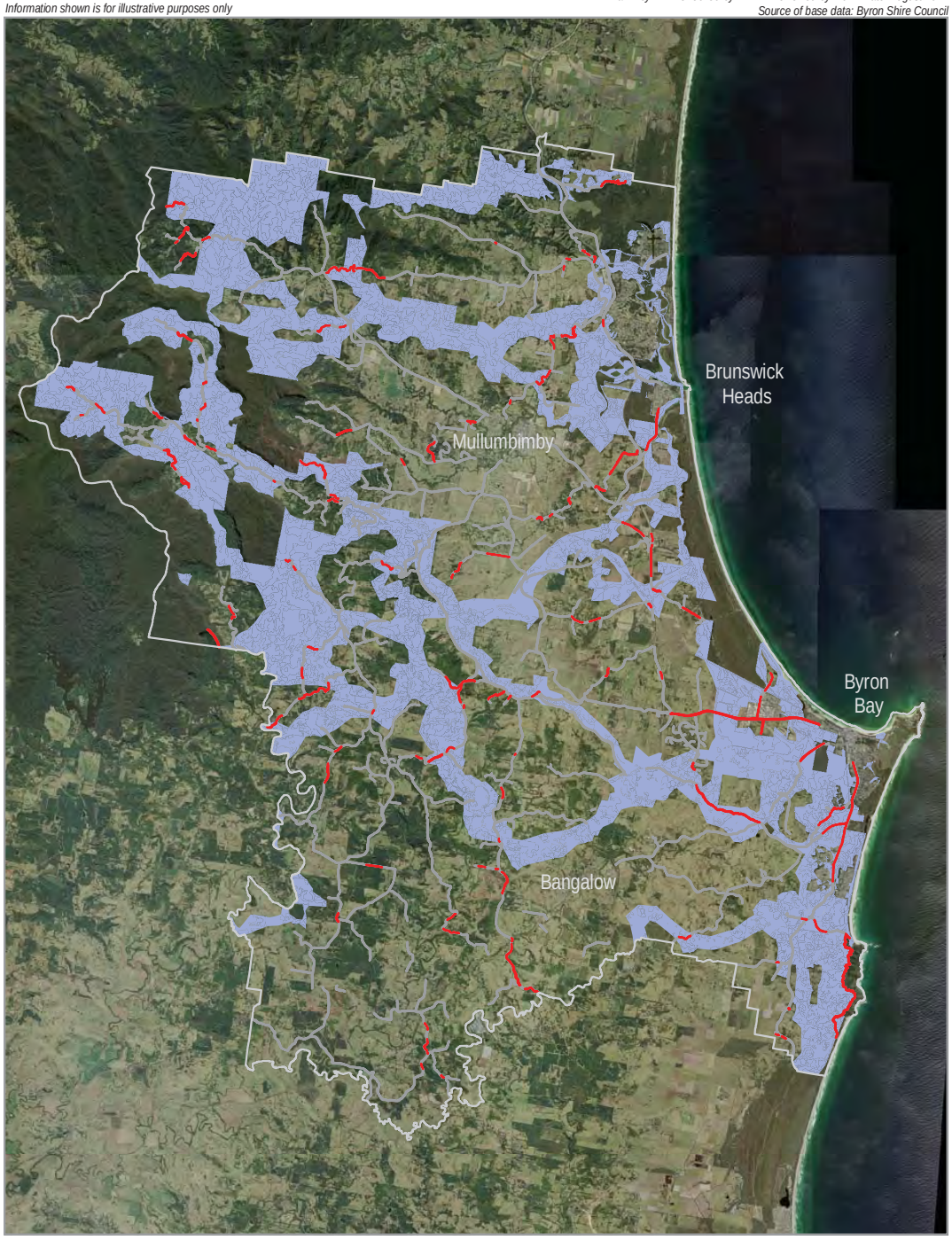
10. Slashing and side arm slashing of exotic grasses and weeds (not listed in **Table 7.2**) in road verge, batters and drains.

Restoration Activities

11. Prioritise vegetation restoration activities in areas of HQR vegetation. Work will aim to control significant environmental weeds and promote native vegetation using best practice bush regeneration techniques.
12. Focus will be given to areas with significant environmental weeds present, areas with presence of threatened flora species, riparian areas, areas adjacent to HCV vegetation as identified in the Byron Biodiversity Conservation Strategy, and wildlife corridors (as defined in **Section 8**).
13. A specific Site Action Plan will be developed for areas where restoration works will be carried out.

*Information shown is for illustrative purposes only*

*Drawn by: RE Checked by: MVE Reviewed by: TJP Date: August 2012*
*Source of base data: Byron Shire Council*




LEGEND

- Byron Shire local government area
- HQR vegetation
- Wildlife corridors
- Road network

North

0 4 km

HQR Vegetation in Byron LGA

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944286

Illustration 5.1

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## 5.2 Medium Quality Roadside (MQR) Vegetation

The distribution of MQR roadside vegetation in Byron LGA is shown in **Illustration 5.2**.

Areas of MQR vegetation are not EECs and are not the highest vegetation condition class. They are characterised by having vegetation condition class 2 or 3, and in the case of condition class 3, having threatened species present.

Because of the more disturbed nature of these areas, natural regeneration may be impeded by weed proliferation. Further deterioration in vegetation structure and quality may occur in these areas if weeds are left unchecked.

Aim

- To maintain a safe road corridor while maintaining or improving native vegetation condition and protecting threatened species.

Specific management actions for MCV vegetation are as follows:

Prescriptive Measures

1. Erect roadside markers to identify locations where threatened species occur within 5 m of the road edge, or where there is potential for management actions to negatively impact on threatened species.
2. Side arm slashing areas of native vegetation will be avoided. This includes areas of native trees, shrubs, ferns and groundcovers.
3. Slashing or side arm slashing of species listed in **Table 7.2** is not permitted without prior herbicide treatment (control with herbicide prior to slashing to reduce spread via machinery).
4. Ensure slashing does not damage or disturb threatened species.
5. Native vegetation removal within MQR areas is restricted to trees and branches that encroach on the minimum recommended dimensions in the Austroad Standards or which pose a risk to public safety.
6. Use a qualified arborist to remove dangerous trees or branches.
7. Implement machine hygiene practices that ensure machinery is free of weed seed and plant material before entering MQR areas.
8. If threatened species are proposed to be removed or disturb, translocation and compensatory planting works will be considered and used when possible.

Maintenance Options

9. Slashing and side arm slashing of exotic grasses and weeds (not listed in **Table 7.2**) in road verge, batters and drains is permitted.

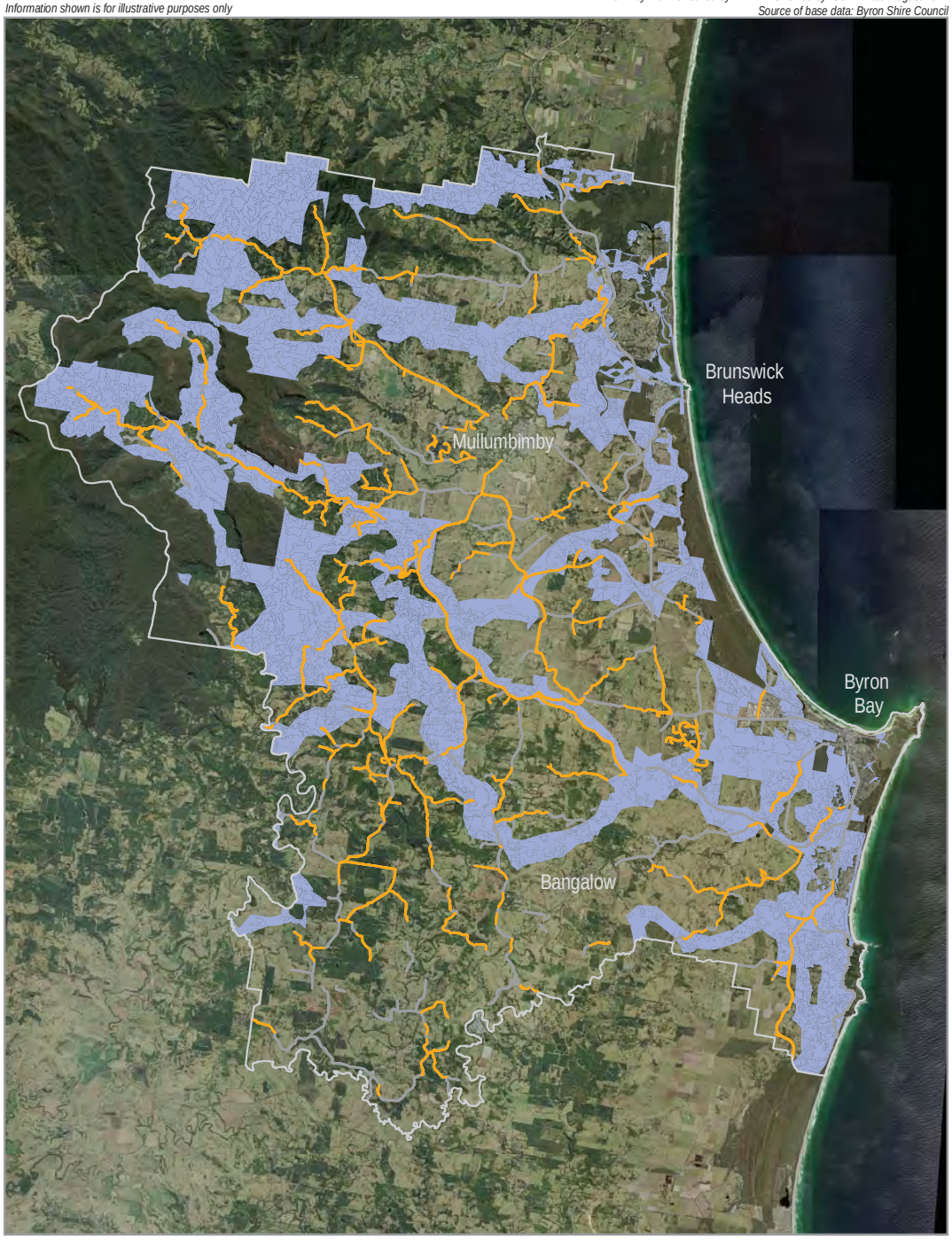
Restoration Activities

10. Undertake targeted control of priority weeds throughout MCV area.
11. Vegetation restoration activities in areas of MQR vegetation will focus on areas with presence of threatened flora species or other environmental values. Work will aim to control significant environmental weeds and promote native vegetation using best practice bush regeneration technique.
12. Focus will be given to areas with presence of threatened flora species, riparian areas, areas adjacent to HCV vegetation as identified in the Byron Biodiversity Conservation Strategy and wildlife corridors (as identified in **Section 8**).

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*Information shown is for illustrative purposes only*

*Drawn by: TJP Checked by: MVE Reviewed by: GJM Date: August 2012*
*Source of base data: Byron Shire Council*




LEGEND

- Byron Shire local government area
- MQR vegetation
- Wildlife corridors
- Road network

North

0 4 km

MQR Vegetation in Byron LGA

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944288

Illustration 5.2

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## 5.3 Low Quality Roadside (LQR) Vegetation

The distribution of LQR roadside vegetation in Byron LGA is shown in **Illustration 5.3**.

LQR areas of vegetation are not EECs, are not the highest vegetation condition class and do not contain threatened species. These areas represent the lowest risk of environmental deterioration resulting from roadside maintenance activities.

Because of the more disturbed and weedy nature of these areas, natural regeneration is almost certainly impeded by weed proliferation. These areas will have significant occurrences of target weed species that will be actively managed and monitored to keep infestations in check.

Aim

- To maintain a safe road corridor while reducing presence and spread of significant weeds species.

Prescriptive Measures

1. Implement machine hygiene practices that ensure machinery movements do not increase the spread of weeds.
2. Side arm slashing areas of native vegetation will be avoided. This includes areas of native trees, shrubs, ferns and groundcovers.
3. Slashing or side arm slashing of species listed in **Table 7.2** is not permitted without prior herbicide treatment (control with herbicide prior to slashing to reduce spread via machinery).
4. If threatened species are proposed to be removed or disturb, translocation and compensatory planting works will be considered and used when possible.

Maintenance Options

5. Slashing and side arm slashing of exotic grasses and weeds (not identified in **Table 7.2**) in road verge, batters and drains permitted. Avoid impacts on adjacent native vegetation.
6. Undertake targeted control of priority weeds (refer to **Section 7.2**) throughout LQR area.
7. This is a lower priority but activities will aim to limit further expansion of weed occurrence.

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*Information shown is for illustrative purposes only*

*Drawn by: TJP Checked by: MVE Reviewed by: TJP Date: August 2012*
*Source of base data: Byron Shire Council*




LEGEND

- Byron Shire local government area
- LQR vegetation
- Wildlife corridors
- Road network

North

0 4 km

LQR Vegetation in Byron LGA

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944289

Illustration 5.3

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# 6

# General Management Principles for Roadside Vegetation

This section outlines management considerations and guidelines in addition to those outlines in **Section 5**.

## 6.1 Legislative Considerations

The legislative framework for environmental management in NSW requires that activities performed in the road reserve are adequately assessed for environmental impacts. **Table 6.1** provides a summary of legislative considerations that may need to be taken into account for any particular activity.

**Table 6.1 Summary of Legislation and Required Assessments for Roadside Vegetation Maintenance Activities in Byron Shire**

| *Council Activities/ Potential Impacts* | *Legislative Trigger* | *Assessment Required* |
|---|---|---|
| Affect visual or scenic qualities | LEP<br>EP&A Act | Consider as part of REF. |
| Impact historic items | *Heritage Act 1977*<br>Infrastructure SEPP | Conservation assessment or plan as part of REF.<br>Consult with Heritage Branch (DoP). |
| Affect threatened species, population or EEC | TSC Act<br>EP&A Act | Assessment under Part 5A of EP&A Act (seven-part test) as part of REF. If significant impact is expected then Species Impact Statement and OEH concurrence. |
| Impact on a Matter of National Environmental Significance | EPBC Act | Impact Assessment Guidelines.<br>Assessment of significance and potential referral. |
| Impact on Koala habitat | SEPP 44<br>TSC Act<br>EP&A Act | Assessment under Part 5A of EP&A Act (seven-part test).<br>Potential Koala Plan of Management. |
| Removal of vegetation | NV Act<br>EP&A Act<br>Infrastructure SEPP | Consider as a part of REF. |
| Traffic management | Infrastructure SEPP | Consider as a part of REF. |

Source: modified from Eco Logical 2010

## 6.2 Vegetation Treatment Methods

Suggested vegetation treatment methods for various roadside vegetation management situations are provided in **Table 6.2**. This table provides guidance in determining the most suitable vegetation maintenance option to be employed in any given situation, with the aim of ensuring that the ecological values of roadside vegetation are retained. Additional detail on treatment methods recommendations are outlined in the Survey (Part B of the project).

**Table 6.2 Vegetation Treatment Recommendations**

| *Treatment Type Description* | *Treatment Type Number* | *Description* | *Where Appropriate* |
|---|---|---|---|
| Side arm slasher/ mulcher | 1 | Slashing of ground or side embankment vegetation using slasher, sidearm or mulcher. | ▪ Non native vegetation in low or medium quality vegetation areas.<br>▪ Where vegetation has potential to impede road safety. |
| Slash - no side arm | 2 | Slashing of ground vegetation in road reserve | ▪ Slashing of road verge where no use of side arm required on surrounding vegetation.<br>▪ Usually used where road reserve is flat dominated by grass or annual weeds with no embankment present. |
| Spray only - infrastructure | 3 | Foliar spray herbicide around infrastructure | Around infrastructure (guide posts, safety fence, kerb, bridges etc.) to maintain visibility for safety and maintenance. |
| Spray only - weeds | 4 | Foliar spray of herbicide on target weed species | Spray targeted weeds with herbicide to control and minimise their spread along road corridor. |
| Vegetation removal | 5 | Trimming of vegetation to maintain road safety | Removal of vegetation impeding road safety including over-hanging vegetation as well as trees in road reserve posing a risk to public safety. |
| Herbicide treatment then slash | 6 | Treat weeds with herbicide prior to slashing (foliar spray, cut and paint, and/ or scrape and paint depending on the species and situation) | Within HQR areas, areas of high restoration potential, areas identified for revegetation and around threatened species. Includes treatment of exotic vine species such as Madeira Vine. |
| Bush regeneration | 7 | Manual control of weeds using bush regeneration techniques | Within HQR areas, areas of high restoration potential, areas identified for revegetation and around threatened species. |

The Survey report points out that there are small or restricted areas with particular values (i.e. fern or herb banks or restricted areas of potential EEC rainforest with occasional emergent woody weeds such as Lantana), which are located within areas of vegetation with a low condition class. Slasher/ side arm operators will need to be mindful of the values of the vegetation they are working in and adopt the appropriate management treatment to ensure compliance with management actions. The roadside handbook and associated training will form part of an operational protocol to ensure this occurs.

## 6.3 Road Safety

One of the primary aims of roadside vegetation management is to ensure that the road verge is maintained in a state that ensures that safety for motorists is not compromised. Inadequately maintained roadside vegetation can contribute to an unsafe driving environment by the presence of features such as:

- Trees within the clear-zone.
- Branches hanging over the carriageway impeding safe truck and bus movement.
- Vegetation impeding clear line of sight around corners.
- Long grass on verges.
- Vegetation blocking drainage and causing road damage.

Standard dimensions of the road envelope (consisting of lanes, shoulder, road verge and batter) can be found in the Austroads road design guidelines (Austroads 2009). In determining the extent of roadside vegetation management, these standards will be followed to ensure that road safety for motorists is not compromised. To maintain safety, trees will not be present in the shoulder or road verge.

Minimum recommended dimensions for rural roads (Austroads 2009) are as follows:

- Traffic lane width of 3.5 m.
- Shoulder width of 1.5 - 2.0 m (depending on traffic volumes).
- Verge width of 1.0 m (minimum).
- Vertical clearance of 5.4 m.

Clearing of vegetation to meet the standards will be undertaken in line with **Section 5** - *Specific Management Actions for Vegetation Quality Categories*.

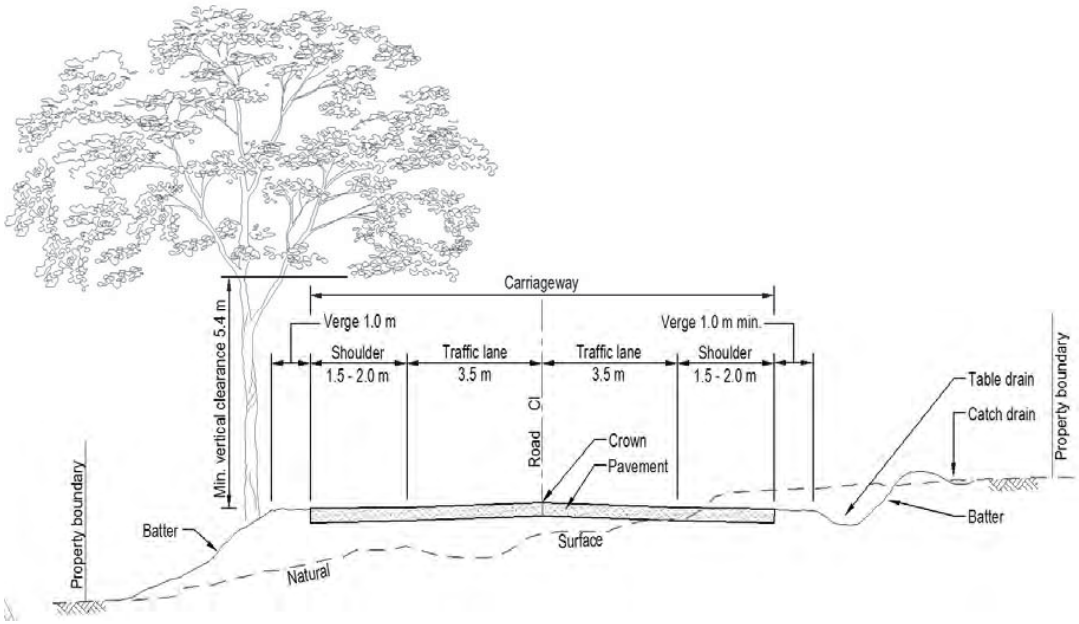



**Illustration 6.1 Rural Road Dimensions**

## 6.4 Erosion

Earthworks in the road corridor are generally associated with road upgrades. Comprehensive discussions of safeguards that can be implemented during earthworks to mitigate risks to the local environment are beyond the scope of this RVMP. Relevant safeguards that can be implemented for road earthworks are outlined below, along with relevant actions in Councils RRRMP.

Consideration also needs to be given to associated impacts of earthworks such as vegetation removal and machinery hygiene. Appropriate ecological assessments must be undertaken for vegetation removal including assessment for impacts on threatened species and communities. Machinery hygiene protocols must be implemented to avoid spreading weeds to and from the worksite (refer to **Section 7.3**).

Management actions that can assist in reducing the risk of erosion on roadsides are:

- Avoid leaving soil bare during works or maintenance. If extensive bare soil is produced following activities, revegetate the area with a suitable sterile grass mix to reduce the risk of immediate erosion.
- Remove the least amount of vegetation necessary to do the works, as plant roots (including grasses) are effective in minimising sediment runoff and erosion.
- When removing dangerous trees, consider leaving the stump in-situ to provide for soil binding. Road safety and maintenance issues of leaving stumps in place will need to be formally addressed and documented via risk management assessments for each location.
- Encourage revegetation, particularly in riparian areas to reduce the potential for water erosion.
- If removing large Camphor Laurel, or similar woody weeds, preferably use stem injection as a control method and cut the tree to stump level so that soil binding is still achieved. In areas where the risk management assessments indicates that there are no safety concerns of falling branches, consider leaving the dead tree in-situ to provide fauna habitat and protection for regenerating rainforest saplings.
- Management actions must be in concurrence with the actions for erosion control in Councils RRRMP.

## 6.5 Protection of Flora and Fauna Habitat

Protecting biodiversity values of roadsides is a key aim of this plan and can be achieved by protecting and restoring native flora communities and associated habitat features. Management consideration for the protection of native flora and fauna habitat are detailed in this section and should be considered in addition to **Section 5** - *Specific Management Actions for Vegetation Quality Categories*.

### 6.5.1 Protection of Significant Native Flora

Byron Shire roadsides support a significant number of threatened flora species. The Survey identified four EECs, one of these also being equivalent to a community listed under the EPBC Act.

Management actions that can assist in protecting significant native flora on roadsides are:

- Ensure roadside management staff and contractors are trained in the use of the RVMP and booklet, know how to identify locations of HQR, MQR and LQR vegetation and the appropriate management action in each area.
- Erect appropriate markers to identify areas of HQR and location of threatened species to ensure council staff, contractors and relevant authorities that work in the road corridor are aware of their location. Liaise with relevant authorities on the marker system, booklet and RVMP.
- Develop and implement vegetation management techniques for HQR areas that result in no loss or degradation of threatened species/ threatened communities or loss of significant habitat.
- Encourage revegetation and rehabilitation of identified wildlife corridor areas that can provide linkages between isolated areas of remnant vegetation.
- In appropriate areas, use best-practice methods of weed control that aim to encourage the regeneration of native species and ultimately to limit the costs, both economic and environmental, of herbicide usage.

- Weed control activities in HQR areas will be carried out by targeted control of weeds using appropriate bush regeneration techniques, undertaken by staff with qualification or training in bush regeneration or equivalent.

### 6.5.2 Protection of Native Fauna Habitat

Management actions that can assist in protecting habitat for native fauna on roadsides are:

- Retain habitat features where there is not a high risk to motorist/ landholder safety (e.g. dead trees, hollow-bearing trees, vegetation connectivity, native understorey, hollow logs).
- If pruning or tree removal is necessary, be aware of the presence of hollows in branches and retain these where possible. If a hollow needs to be removed for safety, a qualified ecologist will be engaged to assess possible native fauna usage of the hollow and to ensure no native fauna is injured during operations.
- If habitat features must be removed, consider relocation to a safe area within the road reserve or suitable nearby location to limit the incremental loss of fauna habitat.
- Encourage revegetation and rehabilitation of 'edges' and gaps between remnant vegetation patches, within roadsides or adjoining land, to reduce edge effects and minimise opportunities for weeds to establish.
- Where there is not a high risk to motorist safety and where the necessary height for free movement of large vehicles along the road has been met, encourage the development of a canopy that arches across the road and allows arboreal mammals to safely cross the road at height.
- The development of a road kill strategy will be investigated to identify road kill 'hotspots' and implement management actions to reduce level of road kill.

Areas of HQR vegetation naturally support many native fauna species because of the diversity of plant species present, low weed burden, and variety of habitat features present. Due to the higher numbers of native fauna in these areas, it is inevitable that fauna crossing the roads will be more common.

There are a number of complexities relating to whether to retain a cleared road verge or not in areas of HQR vegetation. Clearing the road verge can allow motorists to see native fauna and allow time to take evasive action if an animal decides to cross. Alternatively, allowing the vegetation to grow to the maximum safe distance from the road edge will preserve the maximum diversity and quality of vegetation and associated animal habitat. However, native fauna are difficult to see when obscured by vegetation and road-kills as a result of animals not being seen until they cross in front of a vehicle are likely. Further complexities arise when it is considered that native fauna will utilise mown grassy verges for foraging (particularly macropods) and therefore slashing of HQR roadsides may unwittingly encourage fauna closer to the edge of the road. Appropriate signage, speed zones and modification of driver behaviour can all contribute to reducing road-kill numbers.

## 6.6 Special Management Areas

SMAs are intended to be read in conjunction with the conservation value categories, and require special management due to the presence of:

- Existing community bush revegetation/ rehabilitation areas.
- Presence of cultural heritage items (rock walls and memorials).
- Properties listed on Councils Chemical Sensitive Register.

The location of SMAs is shown in **Illustration 6.2**. Although properties on Council's Chemical Sensitive Register require special management consideration, the locations of these were not included on **Illustration 6.2** as this information is confidential.

Management actions to be undertaken in SMAs include:

1. Keep up to date on the content of the Chemical Sensitive Register to accurately record new residents and people no longer on the register.
2. Council will notify owners of chemical sensitive registered properties (as identified in Council's Chemical Sensitive Register) of planned herbicide spraying likely to occur within the adjacent road reserve.
3. Maintenance activities undertaken in areas where community bush regeneration/ revegetation works have been identified will be undertaken so they do not negatively impact on the community works being carried out in these areas. Roadside maintenance and weed management will be undertaken using bushland regeneration techniques where appropriate.
4. Drivers of machinery working near an identified heritage item, such as a stone wall, will exercise due care not to make contact and damage the feature.

*Information shown is for illustrative purposes only*

*Drawn by: TJP Checked by: MVE Reviewed by: GJM Date: August 2012*
*Source of base data: Byron Council*




LEGEND

- Byron Shire local government area
- Existing revegetation/ rehabilitation areas
- Rock wall
- Memorial
- Wildlife corridors

North

0 4 km

Map of Byron LGA Special Management Areas

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944291

Illustration 6.2

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# 7 Weed Management in the Road Corridor

This section of the Plan is intended to provide relevant information on managing weeds along rural roadsides within Byron LGA. Weeds are considered to be the primary threat to the integrity of native vegetation in the road corridor.

## 7.1 Weeds

A weed can be defined very simply as being 'a plant growing out of place'. Obviously this is an anthropocentric view that doesn't necessarily take into account ecological interactions between plants, animals and the environment. Nonetheless, this definition is practical and allows a plant to be readily classified as a weed.

Weeds are categorised according to a number of factors, including:

- Potential economic impact.
- Potential to have adverse health effects on agricultural stock.
- Potential to have an adverse effect on the natural environment.
- Extent of current infestation.

Weeds identified in the Survey are listed in **Table 7.1**. Those weeds that were found to be distributed most widely along the roadsides are identified in bold.

**Table 7.1 Weeds Recorded in the Survey**

| *Botanical Name* | *Common Name* | *Length of Occupied Byron LGA Roadside (m)* | *Percentage of Byron LGA Roadside Occupied* | *Weed Class (Noxious - Nox, Agricultural - Ag, Environmental - Env)* | *Noxious Control Class* |
|---|---|---|---|---|---|
| | Exotic Ficus sp. | *160* | *0.02* | *Env.* | |
| | **Exotic Garden Plant sp.** | ***29,218*** | ***3.41*** | ***Env.*** | |
| | Exotic Grasses | *345* | *0.04* | *Ag./Env.* | |
| ***Ageratina adenophora*** | **Crofton Weed** | ***12,427*** | ***1.45*** | *Ag./Env./Nox.* | 4 |
| *Ageratina riparia* | Mistflower | *2,467* | *0.29* | *Ag./Env./Nox.* | 4 |
| *Ageratum houstonianum* | Blue Billygoat Weed | *9,994* | *1.17* | *Ag./Env.* | |
| *Ambrosia artemisiifolia* | Ragweed | *123* | *0.01* | *Env./Nox.* | 5 |
| *Andropogon virginicus* | Whiskey Grass | *216* | *0.03* | *Ag./Env.* | |
| *Anredera cordifolia* | Madeira Vine | *2,383* | *0.28* | *Ag./Env.* | |
| *Araucaria bidwillii* | Bunya Pine | *261* | *0.03* | *n/a* | |
| *Araujia hortorum* | Moth Vine | *155* | *0.02* | *Env.* | |
| *Asparagus aethopicus* | Ground Asparagus | *62* | *0.01* | *Env.* | |

| *Botanical Name* | *Common Name* | *Length of Occupied Byron LGA Roadside (m)* | *Percentage of Byron LGA Roadside Occupied* | *Weed Class (Noxious - Nox, Agricultural - Ag, Environmental - Env)* | *Noxious Control Class* |
|---|---|---|---|---|---|
| *Asparagus africanus* | Climbing Asparagus Fern | *871* | *0.10* | *Env.* | |
| *Axonopus compressus* | Carpet Grass | *554* | *0.06* | *Ag./Env* | |
| *Baccharis halimifolia* | Groundsel Bush | *1,273* | *0.15* | *Ag./Env./Nox.* | 3 |
| *Bidens pilosa* | Farmers Friends | *1,405* | *0.16* | *Ag./Env.* | |
| *Bryophyllum pinnatum* | Resurrection Plant | *45* | *0.01* | *Env.* | |
| *Bryophyllum* spp. | Mother-of-millions | *19* | *0.00* | *Env.* | |
| *Buddleja davidii* | Butterfly Bush | *493* | *0.06* | *Env.* | |
| *Cardiospermum grandiflorum* | Balloon Vine | *60* | *0.01* | *Env.* | |
| *Cestrum nocturnum* | Night Blooming Cestrum | *943* | *0.11* | *Env.* | |
| *Chloris gayana* | Rhodes Grass | *622* | *0.07* | *Env.* | |
| *Chrysanthemoides monilifera* | Bitou Bush | *744* | *0.09* | *Nox./Env.* | 4 |
| ***Cinnamomum camphora*** | **Camphor Laurel** | ***205,916*** | ***24.02*** | ***Nox./Ag./Env*** | 4 |
| *Cirsium vulgare* | SpearThistle | *341* | *0.04* | *Ag./Env.* | |
| *Coffea* spp. | Coffee | *184* | *0.02* | *Env.* | |
| *Conyza* spp. | Fleabane | *571* | *0.07* | *Ag./Env.* | |
| *Corymbia torelliana* | Cadaghi | *1,118* | *0.13* | *Env.* | |
| *Crocosmia* x *crocosmiiflora* | Montbretia | *658* | *0.08* | *Env.* | |
| *Cynodon dactylon* | Couch | *615* | *0.07* | *Ag./Env.* | |
| *Desmodium intortum* | Green-leaf Desmodium | *455* | *0.05* | *Env.* | |
| *Desmodium uncinatum* | Silver-leaved Desmodium | *828* | *0.10* | *Ag./Env.* | |
| *Drymaria cordata* | Tropical Chickweed | *113* | *0.01* | *Env.* | |
| *Duranta erecta* | Duranta | *2423* | *0.28* | *Env.* | |
| *Eriobotrya japonica* | Loquat | *297* | *0.03* | *Env.* | |
| *Erythrina* x *sykesii* | Coral Tree | *3,557* | *0.42* | *Env.* | |
| *Eugenia uniflora* | Brazilian Cherry | *23* | *0.00* | *Env.* | |
| *Ficus elastic* | Rubber Tree | *269* | *0.03* | *Env.* | |
| *Gomphocarpus* spp. | Cotton Bush | *216* | *0.03* | *Ag./Env.* | |
| *Hypoestes phyllostachya* | Freckle Face | *14* | *0.00* | *Env.* | |
| *Ipomoea cairica* | Coastal Morning Glory | *694* | *0.08* | *Env.* | |
| *Ipomoea indica* | Blue Morning Glory | *1512* | *0.18* | *Env.* | |

| *Botanical Name* | *Common Name* | *Length of Occupied Byron LGA Roadside (m)* | *Percentage of Byron LGA Roadside Occupied* | *Weed Class (Noxious - Nox, Agricultural - Ag, Environmental - Env)* | *Noxious Control Class* |
|---|---|---|---|---|---|
| *Jacaranda mimosifolia* | Jacaranda | *1,386* | *0.16* | *Env.* | |
| *Koelreuteria paniculata* | Golden Rain Tree | *155* | *0.02* | *Env.* | |
| ***Lantana camara*** | **Lantana** | ***124,102*** | ***14.48*** | *Ag./Env./Nox.* | 4 |
| *Leptospermum laevigatum* | Coastal Teatree | *2,276* | *0.27* | *Env.* | |
| *Ligustrum lucidum* | Privet - broadleaf | *17,312* | *2.02* | *Nox./Env.* | 4 |
| ***Ligustrum sinense*** | **Privet - narrowleaf** | ***32,835*** | ***3.83*** | *Nox./Env.* | 4 |
| *Lonicera japonica* | Japanese Honeysuckle | *58* | *0.01* | *Env.* | |
| *Macroptillium atropurpureum* | Siratro | *639* | *0.07* | *Env.* | |
| *Mangifera indica* | Mango | *172* | *0.02* | *n/a* | |
| ***Melinus miutiflora*** | **Molasses Grass** | ***36,049*** | ***4.21*** | *Ag./Env.* | |
| *Melinus repens* | Red Natal Grass | *521* | *0.06* | *Ag./Env.* | |
| *Morus* spp. | Mulberry | *33* | *0.00* | *Env.* | |
| *Murraya paniculata* | Murraya | *149* | *0.02* | *Env.* | |
| *Nephrolepis cordifolia* | Fishbone Fern | *1,643* | *0.19* | *Env.* | |
| *Ochna serrulata* | Ochna | *3,521* | *0.41* | *Env.* | |
| ***Paspalum mandiocanum*** | **Broad-leaved Paspalum** | ***231,662*** | ***27.03*** | ***Ag./Env.*** | |
| *Paspalum notatum* | Bahia Grass | *206* | *0.02* | *Ag./Env.* | |
| *Paspalum* sp. | Paspalum | *586* | *0.07* | *Env.* | |
| *Passiflora subpeltata* | White Passionflower | *39* | *0.00* | *Env.* | |
| *Phyllostachys* spp. | Bamboo | *1,697* | *0.20* | *Env.* | |
| *Pinus elliottii* | Slash Pine | *1,751* | *0.20* | *Env.* | |
| *Psidium* | Cherry Guava | *519* | *0.06* | *Env.* | |
| *Psidium guajava* | Guava | *732* | *0.09* | *Env.* | |
| *Pyrostegia venusta* | Orange Trumpet Vine | *19* | *0.00* | *Env.* | |
| *Rivinia humilis* | Coral Berry | *74* | *0.01* | *Env.* | |
| ***Schefflera actinophylla*** | **Umbrella Tree** | ***11,362*** | ***1.33*** | *Env.* | |
| *Senecio madagascariensis* | Fire Weed | *943* | *0.11* | *Ag./Env.* | |
| ***Senna pendula* var. *glabrata*** | **Winter Senna** | ***13,781*** | ***1.61*** | *Env.* | |
| *Senna septemtrionalis* | Smooth Senna | *226* | *0.03* | *Env.* | |
| ***Setaria sphacelata* var. *sericea*** | **Setaria** | ***37,009*** | ***4.32*** | *Ag./Env.* | |

| *Botanical Name* | *Common Name* | *Length of Occupied Byron LGA Roadside (m)* | *Percentage of Byron LGA Roadside Occupied* | *Weed Class (Noxious - Nox, Agricultural - Ag, Environmental - Env)* | *Noxious Control Class* |
|---|---|---|---|---|---|
| *Solanum mauritianum* | Wild Tobacco | *7,163* | *0.84* | *Env.* | |
| *Sphagneticola trilobata* | Singapore Daisy | *2,583* | *0.30* | *Env.* | |
| *Sporobolus* spp. | Parramatta Grass | *1,142* | *0.13* | *Nox./Ag./Env.* | 3/4 |
| *Syagrus romanzoffiana* | Cocos Palm | *43* | *0.00* | *Env.* | |
| *Tradscantia fluminensis* | Trad | *7,511* | *0.88* | *Env.* | |
| *Urochloa mutica* | Para Grass | *5,847* | *0.68* | *Ag./Env.* | |
| *Yucca* spp. | Yucca | *38* | *0.00* | *Env.* | |

Source: Modified from EnviTE 2012

Table 7.1 shows that the three most widely distributed weeds along roadside in Byron LGA are Broad-leaved Paspalum (*Paspalum mandiocanum),* Camphor Laurel (*Cinnamomum camphora*) and Lantana (*Lantana camara*). Although these species have wide distributions, it does not follow that these weed species currently cause the most environmental harm or that these weed species pose the most environmental risk in the future.

Weeds that are considered to be the most significant in Byron Shire due to their prominence in the landscape or potential to be spread by roadside maintenance activities are discussed in detail in Section 7.2.

Weeds can be categorised into agricultural weeds and/ or environmental weeds depending on the potential impact a particular species has economically and environmentally. Weeds are also categorised as noxious weeds if they currently occupy a limited distribution but have the potential to have serious detrimental effects on agriculture, human health or the environment. Some fall into more than one of these categories as is shown in Table 7.1.

### 7.1.1 Noxious Weeds

The declaration of a weed as noxious is based on two main factors:

1 having a limited distribution but with the potential to become more widespread; and

2 being likely to cause a significant impact on agriculture, human health or the environment if left uncontrolled.

In NSW, regulation of noxious weeds occurs through the *Noxious Weeds Act 1993*. Weeds can be declared noxious under this Act according to the potential risk that they pose to humans, animals and/ or the environment. The Act directs landholders (including government authorities) to take measures to control declared noxious weeds and limit their spread.

Noxious weeds are classified in NSW into the following five control classes (Far North Coast Weeds 2012):

- Class 1: Plants that pose a potentially serious threat to primary production or the environment and are not present in the State or are present only to a limited extent. The plant must be eradicated from the land and the land must be kept free of the plant. The weeds are also 'notifiable' and a range of restrictions on their sale and movement exist.
- Class 2: Plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies and are not present in the region or are present only to a limited extent. The plant must be eradicated from the land and the land must be kept free of the plant. The weeds are also 'notifiable' and a range of restrictions on their sale and movement exist.

- **Class 3:** Plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies, are not widely distributed in the area and are likely to spread in the area or to another area. The plant must be fully and continuously suppressed and destroyed.
- **Class 4:** Plants that pose a potentially serious threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area. The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the Local Control Authority.
- **Class 5:** Plants that are likely, by their sale or the sale of their seeds or movement within the State or an area of the State, to spread in the State or outside the State. There are no requirements to control existing plants of Class 5 weeds. However, the weeds are 'notifiable' and a range of restrictions on their sale and movement exists.

### 7.1.2 Environmental Weeds

Environmental weeds can be defined as those weed species that have, or have the potential to have, a serious detrimental effect on natural ecosystems. These species readily invade native bushland, and are often prominent on the fringes of urban areas as many of these species originated as garden plants.

Some features of environmental weeds allow rapid spread into bushland areas. These features include production of vast quantities of seed, highly effective seed dispersal mechanisms, ability to thrive following disturbance, fast growth rates, and lack of natural control by natural predators.

The serious detrimental effects of environmental weeds on native vegetation are many and include inhibiting natural regeneration, changing hydrology, disrupting nutrient cycles, reducing species diversity, smothering native vegetation (in the case of vines), changing fire regimes, and reducing habitat value.

### 7.1.3 Agricultural Weeds

Agricultural weeds can be defined as those weed species that have, or have the potential to have, a serious detrimental effect on agricultural operations. Agricultural weeds exhibit similar morphological and life strategy features to environmental weeds which result in their being highly successful in reproducing. Most of these weeds proliferate following disturbance, and are therefore well placed to take advantage of agricultural practices that disturb or produce bare soil, and are easily spread by farm machinery.

Agricultural weeds also include species that are toxic to stock such as Crofton Weed (*Ageratina adenophora*), which has been implicated in causing "Numinbah Horse Sickness" if excessive amounts of the foliage of this plant are ingested by horses.

Serious detrimental effects of agricultural weeds include impacts on farm income, threats to animal health, reduction in crop yield, reduction in pasture quality, changes to hydrology, and alteration of soil nutrient status.

Targeted management of the worst agricultural weeds that occur in the road corridor is important as it forms part of an integrated management approach including across a landscape which includes control activities on both private and public land.

## 7.2 Significant Weeds

In order to prioritise and apply effective weed management actions, priority weeds have been identified below and management of common weeds occurring in the road reserve are discussed.

A strategic weed management approach will be adopted so that those weeds that currently cause the most significant management issues and threat to environmental values are identified and targeted.

### 7.2.1 High Priority Weeds

The following weeds have been identified as high priority weeds to be targeted throughout the road corridor. These weeds have been prioritised based on their ability to spread vegetatively, high growth rates and are recognised as creating a threat to the environmental values of roadside vegetation. They are also more likely to be spread via machinery through the road corridor.

The primary safeguard against spreading these species is to treat them with herbicide and not to slash them. By training slashing contractors on how to accurately identify these species, incidences of machinery acting as a dispersal mechanism can be reduced. Implementing machinery cleaning procedures will further reduce the risk of spreading these species into ecologically valuable areas of roadside vegetation.

**Table 7.2 Vegetatively Spread Weeds of Byron Shire Roadsides that Should Not be Slashed**

| *Botanical Name* | *Common Name* |
|---|---|
| *Anredera cordifolia* | Madeira Vine |
| *Buddleja davidii* | Butterfly Bush |
| *Desmodium intortum* | Green-leaf Desmodium |
| *Desmodium uncinatum* | Silver-leaved Desmodium |
| *Erythrina* x *sykesii* | Coral Tree |
| *Ipomoea cairica* | Coastal Morning Glory |
| *Ipomoea indica* | Blue Morning Glory |
| *Lonicera japonica* | Japanese Honeysuckle |
| *Nephrolepis cordifolia* | Fishbone Fern |
| *Sphagneticola trilobata* | Singapore Daisy |
| *Tradescantia fluminernsis* | Wandering Jew |

In addition to the weeds listed above, priority weeds include species listed as noxious.

It is expected that new weeds will emerge in the road reserve that will fit the criteria used to identify the weeds listed in **Table 7.2**. This list will be reviewed regularly and new weeds that were not identified in the Survey added where appropriate.

### 7.2.2 Common Weeds

#### *7.2.2.1 Camphor Laurel*

Camphor Laurel is listed as a class 4 noxious weed under the *Noxious Weeds Act 1993* in a number of LGAs on the North Coast of NSW. This means that the growth and spread of Camphor Laurel must be controlled according to the measures specified in a management plan published by the Local Control Authority (Far North Coast Weeds).

The approach to Camphor Laurel management in Byron Shire is contained within BSC Policy no. 11/007, (adopted August 2011). This policy contains these general provisions:

- Large individual specimens (over 1 m at breast height) in any urban and village zones are protected by Council's Tree Preservation Order to ensure consideration of heritage and aesthetic values subject to application to remove such trees.
- Biodiversity conservation values of Camphor Laurel as per 3.2 are generally associated with significant areas of Camphor Laurel forest and/ or where Camphor Laurel is present as riparian vegetation, within a mapped wildlife corridor or forming a vegetated linkage between other retained vegetation.
- The presence of Camphor Laurel can promote the dispersal and germination of fleshy fruited rainforest species. The promotion of these rainforest species can aid the transition of non-rainforest ecosystems towards becoming rainforest. The regeneration of non-rainforest communities will therefore aim to continually suppress camphor invasion and establishment.

Council's Camphor Laurel Management policy also indicates that if Camphor Laurel is being controlled to encourage native forest regeneration, land managers are encouraged to use the 'camphor conversion' technique where trees are stem injected and the dead trees are left to decay in-situ (Kanowski and Catterall 2007). This technique may conflict with the work health and safety requirements for road safety in the road reserve. Individual sites will be assessed and trees that are likely to be unsafe if left standing will be cut to stump level after treating.

Management of Camphor Laurel along Byron LGA roadsides will be in line with Far North Coast Weeds - Management Control Plan. Camphor Laurel removal will also be focused in identified areas for revegetation and rehabilitation (refer to Section 8.2). Safety risk of leaving dead Camphor Laurel trees standing (camphor conversion technique) will be undertaken and if the safety risk is too great for motorists or the public, the tree will be remove to stump level.

#### *7.2.2.2 Lantana*

Lantana (*Lantana camara*) is a scrambling shrub listed as class 4 noxious under the *Noxious Weeds Act 1993* in most coastal LGAs. This means that the growth and spread of Lantana must be controlled according to the measures specified in a management plan published by the Local Control Authority (Far North Coast Weeds). This species is also a Weed of National Significance due to its impacts on primary industries, conservation and biodiversity, and the extent of its distribution.

The Survey identifies significant areas of roadside where weeds such as Lantana are not routinely sprayed. While this weed is easy to control with a foliar spray, once the primary management intervention is complete there is potential for other more serious weeds such as Madeira Vine to invade the trellis structure and start to dominate the site.

Initial management of Lantana along roadsides will focus on treatment in areas where the plant is encroaching into the road corridor and in areas being treated as part of a restoration works program.

#### *7.2.2.3 Exotic Vines and Scramblers*

Infestations of a large number of significant exotic vines and scramblers occur along roadsides in Byron LGA. Species recorded in the Survey include Madeira Vine (*Anredera cordifolia*), Cat's Claw Creeper (*Macfadyena unguis-cati*), Blue Morning Glory (*Ipomoea indica*), Coastal Morning Glory (*I. cairica),* Balloon Vine (*Cardiospermum grandiflorum*), Climbing Asparagus Fern (*Asparagus africanus*), Japanese Honeysuckle (*Lonicera japonica*), White Passionflower (*Passiflora subpeltata*), Moth Vine (*Araujia hortorum*), Siratro (*Macroptillium atropurpureum*), Green-leaf Desmodium (*Desmodium intortum*) and Silver-leaved Desmodium (*D. uncinatum*).

A significant number of exotic vine species are recognised as weed species in NSW. In recognition of this, "invasion and establishment of exotic vine and scramblers" is listed as a Key Threatening Process under the TSC Act. These vine weeds can be particularly damaging to native ecosystems because of their capacity to climb into the canopy and smother trees resulting in degradation of vegetation quality. Weed vines can smother regenerating trees and shrubs, and also carpet the understorey vegetation.

One of the most significant of these vine weeds is Madeira Vine (*Anredera cordifolia*), due to its ability to easily spread vegetatively and high growth rate. Madeira Vine is a vigorous climber which can produce thousands of aerial tubers along its stem. These tubers can germinate when they make contact with the soil, by either raining down or being dislodged mechanically. It is mechanical dislodgement and dispersal which is the significant risk in roadside vegetation management, where slashing and transporting parts of the stem and tubers can result in the species being spread widely throughout the road corridor.

It is recommended that the management of exotic vines and scramblers along the roadsides of Byron LGA will focus on restricting the spread of existing infestations, and reducing their occurrences in HQR areas and areas prioritised for restoration works. Implementation of machinery hygiene protocols, including machinery cleaning in designated cleaning bays will assist in reducing the assisted spread of species that spread via vegetative means.

#### *7.2.2.4 Coral Tree*

Coral Tree (*Erythrina* x *sykesii*) is a semi-deciduous, very hardy tree of medium size. This weed is a sterile hybrid and therefore does not reproduce by seeds. However, this tree readily spreads vegetatively, and any piece of the plant left in contact with the soil has the potential to take root.

Coral Tree has been identified as a high priority weed and it is recommended that the management of Coral Tree along the roadsides of Byron LGA will focus on restricting the spread of existing infestations, particularly in areas that have been identified for strategic revegetation and rehabilitation in this RVMP (refer to **Section 8.1**). Implementation of machinery hygiene protocols, including machinery cleaning in designated cleaning bays will assist in reducing the assisted spread of this species into areas of HCV vegetation.

#### *7.2.2.5 Grasses*

The most common vegetation community recorded in the Survey was dominated by exotic grasses (refer to **Section 3.1.2**). Exotic grass species are able to quickly dominate regularly disturbed areas with a high light environment; a situation typical of roadsides. Other species such as Broad-leaved Paspalum (*Paspalum mandiocanum*) thrive in lower light conditions and are therefore a significant threat to the understorey of forested vegetation. Less vigorous native grasses growing on the periphery of wet sclerophyll forests and rainforest, such as species from the genera *Oplismenus* and *Arthraxon,* are particularly susceptible to displacement by Broad-leaved Paspalum.

A common mechanism for grass seeds to establish in new areas is transporting via vehicles, including on machinery and cars. Typically, small grass seeds accumulate in difficult to reach recesses, such as in the corners of a slasher deck, and as a result can be transported long distances along the road network quickly and effectively.

The most significant exotic grasses occurring along Byron Shire roadsides are listed in **Table 7.3**. The typical seeding period of these species is also provided (NSW Agriculture 2001; BSC 2010; Hacker 1991; Technigro 2011; Csurhes and Navie 2009; Andrew, Whalley and Jones 1996). Management of dense infestations of these species will ideally include avoiding slashing during the peak seeding period, particularly in areas where there is the risk of spreading the seeds via machinery to adjacent weed-free HCV vegetation.

Table 7.3 Significant Exotic Grasses and Seeding Period

| *Botanical Name* | *Common Name* | *Peak Seeding Period* |
|---|---|---|
| *Andropogon virginicus* | Whiskey Grass | March-May |
| *Paspalum mandiocanum* | Broad-leaved Paspalum | November-March |
| *Paspalum notatum* | Bahia Grass | December-March |
| *Setaria sphacelata* var. *sericea* | Setaria | December-May |
| *Sporobolus* spp. | Parramatta Grass | January-July |

### 7.2.3 Weed Dispersal

Weeds disperse using a variety of dispersal mechanisms. These can be grouped into:

- Natural dispersal mechanisms - such as by wind, water, or animals; and
- Human-assisted mechanisms – such as on machinery, on footwear, or in plant media.

Efforts will be made to limit new infestation of weeds. However, it is only generally feasible to modify the contribution of human-assisted dispersal mechanisms when attempting to control weeds. For example, by using appropriate machinery cleaning procedures, the potential for spreading weeds on slasher decks can be effectively reduced.

Slashing of roadside vegetation has facilitated the spread of a number of weed species in this region, such as Parramatta grasses (*Sporobolus* spp.) and Broad-leaved Paspalum (*Paspalum mandiocanum*). This is related to the small seed of both of these species readily accumulating on the slasher deck and being spread as the slasher moves along the roadside. Other weeds readily re-establish vegetatively if they are slashed. Those species recorded in the Survey that display this capacity are listed in **Table 7.2**.

## 7.3 Machine Hygiene

The primary safeguard against spreading weeds throughout the road corridor via slashing activities is to avoid slashing weeds that can re-establish vegetatively (refer to **Table 7.2**), and to time slashing to avoid the seeding period of the significant exotic weed grasses (refer to **Table 7.3**). Inevitably, this approach will not eliminate the transport of all weed seeds on machinery and therefore undertaking vehicle wash-down procedure is also essential.

The location of machinery wash-down areas is to be determined by BSC vegetation management staff and contractors. The following guidelines will assist in locating these areas appropriately:

- The area will not be located in HQR vegetation.
- Clearing of native vegetation will be avoided. Where removal is necessary, an ecological assessment of the wash-down area will be completed prior to clearing.
- Areas needs to be large enough to safely park and work around a large piece of machinery such as a grader (an adequate size for the wash-down bay is estimated to be 15 m long by 6 m wide).
- A gravel pad will be constructed at each wash-down area to minimise the risk of re-transporting seed on muddied wheels.
- Areas will be sited an adequate distance from any waterways to avoid spreading weeds through runoff (suggested distance is >100 m).
- Erosion and sediment control structures will be established where water exits the wash-down areas to mitigate potential environmental issues associated with water run-off.
- Where there is a risk of extensive run-off, the wash-down area will be bunded and a sump constructed to safely dispose of any contaminated sludge produced.
- If hydrocarbon pollution is observed as a rainbow slick on the surface of water, the affected area will be contained by bunding and cleaned up according to Council chemical spill guidelines.
- Areas will be reused where possible.

Following the wash-down procedure, noxious plant material to be removed from the site will be double-bagged and disposed of responsibly in the general rubbish (not green-waste). Regular monitoring of the wash-down areas for germination of noxious and significant weeds will be undertaken and infestations treated in-situ with an appropriate herbicide.

The intention of conducting machinery hygiene is to ensure that weeds are not spread along the roadside inadvertently during roadside maintenance activities. Machinery must be thoroughly cleaned as many seeds of weed species (e.g. grasses) are very fine and can accumulate in difficult to reach recesses of equipment such as slashers.

North Coast Weeds Advisory Committee (NCWAC) (2011-2012) suggests the following cleaning equipment for machinery hygiene:

1. Mobile water tanker of QuikSpray unit. This has the disadvantage of potentially contaminating adjacent drains and waterways through sediment laden waste-water.
2. Brush and dustpan for cleaning cabins.
3. Air-cleaning (requires a portable air compressor).

The comprehensive vehicle clean-down procedure checklist from NCWAC (2011-2012) lists the areas that will be attended to during machinery cleaning. Not all of these will be implemented, as each piece of machinery is different. The checklist is as follows:

1. Inspect the interior of the vehicle, especially foot-wells.
2. Check carpets and mats for seeds and mud.
3. Inspect the exterior of the vehicle, especially:
    - For utilities: inspect the floor of the tray and channels of tailgates, side guards and under chassis rails. Also, gaps in the floor welds or boards and bolt holes.
    - Wheel arches, wheel rims, flares, step treads and bumpers.
    - Mud flaps.
    - Tyres and rims.
    - Axels and diffs.
    - Spare tyres, especially if they are suspended underneath (note: these are potentially a high risk area as seeds collect inside the horizontally positioned rim).
    - Machinery tracks.
    - Attachments on machinery such as buckets, arms, blade, etc.
4. Inspect the engine bay, especially:
    - Radiator.
    - Grill.
    - Top of transmission gearbox.
    - Recession under windscreen wipers.
    - Air filter intakes.
5. Inspect tool boxes and storage compartments present in and on your vehicle.
6. Inspect trailers: wheels, guards, trays, channels of draw bar and under body.
7. For water-craft, wash entire vessel paying special attention to under seats and ribs, the prop and engine.

## 7.4 Weed Management Actions

1. Establish communications procedure and contact persons between BSC, other agencies ,their task being to collect and distribute relevant information throughout their own organisation such as:
   a. Location of treated areas.
   b. Target species.
   c. Control method.
   d. Details of herbicides used.
   e. Location of HQR vegetation and threatened species.
2. Train Council staff and vegetation management contractors in identification of key weed species and the best-practice management techniques.
3. Record new outbreaks of weeds and areas that are rapidly expanding so that adaptive management can occur.
4. Adopt a strategic weed control approach where priority weeds are targeted to reduce their spread though the road corridor.
5. Prioritise weed control activities. For example, high priority activities include weed control around infrastructure such as guide-posts and guard-rails and weed control in HQR areas, while low priority activities include control of Lantana in LQR vegetation.
6. Prioritise weed control in areas that have been identified for strategic revegetation and rehabilitation in this RVMP (refer to Section 8.2).
7. Weed control activities in HQR vegetation will use bushland regeneration techniques undertaken by appropriately qualified workers.
8. Ensure that the correct herbicide for a particular job is selected, that the minimum recommended amount of herbicide is used, and that it is applied in the recommended manner as detailed on the product label.
9. Avoid slashing and spreading of the seed of weed species. This is achieved by spraying/ treating prior to slashing and/ or timing slashing to avoid the seeding period of these species.
10. Avoid slashing and spreading weed species that spread vegetatively (refer to Table 7.2), and grasses that are readily spread by machinery (refer to Table 7.3). This will require training to ensure these species are readily identifiable by Council staff and vegetation management contractors.
11. Use wash-down or air-cleaning procedures on machinery that has worked in infested areas to avoid transporting of reproductive material from weeds to new areas, particularly HQR areas.
12. Machinery cleaning areas (wash-down bays) will be established in strategic locations outside of HQR areas. Weed seed and vegetative material collected in wash-down bays requires appropriate disposal or treatment in-situ (refer to Section 7.3).

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# 8 Protecting and Enhancing Biodiversity Values

## 8.1 Roadside Markers

Installation of roadside markers is an essential component of the Plan which aims to identify areas of HCV vegetation including areas identified as HQR vegetation and the location of threatened flora species. The main purpose of the signage will be to alert Council staff and roadside maintenance workers to the location of areas of environmental significance along the road reserve. Roadside markers will assist Council and other agencies to protect areas of high quality vegetation and threatened species, and assist in complying with the requirements of relevant environmental legislation.

The markers will be used in combination with the field booklet and will provide a field based trigger for roadside workers to undertake appropriate management strategies in line with the management principals and actions provided in the Plan and field booklet.

### 8.1.1 Design of Markers

The roadside marker system will involve the use of two different marker designs which will be applied to existing or new white roadside markers. These symbols will provide a clear indication of the location of areas of HQR and the location of threatened species. Markers can be applied to white roadside markers using a spray paint stencil. This provides a cheap and effective way of marking areas which can be repeated and renewed when required.

The marker designs are shown in **Illustration 8.1** and **Illustration 8.2**. The design shown in **Illustration 8.1** will be used to identify areas of HQR vegetation. The design shown in **Illustration 8.2** will be used to identify location of threatened species.

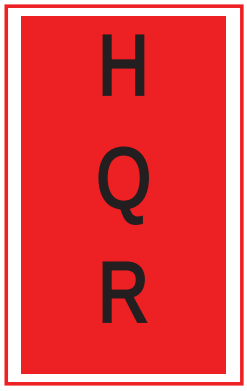



**Illustration 8.1 HQR Vegetation Marker**



**Illustration 8.2 Threatened Species Marker**

### 8.1.2 Installation of Markers

The roadside markers will be installed following on site inspection of HQR areas. Any changes in location of HQR areas markers following on site inspection will be recorded using a GPS and recorded in Councils GIS database.

It is recommended that the following guidelines be used to guide the installation of roadside markers:

- HQR markers will be installed at the start of HQR to alert operators they are entering a HQR area and at intervals (e.g. 30 to 50 m) to ensure next marker is within line of sight.
- Markers will differentiate at the beginning and end of HQR areas, with the end markers having a diagonal line over the marker to indicate that the HQR areas has ended.
- Leaf symbol markers will be installed to identify locations where threatened flora species occur within 5 m of the road edge, or where there is potential for management actions to negatively impact on threatened species.
- Use existing white marker posts where possible.
- New white marker posts will be installed in accordance with Australian Standard AS1742.2.
- Location of markers will be recorded and stored in a GIS database.

## 8.2 Strategic Revegetation and Rehabilitation Sites

Revegetation of native ecosystems is the act of re-planting endemic native flora species in an area with the aim of re-establishing the pre-existing vegetation that occurred at the site prior to clearing or disturbance.

Rehabilitation of native ecosystems is the act of minimising threats and repairing undesirable attributes of an area of native vegetation. This often consists of weed control activities, but can also include actions such as thinning to create gaps for regeneration, use of fire as a germination stimulant for seeds, and importing habitat features such as nest boxes and hollow logs.

Undertaking rehabilitation works in the road reserve through a bush regeneration program presents a number of challenges compared with rehabilitation in other areas. The constraints created by traffic hazards increase the workplace safety requirements and the time taken to undertake works. In addition, the linear nature of road reserves means that the entire area is effectively influenced by edge effects. Road reserves have no 'core area' so the impacts of weeds and other factors, such as wind and sunlight, are present throughout the reserve, usually resulting in the higher management requirements. For these reasons undertaking rehabilitation works are more time, labour and resources intensive that other rehabilitation programs.

### 8.2.1 Strategic Revegetation Sites

The aim of this section is to provide a process for identifying and prioritising areas suitable for revegetation.

Strategic revegetation sites can be identified and prioritised using a GIS query based on the following criteria:

- Sites which form a linkage between areas of HQR.
- Sites within a wildlife corridor.
- Sites in riparian areas.

Sites meeting multiple categories will be higher priority that those meeting individual criteria.

An example of a potential strategic revegetation site is shown in **Illustration 8.3**. The identified area is in MQR vegetation between two areas of HQR vegetation and is mapped as a wildlife corridor.

Sites will need to be ground truthed in order to identify suitable areas for revegetation within the identified potential strategic revegetation sites. A number of factors need to be taken into consideration. For an area to be considered suitable the following questions must be considered:

- Is the location safe for working along the roadside?
- Are there available open areas at the site in which to conduct the revegetation?
- Is the weed burden so heavy that it will be unduly expensive or difficult to treat prior to planting?
- Is the potential for weeds to re-invade a site so high as to make the chances of success low?
- Will the revegetation impact on existing machinery cleaning bays?
- Will the revegetation cause a traffic hazard by being within the clear-zone or by obscuring line of sight for vehicles?

The ultimate aim of strategic revegetation is to minimise the need for long-term weed control, to create a self-sustaining ecosystem that provides habitat for native fauna and fauna, and to form strategic linkages between remnant vegetation in the landscape.

### 8.2.2 Strategic Rehabilitation Sites

The aim of this Section is to outline the process for identifying and prioritising sites suitable for rehabilitation using bush regeneration techniques.

Strategic rehabilitation sites will be identified and prioritised using a GIS query based on the following criteria:

*Vegetation Condition Criteria*

- Sites with HQR vegetation.
- Sites containing priority weeds.
- Sites containing threatened species and/ or EECs.

*Location Based Criteria*

- Sites adjacent to HCV vegetation (as defined in Byron Biodiversity Conservation Strategy).
- Sites within the wildlife corridor.
- Sites within riparian areas.
- Sites adjoining National Parks.
- Sites where community rehabilitation works are underway.
- Sites adjoining Land for Wildlife properties undertaking rehabilitation works.

Sites meeting multiple categories will be higher priority that those meeting individual criteria.

Similar to locating strategic revegetation sites, priority will be given to locating strategic rehabilitation sites within riparian zones, in proximity to threatened species and within areas HQR areas with the presence of priority weeds.

A number of factors need to be taken into consideration when working in these areas. For an area to be considered suitable the following questions must be considered:

- Is the location safe for working along the roadside?
- Is the weed burden so heavy that it will be unduly expensive or difficult to treat?
- Is the potential for weeds to re-invade a site so high as to make the chances of long-term success low?
- Are works department staff aware of the rehabilitation activities? This is essential to ensure standard maintenance activities do not negatively impact on rehabilitation work.

### 8.2.3 Procedures for Establishing Revegetation Sites

Revegetation sites must be planned in a co-ordinated fashion to ensure that works are appropriate for a location and that the likelihood of a successful outcome is maximised.

Guidelines for good practice revegetation activities include:

1. The species selected for revegetation must consist of endemic native species derived from as close as possible to the revegetation site.
2. The selected species will be suitable for the site and reflect the surrounding extant remnant vegetation, or if this is absent, will reflect what vegetation will be expected to have originally occupied this site.
3. Incorporation of threatened flora species in revegetation projects may be considered if this is in line with the relevant threatened species recovery plans (approval from OEH may be necessary).
4. Ensure that the area is appropriately prepared and weeds are controlled before planting occurs. This will maximise the likelihood of success, and minimise the need for weed control while plants are establishing.

5. Revegetation activities will be timed to coincide with months when there is sufficient soil moisture, or alternatively there is a reliable access to a water source for additional watering to occur.
6. Weeds will be controlled at the site until the area can establish a canopy that will limit weed infestation. This may extend for two years or more.

Management actions must be in concurrence with the actions for revegetation activities in Councils RRRMP and Bush Regeneration Guidelines.

*Information shown is for illustrative purposes only*

*Drawn by: TJP Checked by: MVE Reviewed by: GJM Date: August 2012*
*Source of base data: Byron Shire Council*




LEGEND

- Byron Shire local government area
- HQR vegetation
- MQR vegetation
- LQR vegetation
- Wildlife corridors

North

0 790

## Example of Areas for Strategic Revegetation

GeoLINK environmental management and design

Byron Shire Council Roadside Vegetation Management Plan
1944292

Illustration 8.3

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# 9 Implementation

**Table 9.1** outlines the actions for implementation and identifies the required resources, an indication of priority and designated responsibilities.

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Table 9.1 Implementation Actions

| *No.* | *Action* | *Resources Required* | *Responsibility* |
|---|---|---|---|
| *Training* | | | |
| 1 | Publicise and distribute the RVMP and booklet within Council and to relevant Authorities. | In house staff time | Natural Environment staff |
| 2 | Train relevant vegetation maintenance staff and other relevant roadside workers on the intention of the RVMP and how it will be implemented. | $3,000 initial training (already allocated) plus in house staff time | Natural Environment staff, Consultant, Works Manager |
| 3 | Train Council staff and vegetation management contractors in identification of key weed species and the best-practice management techniques. | In house staff time | Natural Environment |
| 3 | Incorporated training into induction process for new staff. | In house staff time | Natural Environment and Works staff |
| 4 | Deliver regular refresher training to staff and contractors. | In house staff time | Natural Environment and Works staff |
| *Management of HQR and Threatened Species* | | | |
| 5 | Undertake an onsite inspection of HQR areas to determine and document appropriate management actions in the area that meets objectives and requirements. | In house staff time | Natural Environment and Works staff |
| 6 | Install roadside markers identifying HQR areas. It is expected this will be done using a staged approach as resources allow. | $25,000 (materials) plus staff time | Natural Environment and Works staff |
| 7 | Install roadside markers identifying threatened species in MQR areas. It is expected this will be done using a staged approach as resources allow. | $6,000 (material) plus staff time | Natural Environment and Works staff |
| 8 | Record location of additional threatened species records in Councils threatened Species database. | In house staff time | Natural Environment |
| 9 | Implement management actions from **Section 5**. | In house staff time | Natural Environment and Community Infrastructure, Works |
| 10 | Identify high priority sites suitable for vegetation restoration works according to criteria in **Section 8.2**. | In house staff time | Natural Environment |
| 11 | Develop works program and site action plans for restoration sites. | In house staff time | Natural Environment |
| 12 | Develop and implement vegetation management techniques for HQR areas that result in no loss or degradation of threatened species/threatened communities or loss of significant habitat. | In house staff time | Natural Environment and Community Infrastructure, Works |

| No. | Action | Resources Required | Responsibility |
|---|---|---|---|
| *Weed Management* | | | |
| 13 | Adopt a strategic weed control approach where priority weeds are targeted to reduce their spread though the road corridor. | Existing staff/ contractors | Natural Environment and Works staff |
| 14 | Implement machine hygiene practices as per **Section 7.3**. This will require further investigation and will be implemented as resources allow. | To be determined | Community Infrastructure and Works staff |
| 15 | Record new outbreaks of weeds in areas that are rapidly expanding so that adaptive management can occur. | Existing staff/ contractors | Roadside maintenance staff/ contractors |
| 16 | Monitor the implementation of the actions contained within the plan to ensure that the aims of the plan are being met. | In house staff time | Natural Environment staff and Community Infrastructure Manager |
| *Communication* | | | |
| 17 | Establish communications procedure and contact persons between BSC, other agencies (Far North Coast Weeds, Essential Energy), to share information of roadside vegetation management activities. | In house staff time | Natural Environment, Works staff and relevant agencies. |
| 18 | Establish and implement reporting mechanism for road side workers to report new significant weed occurrences, environmental values and presence of management issues. | In house staff time | Works staff/ contractors |
| 19 | Maintain RVMP steering committee to implement, monitor and review RVMP. | In house staff time | Natural Environment and Community Infrastructure, Works |
| *Monitoring and Review* | | | |
| 20 | Establish vegetation monitoring program to monitor changes in vegetation condition. | In house staff time | Natural Environment |
| 21 | Receive feedback and advice on the practical use of the RVMP and handbook. | In house staff time | Natural Environment staff and Community Infrastructure Manager |
| 22 | Update the roadside vegetation spatial layers as new and /or more site specific data is gathered. | In house staff time or through additional funding | Natural Environment staff |
| 23 | Plan review - Incorporate feedback and refine the RVMP. | Additional funding (estimated $6,000) every 5 years | Natural Environment staff and Community Infrastructure Managers |

## 9.1 Prioritising Implementation

Implementation of the RVMP will be dependent on budget availability by Council and is expected to be implemented in stages as funding and resources allow.

Protection of significant conservation values, including threatened species and EECs is a primary aim of the RVMP. The marker system and use of specific management actions are the primary way of achieving this aim, therefore implementing these actions will be prioritised.

The RVMP has identified 237 polygons of HQR vegetation which represents approximately 107 km of roadside vegetation. HQR sites meeting the following criteria can be prioritised for implementation:

- Sites containing or adjoining existing rehabilitation work.
- Sites adjoining areas of HCV (as per Byron Biodiversity Conservation Strategy).
- Sites with presence of priority weeds.
- Sites in riparian areas.

Sites meeting multiple criteria will be prioritised over sites with meeting singular criteria.

Consideration will also be given to implementing the Plan in road segments. That is, road segments that have a high abundance of HQR areas and threatened species will be prioritised over road segments that have lower abundance of HQR areas and threatened species present.

Implementing weed management actions will also be prioritised in conjunction to the management of HQR areas.

## 9.2 Training

A key component is to train Council staff and contractors on how the RVMP will practically be utilised. An initial step, prior to formal training will be to undertake a skill audit of key staff members to identify their skill levels so that training required can be tailored to the appropriate level. The primary functional tool of the RVMP is the maps that will be produced in the booklet and the management activities that are associated with the conservation value categories.

Training sessions will consist of:

- initial training for existing BSC staff and sub-contractors and agencies representatives.
- period refresher training.
- training for new BSC staff and sub-contractors.

Training will include the following:

- Overview of the project and the need for an RVMP.
- Overview of values of roadside vegetation.
- Significant weed identification.
- Summary of results of the Survey.
- Use of the maps of roadside vegetation quality categories in the booklet.
- How to implement the associated management actions.
- Machinery hygiene procedures.

## 9.3 Use of the RVMP by Stakeholders

Various organisations require access to roadsides for conducting their work activities such as Far North Coast Weeds, NSW Rural Fire Service, Essential Energy and the Northern Rivers CMA. These organisations will be included in distribution of this RVMP, and training offered for relevant staff members who may need to practically use the content. These partner organisations will also be invited to make comment on the RVMP and to provide advice on refinements and future improvements to the Plan.

# 10 Monitoring and Evaluation

## 10.1 Monitoring and Evaluation Framework

Implementation of the RVMP will be undertaken using an adaptive management approach where implementation of the Plan will be reviewed and evaluated and lessons learned and information gathered will go to inform changes in management approach to achieve the aims. Therefore establishing an effective monitoring and evaluation program is an essential component of this approach. Effective implementation of the RVMP will also rely on all stakeholders contributing constructive criticism and making the RVMP process iterative and flexible.

In evaluating the success of the RVMP the aims of the project will be used as a basis for developing a monitoring protocol. The environmental aim of the project is to protect significant conservation values, including threatened species and EECs. A measure of success for the project will therefore relate to whether the RVMP has assisted in protecting the conservation values of roadside vegetation.

This will require setting up a set of replicated monitoring sites in LQR, MQR and HQR areas that will have ongoing ecological assessment to determine changes in vegetation condition, weed presence etc. These monitoring sites will have baseline data collected prior to implementation of any changed management approach. Data from the Survey can also be fed into this baseline data where appropriate. Follow-up monitoring of these sites will occur at yearly intervals (for at least five years) to provide data on medium-term changes that may be attributable to the implementation of the RVMP.

Measurable components include:

- Degree of weed infestation.
- Vegetation quality.
- New threatened species records.
- Evidence of regeneration of native vegetation.

Additional information can be collected through a survey/ collation of work record sheets from roadside vegetation maintenance staff, including:

- Records of new weed infestations, threatened species, other significant data being reported by roadside vegetation maintenance staff on a work record sheet.
- Records of weed control activities indicate that target weeds and HCV areas are receiving priority treatment.
- Records of information being shared between Council and Far North Coast Weeds.
- Machinery hygiene procedures are adopted and wash-down bays are being used regularly.
- Recommendations/ comments on improvement to the RVMP and management guidelines are being conveyed to relevant BSC staff.

The management aim of the project is to balance ecological conservation with the necessities of roadside vegetation management. An indication of the success of the RVMP will be:

- Favourable user reviews of the plan.
- Staff and contractors are using the plan to guide their vegetation maintenance activities.
- Machinery hygiene procedures are adopted and wash-down bays are being used regularly.
- Staff and contractors are providing constructive feedback on how the plan could be improved.

Feedback received from staff and contractors on the applicability and ease of use for the RVMP, and its associated components, use of recommended treatments in particular areas, and emergence of new threats such as new weeds will facilitate improvement and development of updated versions of the RVMP. This information will be incorporated into new versions of the RVMP in the future. As a guide it is recommended that this RVMP will be reviewed no later than five years from production so that changes in vegetation and management actions can be updated.

A long-term monitoring program will ideally focus on whether the Plan has achieved the aim of protecting the significant conservation values of the roadside vegetation of Byron LGA. Monitoring in this case will involve replicating the polygon data collected for this project to ascertain that there has been no degradation in the quality of the vegetation as determined in the original Survey. If the Plan is being implemented effectively, some areas will have reduced weed infestations and revegetation and rehabilitation activities are forming links between existing vegetation patches within defined wildlife corridors.

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# Appendix A

## Threatened Flora and Fauna

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Table A1: Threatened Fauna and Flora Species Previously Recorded in Byron LGA

| *Common Name* | *Species Name* | *TSC Act* | *EPBC Act* |
|---|---|---|---|
| *FAUNA* | | | |
| *Mixophyes fleayi* | Fleay's Barred Frog | Endangered | Endangered |
| *Mixophyes iteratus* | Giant Barred Frog | Endangered | Endangered |
| *Philoria loveridgei* | Loveridge's Frog | Endangered | |
| *Assa darlingtoni* | Pouched Frog | Vulnerable | |
| *Crinia tinnula* | Wallum Froglet | Vulnerable | |
| *Litoria aurea* | Green and Golden Bell Frog | Endangered | Vulnerable |
| *Litoria olongburensis* | Olongburra Frog | Vulnerable | Vulnerable |
| *Caretta caretta* | Loggerhead Turtle | Endangered | Endangered |
| *Chelonia mydas* | Green Turtle | Vulnerable | Vulnerable |
| *Hoplocephalus stephensii* | Stephens' Banded Snake | Vulnerable | |
| *Anseranas semipalmata* | Magpie Goose | Vulnerable | |
| *Stictonetta naevosa* | Freckled Duck | Vulnerable | |
| *Ptilinopus magnificus* | Wompoo Fruit-Dove | Vulnerable | |
| *Ptilinopus regina* | Rose-crowned Fruit-Dove | Vulnerable | |
| *Ptilinopus superbus* | Superb Fruit-Dove | Vulnerable | |
| *Podargus ocellatus* | Marbled Frogmouth | Vulnerable | |
| *Ardenna carneipes* | Flesh-footed Shearwater | Vulnerable | |
| *Macronectes giganteus* | Southern Giant Petrel | Endangered | Endangered |
| *Macronectes halli* | Northern Giant-Petrel | Vulnerable | Vulnerable |
| *Pterodroma leucoptera leucoptera* | Gould's Petrel | Vulnerable | Endangered |
| *Pterodroma neglecta neglecta* | Kermadec Petrel (west Pacific subspecies) | Vulnerable | Vulnerable |
| *Pterodroma nigripennis* | Black-winged Petrel | Vulnerable | |
| *Ephippiorhynchus asiaticus* | Black-necked Stork | Endangered | |
| *Botaurus poiciloptilus* | Australasian Bittern | Endangered | |
| *Ixobrychus flavicollis* | Black Bittern | Vulnerable | |
| *Erythrotriorchis radiatus* | Red Goshawk | Endangered | Vulnerable |
| *Lophoictinia isura* | Square-tailed Kite | Vulnerable | |
| *Circus assimilis* | Spotted Harrier | Vulnerable | |
| *Hieraaetus morphnoides* | Little Eagle | Vulnerable | |
| *Pandion cristatus* | Eastern Osprey | Vulnerable | |
| *Grus rubicunda* | Brolga | Vulnerable | |
| *Amaurornis moluccana* | Pale-vented Bush-hen | Vulnerable | |
| *Burhinus grallarius* | Bush Stone-curlew | Endangered | |
| *Esacus magnirostris* | Beach Stone-curlew | Endangered | |
| *Haematopus fuliginosus* | Sooty Oystercatcher | Vulnerable | |
| *Haematopus longirostris* | Pied Oystercatcher | Endangered | |
| *Irediparra gallinacea* | Comb-crested Jacana | Vulnerable | |
| *Calidris ferruginea* | Curlew Sandpiper | Endangered | |
| *Calidris tenuirostris* | Great Knot | Vulnerable | |
| *Gygis alba* | White Tern | Vulnerable | |

| *Common Name* | *Species Name* | *TSC Act* | *EPBC Act* |
|---|---|---|---|
| *Onychoprion fuscata* | Sooty Tern | Vulnerable | |
| *Procelsterna cerulea* | Grey Ternlet | Vulnerable | |
| *Sternula albifrons* | Little Tern | Endangered | |
| *Calyptorhynchus lathami* | Glossy Black-Cockatoo | Vulnerable | |
| *Cyclopsitta diopthalma coxeni* | Coxen's Fig-Parrot | Endangered | Endangered |
| *Lathamus discolor* | Swift Parrot | Endangered | Endangered |
| *Glossopsitta pusilla* | Little Lorikeet | Vulnerable | |
| *Ninox connivens* | Barking Owl | Vulnerable | |
| *Ninox strenua* | Powerful Owl | Vulnerable | |
| *Tyto novaehollandiae* | Masked Owl | Vulnerable | |
| *Tyto tenebricosa* | Sooty Owl | Vulnerable | |
| *Tyto longimembris* | Eastern Grass Owl | Vulnerable | |
| *Todiramphus chloris* | Collared Kingfisher | Vulnerable | |
| *Menura alberti* | Albert's Lyrebird | Vulnerable | |
| *Atrichornis rufescens* | Rufous Scrub-bird | Vulnerable | |
| *Climacteris picumnus victoriae* | Brown Treecreeper (eastern subspecies) | Vulnerable | |
| *Chthonicola sagittata* | Speckled Warbler | Vulnerable | |
| *Anthochaera phrygia* | Regent Honeyeater | Endangered | Endangered |
| *Lichenostomus fasciogularis* | Mangrove Honeyeater | Vulnerable | |
| *Daphoenositta chrysoptera* | Varied Sittella | Vulnerable | |
| *Coracina lineata* | Barred Cuckoo-shrike | Vulnerable | |
| *Pachycephala olivacea* | Olive Whistler | Vulnerable | |
| *Carterornis leucotis* | White-eared Monarch | Vulnerable | |
| *Petroica boodang* | Scarlet Robin | Vulnerable | |
| *Stagonopleura guttata* | Diamond Firetail | Vulnerable | |
| *Dasyurus maculatus* | Spotted-tailed Quoll | Vulnerable | Endangered |
| *Planigale maculata* | Common Planigale | Vulnerable | |
| *Phascolarctos cinereus* | Koala | Vulnerable | |
| *Cercartetus nanus* | Eastern Pygmy-possum | Vulnerable | |
| *Petaurus australis* | Yellow-bellied Glider | Vulnerable | |
| *Aepyprymnus rufescens* | Rufous Bettong | Vulnerable | |
| *Potorous tridactylus* | Long-nosed Potoroo | Vulnerable | Vulnerable |
| *Macropus parma* | Parma Wallaby | Vulnerable | |
| *Thylogale stigmatica* | Red-legged Pademelon | Vulnerable | |
| *Nyctimene robinsoni* | Eastern Tube-nosed Bat | Vulnerable | |
| *Pteropus poliocephalus* | Grey-headed Flying-fox | Vulnerable | Vulnerable |
| *Syconycteris australis* | Common Blossom-bat | Vulnerable | |
| *Saccolaimus flaviventris* | Yellow-bellied Sheathtail-bat | Vulnerable | |
| *Mormopterus norfolkensis* | Eastern Freetail-bat | Vulnerable | |
| *Chalinolobus dwyeri* | Large-eared Pied Bat | Vulnerable | |
| *Falsistrellus tasmaniensis* | Eastern False Pipistrelle | Vulnerable | |
| *Miniopterus australis* | Little Bentwing-bat | Vulnerable | |

| *Common Name* | *Species Name* | *TSC Act* | *EPBC Act* |
|---|---|---|---|
| *Miniopterus schreibersii oceanensis* | Eastern Bentwing-bat | Vulnerable | |
| *Myotis macropus* | Southern Myotis | Vulnerable | |
| *Nyctophilus bifax* | Eastern Long-eared Bat | Vulnerable | |
| *Scoteanax rueppellii* | Greater Broad-nosed Bat | Vulnerable | |
| *Vespadelus troughtoni* | Eastern Cave Bat | Vulnerable | |
| *Pseudomys gracilicaudatus* | Eastern Chestnut Mouse | Vulnerable | |
| *Dugong dugon* | Dugong | Endangered | |
| *Thersites mitchellae* | Mitchell's Rainforest Snail | Endangered | Critically endangered |
| *Harnieria hygrophiloides* | | Endangered | |
| *FLORA* | | | |
| *Isoglossa eranthemoides* | Isoglossa | Endangered | Endangered |
| *Cynanchum elegans* | White-flowered Wax Plant | Endangered | Endangered |
| *Marsdenia longiloba* | Slender Marsdenia | Endangered | Vulnerable |
| *Ochrosia moorei* | Southern Ochrosia | Endangered | Endangered |
| *Tylophora woollsii* | Cryptic Forest Twiner | Endangered | Endangered |
| *Allocasuarina defungens* | Dwarf Heath Casuarina | Endangered | Endangered |
| *Davidsonia jerseyana* | Davidson's Plum | Endangered | Endangered |
| *Davidsonia johnsonii* | Smooth Davidson's Plum | Endangered | Endangered |
| *Cyperus rupicola* | Cliff Sedge | Vulnerable | |
| *Cyperus semifertilis* | Missionary Nutgrass | Endangered | Vulnerable |
| *Hibbertia hexandra* | Tree Guinea Flower | Endangered | |
| *Doryanthes palmeri* | Giant Spear Lily | Vulnerable | |
| *Diospyros mabacea* | Red-fruited Ebony | Endangered | Endangered |
| *Diospyros major* var. *ebenus* | Shiny-leaved Ebony | Endangered | |
| *Elaeocarpus* sp. *Rocky Creek* | Minyon Quandong | Endangered | Endangered |
| *Elaeocarpus williamsianus* | Hairy Quandong | Endangered | Endangered |
| *Corokia whiteana* | Corokia | Vulnerable | Vulnerable |
| *Acalypha eremorum* | Acalypha | Endangered | |
| *Fontainea australis* | Southern Fontainea | Vulnerable | Vulnerable |
| *Senna acclinis* | Rainforest Cassia | Endangered | |
| *Desmodium acanthocladum* | Thorny Pea | Vulnerable | Vulnerable |
| *Acacia bakeri* | Marblewood | Vulnerable | |
| *Archidendron hendersonii* | White Lace Flower | Vulnerable | |
| *Xylosma terrae-reginae* | Queensland Xylosma | Endangered | |
| *Grammitis stenophylla* | Narrow-leaf Finger Fern | Endangered | |
| *Plectranthus nitidus* | Nightcap Plectranthus | Endangered | Endangered |
| *Cryptocarya foetida* | Stinking Cryptocarya | Vulnerable | Vulnerable |
| *Endiandra floydii* | Crystal Creek Walnut | Endangered | Endangered |
| *Endiandra hayesii* | Rusty Rose Walnut | Vulnerable | Vulnerable |
| *Endiandra muelleri* subsp. *bracteata* | Green-leaved Rose Walnut | Endangered | |
| *Lindsaea brachypoda* | Short-footed Screw Fern | Endangered | |
| *Owenia cepiodora* | Onion Cedar | Vulnerable | Vulnerable |

| *Common Name* | *Species Name* | *TSC Act* | *EPBC Act* |
|---|---|---|---|
| *Tinospora tinosporoides* | Arrow-head Vine | Vulnerable | Vulnerable |
| *Choricarpia subargentea* | Giant Ironwood | Endangered | |
| *Gossia fragrantissima* | Sweet Myrtle | Endangered | Endangered |
| *Syzygium hodgkinsoniae* | Red Lilly Pilly | Vulnerable | Vulnerable |
| *Syzygium moorei* | Durobby | Vulnerable | Vulnerable |
| *Uromyrtus australis* | Peach Myrtle | Endangered | Endangered |
| *Diuris* sp. aff. *chrysantha* | Byron Bay Diuris | Endangered | |
| *Geodorum densiflorum* | Pink Nodding Orchid | Endangered | |
| *Oberonia complanata* | Yellow-flowered King of the Fairies | Endangered | |
| *Peristeranthus hillii* | Brown Fairy-chain Orchid | Vulnerable | |
| *Phaius australis* | Southern Swamp Orchid | Endangered | Endangered |
| *Phaius tancarvilleae* | Lady Tankerville's Swamp Orchid | Endangered | |
| *Pterostylis nigricans* | Dark Greenhood | Vulnerable | |
| *Sarcochilus fitzgeraldii* | Ravine Orchid | Vulnerable | Vulnerable |
| *Sarcochilus hartmannii* | Hartman's Sarcochilus | Vulnerable | Vulnerable |
| *Phyllanthus microcladus* | Brush Sauropus | Endangered | |
| *Arthraxon hispidus* | Hairy Jointgrass | Vulnerable | Vulnerable |
| *Drynaria rigidula* | Basket Fern | Endangered | |
| *Belvisia mucronata* | Needle-leaf Fern | Endangered | |
| *Floydia praealta* | Ball Nut | Vulnerable | Vulnerable |
| *Grevillea hilliana* | White Yiel Yiel | Endangered | |
| *Hicksbeachia pinnatifolia* | Red Boppel Nut | Vulnerable | Vulnerable |
| *Macadamia integrifolia* | Macadamia Nut | | Vulnerable |
| *Macadamia tetraphylla* | Rough-shelled Bush Nut | Vulnerable | Vulnerable |
| *Knoxia sumatrensis* | | Endangered | |
| *Randia moorei* | Spiny Gardenia | Endangered | Endangered |
| *Acronychia littoralis* | Scented Acronychia | Endangered | Endangered |
| *Bosistoa transversa* | Yellow Satinheart | Endangered | Vulnerable |
| *Melicope vitiflora* | Coast Euodia | Vulnerable | |
| *Diploglottis campbellii* | Small-leaved Tamarind | Endangered | Endangered |
| *Niemeyera whitei* | Rusty Plum, Plum Boxwood | Endangered | |
| *Symplocos baeuerlenii* | Small-leaved Hazelwood | Vulnerable | Vulnerable |
| *Dendrocnide moroides* | Gympie Stinger | Vulnerable | |

# Appendix B

## Noxious Weeds

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Table B1: Noxious Weed Declarations for Far North Coast County Council

| *Name* | *Control Class (Noxious Weeds Act 1993)* | *Control Action (Noxious Weeds Act 1993)* |
|---|---|---|
| African feathergrass *(Pennisetum macrourum)* | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with.<br>This is an all of NSW declaration |
| African turnipweed (*Sisymbrium thellungii)* | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an all of NSW declaration |
| Aleman grass (*Echinochloa polystachya*) | 2 | The plant must be eradicated from the land and the land must be kept free of the plant |
| Alligator weed (*Alternanthera philoxeroides)* | 2 | The plant must be eradicated from the land and the land must be kept free of the plant |
| Anchored water hyacinth (*Eichhornia azurea)* | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Annual ragweed (*Ambrosia artemisiifolia*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Arrowhead (*Sagittaria montevidensis*) | 4 | The plant must not be sold propagated or knowingly distributed<br>This is an All of NSW declaration |
| Artichoke thistle (*Cynara cardunculus*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Athel pine (*Tamarix aphylla)* | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Bathurst/Noogoora/Hunter/South American/Californian/cockle burr [*Xanthium* species] | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Bear-skin fescue (*Festuca gautieri*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Bitou bush (*Chrysanthemoides monilifera* subspecies *rotundata)* | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Black knapweed (*Centaurea nigra*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Blackberry (*Rubus fruticosus* aggregate species)<br>except cultivars Black satin Chehalem Chester Thornless Dirksen Thornless Loch Ness Murrindindi Silvan Smooth stem Thornfree | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed<br>This is an All of NSW declaration |
| Boneseed (*Chrysanthemoides monilifera* subspecies *monilifera*) | 2 | The plant must be eradicated from the land and the land must be kept free of the plant |
| Bridal creeper (*Asparagus asparagoides*) | 4 | The plant must not be sold propagated or knowingly distributed |

| *Name* | *Control Class (Noxious Weeds Act 1993)* | *Control Action (Noxious Weeds Act 1993)* |
|---|---|---|
| Broad-leaf pepper tree (*Schinus terebinthifolius*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Broomrapes (*Orobanche species)* Includes all *Orobanche* species except the native *O. cernua* variety *australiana* and *O. minor* | 1 | The plant must be eradicated from the land and the land must be kept free of the plant. This is an All of NSW declaration |
| Burr ragweed (*Ambrosia confertiflora*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with This is an All of NSW declaration |
| Cabomba (*Cabomba* species) Includes all *Cabomba* species except *C. furcata* | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with This is an All of NSW declaration |
| Camphor laurel (*Cinnamomum camphora*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed |
| Cayenne snakeweed (*Stachytarpheta cayennensis*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with This is an All of NSW declaration |
| Chilean needle grass (*Nassella neesiana*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed |
| Chinese celtis (*Celtis sinensis)* | 3 | The plant must be fully and continuously suppressed and destroyed |
| Chinese tallow tree (*Triadica sebifera*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Chinese violet (*Asystasia gangetica* subspecies *micrantha*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant. This is an All of NSW declaration |
| Clockweed (*Gaura parviflora*) | 5 | The requirements in the *Noxious Weeds Act 1993 for* a notifiable weed must be complied with This is an All of NSW declaration |
| Clockweed (*Gaura parviflora*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with This is an All of NSW declaration |
| Columbus grass (*Sorghum x almum*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Corn sowthistle (*Sonchus arvensis*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with This is an All of NSW declaration |
| Crofton weed [*Ageratina adenophora*] | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Dodder (*Cuscuta* species) Includes All *Cuscuta* species except the native species *C. australis*, *C. tasmanica* and *C. victoriana* | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with This is an All of NSW declaration |

| *Name* | *Control Class (Noxious Weeds Act 1993)* | *Control Action (Noxious Weeds Act 1993)* |
|---|---|---|
| East Indian hygrophila (*Hygrophila polysperma*) | 3 | The plant must be fully and continuously suppressed and destroyed and the plant must not be sold propagated or knowingly distributed |
| English broom (*Cytisus scoparius)* | | See Scotch broom |
| Espartillo (*Amelichloa brachychaeta, Amelichloa caudata*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Eurasian water milfoil (*Myriophyllum spicatum*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Fine-bristled burr grass (*Cenchrus browni*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Fountain grass [*Pennisetum setaceum*] | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Gallon's curse (*Cenchrus biflorus*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Giant Parramatta grass (*Sporobolus fertilis*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Giant rat's tail grass (*Sporobolus pyramidalis)* | 3 | The plant must be fully and continuously suppressed and destroyed |
| Glaucous starthistle (*Carthamus glaucus*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Golden thistle (*Scolymus hispanicus*) | 5 | The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Green cestrum (*Cestrum parqui*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Groundsel bush (*Baccharis halimifolia*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Hackleberry, Celtis [*Celtis sinensis*] | | See Chinese celtis |
| Harrisia cactus [*Harrisia* species] | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed<br>This is an All of NSW declaration |
| Hawkweed [*Hieracium* species] | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Hygro (*Hygrophila polysperma*) | | See East Indian hygrophila |
| Hygrophila (*Hygrophila costata*) | 2 | The plant must be eradicated from the land and the land must be kept free of the plant |

| *Name* | *Control Class (Noxious Weeds Act 1993)* | *Control Action (Noxious Weeds Act 1993)* |
|---|---|---|
| Hymenachne (*Hymenachne amplexicaulis* and hybrids) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Johnson grass (*Sorghum halepense*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Karoo thorn (*Acacia karroo*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Kochia (*Bassia scoparia*) except *Bassia scoparia* subspecies *trichophylla* | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Kosters curse (*Clidemia hirta*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Kudzu (*Pueraria lobata*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Lagarosiphon (*Lagarosiphon major*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Lantana (*Lantana* species) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed |
| Leafy elodea (*Egeria densa*) | 4 | The plant must not be sold propagated or knowingly distributed<br>This is an All of NSW declaration |
| Lippia (*Phyla canescens*) | 4 | The plant must not be sold propagated or knowingly distributed by any person other than a person involved in hay or lucerne production and the growth of the plant must be managed in a manner that reduces its spread and continuously inhibits its reproduct<br>This is an All of NSW declaration |
| Long-leaf willow primrose (*Ludwigia longifolia*) | 4 | The plant must not be sold propagated or knowingly distributed |
| Mexican feather grass (*Nassella tenuissima*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Mexican poppy (*Argemone mexicana*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Miconia [*Miconia* species] | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Mikania [*Mikania micrantha*] | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |

| *Name* | *Control Class (Noxious Weeds Act 1993)* | *Control Action (Noxious Weeds Act 1993)* |
|---|---|---|
| Mimosa (*Mimosa pigra*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Mistflower (*Ageratina riparia*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed |
| Mossman River grass (*Cenchrus echinatus*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Mysore thorn (*Caesalpinia decapetala*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Nodding thistle (*Carduus nutans*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Noogoora burr (*Xanthium* species) | | See Bathurst/Noogoora/Hunter/South American/Californian/cockle burr |
| Pampas grass (*Cortaderia* species) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Parthenium weed (*Parthenium hysterophorus)* | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Pond apple (*Annona glabra*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Prickly acacia [Acacia nilotica] | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Prickly pear (*Cylindropuntia* species) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed<br>This is an All of NSW declaration |
| Prickly pear (*Opuntia* species)<br>Includes all *Opuntia* species except *O. ficus-indica* | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed<br>This is an All of NSW declaration |
| Privet (Broad-leaf) (*Ligustrum lucidum*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its flowering and reproduction |
| Privet (Narrow-leaf/Chinese) (*Ligustrum sinense*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its flowering and reproduction |
| Red rice (*Oryza rufipogon*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |

| *Name* | *Control Class (Noxious Weeds Act 1993)* | *Control Action (Noxious Weeds Act 1993)* |
|---|---|---|
| Rhus tree (*Toxicodendron succedaneum*) | 4 | The growth of the plant must be managed in a manner that prevents any above ground part the plant from encroaching within 2 metres of the property boundary and the plant must not be sold propagated or knowingly distributed<br>This is an All of NSW declaration |
| Rubbervine (*Cryptostegia grandiflora*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Sagittaria (*Sagittaria platyphylla*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Salvinia (*Salvinia molesta*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Scotch broom (*Cytisus scoparius*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Senegal tea plant (*Gymnocoronis spilanthoides*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Serrated tussock (*Nassella trichotoma*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed |
| Siam weed (*Chromolaena odorata*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Smooth-stemmed turnip (*Brassica barrelieri* subspecies *oxyrrhina*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Soldier thistle (*Picnomon acarna*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Spiny burrgrass (*Cenchrus incertus*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed |
| Spiny burrgrass (*Cenchrus longispinus*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction and the plant must not be sold propagated or knowingly distributed |
| Spotted knapweed (*Centaurea stoebe* subspecies *micranthos*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| St. John's wort (*Hypericum perforatum*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |

| *Name* | *Control Class (Noxious Weeds Act 1993)* | *Control Action (Noxious Weeds Act 1993)* |
|---|---|---|
| Texas blueweed (*Helianthus ciliaris*) | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Tropical soda apple (*Solanum viarum*) | 2 | The plant must be eradicated from the land and the land must be kept free of the plant |
| Water caltrop (*Trapa* species) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Water hyacinth (*Eichhornia crassipes*) | 4 | The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction |
| Water lettuce (*Pistia stratiotes*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Water soldier (*Stratiotes aloides*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Willows (*Salix* species)<br>Includes all *Salix* species except *S. babylonica, S. x reichardtii, S. x calodendron* | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |
| Witchweed (*Striga* species)<br>*Striga* species except the native *Striga parviflora* | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Yellow bells (*Tecoma stans*) | 3 | The plant must be fully and continuously suppressed and destroyed |
| Yellow burrhead (*Limnocharis flava*) | 1 | The plant must be eradicated from the land and the land must be kept free of the plant.<br>This is an All of NSW declaration |
| Yellow nutgrass (*Cyperus esculentus)* | 5 | The requirements in the *Noxious Weeds Act 1993* for a notifiable weed must be complied with<br>This is an All of NSW declaration |

*NSW Department of Primary Industries 2012*

BYRON SHIRE COUNCIL
DOC NO:.....
REC'D: 29 JUN 2012
FILE NO:.....
ASSIGNEE:.....

NSW GOVERNMENT

# The Hon Brad Hazzard MP

Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

**Mr Graeme Faulkner**
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

26 JUN 2012

12/06704

Dear Mr Faulkner,

**Joint Regional Planning Panel reappointments**

I am pleased to advise you I have decided to re-appoint all State members and alternates of the Joint Regional Planning Panels for a period of 12 months up to 30 June 2013 as an interim measure, pending the implementation of the NSW planning review. Accordingly, the Hon Garry West, Ms Pamela Westing and Dr John Griffin have been re-appointed as State members to the Northern Joint Regional Planning Panel (regional panel).

In accordance with the changes to regional panels made in 2011, the Local Government and Shires Associations have endorsed the appointment of Mr West as the regional panel chair.

In contrast to previous arrangements, all alternates will be appointed as alternates for every regional panel (except where they are already a state member). This will create a 'pool' of alternates that can be drawn upon to assist regional panels in the event of there being any conflict of interest, panel member absences or when additional meetings are required.

A table outlining all State members and alternates of the regional panel is enclosed (Annexure A).

**Council nominations**

I would also like to take this opportunity to remind you that Council is required to nominate 2 persons as council nominees to the regional panel. In accordance with Schedule 4 of the *Environmental Planning and Assessment Act 1979*, at least one of the nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Councils were previously asked to nominate members for a period of up to 3 years. If you have nominated members, I request that you confirm your council nominees with the Regional Panels Secretariat before their current term expires.

Level 33 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 5258 Fax: (61 2) 9228 5721 Email: office@hazzard.minister.nsw.gov.au

**Remuneration**
As with the previous arrangements for remuneration, the Department of Planning and Infrastructure will meet the remuneration of State members of the regional panels. The government has also determined that the fees for council nominated members are to remain a matter for each council to establish or modify, as appropriate. However, the following should be considered when setting fees:

- *Council staff members:* No fees should be paid, as participation in the regional panel would form part of the employee's regular duties, consistent with the Department of Premier and Cabinet *Guidelines for NSW Board and Committee Members: Appointment and Remuneration* (the DPC Guidelines).
- *Elected councillors:* As councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their councillor duties, an additional per meeting fee is reasonable, recognising that membership of the regional panel brings additional responsibilities.
- *Community members:* Each council may determine an appropriate level of remuneration for that person, by arrangement with that member, with your Council's current rates used as a guide when determining appropriate remuneration rates.

I would like to take this opportunity to thank you for your Council's ongoing co-operation and support with the regional panels.

Should you have any enquiries in relation to this matter, I have arranged for Ms Paulina Hon, Regional Panels Secretariat, to assist you. You can contact Ms Hon on 02 9228 2061.

Yours sincerely

**HON BRAD HAZZARD MP**
**Minister**

## Annexure A

## Membership of the Northern Joint Regional Planning Panel

| Chair | Members | Usual Alternates* | Pool of Alternates |
|---|---|---|---|
| Garry West | Pamela Westing<br>John Griffin | Bruce Clarke | Bob McCotter<br>Bruce Clarke<br>Jason Perica**<br>John Colvin<br>Julie Savet Ward<br>Kara Krason**<br>Lindsay Fletcher<br>Mark Grayson<br>Stuart McDonald<br>Terri O'Brien<br>Timothy Moore<br>Ruth Fagan+<br>Gordon Kirkby+ |

*These are the existing alternates for the respective regional panels and given their experience they are likely to remain the first choice as alternates for their respective regions. The new arrangements will, however, allow for all alternates to work for any regional panel.

** Alternate for all regional panels (except Hunter and Central Coast)

+ Alternate for all regional panels (except Western)



# Land and Environment Court
New South Wales

| | |
|---|---|
| Case Title: | S J Connelly CPP Pty Ltd v Byron Shire Council |
| Medium Neutral Citation: | |
| Hearing Date(s): | 12, 13 July 2012 |
| Decision Date: | 28 August 2012 |
| Jurisdiction: | Class 1 |
| Before: | Hussey C |
| Decision: | (1) The appeal is dismissed.<br>(2) The development application No 10.2011.368.1 for a 2 – lot subdivision of Lot 930 DP 858909, 335 Federal Road, Federal is refused.<br>(3) The exhibits may be returned except 1, 4 (Tab 22), 6, 7, B and C. |
| Catchwords: | DEVELOPMENT APPLICATION – Small lot rural subdivision, minimum lot size under SEPP RL, fragmentation of rural land, land – use conflict |
| Legislation Cited: | Environmental Planning and Assessment Act 1979<br>State Environmental Planning Policy (Rural Lands) 2008<br>State Environmental Planning Policy 1 (Development Standards)<br>Byron Local Environmental Plan 1988 |
| Cases Cited: | Hastings Point Progress Association Inc v Tweed Shire Council [2009] NSWCA 285<br>Abret Pty Limited v Wingecarribbee Shire Council [2001] NSWCA 107 |
| Texts Cited: | |

| | |
|---|---|
| Category: | Principal judgment |
| Parties: | S J Connelly CPP Pty Ltd (Applicant) |
| | Byron Shire Council (Respondent) |
| Representation | |
| - Counsel: | Mr N Eastman (Applicant) |
| | Mr A Seton (Respondent) |
| - Solicitors: | McCartney Young Lawyers (Applicant) |
| | Mardens Law Group (Respondent) |
| File number(s): | 10112 of 2012 |
| Publication Restriction: | |

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## JUDGMENT

### Background

1 This appeal is against council's refusal of a development application for a 2 – lot rural subdivision at 335 Federal Road, Federal. The property has an area of 9.18ha and is situated in a rural area approximately 1 km to the south of the village of Federal. Immediately surrounding the site are variable sized grazing properties, macadamia nut farms and some smaller grazing, cropping and rural-residential properties.

2 The proposed 2 – lot subdivision is to create:

- Lot 1; a rural/residential lot with an area of 1.21 ha, and
- Lot 2; a 'primary production' lot with an area of 7.98ha, to be created under the provisions of State Environmental Planning Policy (Rural Lands) 2008 (SEPP RL).

3 The contentions are summarised as follows:

- Non-compliance with the minimum lot size standard
- Subdivision not necessary

- Fragmentation of rural land
- Land use conflict
- Creation of an effective 'concessional allotment'.
- Public interest

4 The threshold issue in this matter is whether the approval of the subdivision under the provisions of SEPP RL gives the landowner a greater chance of achieving the zone objectives under the Byron Local Environmental Plan 1988 (LEP).

5 The circumstances initially stated in this case involve the subject land being situated opposite a larger allotment comprising approximately 29 ha, which contains Coffee Union's coffee plantation with 54,000 coffee trees and processing hub. Because of the favourable climatic conditions in this area, the business plan is for significant expansion of the plantation, which includes the use of the proposed Lot 2.

6 Both Mr Connelly and Mr Allen refer to the use of Lot 2 as part of the coffee plantation, but it was clarified during the hearing that there is no formal arrangement to effect this. Although in this regard, I understand the owner of the subject property is also involved in the management of the plantation. However, the applicant tended to back away from its evidence "linking" the proposed Lot 2 with the coffee plantation.

**The site**

7 The site is described as Lot 930 in DP 858909 and it fronts Federal Road on its eastern boundary and an unformed Crown 'paper road' along its southern boundary and a small section of the western boundary. There is an existing dwelling house located on the northern side of the lot and it obtains vehicular access from Federal Road.

8 The site falls approximately 50 m from the highest point near the northern boundary near the house to the lowest near the southern boundary. A

depression runs north – south approximately parallel to the western boundary.

## Planning controls

9 The site is subject to the following controls:

.1 ***Byron LEP 1988***, under which the site is within the Rural 1(b2) zone and subdivision is permissible. The minimum lot size is 20 ha. The LEP contains the following relevant controls:

*11 Subdivision in rural areas for agriculture etc*

*(1) The council shall not consent to the subdivision of land for agriculture, forestry or a dwelling-house within the zones shown in Column 1 of the Table to this clause unless the area of each of the allotments to be created is not less than that shown opposite that zone in Column 2 of the Table and, in the opinion of the council, each allotment is of satisfactory shape and has a satisfactory frontage.*

.2 **Clause 9 provides:**

*(3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.*

.3 **The zone No 1(b1) objectives are:**

*(a) to protect and enhance the long term potential of the Shire of Byron through the preservation of the higher quality agricultural land within the zone and to restrict all forms of development within the zone which, in the opinion of the council, might prejudice such potential,*

*(b) to prevent fragmentation of rural holdings and to encourage consolidation of lot sizes for the purposes of agricultural and horticultural production,*

*(c) to enable agricultural support facilities to be carried out on land within the zone in a manner which does not significantly reduce the agricultural and horticultural production potential of land in the locality,*

*(d) to permit subdivision only where it is considered by the council to be necessary to maintain or increase agricultural production or to allow the conduct of any use permitted in this zone other than residential buildings, or where proven demand for legitimate agricultural or horticultural holdings of a smaller size is established,...*

...
*(f) to establish appropriate buffer zones between high quality agricultural land and other uses, particularly near the perimeter of such lands.*

10 The provisions of ***State Environmental Planning Policy (Rural Lands) 2008*** (SEPP RL) also apply. The specific aims of the Policy are:

*(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*

*(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*

*(c) to implement measures designed to reduce land use conflicts,*

*(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*

*(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

11 Part 2 contains the following rural planning principles:

*The Rural Planning Principles are as follows:*
*(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

*(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

*(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*

*(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*

*(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

*(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*

*(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

*(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

12 Part 3 deals with rural subdivisions and dwellings on the following basis:

*The Rural Subdivision Principles are as follows:*

*(a) the minimisation of rural land fragmentation,*

*(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*

*(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*

*(d) the consideration of the natural and physical constraints and opportunities of land,*

*(e) ensuring that planning for dwelling opportunities takes account of those constraints.*

13 Relevantly in this matter clause 9 provides:

*9 Rural subdivision for agricultural purposes*

*(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*

*(2) Land in a rural zone may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land.*

*(3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*

*(4) A dwelling cannot be erected on such a lot.*

*(5) State Environmental Planning Policy No 1—Development Standards does not apply to a development standard under this clause.*

14 Other relevant controls include:

- SEPP 1 Development Standards.
- North Coast REP (NCREP); Cl 9

- Byron DCP 2010 (BDCP); CH 1 Part B4
- Byron Rural Strategy

**The evidence**

15 Detailed evidence was presented by:

- Mr J Allen; Agronomist for the applicant
- Mr M Ryan; Agronomist for the respondent
- Mr S Connelly; Consulting planner for applicant
- Mr P Dawson; Consulting planner for respondent

16 The experts respectively addressed the question as to whether the proposed subdivision should be approved under the provisions of the SEPP RL, so as to allow the property owners a greater chance for achievement of the zone objectives. However, SEPP RL does not prescribe minimum lots sizes, whereas the minimum lot development standard under the BLEP is 20 ha.

17 SEPP RL evolved from recommendations of the Central West Rural Lands Panel (CWRLP) after its review of rural land controls in the central west. One of the aims of the policy is to provide flexibility for subdivision standards to facilitate primary production. Insofar as the Panel focussed on issues in the Central West, its recommendations noted that they could be applied to similar issues in other rural areas, excluding coastal lands. Notwithstanding this, the SEPP RL applies to the subject land.

*Agricultural potential*

18 A key component of the SEPP RL is to facilitate the economic use of good quality agricultural land. Accordingly, Mr Allen undertook an assessment of the subject land based on the Rural Land Evaluation Manual (RLEM) provisions and found that the site contains a combination of Special Class horticultural land (proposed Lot 2) and Class 4/5 land (proposed Lot 1).

19 The RLEM description of these classes as:

> ***Class 4***
> *Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.*
>
> ***Class 5***
> *Land unsuitable for agriculture or at best suited only to light grazing. Agricultural production is very low or zero as a result of severe constraints, including economic factors, which preclude land improvement.*
>
> ***Special Class***
> *Land which, because of a combination of climate and soil, is well suited to intensive production of a crop or a narrow range of crops whose special requirements limit their successful culture to such land. This class may include some lands formerly described as unique.*

20 Mr Allen says that the Special Class horticultural land has certain attributes such as 7 to 10% slope, inherently fertile soil type and favourable climate that makes the land highly suited to the production of a diverse range of horticultural tree crops and these type of enterprises are considered to be the highest and best agricultural use for this area of the site.

21 Insofar as the agronomists jointly conferred, I understand Mr Ryan substantially agrees with this land classification. However, he does not consider it necessary to subdivide this land to achieve the desired planning outcomes. Based on the initial evidence concerning the coffee plantation, he says that the direct link between the present owners of the land and the future users of the land (Coffee Unity Pty Ltd), should enable some form of access/use by way of leasing, joint venture or share farming agreement, without subdivision. Such an agreement would recognise what each party provides, and then a share returns based on relative inputs. He says this is common practice.

***Planning considerations***

22 From their joint conferencing, the planners agree that:

- The SEPP RL applies to the whole of the Shire of Byron;
- Part 3 of the SEPP does not exclude any particular property from the operation of the SEPP; and
- The SEPP allows any land in a rural zone to be subdivided for the purpose of primary production to create a primary production lot of a size that is less than the minimum size otherwise permitted for that land.

***Non compliance with minimum lot size standard***

23 However, regarding the issue concerning compliance with the minimum lot development standard, they disagree about whether the SEPP applies to the residual part of the land that does not comprise the 'primary production' lot. Mr Dawson says that:

- the provisions of Part 3 of the Rural SEPP do not provide for the "over ride" of SEPP 1 in regard to the non primary production lot, or other lot, or residual lot created by a subdivision under the Rural SEPP. The Rural SEPP explicitly provides for the non-application of SEPP 1 in regard to the area of the primary production lot. It does not so provide in regard to the "other" lot, which in the subject matter contains an existing dwelling-house.
- The terms of cll 9(2), 9(3) and 9(4) establish that the permissibility for the creation of a lot that is less than the size otherwise permitted, i.e. in this case by clause 11 of the Byron LEP, is limited absolutely to the single lot created for primary production.
- The terms of cl 9(5) refer to the application of SEPP 1 to "a development standard under this clause." The provisions of the clause apply exclusively to the primary production lot
- Clause 10 of the Rural SEPP specifies matters for consideration in the case of subdivision of land Imposed to be used for the purposes of a dwelling. The proposed subdivision incorporates the subdivision of land for the purposes of a dwelling, i.e. the "other" lot.

This clause does include any reference to the non-application of SEPP 1 whereas such non-application is stated in cl 9 in regard to the primary production lot.

- If it was intended that the non-application of SEPP 1 relate to the other lot, there was no inhibition in drafting the clause to state this.
- That clause 9 is otherwise silent as to its application to the "'other" lot has no consequence that the permissibility specifically allowed for the primary production lot is also allowed for the "other" lot which remains, after all, a rural lot.

24 Against this, Mr Connelly says that the control should be applied on the basis of advice from the NSW Department of Planning and Infrastructure that the Part 3 provisions apply to the whole of a parcel and do not operate to exclude subdivision of the type by proposed Lot 1 in the subject application.

***Whether subdivision necessary***

25 In considering this issue, the planners agree that insofar as Objective 1(c) seeks to enable agricultural support facilities to be carried out on land within the zone in a manner which does not significantly reduce the agricultural and horticultural production potential of land in the locality, this application does not involve development of the purposes of "agricultural support facilities " such as processing sheds or the like.

26 However Mr Dawson says that this issue does concern Objective 1(d) dealing with the necessity to maintain or increase agricultural production. As stated by the applicant initially, the main objective of the subdivision is for the prospective use of the proposed primary production lot for coffee growing by the same coffee company, as is responsible for the coffee plantation on the opposite side of Federal Road to the subject land, then such use could be achieved by a consolidation of the subject site and the coffee plantation site.

27 Furthermore, in these circumstances, it is also open to the coffee company to utilize the subject lot as a single entity by a leasing or some other arrangement and to minimize land use conflicts by having control of both any primary production use and of the dwelling house use. Mr Dawson does not consider the proposed subdivision is necessary to achieve Objective 1(d) outcomes.

28 Against this, Mr Connelly says that an individual owner cannot "lease their land" to a person or a company for a period exceeding 5 years without a subdivision. As the production of coffee requires a minimum 12 year return on investment period, no commercial operator is likely to be interested in a five year lease arrangement. The subdivision as proposed allows for the sale or leasing of the production lot to a company with the capacity to utilise the land properly and thereby increase its agricultural production potential. Therefore, the proposed subdivision is entirely consistent with Objectives 1(c) and 1(d) of the Rural 1(b2) zone.

***Fragmentation of rural land***

29 The planners agree that "land fragmentation" results when subdivision is undertaken that in some way results in a lessening of the likelihood of the land to achieve defined planning objectives such as the relevant Zone objectives and provisions of cll 2 and 8 of the Rural SEPP. .

30 Mr Dawson does not agree with Mr Connelly that the proposed subdivision will free up land, which is currently effectively "sterilized" from agricultural use due to its rural lifestyle ownership/occupancy. Instead, he says that the subject lot is not of a sufficient size to allow for the freeing up of an agricultural use, without also generating an example of land fragmentation comprising the creation of a small residential lot that will, because of those very rural lifestyle interests to which Mr Connelly refers, likely create a circumstance of land use conflict/incompatible usage. It will also fragment the land by the creation of a lot that has value only as a rural residential type.

31 Mr Dawson is also dissatisfied with the proposal because he does not consider the applicant has provided information confirming that the proposed primary production lot is suitable for coffee production, or that it is effectively tied to coffee production.

32 Mr Connelly's response is that the subject lot is a "lifestyle" lot, which was effectively fragmented when it was subdivided off its parent lot in 1994. He says that:

> "This application, instead seeks to, in part, "repair" that past fragmentation putting the existing dwelling house onto a parcel of appropriate rural residential size and setting aside the residual agricultural land for purposeful agricultural production. At the moment 9.19 ha is fragmented. Pursuant to this application only 1.2 ha will be "fragmented" and the residual 7.98 ha used as a "production lot".

***Land use conflict***

33 This issue concerns potential land use conflicts arising from the proximity of the existing dwelling on proposed Lot 1 to the future agricultural activities on Lot 2. Mr Dawson thinks such conflicts will increase because:

- If coffee, or any other use were to be undertaken on the site under the current ownership then the potential for land use conflict is minimized because of the capacity for the amicable control of impacts that might otherwise generate conflict between the residential use and the agricultural use.
- The creation of the separate, small parcel to contain the existing house has the potential for adverse amenity impacts. Such amenity must rely upon suitable buffers/attenuation distances. Further, while coffee is currently posited as intended for the use of the proposed primary production lot, this cannot be assumed.
- If the subdivision is approved, the boundaries of the proposed dwelling-house lot become a critical matter. Unless there can be a significant degree of certainty that the amenity of the dwelling-house can be assured, then the application unequivocally fails to satisfy the provisions of the Rural SEPP and the Byron LEP in regard to land use conflicts.

- The application proposes a 49 m dwelling setback from the proposed Lot 1 southern boundary and a 12 m shed setback from the proposed Lot 1 western boundary. Therefore an effective buffer should be created, which covers various agricultural activities. Such buffer should be in the order of 150 m.
- Various distances are recommended in various documents. Council's DCP 2010 provides for a 500 m buffer for Intensive horticulture. The NSW Department of Primary Industries document Living and Working in Rural Areas recommends a 300 m buffer for sugar cane, cropping and horticulture from residential areas and urban development and a 200 m buffer from rural dwellings.

34 Against this, Mr Connelly says Mr Dawson's concerns are unreasonable considering the numerous rural subdivisions approved by council that are in similar circumstances. Notwithstanding this, he says that the most appropriate way to examine land use conflict is in accordance with best practice LUCRA guidelines.

**Conclusion**

35 Having considered the evidence, the submissions and undertaken a view, I do not consider this subdivision application merits consent for the following reasons.

36 In my assessment, the subject land is a relatively small 'rural/residential' type lot with an area of 9.18 ha, which is currently used for limited grazing. Based on the agronomist's assessment, I accept that this is not the optimum agricultural use of the land, because the proposed Lot 2 contains approximately 7 ha Specialist Class land, which potentially has a higher agricultural use. But, the overall utility of this area would be reduced because of the need to provide an appropriate buffer from potential agricultural uses.

37 Nevertheless, I accept that SEPP RL applies to this land and that that it permits, subject to merit, a subdivision of the existing lot to create the new

primary production Lot 2 and the residue 'rural residential' Lot 1 containing the existing dwelling.

38 Obviously both these lots are below the minimum 20 ha development standard. In other circumstances a SEPP 1 Objection could have been lodged to support such variations to the development standard. But cl 9(5) of SEPP RL states that SEPP 1 does not apply to the development standard under this clause.

39 In light of the apparent ambiguity in cl 9 (5) of SEPP RL and SEPP 1, Mr Eastman refers to the matter of *Hastings Point Progress Association Inc v Tweed Shire Council* [2009] NSWCA 285, which contains the following authority:

> 85 Thirdly, it is conceded that the provisions in the SEPP do not override the need to comply with s 79C of the *EP & A Act.* However, Mr McEwen SC for the second respondent made it clear that a consent authority's statutory obligation to take into consideration the provisions of any environmental planning instrument picks up only applicable environmental planning instruments. Thus, it will only pick up an LEP if it is applicable despite the SEPP...
>
> 94 However, I do not need to answer that question because it seems to me that Mr McEwen, in his submissions, put an unanswerable proposition. Clause 8(1)(c) of the TLEP says that the consent authority may grant consent to development *only* if it is satisfied that the development would not have an unacceptable cumulative impact on the locality etc [the italics are mine]. Cases such as *Currey v Sutherland Shire Council* (1998) 100 LGERA 365 and *Franklins Ltd v Penrith City Council* [1999] NSWCA 134 (especially at [23]) point out the significance of the sort of phraseology used in 8(1) and that is to deprive the consenting authority of any power to issue a consent unless the precondition is satisfied.
>
> 95 Accordingly, here, we have the situation where the SEPP contains an aim in cl 2 to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors and make efficient use of existing infrastructure and services. There are detailed considerations to be given, for instance, in Part 3 of Chapter 3 of SEPP-SL recite analysis, there are provisions with respect to site area, height, landscaping etc, all of which can be set at nought if a council has no power to approve the development because an assessment of cumulative impact of

> existing and similar proposals to the one in the application has been carried out and the result found to be acceptable.

40 Other submissions were made regarding the decision in *Abret Pty Limited v Wingecarribbee Shire Council* [2001] NSWCA 107, which states:

> 41 The Council also relied upon LEP, cl 2(2)(a) which provides that one of the particular aims of the LEP is to achieve the objectives specified for land in the table to cl 9. The Council also referred to the aim in cl 2(2)(d), pointing out that the proposed development was on land which had prime crop and pasture potential. The Council submitted that having regard to the particular aims of cl 2 and the specific objectives of land zoned 1(a), the trial judge was correct in not being satisfied that the proposed development could not be subject of a grant of consent because it was inconsistent with various objectives that were prohibitory of development. ...
>
> 45 It follows from what I have said that I reject the argument advanced by the Council on the first and second issue. Having said that, I am not to be taken as saying that the objectives are not relevant to the construction of other provisions in the LEP. A provision is to be construed within the statutory instrument as a whole: see **Project Blue Sky** (discussed further below). Thus a construction of a provision which was more conducive to the achievement of the objectives of the LEP is to be preferred to a construction that does not achieve those aims. That said, however, the difficulty to which I have referred about conflicting aims remains.

41 Consequently, having considered the disparate opinions expressed by the planners regarding the ambiguity in the application of this cl 9(5) in light of these authorities, I am satisfied firstly that a smaller 'primary production lot' such as Lot 2 in the current matter is permissible under SEPP RL.

42 However, I am not inclined to accept Mr Dawson's opinion that SEPP 1 applies to the residue lot. Instead it seems that the SEPP RL allows the excision of a smaller prime agricultural land lot, with a remaining residual lot being allowed, even if it is less than 20 ha. If it contains a dwelling as in the subject application, then a new smaller 'rural/residential' lot is created without any need of consideration of a SEPP 1 Objection.

43 If the smaller residue lot is vacant, then I do not think that cl 9 (5) requires consideration of a SEPP 1 Objection to creation of the smaller residual lot. Any questions about future development of this vacant lot would be considered under the prevailing LEP provisions concerning minimum areas on which a dwelling could be erected in the rural/agricultural protection zones. That then may involve separate SEPP 1 considerations. Consequently, in some cases this may result in the residual lot being incapable of further development and remaining as an isolated lot.

44 The next question in this case is whether the approval of the proposed subdivision under SEPP RL would provide the landowners a greater chance of achieving the zone objectives. In my assessment, the evidence is muddled because of the applicant's initial evidence 'connecting' the proposed Lot 2 to the coffee plantation use. I have some difficulty with this premiss for the subdivision when no details were presented to the Court that effectively linked this suggested arrangement. As I have noted, the applicant backed away from this proposition during the hearing.

45 Consequently, it seems the opinions of Mr Dawson and Mr Ryan have merit. They say that because persons that apparently have an interest in the coffee plantation own the subject land, then satisfactory arrangements should be possible for optimal use of the primary agricultural portion without the necessity for subdivision of lots with less than the minimum size. Such arrangements could involve the common practices of share-farming or leasing a portion of the land. Considering these circumstances, I am not convinced that the subdivision gives these landowners a greater chance to achieve the zone objectives.

46 The relevant zone objectives are:

> *(b) to prevent fragmentation of rural holdings and to encourage consolidation of lot sizes for the purposes of agricultural and horticultural production,*
>
> ...

> *(d) to permit subdivision only where it is considered by the council to be necessary to maintain or increase agricultural production or to allow the conduct of any use permitted in this zone other than residential buildings, or where proven demand for legitimate agricultural or horticultural holdings of a smaller size is established,...*

47 Objective (b) clearly seeks to prevent fragmentation of rural holdings and this is consistent with the Rural Subdivision Principles. I do not consider the overall subdivision proposal to create an additional small lot is consistent with this objective and consequently I am unable to accept Mr Connelly's opinion that the approval of the subdivision will "repair" the past fragmentation, putting the existing dwelling house onto a parcel of appropriate rural residential size and setting aside the residual agricultural land for purposeful agricultural production.

48 In this regard, I note Mr Dawson's reference to the Department of Agriculture's comments in 1994 that: "*The severance of the 8 ha lot is not significant as it contains barely 2.5 ha of Class 3 land. However its inclusion within the 8 ha lot could make it attractive for part-time horticultural pursuits.*"

49 Accordingly, it seems to me that when considering the relatively small lot rural subdivision as proposed, then some substantive evidence is required from the applicant to demonstrate how the subdivision will maintain or increase agricultural production. Insofar as there was some inferences that the subdivision would enable a higher and more efficient use of the better 'special' class land, no substantive details were provided and I consider it a negative aspect.

50 But in any case, the controls do not seem to be specifically directed at optimal use of the agricultural land. At present the land is used for grazing, which is common in the area and which can continue. The aims of SEPP RL include the facilitation of the orderly and economic use and development of rural lands for rural purposes, but the applicant provided no substantive evidence in this regard. I therefore conclude there is a real

likelihood the approval of the subdivision will fragment the land without any economic benefit.

51 I note that Mr Connelly provided some speculative evidence about the relative prices of rural/residential lots and how this made agricultural pursuits more difficult. But no valuation or other substantive evidence was presented which supports the application and demonstrates that the approval of this subdivision would satisfy Aim (a) of SEPP RL.

52 In summary then, I am not satisfied the applicant has demonstrated that the approval of the proposed small lot rural subdivision will satisfy the aims and objectives of the relevant controls to merit consent. Instead, it appears that there is a real likelihood the approval would result in a smaller rural/residential lot with potentially compromised amenity because the use of the 'primary production' lot is unknown, therefore limiting the determination of appropriate buffers and determination of the remaining area of good agricultural land. This lack of evidence on the future use of the relatively small rural Lot 2 causes me concern as to whether the subdivision is necessary in the subject circumstances.

53 In conjunction with this, the evidence confirmed to me considerable difficulties in addressing the provisions of cl 9(1) of the SEPP RL as to how much flexibility is to be allowed and what criteria applies to 'allowing land owners a greater chance to achieve the development objectives for the zone', so as to allow smaller, non-complying lot sizes. I note that CWRLRP stated that such flexibility could be based on exceptional circumstances that may include changes in technology, farming practices or family circumstances. But the applicant has not addressed any of these exceptional circumstances or produced substantive evidence showing that the subdivision approval would increase the probability of achieving the zone objectives.

54 It seems to me from the evidence that the subject application is the type that falls into the category of coastal development, which the CWRLP

indicated may not be suitable for resolution under SEPP RL. This finding is due to the existence of a majority of smaller rural lots in an area where the subdivision/excision of the better quality agricultural portions of smaller rural lots could result in considerable fragmentation and creation of smaller isolated, residue lots that do not constitute orderly development or a positive public interest outcome.

55 For these reasons, my conclusion is that the application does not merit consent primarily because it does not satisfy the provisions of SEPP RL, particularly cl 9.

**Court orders**

56 The Court orders that:

(1) The appeal is dismissed.

(2) The development application No 10.2011.368.1 for a 2 – lot subdivision of Lot 930 DP 858909, 335 Federal Road, Federal is refused.

(3) The exhibits may be returned except 1, 4 (Tab 22), 6, 7, B and C.

**R Hussey**
**Commissioner of the Court**

**Report No. ?** **Myocum Landfill Projected Closure and Myocum Quarry Landfill Progress Report**

**Executive Manager:** Water and Recycling
**File No:** ENG450000 #1211268

**Principal Activity:** Waste and Recycling

**Summary:** The current Myocum Landfill is approaching capacity. Based on current projections it is expected that the current landfill will reach capacity by July 2013.

Measures to extend the life of the landfill are being considered including; restriction on the acceptance of commercial/industrial and construction/demolition waste; kerb side separation of food and garden waste; and the use of landfill lids as an alternative to daily cover.

Council is progressing with the implementation of the Myocum Quarry Landfill project.

Based on current landfill projections it is clear that the existing Myocum Landfill void space will be exhausted prior to the potential availability of the new Myocum Quarry Landfill.

A number of planning/environmental studies have been completed which will be used to inform the Environmental Impact Statement for the Myocum Quarry Landfill.

This report provides a synthesis of the conclusions and recommendations of the planning/environmental studies that have informed the Environmental Impact Statement (EIS) stage.

A Request for Tender for the preparation of an EIS for the Myocum Quarry Landfill is currently being advertised. Tenders close on 11 May 2012.

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**RECOMMENDATION:**

1. **That Council note the current projection that the Myocum Landfill will reach capacity by July 2013 and the progress towards securing future waste disposal options, inclusive of the proposed new Myocum Quarry Landfill site.**

2. **That Council receive a further report on options for extending the life of the current Myocum Landfill and transition arrangements for alternative waste diversion and disposal.**

**Background**

Following a survey of the landfill and assessment based on the remaining void space it is estimated that based on current waste disposal rates, the Myocum Landfill will reach capacity within 15 to 17 months. Environmental assessments to inform the Environmental Impact Statement for the adjoining Myocum Landfill Quarry project have been finalised however it is clear that the new landfill, if approved, will not be operational for some period of time following the closure of the existing landfill. Based on the recent experience of neighbouring councils it is anticipated that approval and construction of a new landfill could take up to 5 years from the submission of the Development Application and Environmental Impact Statement.

This report is in three parts. Part A relates to the forecast capacity of the Mycoum Landfill, Part B relates to extending the life of the current landfill and Part C concerns progress on the Myocum Quarry Landfill project.

Byron Shire Council is seeking to secure capacity for disposal of residual waste over the next 30 years in accordance with Council's adopted Waste Disposal Plan.

Importantly, this process does not signal an intention to slow efforts to reduce waste generation or resource recovery. Rather, it recognises that residual waste disposal capacity will be required into the future for wastes that can not be recycled or reused.

Over the next 30 years, it is expected that Council will require 1,000,000 cubic metres of landfill capacity. Around half of this will be wet (putrescible) waste and half will be dry (non-putrescible) waste.

This landfill capacity requirement can be reduced to around 500,000 cubic metres via more aggressive recycling and resource recovery, primarily via recycling of organic, construction and demolition wastes.

A number of landfill disposal options exist, in addition to alternative waste technologies. These options have been considered in studies previously completed by the North East Waste Forum on behalf of member Councils within our region. Furthermore Hyder Consulting has recently been engaged (March 2012) through NOROC to undertake a review of Regional Waste Disposal options.

Council has identified potential landfill capacity at the adjacent Myocum Quarry. In addition, there is capacity at Richmond Valley Council Landfill (Casino) and two major landfills are available in South East Queensland (Swanbank and Willowbank)

In 2009 Council completed a detailed study of these disposal options that included a qualitative assessment of environmental suitability, resource efficiency, process reliability, development constraints, cost-effectiveness, and a quantitative assessment of costs (capital, operating, rehabilitation and transport). The current disposal options available to Council are somewhat limited and subject to change.

A disposal strategy based on the consecutive development of the landfill capacity at Myocum estimated provision of up to 20 years disposal capacity for the total residual waste stream. This disposal capacity increases to 30 years if comprehensive recycling programs for organic, construction and demolition waste are introduced.

There are some risks associated with the recommended strategy. The primary risk associated with the preferred strategy is the potential that Council may not gain development consent or an environmental licence for a wet (putrescible) waste landfill in the Myocum Quarry site. If that occurred, then a disposal strategy based on regional disposal of wet (putrescible) waste would be

required.

Of the two regional options, the South East Queensland Regional landfills provides a better overall outcome than the regional landfill, with the key benefits being that they are existing facilities with a high standard of access allowing bigger payloads, and provide some cost-benefits and lower risks than the regional landfill option. However, these landfills are subject to any potential changes to cross border waste disposal policy.

## 2.0 Part A: Projected capacity of the Mycoum Landfill

### 2.1 Report

Council adopted a waste disposal strategy at the Ordinary meeting 8 October 2009.

Implementation of the adopted strategy has commenced.

Development of Stage 2 of the Myocum Landfill Southern Expansion was included as a Management Plan project for 2010/11. Consent was granted on 14 October 2010. Approximately 90% of the additional landfill capacity has now been utilised due primarily to the increased waste volumes as reported to Council in April 2010.

In accordance with the adopted waste disposal strategy, the project initiation and planning phases for the development of a new landfill in the Myocum Quarry was included as a Management Plan Project for 2010/11.

The initiation phase of this project has been completed and the planning phase, including environmental assessment, is well underway.

### 2.2 Overview of Waste Disposal Strategy

Council's adopted waste disposal strategy recognises that residual waste disposal capacity will be required into the future for wastes that can not be recycled or reused. It does not signal an intention to slow efforts to reduce waste generation or resource recovery.

The strategy does not commit Council to landfilling as a means of waste disposal. It recognises that if new opportunities or alternative methods of treatment or disposal arose, they could be considered and compared with the existing disposal system.

Council's waste disposal strategy allows potential alternatives to be considered, against a backdrop of having secure access to waste disposal capacity to meet the community's needs.

### 2.3 Remaining Waste Disposal Capacity

A report was considered at the Ordinary meeting 22 April 2010 that informed Council of a significant increase in waste being received for disposal that had lead to landfill capacity being consumed faster than had been anticipated.

Council resolved to note the report (10-265).

The report advised that the increase in waste going to landfill would shorten the life of Council's available landfill capacity and bring forward development of new waste disposal capacity via the proposed Myocum Quarry Landfill.

The development of a new landfill carries a degree of risk in that the timeframe for investigations, consultation and assessment can take considerable time and be subject to unforeseen additional requirements as has been the case most recently with Tweed Shire Council.

Based on the current rate of waste disposal, it is management's view that there is insufficient time to gain the necessary approvals and commission the proposed quarry landfill prior to the existing landfill capacity in Stage 2 of the Myocum Landfill Southern Expansion being exhausted.

It is noted that there are risks associated with delays and potential increases in waste disposal rates that will necessitate preparation of contingency plans for the risks referred to in Councils adopted Waste Disposal Plan.

It remains important to continue implementation of the Myocum Quarry Landfill as per Council's adopted Waste Disposal Plan.

Council's adopted Waste Disposal Plan:

- Recognises Council's ongoing commitment to reducing per capita waste generation and increasing resource recovery in preference to waste disposal.
- Recognises that the disposal of residual waste will continue to decline as a result of waste avoidance and resource recovery activities
- Provides a contingency for breakdowns in resources recovery or recycling operations.
- Includes contingencies for delays in gaining development consent or operating licences for disposal or resource recovery facilities.
- Includes contingencies if development consent or operating licences are not granted for disposal or resource recovery facilities.
- Gives preference to local disposal of waste where environmentally appropriate, and in particular avoids transport of dry (non-putrescible) wastes out of the Shire for disposal.
- Seeks to minimise greenhouse emissions.

Currently around 60% of the waste generated in the Shire is disposed of to landfill. Significant resource recovery programs are proposed for construction, demolition and organic waste subject to necessary approvals. Following the introduction of these programs, it is anticipated that the proportion of waste being recycled will exceed that going to disposal. As time progresses, it is expected that continuing efforts to recover resources from the waste stream will further reduce waste to landfill.

As these transitions occur, it is expected that waste disposal will become a secondary process to Council's resource recovery activities. This factor will be important in gaining regulatory and community acceptance of the proposal to construct a new landfill as it will demonstrate that Council has developed a suite of programs to manage the waste stream, and are not simply relying on disposal to landfill.

Based on current waste disposal rates it is anticipated that the Myocum Landfill has between 15 and 17 months of landfill capacity remaining. The site will remain operational for other waste management functions.

### 3.0 Part B: Extending the life of Myocum Landfill

A series of measures are currently being investigated to extend the life of the Myocum Landfill and to reduce the period between the closure of the landfill and the opening of the future proposed Myocum Quarry Landfill.

Options currently under consideration include:

- restriction on the acceptance of commercial/industrial and construction/demolition waste;
- kerb side separation of food and garden waste;
- the use of landfill lids as an alternative to daily cover; and
- bulk waste transfer from Myocum Landfill to external waste reuse and/or waste disposal sites.

### 3.1 Restriction on the acceptance of commercial/industrial and construction/demolition

**waste**

A review of the average monthly waste contributions to Myocum Landfill (December 2009 and December 2011) (see **Table 1** below) indicates that an average 574 tonnes of commercial/industrial waste and 916 tonnes of construction/demolition waste have been received over this period.

**Table 1 Average Monthly Waste Contributions Myocum Landfill (December 2009 to December 2011)**

| Sector | Average Tonnes Per Month | Percentage of Total |
|---|---|---|
| Municipal | 649 | 27.80% |
| Commercial & Industrial | 574 | 24.5% |
| Construction & Demolition | 916 | 39.2% |
| Transfer Station | 195 | 8.35% |

Consideration is being given to placing a restriction on acceptance of construction and demolition and/or commercial and industrial waste. It is proposed to undertake a multi criteria analysis of the implications of restricting access to the landfill to decide on the best course of action. This decision will be balanced against operational, environmental, social and economic interests.

### 3.2 Kerb side separation of food and garden waste

As identified in the Preliminary Draft Waste Management Strategy (2012 – 2015) it is proposed to undertake a cost benefit analysis for the introduction of an organic waste (food & green waste) kerbside collection service to facilitate reprocessing for beneficial reuse. It is estimated that garden and food waste accounts for up to 50% of the domestic waste stream. Implementation of this waste diversion initiative would reduce overall waste to landfill by 15%.

### 3.3 The use of landfill lids as an alternative to daily cover

Council adopted a new program to implement landfill lids to cover the active waste face as an alternative to daily soil cover at the Myocum landfill using the available Waste and Sustainability Improvement Program (WASIP) funds at the Ordinary meeting 12 April 2012.

Technology has been developed such that large movable covers can now be deployed to provide the necessary daily cover and odour control. Tweed Shire Council has utilized WASIP funds to implement this technology with success. There are other benefits in deploying the lids including eliminating any need to purchase cover material, reduction in the greenhouse gases produced by carting cover material to the landfill, more effective litter, dust and odour control, while also reducing insect/rodent/bird activity at, and adjacent to the site.

It is proposed that Council seek approval from OEH to implement a program over the 2011/ 12 and 2012/ 13 financial years to deploy landfill lids. This program will be an important element in Council extending the life of the existing Myocum landfill while the proposed Quarry landfill project is developed.

### 3.4 Bulk waste transfer from Myocum Landfill to external waste reuse and/or waste disposal sites

To reduce the impact of the landfill closure on Byron Shire residents and commercial waste operators consideration will be given to the establishment of a waste transfer station at the Myocum Landfilll site. This will allow waste material to be stored in skips to a sufficient volume to enable large volume transfer for offsite disposal or reuse.

It is recommended that Council receive a further report on options for extending the life of the

current Myocum Landfill and transition arrangements for alternative waste diversion and disposal.

### 3.5 Potential Disposal Strategies

Based on the qualitative and quantitative assessment of the waste disposal options available to Council three potential strategies have been developed and are presented below in order of preference.

#### 3.5.1 Preferred Strategy - Local Disposal.

The preferred strategy is to maximise the life of the existing landill for the disposal of both wet and dry waste takes place at Myocum. This includes consideration and application where deemed appropriate of a combination of waste diversion strategies and/or alternative technologies (i.e. landfill lids). This strategy assumes that a landfill for disposal of wet (putrescible) waste will be approved at the Myocum Quarry site.

#### 3.5.2 Alternative Strategy 1 - SEQ Landfill

This strategy accommodates the potential that a landfill for disposal of wet (putrescible) waste will not be approved at the Myocum Quarry site. Disposal of wet waste will be via one of the South East Queensland Regional Landfills. Disposal of dry waste will take place locally, via the development of the Myocum Quarry Landfill.

#### 3.5.3 Alternative Strategy 2 - Regional Landfill

This strategy accommodates the potential that:
a) a landfill for disposal of wet (putrescible) waste will not be approved at the Myocum Quarry site; and
b) the SEQ regional landfill option is no longer viable due to the imposition of a landfill levy or other restrictions on access in Queensland.

Disposal of wet waste will be via a regional landfill such as the Richmond Valley Council Landfill at Casino. Disposal of dry waste will take place locally, via the development of the Myocum Quarry Landfill.

### 4.0 Part C Myocum Quarry Landfill Project

Council has an adopted Waste Disposal Strategy (#890668) and is progressing with the associated Quarry Landfill project in accordance with Council resolution:

***10- 1100 Resolved*:**

1. *That Council endorse the concept plan for the Myocum Quarry Landfill (#1033692).*

2. *That Council authorise the General Manager to make application to the NSW Department of Planning for the Director General's Requirements for the Environmental Assessment of the Myocum Quarry Landfill in accordance with the provisions of Part 4 of the Environmental Planning and Assessment Act.*

3. *That Council authorise the General Manager to call tenders for the provision of investigation and design services and preparation of an Environmental Impact Statement for the Myocum Quarry Landfill.*

4. *That the 2010/11 review of Council's Waste Strategy include consideration of recycling options for food and garden waste and other opportunities to divert materials from the waste stream..*

5. *That the Water, Waste and Sewerage Advisory Committee be tasked with assisting to review the waste strategy.*

The Director General's Requirements for the Environmental Assessment have been sought and received and a number of environmental planning studies have been prepared to inform the development of the EIS and Development Application. A summary of the conclusions and recommendations of these planning studies is provided below as a project update prior to moving to the EIS phase.

A map of the existing Myocum Landfill and the proposed Myocum Quarry Landfill site is provided at Figure 1.

### 4.1 Summary of Project Application

Council is seeking to gain consent for the development of the Myocum Quarry landfill as outlined in the concept design.

The landfill is expected to provide approximately 14.5 years of disposal capacity at current waste disposal rates. However the lifespan of a landfill can vary depending on waste generation rates. Increased waste diversion from recycling initiatives has the potential to reduce waste generation rates and increase the life of the landfill.

The approval being sought is for a landfill with a design capacity limited by the final landform, rather than a specific timeframe.

While Council is not seeking to access staged approval, it recognises that emerging technologies may provide alternatives to landfill disposal during the life of the Myocum Quarry Landfill.

**Figure 1 Location of Myocum Landfill and Proposed Myocum Quarry Landfill Site**



### 4.2 Planning Considerations

The assessment and approval options available to Council under the Environmental Planning and Assessment Act (EP&A Act) have been considered.

The State Environmental Planning Policy (Major Projects) in Schedule 1 describes Resource Recovery or Waste Facility developments to which Part 3A of the Environmental Planning and Assessment Act applies. The proposed landfill does not meet the criteria for assessment under Part 3A of the EP&A Act.

The State Environmental Planning Policy (Infrastructure) 2007 describes categories of land to which the provisions of Division 23 "Waste or Resource Management Facilities" apply. The development of the Myocum Quarry Landfill falls within the scope of the provisions of the Infrastructure SEPP and development consent under Part 4 of the EP&A Act is required.

The landfill development is designated development as defined in Section 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. An Environmental Impact Statement (EIS) is required to accompany the development application for this project.

A Request for Tender is currently being advertised for the preparation of an EIS under Part 4 of the EP&A Act. Tenders close on 11 May 2012.

### 4.3 Environmental Investigations and Studies

A number of environmental investigations and studies are required to support the preparation of an environmental impact statement and the detailed design. These studies include:

- Hydrogeological and Geological,
- Hydrology and Drainage,
- Air Quality,
- Noise and Vibration
- Traffic and Transport.
- Flora and fauna,
- Cultural heritage,
- Visual amenity,
- Social Impact,

Following advice from the Office of Environment and Heritage it was decided to engage suitably qualified consultants to undertake investigations into the nominated key priority studies to inform the EIS in an attempt to satisfy the requirements of Council (as a planning authority) and the Director-General of the NSW Department of Planning in a timely manner.

A series of environmental assessments have been commissioned by BSC over the last six months. The environmental assessments are identified in Table 1.0 below.

**Table 1.0 Environmental Assessment Proposed Myocum Quarry Landfill**

| Environmental Assessment | Author | BSC Doc Reference No. |
|---|---|---|
| Geotechnical and Hydro-geological | Allan Watson & Associates | #1160960 |
| Planning | BSC | #1189899 |
| Traffic & Transport | Cardno | #1162912 |
| Hydrology & Drainage | GeoLINK | #1189199 |
| Noise & Vibration | Air Noise Environment | #1212183 |
| Air & Odour | SLR | # 1219385 |

### 4.3.1 Hydro-geology and Geology

Allan Watson & Associates were engaged by Council to undertake a geological and hydro-geological assessment of the Myocum Quarry site, with the objective of this assessment being to assess specific landfill development requirements in the context of the concept design developed by GHD (2010).

A site investigation program forms part of this study, with the key aspects being:

(i) Assessment of geotechnical stability of existing quarry batters.
(ii) Assessment of available resources on site for use in landfill construction.
(iii) Characterisation of groundwater occurrence and movement.
(iv) Characterisation of contaminant migration potential via groundwater as the landfill develops.

A summary of AWA recommendations are as follows:

1. The existing quarry batters can be trimmed to ensure a safe working environment
2. A limited amount of blasting* is required to remove residual rock from the quarry
3. Landfill development would comprise installation of a low permeability liner on the inner surfaces of the quarry. The objective of the liner would be to reduce the potential for contaminant migration into the surrounding groundwater system, as well as to act as a barrier to groundwater entry into the landfill mass.
4. To manage the potential for either uplift or localised infiltration into the waste mass, a groundwater depressurisation system from within the annulus between the liner and the quarry surface is recommended.

Note: The impacts of blasting (including noise and vibration) have been included in the Noise and Vibration Impact Assessment.

### 4.3.2 Surface Water, Drainage and Flooding

GeoLINK was engaged by BSC to undertake an assessment of the hydrology and drainage impacts of the proposed Myocum Quarry Landfill.

A summary of the main findings are provided below:

1. Information sourced from Council, indicates that the site is not flood prone. It is estimated that during a 1 in 100 year flood event, modelled flood waters would not extend onto the site although it is likely that flood waters would accumulate off site approximately 30m from the north-western boundary corner.
2. Any surface runoff that comes in contact with the site would be diverted into the proposed sediment basins. The sediment basins would facilitate settlement of suspended sediment prior to reuse or discharge of the collected water.
3. In order to minimise infiltration and run-on of stormwater from the adjacent site, stormwater diversion bunds and swales are proposed to be constructed around the perimeter of the quarry.
4. To minimise the potential impact of the proposed landfill on the aquifer, the primary leachate barrier system is to incorporate a composite liner system, which may include a Geosynthetic Clay Liner (GCL) with a High-Density Polyethylene (HDPE) geomembrane or a compacted mineral liner with an HDPE geomembrane.

### 4.3.3 Traffic and Transport

Cardno Eppell Olsen has been commissioned by Byron Shire Council (BSC) to undertake a detailed Traffic and Transport Impact Assessment for the proposed Myocum Quarry Landfill site.

The Myocum Landfill site currently generates approximately 333 trips per day. This volume is

expected to grow to approximately 470 trips per day during the anticipated peak waste production year of 2028. This equates to an additional 137 trips per day and is considered to be a relatively minor increase in traffic.

This report has outlined the road safety issues associated with the existing site access intersection on The Manse Road. From a traffic engineering/road safety perspective, the Dingo Lane access is considered to be the preferred long term solution. However, further investigations will be required to determine if Dingo Lane is a viable options as there are flooding and topography issues.

In the short to medium term, Cardno recommend that the following works are implemented to improve safety of the existing site access intersection:

- Improve warning signage to the west of the site access
- Clear vegetation to the west of the site access.

The recommended mitigation strategy for each study intersection has been summarised in Table 2.0 below.

**Table 2.0 Mitigation Summary Traffic and Transport**

| Intersection | Required Mitigation Works | | | Comments |
|---|---|---|---|---|
| | For Capacity (SIDRA) | For Safety (Turn Warrants) | For Safety (Site Distance) | |
| Myocum Road/ The Manse Road | Nil | Type CHR(s) | Nil | Upgrade to include short channalised right turn |
| The Manse Road/ Site Access | Nil | Nil | Yes | Vegetation clearing is recommended to improve sight distances. Additional warning signs are required to increase awareness. |
| Dingo Lane/ Site Access | Nil | Nil | Nil | Further investigations are required to determine if Dingo Lane is a viable long term access solution. |

### 4.3.4 Noise and Vibration

Air Noise Environment (ANE) was engaged by BSC to undertake a Noise and Vibration Assessment for the proposed Myocum Quarry landfill. The noise and vibration assessment has been considered over the life of the landfill from establishment through to closure. ANE have considered the impacts of various noise sources on neighbouring residents within approximately 1km of the subject site.

A series of noise contours have been developed to illustrate the noise impacts on surrounding residences. The models have considered noise output, terrain, topography and metrological data. The location of the landfill within the void of the quarry provides a barrier to the majority of neighbouring residents which is not afforded to residents adjoining at the existing landfill.

A summary of the key recommendations are provided below:

1. Green waste material is to be stockpiled such that it forms an effective acoustic barrier

between particularly noisy activities (such as chipping of green waste and machine loading with scrap metal) and receptors to the south and east of the site; and
2. Particularly noisy activities are scheduled to occur during day time hours (i.e. not early morning or late afternoon/evening) and are managed such that the duration is limited as far as possible.

#### 4.3.5 Air and Odour

SLR Consulting Australia Pty Ltd (SLR Consulting) was commissioned to undertake an Air Quality Impact Assessment (AQIA) and Greenhouse Gas (GHG) assessment to assess the cumulative impacts due to the operations of the existing and proposed landfill sites.

This AQIA was completed with a conservative approach and a worst case scenario was represented in the dispersion modelling study. The dispersion model CALPUFF was used to assess the particulates (TSP, PM10, PM2.5 and dust) and odour impacts due to activities at the Project site.

It is concluded from the results of dispersion modelling that there are no exceedances of the relevant NSW OEH criteria for particulates. However, it is predicted that the odour criteria will be exceeded at some of the identified sensitive receptors primarily due to odour emission from the existing Myocum Landfill.

A source contribution analysis was conducted and it was concluded that the capped southern landfill at the existing landfill site is the major contributor of odour concentrations at the identified sensitive receptors.

The assessment confirms that predicted increment odour emissions from the proposed Myocum Quarry Landfill will comply with the NSW OEH odour criteria.

Since the monitoring program (ETC 2011) was concluded at the existing landfill site, the Council has developed an odour mitigation plan (BSC 2011). The odour mitigation plan (OMP) identified prioritised actions to be taken in order to reduce the odour impacts from the Project Site. The OMP identified 'capping and covering improvements for the southern landfill' as the top priority within the action plan.

It is anticipated that with the improvements in capping and covering procedures of the southern landfill site, there will be no exceedances of the odour criteria.

The GHG assessment was undertaken with a conservative approach and the study shows that the worst case total greenhouse gas emissions from the Project site are 4,972 t CO2_e per year. A comparison of the total annual GHG emissions from the Project against published net total GHG emissions for NSW and Australia during 2009 was also conducted. Total emissions from the Project site are estimated to represent approximately 0.003% of total NSW 2009 emissions and approximately 0.001 % of total Australian 2009 emissions.

### 4.3.6 Environmental Impact Statement Brief

A Request for Tender from suitably qualified and experienced parties for the preparation of an Environmental Impact Statement (EIS) and Preliminary Landfill Environmental Management Plan (LEMP) for the proposed Myocum Quarry Landfill is currently on advertisement. Tenders close on 11 May 2012.

The tenderer is to provide a lump sum price for the preparation of:

- an EIS in accordance with the Environmental Planning and Assessment Act 1979; and
- a Preliminary LEMP

for the proposed Myocum Quarry Landfill site.

The EIS is to identify impacts that could result from the construction and operation of the Myocum Quarry Landfill and identify measures that would minimise/mitigate against any such impacts. The EIS is to encompass all issues raised in the Director Generals Requirements and address all Agency comments. The EIS is to be consistent with all relevant legislation, policies, guidelines, procedures and plans. It shall also fulfil the legislative requirements necessary for Council, and other determining authorities, to make a decision whether the proposed activities should proceed.

The Preliminary LEMP is to provide guidance for Council management and staff to meet the New South Wales Environmental Guidelines: Solid Waste Landfills (Environment Protection Authority 1996), and predicted conditions of the Environmental Protection Licence issued for the activities conducted at the landfill. It should describe in preliminary terms how the proposed landfill will be developed, controlled and monitored to protect the local environment.

Following acceptance of the tender it is anticipated that the EIS and Preliminary LEMP will be completed within a 20 week time frame.

**Report No. 1.** **Wilsons Creek Road Landslip Update**
**Executive Manager:** Community Infrastructure
**File No:** ENG654000 #1243521

**Principal Activity:** Roads Drainage and General Construction

**Summary:** On 26 January 2012, the North Coast of NSW was subjected to a substantial storm and flood event that was declared a Natural Disaster by the NSW State Government.

This declaration provides Council financial assistance from the NSW State Government under their Natural Disaster Relief Programme for both emergency and restoration works to our assets. The programme is administered by both the Roads and Maritime Services (RMS) and the Department of Services, Technology and Administration (DSTA). Council will make claims for financial assistance.

This report updates Council on the landslip that occurred during this declared Natural Disaster on Wilsons Creek Road immediately west of Wilsons Creek Primary School.

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**RECOMMENDATION:**

**That in relation to the Wilsons Creek Road landslip Council note:**

1. **a detailed options study for all long term solutions for the Wilsons Creek Road landslip has been undertaken.**

2. **the options study is to be the subject of further discussions between Council staff, Coffey, Fisheries, Rous Water and RMS.**

3. **staff are pursuing State Government funding through the Natural Disaster Relief Assistance program.**

4. **when appropriate a report will be provided to Council to allow further update and to gain approval to proceed to tender.**

***Attachments:***

- Location map of Wilsons Creek Road landslip #1244106 [1 page] ..... **Annexure 40**



Signed: ..... (EXECUTIVE MANAGER)

Signed: …….. (GENERAL MANAGER)

**Report**
On 26 January 2012, our region experienced a weather event involving heavy rain and flooding. The rain was particularly heavy north of Byron Shire, in the Tweed Council and the SE QLD areas. As a result of the flooding in the Tweed River there were evacuations of people from low areas from Murwillumbah to Fingal Head.

The impact of the heavy rain and flooding in our Council area was experienced the most in the upper reaches of Main Arm and Wilsons Creek. Flooding of roads and causeways occurred and residents' access was severed for several days.

The severe weather event caused damage to infrastructure across northern NSW and the NSW State Government declared the event a Natural Disaster. This declaration will provide Council financial assistance from the NSW State Government under their Natural Disaster Relief Programme for both emergency and restoration works to our assets. The programme is administered by both the Roads and Maritime Services (RMS) and the Department of Services, Technology and Administration (DSTA). Council will make claims for financial assistance.

During this declared Natural Disaster event a landslip on the bottom side of the road occurred on Wilsons Creek Road, immediately past the Wilsons Creek Primary School.

Wilsons Creek Road is a valley road and there is no alternative road access to properties beyond the landslip on the western side. It has been estimated that up to 100 properties and over 400 people live beyond the landslip.

Photos of the site taken on 27 January are as follows:





The landslip caused the embankment below the road and a portion of the road pavement to slip into the Creek. There is still an active crack in the road pavement between the edge of the landslip and the table drain on the uphill side of the road. This crack is a concern as it may cause more of the road to fail.

The response during and immediately after the natural disaster event was to try to slow the landslip, protect the road embankment and minimise the loss of the road pavement. This was achieved by excavating a bench in from the western end and then placing imported rock in front of the landslip area and immediately adjacent embankment areas, above, below and on the bench.

The landslip resulted in barriers being installed along the edge of the landslip and a one way contra traffic control system installed, as there is insufficient width for two vehicles to pass on the restricted road pavement.

Photos of the work in progress and the temporary rock support works are as follows:





Council staff have met onsite with RMS staff and Fisheries staff to show them the temporary rock support works and to explain the problems and consequences of the landslip to Council and the community.

Council engaged Coffey Geotechnics P/L to provide preliminary geotechnical consultancy works, involving a site inspection of temporary works on 2 February 2012 and an initial assessment of a Gabion Terramesh wall as a retaining wall solution to reinstate the road embankment and pavement. This assessment, using assumed foundation and material properties, determined that this was not a long term support solution.

Since the landslip, staff have been monitoring the road past the landslip, the crack in the pavement and any observations of changed conditions on the face of the temporary rock embankments. This monitoring is repeated immediately after any rain events.

At Council request, Coffey also assessed the safe load limit of vehicles using the road past the landslip area. It was determined that a 5 tonne Gross Vehicle Mass was acceptable, as it provided a low risk of instability. Load limit signage was installed in conjunction with the traffic control signage.

This load limit has caused impacts on the residents in this area, the wider community, businesses, school bus operators and Council road maintenance operations. All these activities have had to be modified to operate within the 5 tonne load limit.

The school bus now uses a mini bus to pick up school children on the western side of the landslip to then meet the normal school bus just east of the Wilsons Creek Primary School. Council has had to undertake its road maintenance activities past the landslip using smaller equipment than normal, for example, backhoe instead of grader, footpath roller instead of road roller, mini excavator instead of normal excavator, etc

Coffey undertook onsite geotechnical drilling to determine the actual foundation and material properties for the road embankment and recalculated their slope stability models of the landslip to determine proposed solutions. Unfortunately the actual properties were worse than that assumed and the preliminary options to be considered involved piled wall supports and re alignment of the road.

The State Government, through the Roads and Maritime Services (RMS), requires that Council submit documentation on the repair options investigated, option selected for construction and then the detailed design, cost estimates, environmental reviews and other relevant documentation. All this needs to be submitted and approved by the RMS before construction can commence onsite.

Council's consultants, Coffey, have completed a detailed options study for all long term solutions for the landslip. The options considered were:

1. terramesh wall (from initial assessment)
2. mass rockfill
3. soil nailing
4. off site re alignment
5. plied support
6. buttress support with terramesh or mass rockfill

Factors considered for each option were:

- deep seated failure of the road embankment
- material properties of colluvial embankment material
- groundwater and surface water
- existing alignment of the road

- slope above the road
- temporary rock support works
- impact to the Creek
- construction plant access and through traffic movements
- time and cost of permanent repair works

At the time of writing this report, meetings were being arranged with Council staff, Coffey, Fisheries, Rous Water and RMS to discuss the options report and seek advice / feedback from these organisations on the options.

The aim is to obtain in principle approval / support from these organisations on the permanent solution and then progress towards the detailed design, cost estimates, environmental reviews and other relevant documentation.

Once the repair option is considered and approved by the RMS, Council can proceed to construction, which will probably be undertaken by a formal, open tendered contract due to the specialised nature of the repair and the equipment required. Construction by contract will require a further report to Council to gain approval to proceed to tender. This will allow another update to be provided on the progress of this project.

Whilst this investigation, design, approval and pre construction phases are detailed and time consuming, it is an essential part of the project and needs to be completed. Council will actively work through it in a timely manner to obtain the approval for the funding and commencement of construction as soon as practicable.

Council is pursuing State Government funding through the Natural Disaster Relief Assistance Program as it is not known precisely how much the work will cost yet, but we know it will be expensive. It is preferred that Council's limited road budgets be spent on other road maintenance and capital projects, rather than repairing what has been destroyed by a natural disaster and can be funded with assistance available from the State Government.

**Financial Implications**
There are no negative implications proposed in this report.

**Statutory and Policy Compliance Implications**
There are no negative implications proposed in this report.

# snap the sea, see the future

Proposal to raise public awareness about sea level rise across Australia through a national crowd-sourcing photography initiative

## Witness King Tides

Witness KIng Tides is an innovative community initiative that encourages people to photograph the king tides in their area.

The project was piloted in Queensland in 2011/2012 with support from the Department of Climate Change and Energy Efficiency and the Queensland Government. It engaged with more than 300 community clubs and local residents who headed out and took photos, resulting in a collection of more than 1600 powerful images that can be viewed and shared online. Similar initiatives are underway in the United States and Canada.

**In 2012/2013, Green Cross Australia is taking Witness King Tides national.**

**This brief project proposal aims to give you an overview of our vision. We look forward to speaking with you to explore potential partnership opportunities further.**

## Objective

The objective of this project is to engage with the public in a fun and interactive way to raise awareness of sea level rise and visualise the impacts it may have on our coastal communities.

The project will also link participants with local climate adaptation resources to facilitate community engagement in adaptive activities led by local government and others.



Bribie Island, Sunshine Coast, 8:35 am 22/12/12 Photo: Greg McKean

## Background

We love our coasts! Coasts and beaches are as fundamental to the Australian way of life as vegemite and cricket. It is not surprising that more than three quarters of our population live within 50km of the coastline. In fact, population density in coastal areas has grown by 14% between 2001 and 2009[1]. As a result, our coastal communities, as well as the natural and built environment along our coastlines, are under increasing pressure.

What's more, scientists around the world are warning of the risks to our coastal zones from gradual sea level rise. The Intergovernmental Panel on Climate Change (IPCC) projects a global sea level rise of up to 80 cm by 2100. Climate scientists project that in the future extreme weather events (such as cyclone, storm surge and severe storms) may become more severe and, if not, more frequent. With an average rise of 50 cm over the 21st century, this would mean that events now happening every 10 years could occur every 10 days by 2100[2]. This could have significant effects on Australia's coastline and inter-tidal foreshores.

Protecting our coasts and adapting to the changing sea levels will be critical in maintaining our Aussie way of life and special relationship with the coast. It is important that we communicate and help visualise what the potential impacts of sea level rise could look like, so we can start raising awareness, planning proactively and preparing for the future.

The Witness King Tides project does exactly that. King tides are a natural phenomena that occur twice a year because of the combined influence of a number of astronomical factors related to the sun and the moon and the gravitational attraction they each have on the water surface of the Earth. King tides are the highest tides of the year and offer an opportunity for the public to understand what sea level rise projections might mean for their local community.

[1] Australian Bureau of Statistics, Oceans and Estuaries Coastal Development http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1370.0~2010~Chapter~Coastal%20development%20(6.4.4.1)
[2] Australian Government Department of Climate Change, Climate Change Risks to Australia's Coasts http://www.climatechange.gov.au/~/media/publications/coastline/cc-risks-full-report.pdf

# proposition

Green Cross Australia is offering an opportunity for coastal councils around Australia to become involved in this national project.

We are seeking small contributions from coastal councils around Australia to support the national scale-up of the project. The total cost of the Witness King Tides project for 12 months is $250,000. Across Australia there are nearly 200 coastal councils. If each council made a contribution we would be able to build a nation-wide project of connected coastal communities.

We are asking for a cash contribution of between $1,000 and $5,000.

## Benefits for councils

- Educational materials about the causes and effects of sea level rise including custom-created video interviews with leading researchers
- Practical tips for how to participate and plan a photo shoot including a map of Australia that displays likely peak tide times around the country and information about 'hot spots' to photograph
- Links to local climate adaptation resources
- Co-badging of electronic promotional materials
- An enduring photographic record to inform community discussion and planning

## What we are seeking from supporters

- Cash contributions (between $1,000 and $5,000)
- In-kind support in identifying relevant adaptation materials for your local communities
- In-kind support in helping to communicate the project to your local residents
- Encouraging council staff and local partners to participate in the project



Cleveland Point, 12:10pm 23/01/12 Photo: Mike & Elisabeth Daniell



Mackay, 10:22am 22/01/2012 Photo: Les Thyler



Thursday Island, 11:45am 21/01/12 Photo: Pippa Daines



Yeppoon, 8:41am 22/01/12 Photo: Nathan Mitchell

# project deliverables

## National website including the following:

- Intuitive interface for uploading, geolocating and describing photos. This tool creates a lasting open-source photo collection that illustrates the potential impacts of sea level rise and can assist local councils and the community with pro-active planning and adaptation
- Educational materials about the causes and effects of sea level rise including custom-created video interviews with leading researchers
- Practical tips for how to participate and plan a photo shoot including a map of Australia that displays likely peak tide times around the country and information about 'hot spots' to photograph
- Links to local climate adaptation resources produced by local government and other agencies

## Targeted communications campaign

- Green Cross Australia will communicate with participants through social and traditional media through an extensive marketing campaign
- Media engagement will include The Weather Channel, Green Cross Australia's national media partner

## Project report

A final project report summarising the latest findings from the Australian and the global research community about sea-level rise, potential impacts on Australia's shorelines and highlights of the crowd-sourcing photo initiative.

# project outcomes

- Impacts of sea level rise are visualised by participants
- Large audience reached through extensive media campaign
- Public awareness is raised about the challenges of coastal sea level rise and the need to prepare for and invest in adaptation
- Research community is assisted with distribution of sea level rise projection information in a non-advocacy way, relevant to local communities
- Australia is linked into emerging international king tide initiatives



Pioneer River Jetty, Mackay, 10:05am 23/01/12 Photo: Carolyn Thumpson



Surfers Paradise, 8:45am 23/01/12 Photo: Marisa Liberato



Brisbane CBD, 10:25am 23/01/12 Photo: David Weddell

# methodology

## Governance

The project will be managed by Green Cross Australia. We are currently approaching Federal and State Governments, local councils as well as research, industry and community organisations to fund and partner in this project. Project partners will be invited to join the project steering committee to provide strategic advice and oversight.

## Stakeholders and partners

Green Cross Australia has a proven track record of our ability to outreach to relevant interest groups and mobilise large numbers of Australians to engage in our fun and interactive programs.

In the Queensland pilot, Green Cross Australia engaged with local government, community groups, surf life saving clubs, photography clubs, local businesses and others to generate interest in the project and mobilise participation.

The national Witness King Tides project has already secured support from our core project partners including Dr Andrew Ash (Director of CSIRO's Climate Adaptation Flagship), Phil Watson (Principal Coastal Specialist NSW Office of Environment and Heritage), Queensland Coastal Society and the Local Government Association of Queensland.

## Measures of success

The success of the project will be measured through comprehensive monitoring and managing of web analytics, social media, breadth of photos uploaded and participant feedback. A detailed list of performance indicators will be prepared in collaboration with our project partners during the project inception phase.



Photos geolocated on an interactive online map www.witnesskingtides.org

## Communications strategy

This program will be brought to life through an extensive outreach campaign combining the power of social and mainstream media to maximise participation in the project. Social media such as Facebook and Twitter played an important role in spreading the word to connect with local communities and organisations on the coast.

The Queenland pilot project attracted widespread media coverage including 36 newspaper articles, 12 radio stories, 9 television interviews and 18 newsletter promotions. As a result 6,624 people visited the website and viewed a total of 23,200 pages over the three months project lifetime. All of this was achieved for only one section of Australia's coastline. Imagine what such an outreach campaign could achieve across all of Australia.

## Project activities and milestones

| Description | Scheduled Start | Scheduled Finish |
|---|---|---|
| Scoping phase | Jul 2012 | Sep 2012 |
| Project inception | Sep 2012 | Sep 2012 |
| Web development | Sep 2012 | Dec 2012 |
| Promotion and marketing | Oct 2012 | Jul 2013 |
| Photo event 1: Summer King Tide | Dec 2012-Jan 2013 | Dec 2012-Jan 2013 |
| Photo event 2: Winter King Tide | Jun 2013 | Jun 2013 |
| Project wrap-up phase and review process for future events | Jul 2013 | Jul 2013 |



Yeppoon Beach, 8:23am 22/01/12 Photo: Sunita Lata

## Contact us

We look forward to discussing the exciting opportunity with you to build a national king tide photography initiative that empowers generations of Australians to visualise the potential impacts of sea level rise.

**Caitlin Calder-Potts**
Project Coordinator
Green Cross Australia
p: 07 3003 0644 m: 0403 287 513
e: caitlin@greencrossaustralia.org

**Lisa Wilhelmseder**
Head of Programs
Green Cross Australia
p: 07 3003 0644 m: 0403 944 565
e: lisa@greencrossaustralia.org

snap the sea, see the future

# PHOTOGRAPHING AUSTRALIA'S KING TIDE

Find out more about Green Cross Australia's award-winning projects at www.greencrossaustralia.org

## Why Green Cross Australia?

Green Cross Australia helps people adapt to our changing climate. We are not an advocacy group. Rather, we work with respected business, research, community and government partners to deliver world-class digital projects that inspire Australians to cultivate environmental values and take practical actions towards a safe and sustainable world.

GREEN CROSS Australia

WITNESS KING TIDES

# snap the sea, see the future

Proposal to raise public awareness about sea level rise across Australia through a national crowd-sourcing photography initiative

GREEN CROSS Australia

## Testimonials

*The effects of sea level rise will be felt right around Australia in our coastal communities. By encouraging citizens to visualize and capture the increasing impacts of king tides, Witness King Tides is a powerful educational tool.*

**Dr. Laura Stocker – Curtin University**

*Local governments in coastal communities are conscious of the potential impacts of projected sea level rise. Witness King Tides communicates the potential impact on the community and provides a powerful visual record of the challenges our coastal cities and towns may expect in the future.*

**Scott Leonard – Local Government Association of Queensland**

*Urban landscapes around the Australian coast will experience the effects of sea level rise. Witness King Tides allows communities to engage and visualise the future impacts of sea level rise in their local areas. It is an important educational program for coastal communities and all of Australia*

**Phil Watson – Principal Coastal Scientist, NSW Office of Environment & Heritage**

*Given the tremendous success of Witness King Tides in Queensland in 2011/12, I look forward to the national project. In Australia and indeed around the world, we face difficulties in adapting to sea level rise. We must educate and empower our communities to respond. Through it interactive features and visually engaging interface, Witness King Tides offers an excellent means to communicating sea level rise to citizens.*

**Greg Stuart – Queensland Chapter, Australian Coastal Society**

*The Weather Channel supports the Witness King Tides project. The program allows coastal communities to come together as a group to observe the impact of severe tidal movement in their local area.*

**Julian Delany – General Manager, The Weather Channel**

*Given the projected impacts of sea level rise on Australia's coastal communities, it is vital that citizens and residents are informed and able to begin the journey to adaptation. Witness King Tides is a simple way of communicating and visualizing what higher sea levels will mean for coastal communities.*

**Dr. Andrew Ash – Director Climate Adaptation Flagship, CSIRO**

*Since the start of the satellite altimeter record in 1993, global average sea level rose at a rate near the upper end of the sea level projections of the Intergovernmental Panel on Climate Change's Third and Fourth Assessment Reports.*

**Dr. John Church – CSIRO Fellow**




# Optional Pre-Conference Estuary Technical Workshop

**(optional extra)**

## Tuesday 6th November 2012

9.30am – 9.55am **Workshop Registration and Morning Tea**

9.55am – 10.00am **Introduction**
Kerryn Stephens, OEH (facilitator)

**10:00am – 12:00pm**

| | |
|---|---|
| **Presenter:** | *Dr Will Glamore* |
| ***Topic:*** | ***A short introduction to hydrodynmanic modelling*** |

**12:00pm – 12:45pm Lunch**

**12:45pm – 2:45pm**

| | |
|---|---|
| **Presenter:** | *Dr Peter Scanes* |
| ***Topic:*** | ***Estuarine ecosystem health assessment*** |

**2:45pm – 3.30pm Afternoon Tea**

**3.30pm – 5.00pm**

| | |
|---|---|
| **Presenter:** | *David Hanslow* |
| ***Topic:*** | ***Estuarine inundation (first pass, second pass...)*** |

**5pm – 6pm** **Optional Early Registration with an Arrival Drink**
**Trade display set up and poster set up**
***The Pavilion, Kiama***

***Enjoy an evening at your leisure to experience the local restaurants***

1

NSW Coastal Management - Coming of Age?

21st NSW Coastal Conference

6th – 9th November 2012
The Pavilion, Kiama, NSW

# CONFERENCE PROGRAM OUTLINE

(at 7th September 2012, subject to change)

## PROGRAM - Day 1 Wednesday 7th November

7.45am **Registration**

## Session 1: Plenary 9.00am – 10.50am

8.45am **Welcome to Country**

9.05am **Welcome from the Host Council**

9.20am **Conference Opening**

9.50am **Keynote Presentation**

10.30am **Local South Coast Keynote Presentation**
**Bruce Elder,** *Sydney Morning Herald*

**10.50am – 11.20am Morning Tea**

## Session 2: Concurrent 11.20am – 12.45pm

| | **2A: The fine print** – planning, legal, policy issues | **2B: Outside the box** – multidisciplinary approaches to coastal management | **2C: Marine & estuarine environments** – science and management |
|---|---|---|---|
| **Location:** | *The Norfolk Room* | *Saddleback/Surf Beach Room* | *Kendall Room* |
| ***Chair:*** | | | |
| **11.20am – 11.45am** | Public Trust Doctrine and the Coast<br>**Prof Bruce Thom,** *Wentworth Group of Concerned Scientists* | Rock Fishing in NSW: An Evidenced Based Approach to Reduce Severe Injury and Drowning Risk<br>**Anthony Bradstreet,** *Surf Life Saving Australia* | Monitoring the Canaries of Our Catchments<br>**Chelsea Nash,** *Bega Coast Oysters Inc* |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **11.50am - 12.15pm** | NSW Planning Law Reforms – Implications for | Project Blue Print – State Wide Coastal Public | Oyster Information Portal- a User-group |

| | | | |
|---|---|---|---|
| | Best Practice Coastal Management<br>**Rachel Walmsley**, *EDO NSW* | Safety Risk Assessment Program<br>**Adam Weir,** *Surf Life Saving Australia* | Focused 'Coastal Goggle' for the Future<br>**Dr Ana Rubio,** *Shoalhaven Marine and Freshwater Centre, University of Wollongong* |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **12.20pm – 12.45pm** | Low Tide for Non-government Interests in NSW Coastal Management<br>**John Corkill,** *Southern Cross University* | Twenty One (and We Hold the Keys to the Future?)<br>**Dr Ian Armstrong,** *Sydney Coastal Councils Group* | Monitoring the Ecosystem Health of Estuaries on the NSW South Coast<br>**Danny Wiecek**, *Office of Environment & Heritage* |

**12.45pm – 1.45pm Lunch and Poster Session**

**Session 3: Concurrent 1.45pm – 3.10pm**

| | **3A: Getting the message across –** innovative approaches to education, media & engagement | **3B: Innovations in the management of coastal hazards** | **3C: Marine & estuarine environments –** science and management |
|---|---|---|---|
| **Location:** | *The Norfolk Room* | *Saddleback/Surf Beach Room* | *Kendall Room* |
| ***Chair:*** | | | |
| **1.45pm – 2.10pm** | Engaging Communities in Climate Change Adaptation: A Case Study from North East Victoria<br>**Dr Chris Riedy,** *Institute for Sustainable Futures* | Decision Support for Adaptation in the Hunter, Central & Lower North Coast Region<br>**Steve Wilson,** *Hunter Councils* | Tomago Wetland Rehabilitation Project: Integrated, Innovative Approaches<br>**Kylie Russell,** Department of Primary Industries |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **2.15pm – 2.40pm** | Sea No Evil, Hear No Evil – Community Engagement on Adaptation to Sea Level Change<br>**Heather Stevens,** *Lake Macquarie City Council* | Considering Tidal Modification When Mapping Inundation Hazard in NSW Estuaries<br>**David Hanslow,** *NSW Office of Environment & Heritage* | Coastal Wetland Remediation in a Changing Climate: Process Understanding and Application<br>**Dr William Glamore,** Water Research Laboratory |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **2.45pm – 3.10pm** | But How do we Tell the People?<br>**Mia Dalby-Ball,** *Dragonfly Environmental* | Slip Sliding Away - Managing Coastal Geotechnical Hazards<br>**Angus Gordon,** *Coastal Zone Management and Planning* | Challenges of Saltmarsh Rehabilitation in a Non Tidal Estuary – Perspectives on Delivery of on Ground Works<br>**Matthew Barnett,** Wyong Shire Council |

**3.10pm – 3.40pm** **Afternoon Tea**

## Session 4: Concurrent 3.40pm – 5.05pm

| | **4A: Innovations in the management of coastal hazards** | **4B: Acting Local –** people making a difference on the ground | **4C: Outside the box –** multidisciplinary approaches to coastal management |
|---|---|---|---|
| **Location:** | *The Norfolk Room* | *Saddleback/Surf Beach Room* | *Kendall Room* |
| ***Chair:*** | | | |
| **3.40pm – 4.05pm** | Two Dimensional Planning: the Application of Tidal Projections to Determine Risk Management Triggers **Norman Lenehan,** *Eurobodalla Shire Council* | Community Partnership Making a Difference at Gerroa **Grant Merinuk,** *Seven Mile Beach Landcare* | How Do You Price the Priceless? The Economics of the Coast in the UK and Australia **Hineora Braddock,** *Umwelt* |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **4.10pm – 4.35pm** | Towards a Typology of Rocky Coasts in the Context of Risk Assessment **Dr David Kennedy,** *Resource Management and Geography* | Back from the Brink - Water Quality in the Great Lakes **Prue Tucker & Gerard Tuckerman,** *Great Lakes Council* | Managing Aboriginal Heritage Sites Threatened by Projected Sea Level Rise – with a Case Study from Pambula Estuary **Gabrielle Pietrini,** *Office of Environment & Heritage* |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **4.40pm – 5.05pm** | Long-term Shoreface Response to Disequilibrium-Stress: A Conundrum for Climate Change **Marc Daley,** *NSW Office of Environment & Heritage* | National Surfing Reserves, a Concept Matured or an Initiative on the Edge? **Chris Tola,** *National Surfing Reserves* | Aboriginal Cultural Fishing in NSW and it's Rightful Place in Management of Coastal Resources **A/Prof Stephan Schnierer,** *Southern Cross University* |

**5.05pm** ****Close of Day One****

**5.05pm** **Australian Coastal Society NSW Chapter Meeting**

**6.30pm – 9.00pm** **Welcome Reception**
The Sebel Harbourside Kiama

## PROGRAM - Day 2 Thursday 8th November

8.30am **Registration (for 1 Day delegates)**

## Session 5: Plenary 9.00am – 10.05am

9.00am **Welcome to Day 2**

9.00am **Presentation Bids for 2013 Host Councils**

9.10am **Presentation by Silver Sponsor**
on behalf of all NSW Coastal CMA's

9.20am **Professor Stephen Dovers**
*Australian National University*

**10.05am – 10.30am Morning Tea**

## Session 6: Concurrent 10.30am – 12.25pm

| | **6A: The fine print** – planning, legal, policy issues | **6B: Innovations in the management of coastal hazards** | **6C: Marine & estuarine environments** – science and management |
|---|---|---|---|
| **Location:** | *The Norfolk Room* | *Saddleback/Surf Beach Room* | *Kendall Room* |
| ***Chair:*** | | | |
| **10.30am – 10.55am** | A Proposed Policy Framework for Coastal Australia<br>**Alan Stokes,** *National Sea Change Taskforce* | Vulnerability to Sea Level Rise of 9 Beaches in Shoalhaven: A New Assessment Methodology<br>**Dr Abbas El-Zien,** *University of Sydney* | To Open or Not to Open, that is the Question.....<br>**Kerryn Stephens,** *NSW Office of Environment & Heritage* |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **11.00am – 11.25am** | Local Government at the Interface Between Federal and State Policy and Community Expectations for Coastal Hazard Management<br>**Lesley Scarlett,** *Southern Councils Group* | Managing Coastal Hazards: Challenges Facing Implementation of Actions<br>**Verity Rollason,** *BMT WBM* | Coastal Lagoon Entrance Management - What Can Models Tell Us?<br>**David Wainwright,** *BMT WBM / University of Queensland* |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **11.30am – 11.55am** | Sea Level Rise and Local Government – What Goes Up Must Come Down....<br>**Isabelle Ghetti,** *Shoalhaven City Council* | Integrated Hydrological and Ecological Modelling to Develop the Sydney Harbour Catchment Water Quality Improvement Plan<br>**Peter Freewater,** *Sydney Metro CMA* | Preliminary Examination of Coastal and Catchment Flooding Interaction From the Data<br>**Leon Collins,** *Manly Hydraulics Laboratory* |

| *5 min* | *Changeover* | *Changeover* | *Changeover* |
|---|---|---|---|
| **12.00pm – 12.25pm** | Removal of an Unlawful Seawall from a Sydney Open Coast Beach: The Steps to Success<br>**Peter Horton** | Flow Modelling and 3D Visualisation to Better Understand Coastal Inundation Processes<br>**Mahesh Prakash,** *CSIRO Mathematics, Informatics and Statistics* | Groundwater Impacts on a Mostly Closed, Displacement Dominated ICOLL<br>**Dr Philip Haines,** *BMT WBM* |

**12.25pm – 1.25pm Lunch**

## Session 7: FIELD TRIPS 1.45pm – 5.00pm

| | Description | Host / Tour Guide |
|---|---|---|
| **FT1** | KIAMA COASTAL WALK | |
| **FT2** | TOURISM IN THE COASTAL ZONE | |
| **FT3** | WORKING TOGETHER – COMMUNITY, BUSINESS AND GOVERNMENT AT CROOKED RIVER AND SEVEN MILE BEACH | |
| **FT4** | FROM THE RAINFOREST TO THE OCEAN – MINNAMURRA CATCHMENT MANAGEMENT | |
| **FT5** | LIVING ON A ROCKY COASTLINE | |

***Afternoon Tea included on the Field Trip***

**7pm for 7.30pm** **Conference Dinner & Annual NSW Coastal Management Awards**
***The Pavilion Kiama***

## PROGRAM - Day 3 Friday 9th November

8.30am **Registration (for 1 Day delegates)**

### Session 8: Concurrent 9.00am – 10.55am

| | 8A: Getting the message across – innovative approaches to education, media & engagement | 8B: Marine & estuarine environments – science and management | 8C: Innovations in the management of coastal hazards |
|---|---|---|---|
| **Location:** | *The Norfolk Room* | *Saddleback/Surf Beach Room* | *Kendall Room* |
| ***Chair:*** | | | |
| **9.00am – 9.25am** | Clearing the Confusion - Clarifying Data on Sea Level Rise<br>**Dr David White** | Sandy Beach Biological Research – Important Questions for Knowledge and Management<br>**Alan Jones,** *Australian Museum* | Geotechnical Aspects of Seawall Stability with Climate Change<br>**Lex Nielsen** |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **9.30am– 9.55am** | Healthy Waterways – Better Boating, More Fish<br>**Lesley Diver,** *Sydney Metropolitan Catchment Management Authority* | Monitoring Marine Biodiversity, Invasive Species and Debris Loads in the Batemans Marine Park<br>**Andrew Green,** *Nature Coast Marine Group Inc* | Application of a Model Framework for Assessing Risk to Climate Change on the South Coast of New South Wales<br>**Dr Amy Dougherty,** University of Wollongong |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **10.00am – 10.25am** | Who Cares? How to Engage the Unaware Public<br>**Sheree Epe,** *Sapphire Coast Marine Discovery Centre* | Augmenting the Utility of NSW Longest Tide Gauge Records with Continuous GNSS Technology<br>**Phil Watson,** *Office of Environment & Heritage* | Adaptation by Design – Adapting New Buildings and Foreshore Protection Works to Sea Level Rise in Coastal Estuaries<br>**Greg Giles,** *Lake Macquarie City Council* |
| ***5 min*** | ***Changeover*** | ***Changeover*** | ***Changeover*** |
| **10.30am – 10.55am** | Community Engagement Through Social Networking, Media and Innovative Approaches to Project Delivery – Engaging Our Youth<br>**Megan Rowlatt,** *Conservation Volunteers Australia* | Incorporating Estuaries As a Source or Sink of Sediment Within Assessments of Coastline Risk and Adaptation to Climate Change<br>**Dr Kerrylee Rogers,** *University of Wollongong* | Delivering Coastal Data: the New South Wales Coastal Information System<br>**Leander Wiseman,** *Office of Environment & Heritage* |

| | |
|---|---|
| **10.55am – 11.20am** | **Morning Tea & Poster Display** |

**Session 9: Plenary** **11.20am – 12.45pm**

| | |
|---|---|
| 11.20am – 12.05pm | **Matt Perry**<br>*Founder and Partner, Republic of Everyone*<br><br>**Announcement for 2013NSW Coastal Conference host council; poster prize winner announced** |
| 12.30pm – 12.45pm | **Summary and Wrap up of Conference** |

| | |
|---|---|
| **12.45pm – 1.45pm** | **Lunch**<br>****Close of conference**** |

# NOTICE OF MEETING

## ACCESS ADVISORY COMMITTEE MEETING

An Access Advisory Committee Meeting of Byron Shire Council will be held as follows:

| | |
|---|---|
| **Venue** | **Meeting Room 2, Multi Purpose Facility, Byron Regional Sport and Cultural Complex, 249 Ewingsdale Road, Byron Bay** |
| **Date** | **Thursday, 23 August 2012** |
| **Time** | **2.00pm** |

Phillip Holloway
Acting General Manager

*#1259944*
*Distributed 16/8/12*

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests"** - A conflict of interests can be of two types:
**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).
**Remoteness** – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.
**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).
**Relatives, Partners** - a person is taken to have a pecuniary interest in a matter if:

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

N.B. "Relative", in relation to a person means any of the following:
(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)
**No Interest in the Matter** - however, a person is not taken to have a pecuniary interest in a matter:

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

**Disclosure and participation in meetings**

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

**No Knowledge** - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.
**Participation in Meetings Despite Pecuniary Interest (S 452 Act)**
A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.
**Non-pecuniary Interests** - Must be disclosed in meetings.
There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

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

## RECORDING OF VOTING ON PLANNING MATTERS

**Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters**
(1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  (b) not including the making of an order under Division 2A of Part 6 of that Act.
(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
(4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
(5) This section extends to a meeting that is closed to the public.

## BUSINESS OF MEETING

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

   3.1 Minutes (#1254663) from the 19 July 2012 meeting
4. **REPORTS BY DIVISION**

   **Community Infrastructure**

   4.1 Wheel Chair friendly footpath access, Feros Village, Bangalow..... 3
   4.2 Society & Culture update on BSC Aged and Disability activities ..... 7

5. **BUSINESS ARISING FROM PREVIOUS MINUTES**

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## COMMUNITY INFRASTRUCTURE REPORTS

**Report No. 4.1** **Wheel Chair friendly footpath access, Feros Village, Bangalow**
**Executive Manager:** Community Infrastructure
**File No:** ENG220200 #1259910

**Principal Activity:** Infrastructure Planning and Project Definition

**Summary:** A request has been submitted from the Feros Village in Bangalow to extend footpaving to existing paved paths to improve access for its residents.

The locality does form part of the approved Bike Plan, under proposed project #38.

---

**RECOMMENDATION TO THE ACCESS COMMITTEE:**

1. **That the Access Committee recommend to Council that the proposed Byron Shire Bike Plan Project #38 for a shared path from 7 Byron Street to the Bowling Club plus an extension on the southern side to Feros Village entry be approved for design and construction.**

2. **That the Access Committee recommend to Council that funds from the Section 94 Plan for Bangalow under the sub-project of Pacific Highway South be used for the proposed Bike Plan project #38.**

3. **That the Access Committee recommend to Council that an application for matching funding be submitted to the Roads and Maritime Services for the proposed Byron Shire Bike Plan Project #38.**

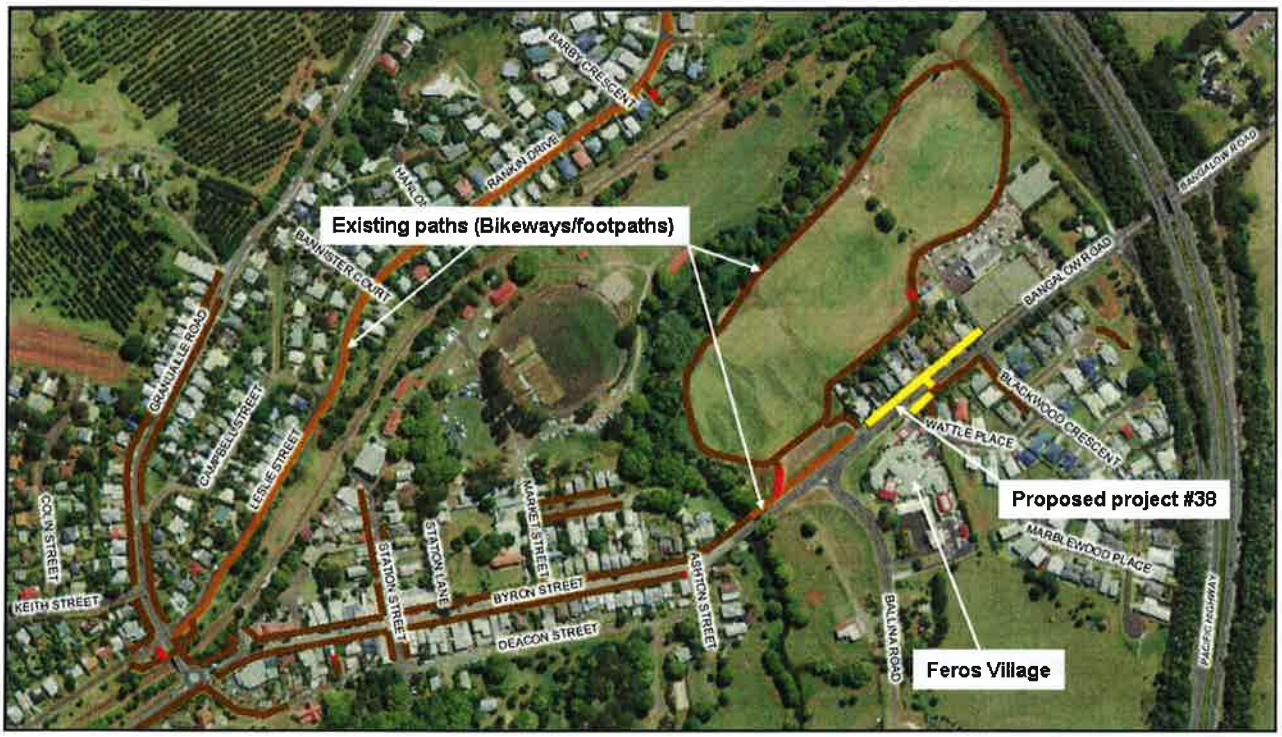
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- Request for wheel chair friendly footpath access #1229808 [3 pages]..... **Annexure 1**

**Report**
Council is in receipt of a request from a representative of Feros Village, Bangalow (refer to Annexure 1) to extend the paved path from their entrance to the existing nearby paved paths.

Figure 1 below shows the locality of the Feros Village to other paths around Bangalow. Figure 2 shows more detail of the works proposed to both satisfy the requirements of the Feros Village and proposed project #38 of the adopted Bike Plan.

Figure 1: Locality Plan




The specific request from the Feros Village relates to an extension of the footpath paving from their entrance to the existing paved path on the southern side of Bangalow Road. This will enable them to also cross the road at the existing pedestrian refuge and access the Bowling Club.

The Bike Plan was adopted by Council in 2008 and it includes a number of maps of proposed projects. The full Bike Plan can be viewed at: http://www.byron.nsw.gov.au/publications/b

Project #38 as shown in detail in Figure 2 below, provides a further extension of paved paths to that requested by Feros Village in that it extends:

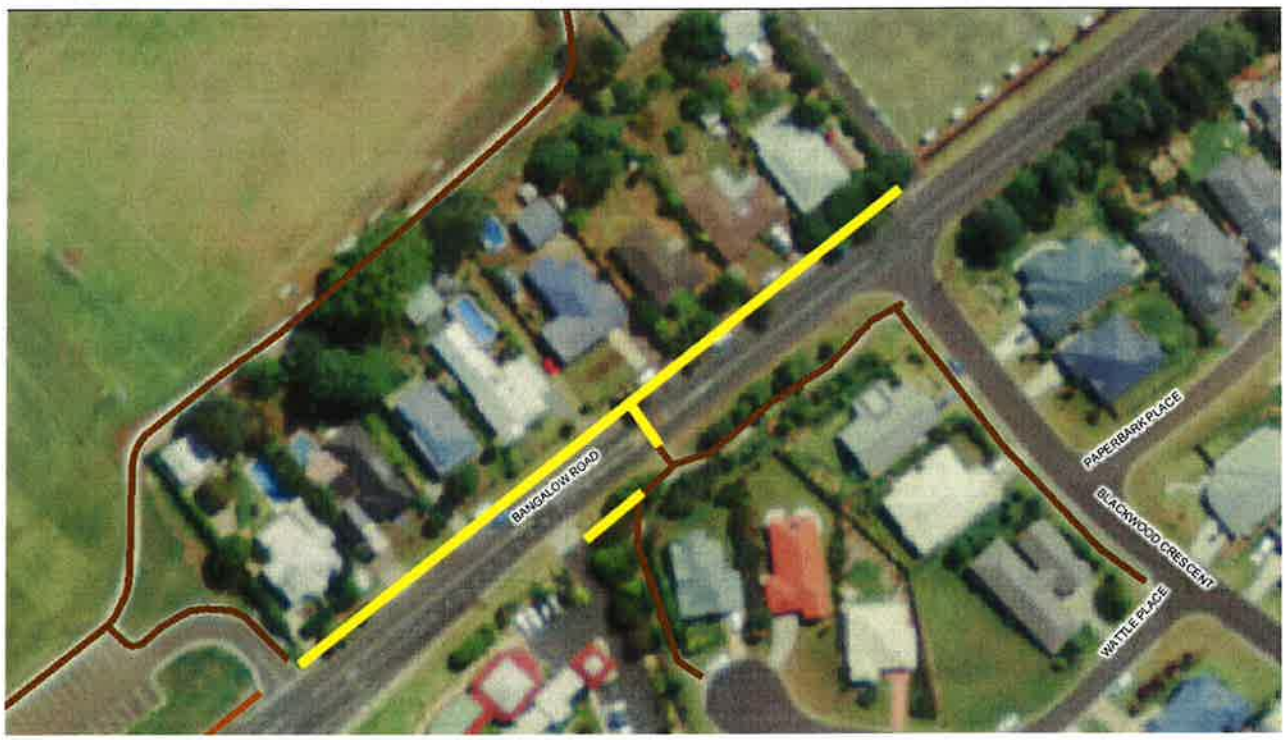
1. across the frontage to the residences along the northern side of Bangalow Road
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4. it provides independence to residents of Feros Village for access all the way to the Bangalow Town Centre, and
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If Council approves the proposed project a funding option could be to seek 50% funds from the Roads and Maritime Services (RMS) for either or both:

1. PAMP project for the footpath along the southern side of Bangalow Road as it represents works for improved accessibility, and

2. Local Bikeway Projects for the shared path along the northern side of Bangalow Road between the access to the sports fields and the Bowling Club.

Figure 2: Extent of proposed works for Bikeway Plan Project #38




Council currently has $174,674 available Section 94 funds for bikeway projects in Bangalow. These funds can be used for:

1. Raftons Road/ Leslie Street - maximum $5,500
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4. Pacific Highway South - maximum $49,100

Note Maximum includes the 59% S94 and other 41%

Further, as at 1 July 2011 funds available in Civic Improvements Bangalow is $18,339 which can be spent as 100% S94.

**Financial Implications**
There is no estimate for the works proposed for Project #38 of the Bike Plan to-date as no design has been carried out.

In view of the available section 94 funds for Bangalow, the proposed source of funds for the project is:

1. Pacific Highway South Section 94, and
2. RMS funds under their PAMP and/or Local Bikeways Funding Program

In the absence of a design and estimate of costs, it is anticipated that the matching funds between the available $49,100 from the Pacific Highway South Sect 94 funds with matching RMS funds will more than adequately cover the costs.

If Council endorses progress of this project a design and estimate will be carried out then an application for matching funds will be made to the RMS.

There is no guarantee that the RMS will provide funding nor in which financial year, the current or the next. But as this is a project in the adopted Bike Plan, there is every chance that it will be approved.

**Statutory and Policy Compliance Implications**

Nil

BYRON SHIRE COUNCIL
DOC NO:.....
REC'D: 10 MAY 2012
FILE NO:.....
ASSIGNEE: .....

John Weiley
P.O. Box 1726
Byron Bay 2481
ph. 0419 440 555

9 May '12

Dear Jan,

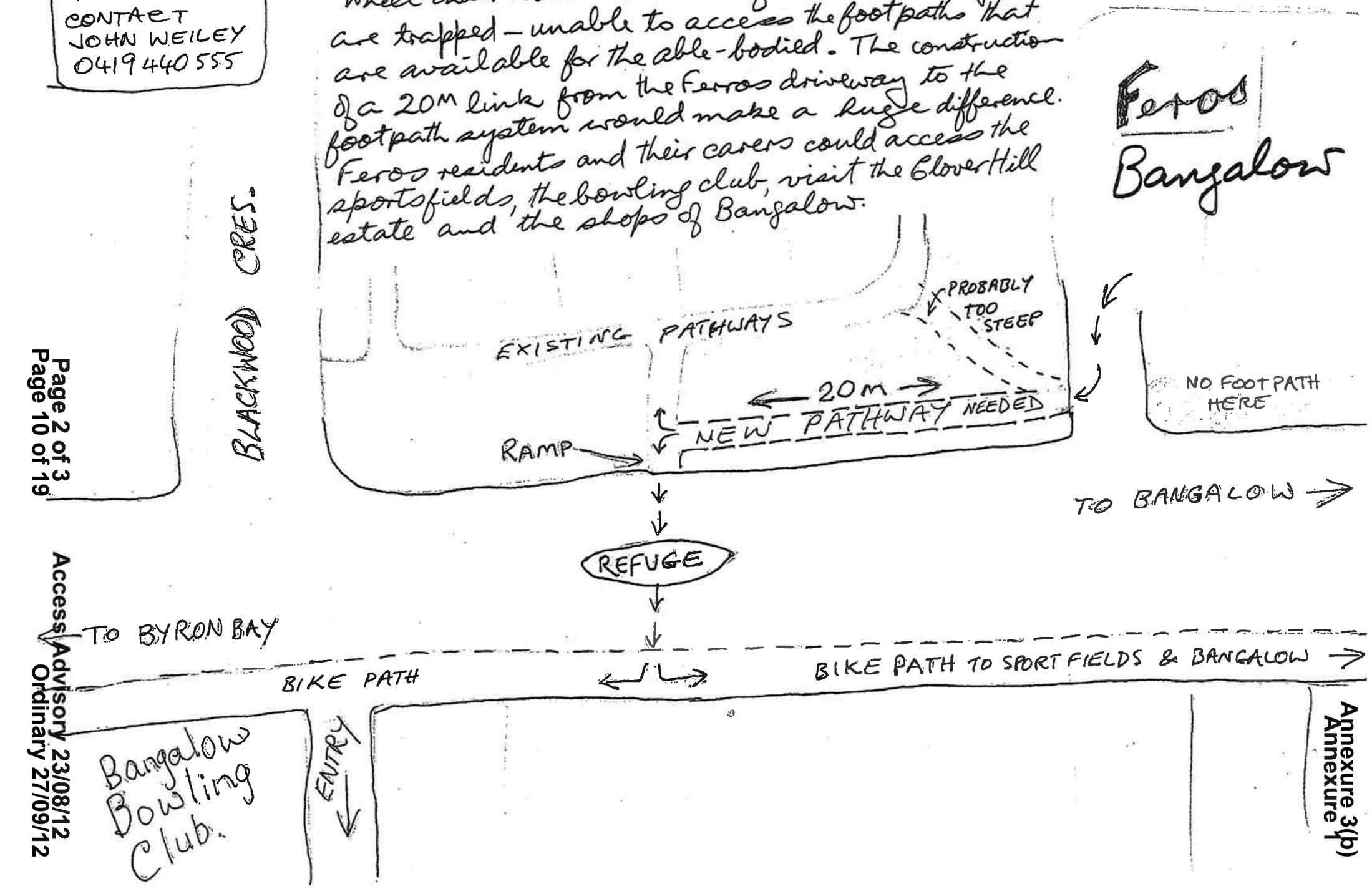
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Regards

John W.

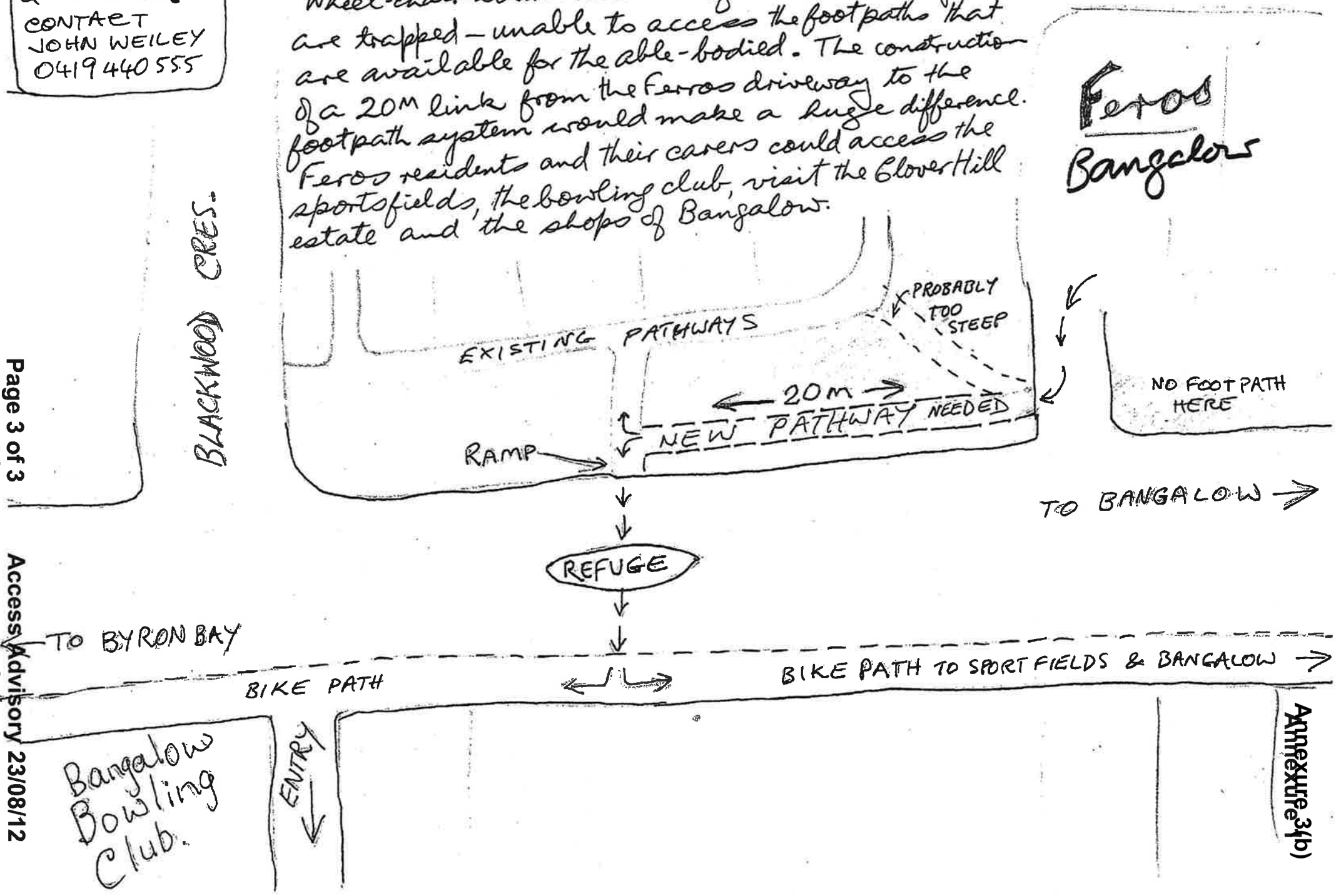
QUESTIONS?
CONTACT
JOHN WEILEY
0419440555

Wheel-chair-bound residents of Feros at Bangalow are trapped – unable to access the footpaths that are available for the able-bodied. The construction of a 20M link from the Feros driveway to the footpath system would make a huge difference. Feros residents and their carers could access the sportsfields, the bowling club, visit the Clover Hill estate and the shops of Bangalow.



QUESTIONS?
CONTACT
JOHN WEILEY
0419 440 555

Wheel-chair-bound residents of Feros at Bangalow are trapped – unable to access the footpaths that are available for the able-bodied. The construction of a 20M link from the Feros driveway to the footpath system would make a huge difference. Feros residents and their carers could access the sportsfields, the bowling club, visit the Clover Hill estate and the shops of Bangalow.



**Report No. 4.2** **Society & Culture update on BSC Aged and Disability activities**
**Executive Manager:** Society and Culture
**File No:** ENG220200 #1259959

**Principal Activity:** Society and Culture

**Summary:** International Day for People with a Disability is celebrated annually. Council has been invited to participate in, and support, this year's regional International Day of People with a Disability event on 28 November 2012.

---

**RECOMMENDATION:**

1. **That Council note the Northern Rivers Spinal Cord Injuries Australia regional International Day for People with a Disability celebrations will be held at the Byron Regional Sports and Cultural Complex (BRSCC) on Wednesday 28 November 2012.**

2. **That the launch of Byron Shire's new Free Wheeler Beach Chair and the Revised Mobility Map take place on this day.**

3. **That information on the Companion Card and Master Locksmith Key be made available on this day.**

4. **That Council's Access Advisory Committee, Councillors and staff be invited to participate at an information booth to seek feedback on access issues in Byron Shire from people with a disability, their carers and disability service providers.**

**Report**

International Day for People with a Disability (IDPWD) is celebrated each year on 3 December.

For the past three years a regional event has been coordinated by Spinal Cord Injuries of Australia (SCIA), and members of all the Far North Coast LGA's Access Advisory Committees, including Byron Shire Council's Access Advisory Committee.

In previous years the invitation also requests a Councillor to represent the LGA and speak at the event. However, in previous years the event has conflicted with Council's Meetings and Council's Aged and Disability Officer has attended the event and provided information about Council's services and Council has donated $500 to the event.

*SCIA* supports people with a wide range of disabilities including spina bifida, cerebral palsy, neuro-muscular disorders, limb deficiency and other lesser-known conditions.

Coordinating a regional event provides an opportunity to bring together people with a disability and aims to:

- Showcase the skills, abilities, contributions and achievements of people with disability
- Promote a positive image of people with disability
- Involve people with disability and the broader community in activities to celebrate and raise awareness of IPDWD

In the past, activities for this day have included wheelchair sports demonstrations, art and photography exhibitions, choirs, theatre, athletic events, information stalls, plus many more interactive displays, all by people with a disability.

In addition, the event will involve keynote speakers, ambassadors and people with disability telling their life stories. Assistance for this event has included volunteers from Multitask, Ballina District Community Services Association (BDCSA) and TAFE.

Local organisations participating in the event to date include the Herb Nursery, Community Garden, On-Q human Services, Accommodation Network and the Disabled Surfing Association.

Other LGAs that have previously committed to this event include Lismore City Council, Ballina Shire Council, Tweed Shire Council, and Richmond Valley Council.

**Financial Implications**

Financial assistance for the event is from the Society & Culture's allocated International Day of People with a Disability expenses budget 02363.001.

**Statutory and Policy Compliance Implications**

This project is identified under outcome 1.2.2 of Council's Delivery Program/Operational Plan.

**Report No. 4.3** **Accessibility training for new Councillors**
**Executive Manager:** Community Infrastructure
**File No:** E2012/2059

**Principal Activity:** Infrastructure Planning and Project Definition

**Summary:** Awareness of accessibility for all within the shire is important and as Council is the main provider of both public infrastructure and approvals services of new buildings and facilities, it is important for all Councillors coming in to serve the community after the 8 September 2012 elections, are made aware of the issues.

---

**RECOMMENDATION TO THE ACCESS COMMITTEE:**

**That the Access Committee recommend to Council that they include a one day workshop addressing access and inclusion for all in the formal Councillor Induction Program to be conducted by representatives of the Committee prior to February 2013.**

**Report**

Council officers and representatives of the Byron Shire Council Access Advisory Committee attended the Regional Disability Access Forum held on Monday 20 August 2012, in Lennox Head.

Many issues were discussed at the forum. One matter that was raised, as well as at previous regional forums, is the importance of new councillors coming in to represent their communities after the 8 September 2012 elections being made aware of access for all in their respective communities.

It is noted that access representatives from Tweed Shire Council attended these regional forums and they now advise that Tweed Council has now passed a motion as follows:

> *"That the Equal Access Committee would provide training/workshop on access and inclusion for all the new Councillors by February 2013 and that training would also be provided for all the business councils/chambers of commerce and all private building certifiers working in Tweed Shire."*

A similarly worded recommendation could be made to Byron Council such that it forms an equally important part of the new Council's formal induction process as all other matters within that process.

Issues of training for business groups and building certifiers could be a matter for future consideration.

The Access Advisory Committee could work collaboratively with other groups in the region, through the Regional Forum, to develop a workshop for the Councillors, also recommending that the workshop be for all the Council, not just the new ones noting that 6 of the current councillors are not standing in the upcoming election.

**Financial Implications**

Booking a venue and providing refreshments could be covered within available budgets for such a workshop.

**Statutory and Policy Compliance Implications**

Councillor knowledge of accessibility issues could assist in informed decisions such that Council continues to comply with Disability Discrimination legislation.

**Unconfirmed Report of the Byron Shire Council Access Advisory Committee Meeting held on Thursday 19 July 2012**

PRESENT: Cr B Cameron, Cr D Woods

Staff: Michael King (Manager Infrastructure Planning)
Phillip Holloway (Executive Manager Community Infrastructure)
Simon Bennett (Traffic and Transport Planner)
Sally MacDonald (Minute Taker)

Community: Jenny Willemse (Mullumbimby Community Health Centre)
Lee Clarke (Spinal Cord Injuries Australia)
Faye Druet (Community member)
Max Brown (Community member)
Ted Kabbout (Community member)

*Cr Cameron (Chair) opened the meeting at 2.04pm and acknowledged that the meeting was being held on Bundjalung Country.*

APOLOGIES: Cr R Staples (Councillor)
Craig Scanlon (Community member)
Gunela Astbrink (Community member)
Karen Ingleman (Aged and Disability officer)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

CONFIRMATION OF PREVIOUS MINUTES

**Procedural Motion**

That the minutes (#1222357) of the Access Advisory Committee Meeting held on Thursday 19 April 2012 be confirmed.

(Woods / Willemse)

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

---

**COMMUNITY INFRASTRUCTURE REPORTS**

**REPORT NO. 4.1 Parking for Carers**
**File No:** ENG220200 #1241256

**Committee Recommendation AAC 4.1.1**

That the Access Advisory Committee does not support the principal of extending the Disabled Parking Permit Scheme to include Carers as it is not relevant to the Northern Rivers area.

(Woods / Brown)

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

---

**REPORT NO. 4.2 Request for Accessible Parking Bay, Byron Street, Bangalow**
**File No:** ENG220200 #1236602

**Committee Recommendation AAC 4.2.1**

1. That the Access Advisory Committee recommend deferring a decision on the request for an accessible parking bay on Byron Street, Bangalow, until the parking review in Bangalow, including paid parking and use of the church grounds, is undertaken.

2. That the Access Advisory Committee consider the recommendations of the Bangalow parking review prior to the review being reported to Council.

(Woods / Clarke)

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

**Committee Recommendation AAC 4.2.2**

That the Access Advisory Committee recommend reconfiguration of Station Street car parking to relocate the accessible parking spaces to a safer location considering current position and lighting.

(Woods / Clarke)

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

**Committee Recommendation AAC 4.2.3**

The Access Advisory Committee recommend that the inappropriate placement of kerb ramps (as per AS2890.5) be discussed at the Regional Access Meeting in August 2012 and this item be listed for inclusion on the Regional Access Committee agenda.

(Woods / Druet)

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

---

**REPORT NO. 4.3 Steps in Mullumbimbi Street, Brunswick Heads**
**File No:** ENG220200 #1248935

**Committee Recommendation AAC 4.3.1**

1. That the Access Advisory Committee recommend the provision of hand rails along both sides of the steps at the western end of Mullumbimbi street, Brunswick Heads, to the requirements of AS1428.

2. That funds totalling $7,280 be allocated from the Section 94 Plan for Street/Civic Improvements for Brunswick Heads.

3. That the balance of funds, as required, for the provision of the hand rails be allocated from the Footpath Works program by deferring the lesser priority projects to 2012/13.

(Woods / Willemse)

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

*Simon Bennett left the meeting at 3.08pm*

**4.4 Society and Culture Report**

On behalf of Council's Aged and Disability officer, Cr Cameron tabled Society and Culture Report #1254322 and gave an update on the following items:

1. Mobility Map
2. Launch All Terrain Freewheeler Beach Wheelchair
3. MLAK Promotion
4. Companion Card –/WEB PAGE & MEDIA RLEASE
5. IDPWD

1. Mobility Map

The committee noted that staff will liaise with disabled persons to undertake an audit of accessible pathways for the mobility map.

2. Launch All Terrain Freewheeler Beach Wheelchair

The tentative date for the launch is Wednesday, 3 October 2012.

5. International Day of People With Disability (IDPWD)

Lee Clarke visited the Byron Regional Sport and Cultural Complex (BRSCC) and confirmed that it would be a suitable venue for the IDPWD event.

**Committee Recommendation AAC 4.4.1**

1. The Access Advisory Committee recommend that a booking be made at the Byron Regional Sport and Cultural Complex for 3 December 2012 for the IDPWD Festival of Ability Far North Coast event and this be referred to council for consideration.

2. That information be provided to the Access Advisory Committee regarding funding arrangements for the IDPWD week.

(Clarke / Woods)

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

*Faye Druet left the meeting at 3.47pm.*

**OTHER BUSINESS**

5.1 Misuse of disabled parking spaces in Mullumbimby

Couriers and delivery trucks have been noted as parking in the disabled parking space outside Council's office on Station Street. The Executive Manager Community Infrastructure advised that he will raise this as a compliance matter with the Executive Team.

5.2 Community Engine website

Committee members noted that the Community Engine website would be an ideal place to promote accessibility maps and accessible businesses.

---

*There being no further business the meeting concluded at 3.54pm.*

---

# NOTICE OF MEETING

## ACCESS ADVISORY COMMITTEE MEETING

An Access Advisory Committee Meeting of Byron Shire Council will be held as follows:

| | |
|---|---|
| **Venue** | **Meeting Room 2, Multi Purpose Facility, Byron Regional Sport and Cultural Complex, 249 Ewingsdale Road, Byron Bay** |
| **Date** | **Thursday, 23 August 2012** |
| **Time** | **2.00pm** |

Phillip Holloway
Acting General Manager

*#1259944*
*Distributed 16/8/12*

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests"** - A conflict of interests can be of two types:
**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).
**Remoteness** – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.
**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).
**Relatives, Partners** - a person is taken to have a pecuniary interest in a matter if:

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

N.B. "Relative", in relation to a person means any of the following:
(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)
**No Interest in the Matter** - however, a person is not taken to have a pecuniary interest in a matter:

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

**Disclosure and participation in meetings**

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

**No Knowledge** - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.
**Participation in Meetings Despite Pecuniary Interest (S 452 Act)**
A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.
**Non-pecuniary Interests** - Must be disclosed in meetings.
There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

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

## RECORDING OF VOTING ON PLANNING MATTERS

**Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters**
(1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  (b) not including the making of an order under Division 2A of Part 6 of that Act.
(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
(4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
(5) This section extends to a meeting that is closed to the public.

## BUSINESS OF MEETING

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

   3.1 Minutes (#1254663) from the 19 July 2012 meeting
4. **REPORTS BY DIVISION**

   **Community Infrastructure**

   4.1 Wheel Chair friendly footpath access, Feros Village, Bangalow..... 3
   4.2 Society & Culture update on BSC Aged and Disability activities ..... 7

5. **BUSINESS ARISING FROM PREVIOUS MINUTES**

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## COMMUNITY INFRASTRUCTURE REPORTS

**Report No. 4.1** **Wheel Chair friendly footpath access, Feros Village, Bangalow**
**Executive Manager:** Community Infrastructure
**File No:** ENG220200 #1259910

**Principal Activity:** Infrastructure Planning and Project Definition

**Summary:** A request has been submitted from the Feros Village in Bangalow to extend footpaving to existing paved paths to improve access for its residents.

The locality does form part of the approved Bike Plan, under proposed project #38.

---

**RECOMMENDATION TO THE ACCESS COMMITTEE:**

1. **That the Access Committee recommend to Council that the proposed Byron Shire Bike Plan Project #38 for a shared path from 7 Byron Street to the Bowling Club plus an extension on the southern side to Feros Village entry be approved for design and construction.**

2. **That the Access Committee recommend to Council that funds from the Section 94 Plan for Bangalow under the sub-project of Pacific Highway South be used for the proposed Bike Plan project #38.**

3. **That the Access Committee recommend to Council that an application for matching funding be submitted to the Roads and Maritime Services for the proposed Byron Shire Bike Plan Project #38.**

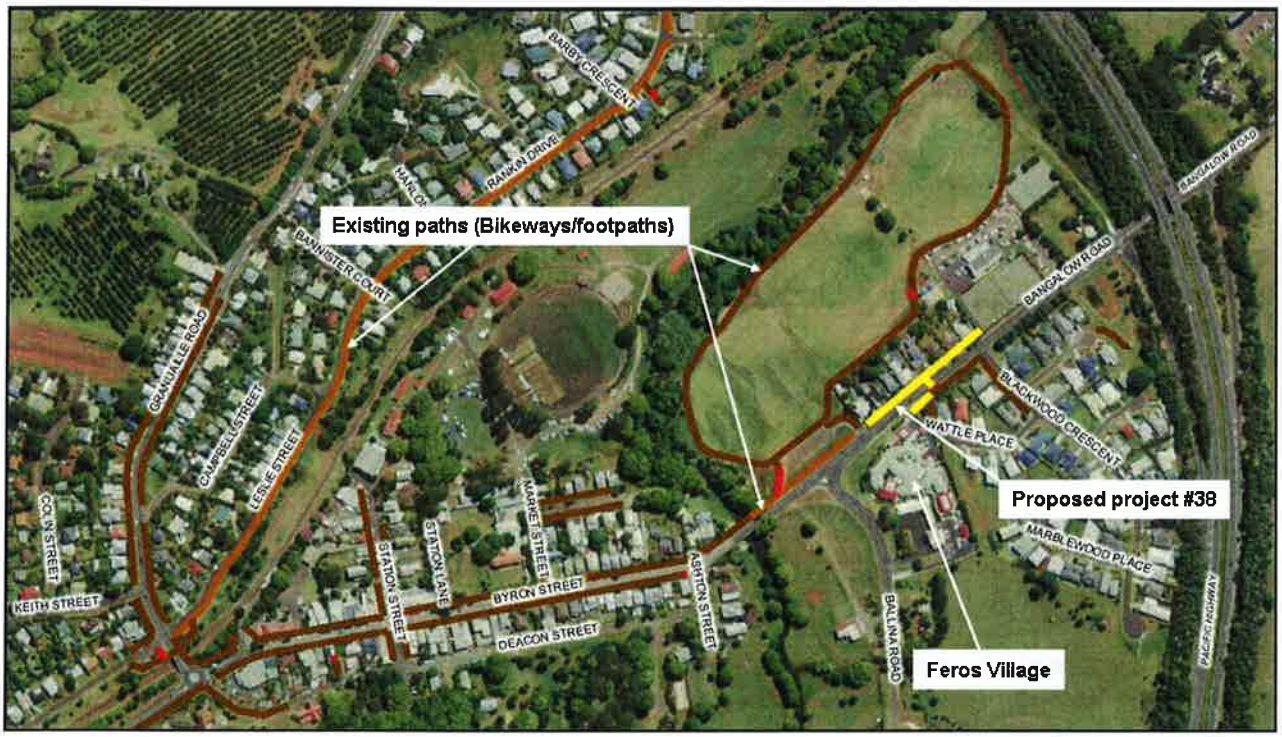
***Attachments:***

- Request for wheel chair friendly footpath access #1229808 [3 pages]..... **Annexure 1**

**Report**
Council is in receipt of a request from a representative of Feros Village, Bangalow (refer to Annexure 1) to extend the paved path from their entrance to the existing nearby paved paths.

Figure 1 below shows the locality of the Feros Village to other paths around Bangalow. Figure 2 shows more detail of the works proposed to both satisfy the requirements of the Feros Village and proposed project #38 of the adopted Bike Plan.

Figure 1: Locality Plan




The specific request from the Feros Village relates to an extension of the footpath paving from their entrance to the existing paved path on the southern side of Bangalow Road. This will enable them to also cross the road at the existing pedestrian refuge and access the Bowling Club.

The Bike Plan was adopted by Council in 2008 and it includes a number of maps of proposed projects. The full Bike Plan can be viewed at: http://www.byron.nsw.gov.au/publications/b

Project #38 as shown in detail in Figure 2 below, provides a further extension of paved paths to that requested by Feros Village in that it extends:

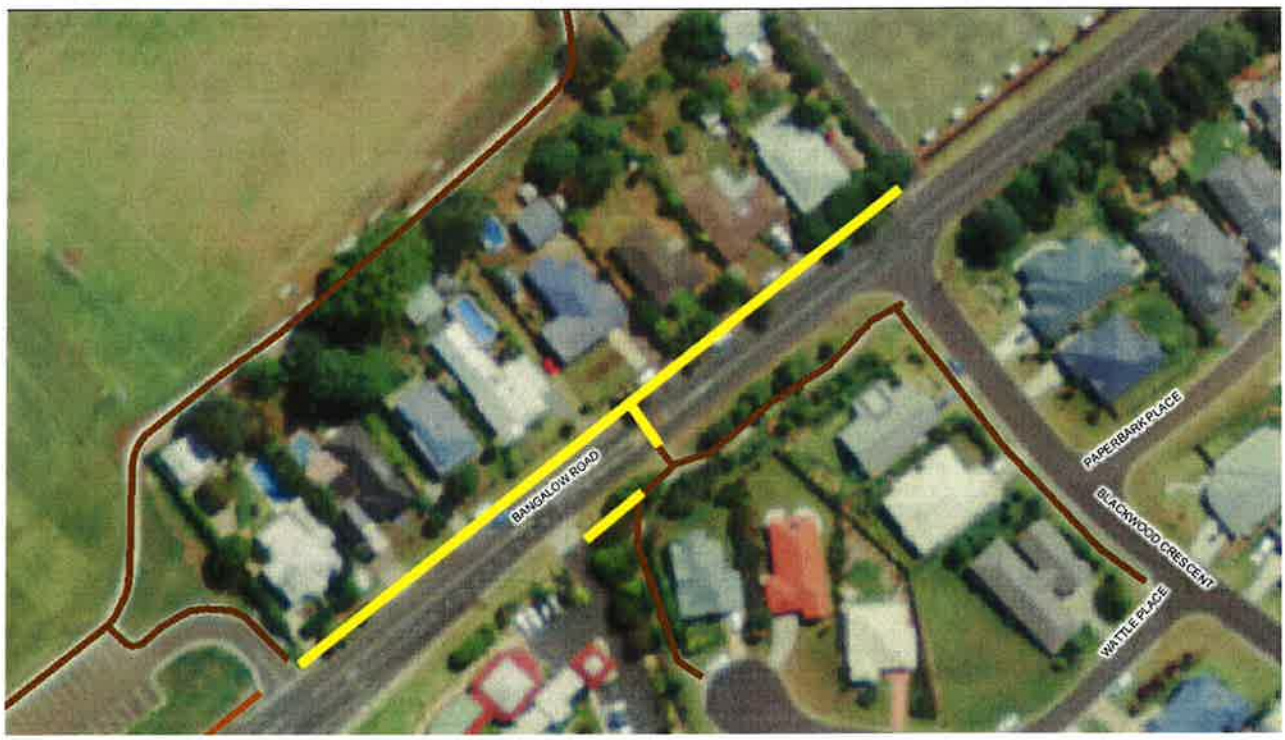
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2. to the existing path to the west at the entrance to the sports fields
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4. it provides independence to residents of Feros Village for access all the way to the Bangalow Town Centre, and
5. it also provides paved access to the sporting fields enabling residents of Feros Village to view sporting events and the public art that is on display around the fields.

If Council approves the proposed project a funding option could be to seek 50% funds from the Roads and Maritime Services (RMS) for either or both:

1. PAMP project for the footpath along the southern side of Bangalow Road as it represents works for improved accessibility, and

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1. Raftons Road/ Leslie Street - maximum $5,500
2. Deacon Street - max $4,600
3. Roundabout to Tennis Courts via school- maximum $274,400
4. Pacific Highway South - maximum $49,100

Note Maximum includes the 59% S94 and other 41%

Further, as at 1 July 2011 funds available in Civic Improvements Bangalow is $18,339 which can be spent as 100% S94.

**Financial Implications**
There is no estimate for the works proposed for Project #38 of the Bike Plan to-date as no design has been carried out.

In view of the available section 94 funds for Bangalow, the proposed source of funds for the project is:

1. Pacific Highway South Section 94, and
2. RMS funds under their PAMP and/or Local Bikeways Funding Program

In the absence of a design and estimate of costs, it is anticipated that the matching funds between the available $49,100 from the Pacific Highway South Sect 94 funds with matching RMS funds will more than adequately cover the costs.

If Council endorses progress of this project a design and estimate will be carried out then an application for matching funds will be made to the RMS.

There is no guarantee that the RMS will provide funding nor in which financial year, the current or the next. But as this is a project in the adopted Bike Plan, there is every chance that it will be approved.

**Statutory and Policy Compliance Implications**

Nil

BYRON SHIRE COUNCIL
DOC NO:.....
REC'D: 10 MAY 2012
FILE NO:.....
ASSIGNEE: .....

John Weiley
P.O. Box 1726
Byron Bay 2481
ph. 0419 440 555

9 May '12

Dear Jan,

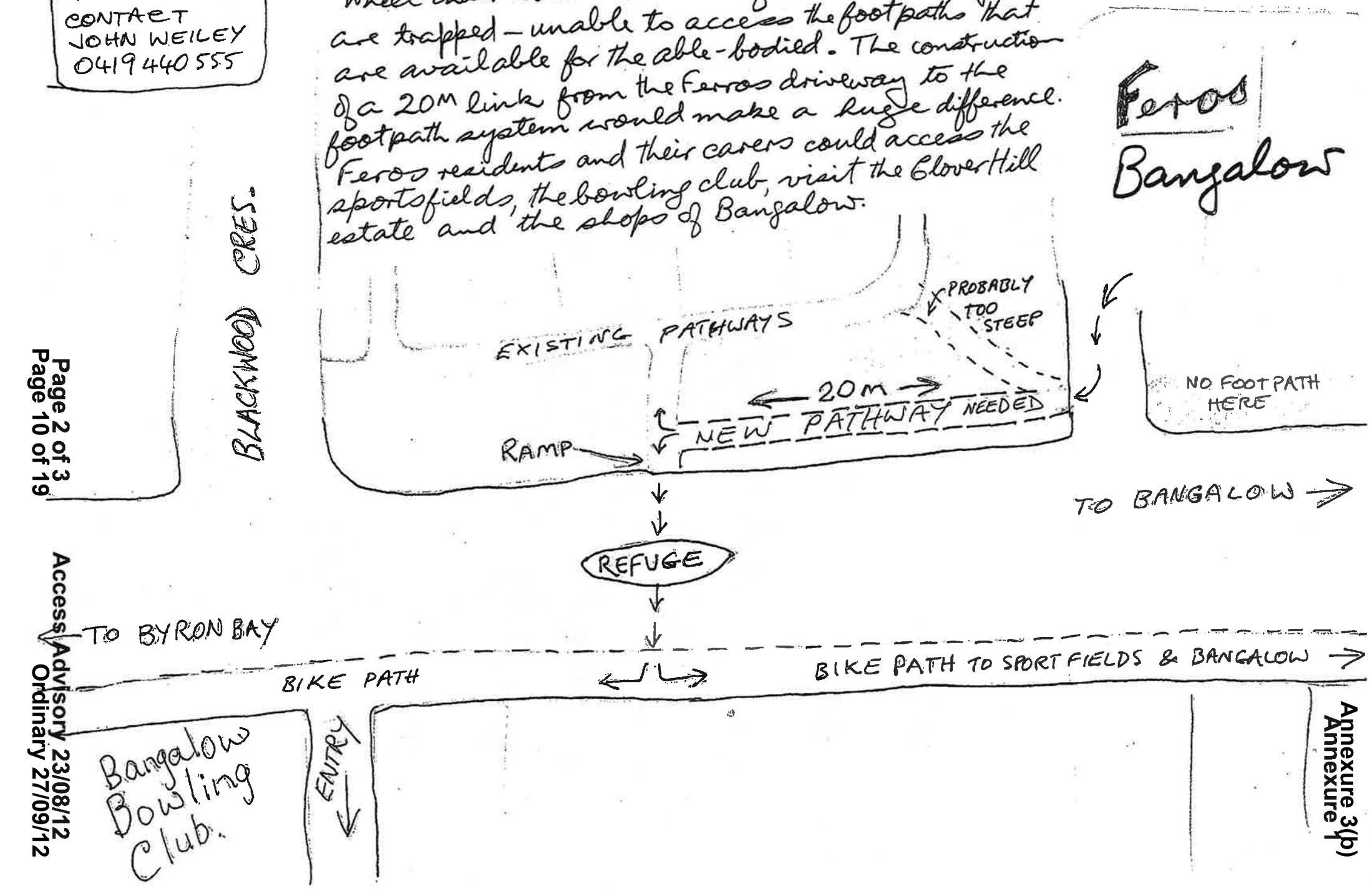
Is this something that you can make happen? It's a little job that will make a huge difference to some sorely disadvantaged people.

Regards

John W.

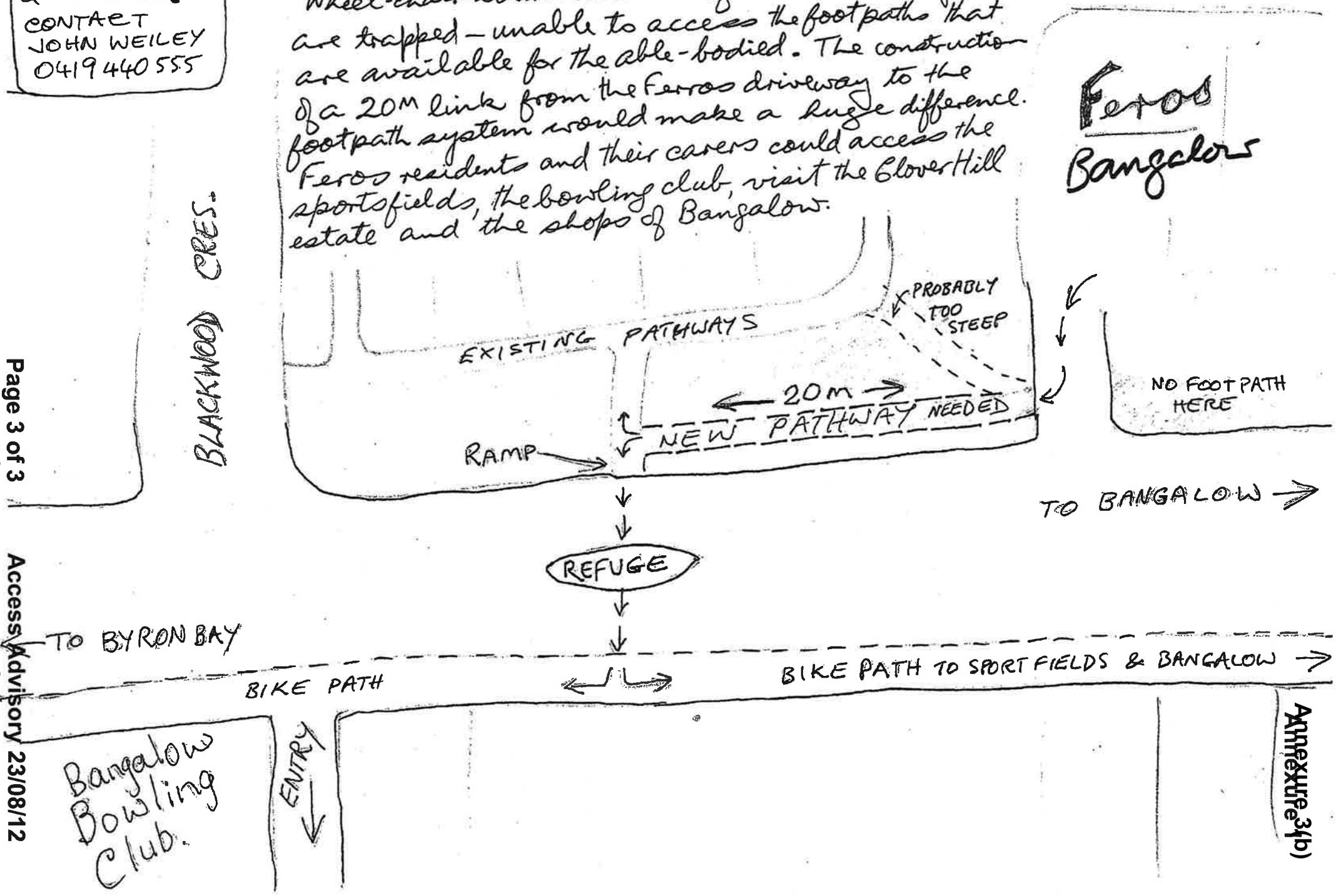
QUESTIONS?
CONTACT
JOHN WEILEY
0419440555

Wheel-chair-bound residents of Feros at Bangalow are trapped – unable to access the footpaths that are available for the able-bodied. The construction of a 20M link from the Feros driveway to the footpath system would make a huge difference. Feros residents and their carers could access the sportsfields, the bowling club, visit the Clover Hill estate and the shops of Bangalow.



QUESTIONS?
CONTACT
JOHN WEILEY
0419 440 555

Wheel-chair-bound residents of Feros at Bangalow are trapped – unable to access the footpaths that are available for the able-bodied. The construction of a 20M link from the Feros driveway to the footpath system would make a huge difference. Feros residents and their carers could access the sportsfields, the bowling club, visit the Clover Hill estate and the shops of Bangalow.



**Report No. 4.2** **Society & Culture update on BSC Aged and Disability activities**
**Executive Manager:** Society and Culture
**File No:** ENG220200 #1259959

**Principal Activity:** Society and Culture

**Summary:** International Day for People with a Disability is celebrated annually. Council has been invited to participate in, and support, this year's regional International Day of People with a Disability event on 28 November 2012.

---

**RECOMMENDATION:**

1. **That Council note the Northern Rivers Spinal Cord Injuries Australia regional International Day for People with a Disability celebrations will be held at the Byron Regional Sports and Cultural Complex (BRSCC) on Wednesday 28 November 2012.**

2. **That the launch of Byron Shire's new Free Wheeler Beach Chair and the Revised Mobility Map take place on this day.**

3. **That information on the Companion Card and Master Locksmith Key be made available on this day.**

4. **That Council's Access Advisory Committee, Councillors and staff be invited to participate at an information booth to seek feedback on access issues in Byron Shire from people with a disability, their carers and disability service providers.**

**Report**

International Day for People with a Disability (IDPWD) is celebrated each year on 3 December.

For the past three years a regional event has been coordinated by Spinal Cord Injuries of Australia (SCIA), and members of all the Far North Coast LGA's Access Advisory Committees, including Byron Shire Council's Access Advisory Committee.

In previous years the invitation also requests a Councillor to represent the LGA and speak at the event. However, in previous years the event has conflicted with Council's Meetings and Council's Aged and Disability Officer has attended the event and provided information about Council's services and Council has donated $500 to the event.

*SCIA* supports people with a wide range of disabilities including spina bifida, cerebral palsy, neuro-muscular disorders, limb deficiency and other lesser-known conditions.

Coordinating a regional event provides an opportunity to bring together people with a disability and aims to:

- Showcase the skills, abilities, contributions and achievements of people with disability
- Promote a positive image of people with disability
- Involve people with disability and the broader community in activities to celebrate and raise awareness of IPDWD

In the past, activities for this day have included wheelchair sports demonstrations, art and photography exhibitions, choirs, theatre, athletic events, information stalls, plus many more interactive displays, all by people with a disability.

In addition, the event will involve keynote speakers, ambassadors and people with disability telling their life stories. Assistance for this event has included volunteers from Multitask, Ballina District Community Services Association (BDCSA) and TAFE.

Local organisations participating in the event to date include the Herb Nursery, Community Garden, On-Q human Services, Accommodation Network and the Disabled Surfing Association.

Other LGAs that have previously committed to this event include Lismore City Council, Ballina Shire Council, Tweed Shire Council, and Richmond Valley Council.

**Financial Implications**

Financial assistance for the event is from the Society & Culture's allocated International Day of People with a Disability expenses budget 02363.001.

**Statutory and Policy Compliance Implications**

This project is identified under outcome 1.2.2 of Council's Delivery Program/Operational Plan.

**Report No. 4.3** **Accessibility training for new Councillors**
**Executive Manager:** Community Infrastructure
**File No:** E2012/2059

**Principal Activity:** Infrastructure Planning and Project Definition

**Summary:** Awareness of accessibility for all within the shire is important and as Council is the main provider of both public infrastructure and approvals services of new buildings and facilities, it is important for all Councillors coming in to serve the community after the 8 September 2012 elections, are made aware of the issues.

---

**RECOMMENDATION TO THE ACCESS COMMITTEE:**

**That the Access Committee recommend to Council that they include a one day workshop addressing access and inclusion for all in the formal Councillor Induction Program to be conducted by representatives of the Committee prior to February 2013.**

**Report**

Council officers and representatives of the Byron Shire Council Access Advisory Committee attended the Regional Disability Access Forum held on Monday 20 August 2012, in Lennox Head.

Many issues were discussed at the forum. One matter that was raised, as well as at previous regional forums, is the importance of new councillors coming in to represent their communities after the 8 September 2012 elections being made aware of access for all in their respective communities.

It is noted that access representatives from Tweed Shire Council attended these regional forums and they now advise that Tweed Council has now passed a motion as follows:

> *"That the Equal Access Committee would provide training/workshop on access and inclusion for all the new Councillors by February 2013 and that training would also be provided for all the business councils/chambers of commerce and all private building certifiers working in Tweed Shire."*

A similarly worded recommendation could be made to Byron Council such that it forms an equally important part of the new Council's formal induction process as all other matters within that process.

Issues of training for business groups and building certifiers could be a matter for future consideration.

The Access Advisory Committee could work collaboratively with other groups in the region, through the Regional Forum, to develop a workshop for the Councillors, also recommending that the workshop be for all the Council, not just the new ones noting that 6 of the current councillors are not standing in the upcoming election.

**Financial Implications**

Booking a venue and providing refreshments could be covered within available budgets for such a workshop.

**Statutory and Policy Compliance Implications**

Councillor knowledge of accessibility issues could assist in informed decisions such that Council continues to comply with Disability Discrimination legislation.

**Unconfirmed Report of the Byron Shire Council Access Advisory Committee Meeting held on Thursday 19 July 2012**

PRESENT: Cr B Cameron, Cr D Woods

Staff: Michael King (Manager Infrastructure Planning)
Phillip Holloway (Executive Manager Community Infrastructure)
Simon Bennett (Traffic and Transport Planner)
Sally MacDonald (Minute Taker)

Community: Jenny Willemse (Mullumbimby Community Health Centre)
Lee Clarke (Spinal Cord Injuries Australia)
Faye Druet (Community member)
Max Brown (Community member)
Ted Kabbout (Community member)

*Cr Cameron (Chair) opened the meeting at 2.04pm and acknowledged that the meeting was being held on Bundjalung Country.*

APOLOGIES: Cr R Staples (Councillor)
Craig Scanlon (Community member)
Gunela Astbrink (Community member)
Karen Ingleman (Aged and Disability officer)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

CONFIRMATION OF PREVIOUS MINUTES

**Procedural Motion**

That the minutes (#1222357) of the Access Advisory Committee Meeting held on Thursday 19 April 2012 be confirmed.

(Woods / Willemse)

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

---

**COMMUNITY INFRASTRUCTURE REPORTS**

**REPORT NO. 4.1 Parking for Carers**
**File No:** ENG220200 #1241256

**Committee Recommendation AAC 4.1.1**

That the Access Advisory Committee does not support the principal of extending the Disabled Parking Permit Scheme to include Carers as it is not relevant to the Northern Rivers area.

(Woods / Brown)

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

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**REPORT NO. 4.2 Request for Accessible Parking Bay, Byron Street, Bangalow**
**File No:** ENG220200 #1236602

**Committee Recommendation AAC 4.2.1**

1. That the Access Advisory Committee recommend deferring a decision on the request for an accessible parking bay on Byron Street, Bangalow, until the parking review in Bangalow, including paid parking and use of the church grounds, is undertaken.

2. That the Access Advisory Committee consider the recommendations of the Bangalow parking review prior to the review being reported to Council.

(Woods / Clarke)

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

**Committee Recommendation AAC 4.2.2**

That the Access Advisory Committee recommend reconfiguration of Station Street car parking to relocate the accessible parking spaces to a safer location considering current position and lighting.

(Woods / Clarke)

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

**Committee Recommendation AAC 4.2.3**

The Access Advisory Committee recommend that the inappropriate placement of kerb ramps (as per AS2890.5) be discussed at the Regional Access Meeting in August 2012 and this item be listed for inclusion on the Regional Access Committee agenda.

(Woods / Druet)

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

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**REPORT NO. 4.3 Steps in Mullumbimbi Street, Brunswick Heads**
**File No:** ENG220200 #1248935

**Committee Recommendation AAC 4.3.1**

1. That the Access Advisory Committee recommend the provision of hand rails along both sides of the steps at the western end of Mullumbimbi street, Brunswick Heads, to the requirements of AS1428.

2. That funds totalling $7,280 be allocated from the Section 94 Plan for Street/Civic Improvements for Brunswick Heads.

3. That the balance of funds, as required, for the provision of the hand rails be allocated from the Footpath Works program by deferring the lesser priority projects to 2012/13.

(Woods / Willemse)

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

*Simon Bennett left the meeting at 3.08pm*

**4.4 Society and Culture Report**

On behalf of Council's Aged and Disability officer, Cr Cameron tabled Society and Culture Report #1254322 and gave an update on the following items:

1. Mobility Map
2. Launch All Terrain Freewheeler Beach Wheelchair
3. MLAK Promotion
4. Companion Card –/WEB PAGE & MEDIA RLEASE
5. IDPWD

1. Mobility Map

The committee noted that staff will liaise with disabled persons to undertake an audit of accessible pathways for the mobility map.

2. Launch All Terrain Freewheeler Beach Wheelchair

The tentative date for the launch is Wednesday, 3 October 2012.

5. International Day of People With Disability (IDPWD)

Lee Clarke visited the Byron Regional Sport and Cultural Complex (BRSCC) and confirmed that it would be a suitable venue for the IDPWD event.

**Committee Recommendation AAC 4.4.1**

1. The Access Advisory Committee recommend that a booking be made at the Byron Regional Sport and Cultural Complex for 3 December 2012 for the IDPWD Festival of Ability Far North Coast event and this be referred to council for consideration.

2. That information be provided to the Access Advisory Committee regarding funding arrangements for the IDPWD week.

(Clarke / Woods)

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

*Faye Druet left the meeting at 3.47pm.*

**OTHER BUSINESS**

5.1 Misuse of disabled parking spaces in Mullumbimby

Couriers and delivery trucks have been noted as parking in the disabled parking space outside Council's office on Station Street. The Executive Manager Community Infrastructure advised that he will raise this as a compliance matter with the Executive Team.

5.2 Community Engine website

Committee members noted that the Community Engine website would be an ideal place to promote accessibility maps and accessible businesses.

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*There being no further business the meeting concluded at 3.54pm.*

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**Minutes of the Byron Shire Council Tourism Advisory Committee Meeting held on Thursday 16 August 2012**

ADM900020 #1263069

PRESENT: Cr B Cameron, Cr S Richardson

Staff: Greg Ironfield (Acting Executive Manager Society and Culture)
Joanne McMurtry (Tourism Officer)
Lisa Brennan (Minute Taker)

Community: Peter Wotton (Byron Bay tourism industry)
Kim Rosen (Brunswick Heads tourism industry)
Peter Noble (Associated with the rural tourism industry)
Jim Beatson (Community member not associated with tourism)
Steve Toneguzzo (Community member not associated with tourism)
Ian Oelrichs (Community member rural, not associated with tourism)
Cameron Arnold (Industry member associated with small family type tourism)
Cameron Arnold (Associated with a small, family type tourism operation)

Guest: Ros Derrett, Consultant

*Cr Cameron (Chair) opened the meeting at 11.15am and acknowledged that the meeting was being held on Bundjalung Country.*

APOLOGIES: There were apologies from Peter Noble, Gavin Brown and Sue Walker.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Kim Rosen and Peter Wotton both declared non-pecuniary interests; the interests being their association with the Brunswick Heads Visitor Centre (Rosen and Wotton) and the Brunswick Heads Chamber of Commerce (Wotton). Peter Wotton also declared non-pecuniary interest being a business owner and publisher of visitor information. Kim Rosen and Cameron Arnold both declared non-pecuniary interests; the interests being their association with VIA Byron.

CONFIRMATION OF PREVIOUS MINUTES

**Committee Recommendation TAC 3.1**

That the minutes of the Tourism Advisory Committee Meeting held on Thursday 21 June 2012 be confirmed. (Arnold/Rosen)

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**CURRENT PROJECTS**

Cameron Arnold provided a verbal report on changes at state and regional level in tourism, and an update on VIA Byron formation.

4.1 Regional Tourism

Following on from comments at a previous Tourism Advisory Committee meeting about changes to regional tourism, the Visitor Economy Taskforce Report (VET) was released on Friday 10 August. It contains recommendations about significant changes to the way regional tourism is managed and funded. Support for the current regional tourism structure in NSW was not recommended, but there is support for key destinations to work directly with the state.

A document was handed out to TAC members about the proposed new structure of a 'North Coast Network' which essentially combines both Northern Rivers Tourism and Mid-North Coast Tourism regional organisations. However, considering the VET Report, there is some doubt that this new

structure will be supported by Destination NSW (DNSW) in the long term. A letter has been written to DNSW requesting they acknowledge in writing that the proposed new North Coast Network will be supported for a number of years, and a written response has been requested by Friday 13 August. If the response is not forthcoming, regional tourism will continue status quo with a planned wind-down of both existing regional tourism organisations with operations ceasing by 30 June 2013.

4.2 VIA Byron

VIA Byron (Visitor Industry Association Byron) has now held their first general meeting on Monday 10 August and will be meeting every month from now on (next Interim Board meeting 23 August). VIA Byron is in an excellent position considering the recommendations in the Visitor Economy Taskforce Report. The VET recommends that DNSW deal directly with 'special purpose entities' to market key destinations in the state.

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**SOCIETY AND CULTURE REPORTS**

**Report No. 5.1 Visitor Trails Project - Report of the Visitor Trails PRG**
**File No:** ADM900060 #1257779

**Committee Recommendation TAC 5.1.1**

1. That the Tourism Advisory Committee recommend that Council adopt the Visitor Trails Project, as detailed in the draft Project Plan for the Visitor Trails Development Project attached at Annexure 1(e) #1248327, including:

   a) Development of a map highlighting the top 'must see and do' experiences available in the Shire. The style and details of the proposed map are listed in the Draft Project Plan.

   b) Development of five visitor trails, also featured on the map, and possibly with separate brochures/information available, including:
      i) creative arts trail
      ii) food and produce trail
      iii) short walks/town walks/nature trail
      iv) hinterland trail
      v) second-hand trail

   c) Call for expressions of interest (EOIs) to:
      i) make the mud map
      ii) graphic design the map brochure
      iii) print the brochure

      with a preference that EOIs put forward a coordinated approach to these three items.

   d) Call for EOIs should include a media release and distribution through Byron social media, eg Common Ground, Practicing Artists Network (PAN), Bangalow Heartbeat, Arts Northern Rivers and other relevant avenues.

   e) Call for expressions of interest for business advertisers.

2. That Council collaborate with Northern Rivers Tourism on their Interactive Trails project.

(Beatson/Rosen)

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**Report No. 5.2** **Visitor Services Strategies - Report of the Visitor Services PRG**
**File No:** ADM900050 #1257788

**Committee Recommendation TAC 5.2.1**

That the Tourism Advisory Committee recommend to Council that:

a) Council adopt the Byron Shire Visitor Services Strategy developed by The Stafford Group (#1230889) but not adopt the Action Plan included in the document.

b) Council adopt the Visitor Services Strategy Action Plan for the Byron Shire as developed by the Visitor Services Project Reference Group included in Annexure 2(h) #1249235.

c) Council continue to work with the partners and stakeholders identified in the Visitor Services Strategy Action Plan for the Byron Shire in implementing the Action Plan.

d) Council use the $5,000 allocated in the 2012/13 budget to implement the Visitor Services Strategy to conduct an Accredited Visitor Centre (AVIC) training course in the Shire for Visitor Centre staff and volunteers. (Beatson/Wotton)

**Committee Recommendation TAC 5.2.2**

That stakeholders without an existing Visitors Centre be advised that the Tourism Officer is available for support around local visitors servicing. (Cameron/Arnold)

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**Report No. 5.3** **Byron Shire Identity Project Stage 2**
**File No:** ADM900070 #1248730

**Committee Recommendation TAC 5.3.1**

That, in relation to the Identity (previously Byron Shire Brand) Project Reference Group (PRG) Recommendation 5.2, the Tourism Advisory Committee not adopt the PRG Recommendation, but instead recommend to Council to adopt Management Recommendation 5.2 below:

**Management Recommendation 5.2**

1. That the Tourism Advisory Committee note the report.

2. That the Tourism Advisory Committee recommends that Council establish a web 'landing page' communicating the new identity and community core values, a visual representation of the identity that can be used by third parties, and a photography competition to engage the community and expand the portfolio of available images.

3. That the Tourism Advisory Committee recommend to Council that any subsequent TAC give immediate priority to continue the development of the issue of identity in the context of:

    a) The type and nature of the destination that Byron Shire wants to be based on identity, character and core values
    b) Its themes
    c) Its brand
    d) The reinforcement of the tourism vision of Byron Shire being the "ultimate green tourism destination on the planet" as per Resolution No. 10-759. (Oelrichs/Rosen)

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*The meeting adjourned at 12.21pm for a lunch break and reconvened at 1.12pm.*

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**Report No. 5.4** **Tourism Management Plan - Review and Forward Planning by the Tourism Advisory Committee**

**File No:** ADM900020 #1235335

*Ros Derrett facilitated a workshop, refer to document (E2012/910) 'Review of Tourism Advisory Committee completed and ongoing tasks and recommendation for the future'.*

*Steve Toneguzzo left the meeting at 3pm.*

Note: Tourism Officer to finalise document and circulate for comment in one week.

**Committee Recommendation TAC 5.4.1**

1. That the Tourism Advisory Committee recommend that Council note and consider the recommendations in the Review of the Tourism Management Plan as attached (#E2012/910).

2. That the Tourism Advisory Committee request that Council acknowledge the priorities for tourism management in the 2012/13 Community Strategic Plan and the Tourism Management Plan when considering the recommendations of the review referred to in point 1 above. (Cameron/Wotton)

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**Other Business**

The Chair thanked:

- Ros Derrett for her facilitation of the review process.

- Members of the Tourism Advisory Committee for their commitment and participation in the committee over the past three years.

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*There being no further business the meeting concluded at 4.10pm.*

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# N O T I C E  O F  M E E T I N G

# T O U R I S M  A D V I S O R Y  C O M M I T T E E  M E E T I N G

A Tourism Advisory Committee Meeting of Byron Shire Council will be held as follows:

| | |
|---|---|
| **Venue** | **Meeting Room 1, Byron Regional Sport and Cultural Complex, Ewingsdale Road, Byron Bay** |
| **Date** | **Thursday 16 August 2012** |
| **Time** | **11.00am** |

R. E. Darney

Ray Darney
Acting General Manager

*#1257600*
*Distributed 9/8/12*

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests" -** A conflict of interests can be of two types:
**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).
**Remoteness –** a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.
**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).
**Relatives, Partners -** a person is taken to have a pecuniary interest in a matter if:

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

N.B. "Relative", in relation to a person means any of the following:
(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)
**No Interest in the Matter -** however, a person is not taken to have a pecuniary interest in a matter:

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

**Disclosure and participation in meetings**

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

**No Knowledge -** a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.
**Participation in Meetings Despite Pecuniary Interest (S 452 Act)**
A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.
**Non-pecuniary Interests -** Must be disclosed in meetings.
There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

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

## RECORDING OF VOTING ON PLANNING MATTERS

**Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters**
(1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  (b) not including the making of an order under Division 2A of Part 6 of that Act.
(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
(4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
(5) This section extends to a meeting that is closed to the public.

## BUSINESS OF MEETING

**1. APOLOGIES**

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

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1 Minutes from the 21 June 2012 meeting

**4. CURRENT PROJECTS (Verbal reports)**

4.1 Update on VIA Byron and Regional Tourism (Cameron Arnold)

**5. REPORTS BY DIVISION**

**Society and Culture**

5.1 Visitor Trails Project - Report of the Visitor Trails PRG (15 minutes)..... 2
5.2 Visitor Services Strategies - Report of the Visitor Services PRG (15 minutes)..... 6
5.3 Byron Shire Identity Project Stage 2 (15 minutes_ ..... 9
5.4 Tourism Management Plan - Review and Forward Planning by the Tourism Advisory Committee (2 hours)..... 14

**6. BUSINESS ARISING FROM PREVIOUS MINUTES**

*Please note that lunch will be provided. It is envisaged that the 'business' of the meeting will be attended to prior to lunch, with the Tourism Management Plan planning session held after lunch.*

**Report No. 5.1.** **Visitor Trails Project - Report of the Visitor Trails PRG**
**Executive Manager:** Society and Culture
**File No:** ADM900060 #1257779

**Principal Activity:** Economic Development

**Summary:** Development of up to five Byron Shire visitor trails has been identified as a priority project for the Tourism Advisory Committee in 2012 (Resolution 12-14). The establishment of a Visitor Trails Development PRG, including its membership and objectives, was endorsed by Council at its Ordinary Meeting on 12 May 2011 (11-404).

This report presents the work of the Visitor Trails Project Reference Group and the draft Project Plan for the Visitor Trails Development Project.

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**RECOMMENDATION:**

**1. That the Tourism Advisory Committee recommend that Council adopt the Visitor Trails Project, as detailed in the draft Project Plan for the Visitor Trails Development Project attached at Annexure 1(e) #1248327, including:**

**a) Development of a map highlighting the top 'must see and do' experiences available in the Shire. The style and details of the proposed map are listed in the Draft Project Plan.**

**b) Development of five visitor trails, also featured on the map, and possibly with separate brochures/information available, including:**
**i) creative arts trail**
**ii) food and produce trail**
**iii) short walks/town walks/nature trail**
**iv) hinterland trail**
**v) second-hand trail**

**c) Call for expressions of interest (EOIs) to:**
**i) make the mud map**
**ii) graphic design the map brochure**
**iii) print the brochure**

**with a preference that EOIs put forward a coordinated approach to these three items.**

**d) Call for EOIs should include a media release and distribution through Byron social media, eg Common Ground, Practicing Artists Network (PAN), Bangalow Heartbeat, Arts Northern Rivers and other relevant avenues.**

**e) Call for expressions of interest for business advertisers.**

**2. That Council collaborate with Northern Rivers Tourism on their Interactive Trails project.**

***Attachments:***

- Minutes of Visitor Trails PRG meeting 11 April #1217284 [4 pages] ..... **Annexure 1(a)**
- Minutes of Visitor Trails PRG meeting 3 May #1226746 [4 pages] ..... **Annexure 1(b)**
- Minutes of Visitor Trails PRG meeting 31 May #1237944 [2 pages] ..... **Annexure 1(c)**
- Minutes of Visitor Trails PRG meeting 12 July #1252819 [3 pages] ..... **Annexure 1(d)**
- Draft Project Plan – Visitor Trails Project #1248327 [8 pages] ..... **Annexure 1(e)**

**Report**

Development of up to five Byron Shire visitor trails has been identified was a priority project for the Tourism Advisory Committee in 2012 (Resolution 12-14).

Objective 8 of the Tourism Management Plan is to investigate opportunities to enhance, develop and promote appropriate tourism products that will improve the visitor experience and length of stay. It includes the following relevant strategies

**Visitor trails:**

1. **S8.2.1** – Investigate the feasibility to develop and promote a series of village touring, nature-based and cultural itineraries connected throughout the region by rail, cycleway, walkway, horse-riding and road.
2. **S8.2.2** – Continue to develop and promote exceptional food and wine as part of the visitor experience.
3. **S8.2.4** – Consider ways to encourage visitor dispersal to northern parts of the Shire in consultation with the community.

The establishment of a Visitor Trails Development PRG, including its membership and objectives, was endorsed by Council at its Ordinary Meeting on 12 May 2011 (11-404).

The Constitution for the PRG is attached at Annexure 1(a) and includes the following purpose:

*Develop up to five visitor trails for the Byron Shire to:*
*Add to the visitor experience and complement the brand and image of the Shire*
*Enhance existing nature-based and cultural tourism experiences*
*Continue to develop and promote exceptional food and wine as part of the visitor experience*
*Consider ways to encourage visitor dispersal to northern parts of the Shire in consultation with the community, and*
*Improve the social, economic and environmental outcomes for tourism in the Byron Shire*

*Consider Tourism Management Plan objectives (especially S8.2 and the associated actions), the visioning statement, community core values, tourism guiding principles, the Byron Shire Identity and the Byron Shire Visitor Profile and Satisfaction research results in trail development*

*Develop a brief Communication Plan to promote the trails (template provided)*

*Prepare a final report for consideration at the Tourism Advisory Committee meeting on 14 June 2012.*

In considering the development of the trails, the PRG referred to several of Council's existing policies and plans (listed at the end of this report). Also considered was all the information listed in objective 2 of the constitution (as above).

The PRG met four times on 11 April, 3 May, 31 May and 12 July, and each of the minutes of the meetings are attached at Annexures 1(a), (b), (c) and (d). The timeframe of the PRG was extended due to the number of different PRG's the Tourism Advisory Committee held during the May/ June 2012 period.

The PRG have delivered on the objectives above except for a Communication Plan. It was decided that this would be developed early in the implementation phase of the project, once more information about the costs and other details of the project become clearer.

A draft Project Plan is attached at Annexure 1(e), which provides a comprehensive outline of the project. The key points include:

1. Development of a map highlighting the top 'must see and do' experiences available in the Shire. The style and details of the proposed map are listed in the draft Project Plan.

2. Development of five visitor trails, also featured on the map, and possibly with separate brochures/ information available, including:
   a. creative arts trail
   b. food and produce trail
   c. short walks/ town walks/ nature trail
   d. hinterland trail
   e. second-hand trail

3. The PRG recommend that Council work with Northern Rivers Tourism on their Interactive Trails project, particularly in the development of their 'Food and Produce' trail and 'Nature' trails. Collaboration between Byron Shire Council and Northern Rivers Tourism is viewed as a mutually beneficial partnership for the two concurrent projects.

4. The PRG recommend that Council call for expressions of interest:
   a. To design a mud map,
   b. For graphic design of the map brochure,
   c. For printing of the brochure,
   and that the call for EOI's should include a media release and distribution through Byron social media, eg Common Ground, Practicing Artists Network (PAN), Bangalow Heartbeat, and Arts Northern Rivers.

5. The PRG recommend that Council also call for expressions of interest for business advertisers. The advertising could be a uniform format including an image, brief description and contact details (including web address).

   Criteria for inclusion:
   a. first in, first served basis
   b. Council makes the decision of icons, or highlighted experiences on the front of the map
   c. Businesses or experiences must be in the Byron Shire
   d. Experiences must be accessible for visitors (ie open when visitors are here)

**Financial Implications**

The budget allocation for the Visitor Trails project in 2012/13 is $9,000.

**Statutory and Policy Compliance Implications**

Relevant Council Plans and Policies:
Tourism Management Plan 2008 – 2018
Community Economic Development Policy 10/003
Community Economic Development Action Plan 2011 – 2020
Cultural Policy 3.42
Cultural Plan 2008 – 2013
Disability Access and Inclusion Plan 2008 – 2013
Sustainable Agriculture Strategy

**Report No. 5.2.** **Visitor Services Strategies - Report of the Visitor Services PRG**
**Executive Manager:** Society and Culture
**File No:** ADM900050 #1257788

**Principal Activity:** Economic Development

**Summary:** Council resolved to develop a Visitor Services Strategy for the Byron Shire, and participate in the development of a Northern Rivers Regional Visitor Services Strategy (10-869).

This report presents the Final Draft of the Byron Shire Visitor Services Strategy, the précis of the Northern Rivers Regional Visitor Services Strategy, and the report of the Visitor Services PRG following consideration of the two strategies.

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**RECOMMENDATION:**

**That the Tourism Advisory Committee recommend to Council that:**

**a) Council adopt the Byron Shire Visitor Services Strategy developed by The Stafford Group (#1230889) but not adopt the Action Plan included in the document.**

**b) Council adopt the Visitor Services Strategy Action Plan for the Byron Shire as developed by the Visitor Services Project Reference Group included in Annexure 2(h) #1249235.**

**c) Council continue to work with the partners and stakeholders identified in the Visitor Services Strategy Action Plan for the Byron Shire in implementing the Action Plan.**

**d) Council use the budget allocation of $5,000 for implementation of the Visitor Services Strategies to conduct an Accredited Visitor Centre (AVIC) training course in the Shire for Visitor Centre staff and volunteers.**

***Attachments:***

- TAC Report from 13 April 2012 meeting - Byron Shire and Northern Rivers Regional Visitor Services Strategies #1209614 [4 pages] ..... **Annexure 2(a)**
- Final Draft Byron Shire Visitor Services Strategy #1230889 [133 pages] ..... **Annexure 2(b)**
- Precis of Northern Rivers Regional Visitor Services Strategy, Aurora Research Inc, March 2012 #1210664 [9 pages]..... **Annexure 2(c)**
- Constitution of Visitor Services PRG #1218812 [8 pages]..... **Annexure 2(d)**
- Minutes of Visitor Services PRG meeting 3 May #1226438 [5 pages] ..... **Annexure 2(e)**
- Minutes of Visitor Services PRG meeting 20 June #1244683 [4 pages] ..... **Annexure 2(f)**
- Minutes of Visitor Services PRG meeting 12 July #1253128 [2 pages]..... **Annexure 2(g)**
- Draft Visitor Services Strategy Action Plan for the Byron Shire #1249235 [6 pages]..... **Annexure 2(h)**

**Report**

At its Ordinary Meeting on 21 October 2010, Council resolved (10-869):

> *That up to $8000 be spent from the Tourism Management Plan budget reserve to develop a visitor information centre strategy for Byron Shire'*

In addition, at its Ordinary Meeting on 21 October 2010, Council resolved (10-869):

*That $2,000 be spent from the Tourism Management Plan budget reserve to contribute to the development of a regional visitor information centre strategy in conjunction with the Northern Rivers Tourism Managers Group.*

The relevant strategy from the Byron Shire Tourism Management Plan (Strategy 11.1) is copied below:

S11.1 Develop a Visitor Information Strategy to ensure quality and integrated visitor information services across the Shire

S11.1.1 Review the role, responsibilities, operations and funding of the Shire's VICs

S11.1.2 Purchase and utilise the ST CRC VIC kit to improve VIC performance

S11.1.3 Undertake an on-going education program of VIC staff and volunteers about attractions and activities across the Shire to improve yield and length of stay

S11.1.4 Develop an on-going familiarisation program of attractions and activities across the Shire for all VIC staff and volunteers within the Shire

S11.1.5 Develop a communications strategy for visitor information for all destinations within the Shire to ensure consistent and appropriate visitor information is provided across the Shire

S11.1.6 Develop a comprehensive, official visitor and community information web portal as part of BSC's website that provides links to other online and social networking sites including VICs

S11.1.7 Maximise use of VICs to display product strengths, e.g., nature-based, cultural, Indigenous, health & wellness

S11.1.8 Utilise the ST CRC Interpretation toolkit to assist with the development of an interpretation program for key visitor attractions across the Shire

S11.1.9 Investigate providing visitor information at gateways to the Shire's destinations

A report on the Byron Shire and Northern Rivers Regional Visitor Services Strategies was presented at the Tourism Advisory Committee (TAC) meeting on 13 April 2012. It is attached at Annexure 2(a) and outlines the objectives of the two Visitor Services Strategies.

The final draft of the Byron Visitor Services Strategy is attached at Annexure 2(b). Note that due to the staff at Aurora Research being involved in a serious car accident, the final draft of the Northern Rivers Strategy has not yet been received. It is now expected to be available in early September 2012. A précis only is available and is attached at Annexure 2(c).

A presentation was made to the TAC at its 13 April 2012 meeting from Albert Stafford (The Stafford Group) on the Byron Visitor Services Strategy; and John Larkin (Aurora Research) on the Northern Rivers Regional Visitor Services Strategy.
The TAC subsequently made the following recommendations to Council (12-391):

1. That a Visitor Services PRG be created, to include discussion of the outcomes of the draft Byron Shire Visitor Services Strategy report, to meet for the first time from 10am-1.00pm on 3 May.

2. That the Tourism Advisory Committee note that the Stafford Group report (Byron Visitor Services Strategy) is to be sent to Byron United, Byron Bay Visitors Centre, the Bangalow, Mullumbimby and Brunswick Heads Chambers of Commerce, potential partners and stakeholders (National Parks, Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Cape Byron Reserve Trust, Marine Parks) and the Byron Community Centre for comment and any feedback for the purpose of finalising the report.

The draft report was provided to the stakeholders mentioned above for final feedback, and also to Ocean Shores Community Association and the new 'Business Ashored' group in Ocean Shores. Feedback was reported to the Visitor Services PRG.

The Constitution for the PRG is attached at Annexure 2(d) and includes the following purpose:

The purpose of the Visitor Services Project Reference Group is to:

*Consider the reports of the Byron Shire Visitor Services Strategy (by The Stafford Group) and the Northern Rivers Regional Visitor Services Strategy (by Aurora Research Inc).*

*Prioritise those aspects of the reports that are of most relevance to the Byron Shire context.*

*Develop a draft visitor services strategy based primarily on the Byron Shire Visitor Services Strategy, with reference to the Northern Rivers Regional Visitor Services Strategy and any additional information, with due consideration of the relevant strategies from the Byron Shire Tourism Management Plan, to recommend to the Tourism Advisory Committee.*

*Make recommendations to the Tourism Advisory Committee, and subsequently Council, on possible ways of implementing the prioritised aspects of the reports.*

*Prepare a final report for consideration at the Tourism Advisory Committee meeting on 16 August 2012.*

The PRG met on three occasions - 3 May, 20 June and 12 July - and each of the minutes of the meetings are attached at Annexures 2(e), (f), and (g).

The PRG developed a draft Visitor Services Strategy Action Plan for the Byron Shire, which is attached at Annexure 2(h).

The Northern Rivers Regional Visitor Services Strategy was only considered briefly during the process as a) it has not been available except in précis form, and b) it was not considered by the PRG to be as relevant to the Byron Shire as the Byron Shire Visitor Services Strategy.

**Financial Implications**
The budget allocation for the Visitor Services in 2012/13 is $5,000.

**Statutory and Policy Compliance Implications**
Tourism Management Plan 2008 – 2018

**Report No. 5.3.** **Byron Shire Identity Project Stage 2**
**Executive Manager:** Society and Culture
**File No:** ADM900070 #1248730

**Principal Activity:** Economic Development

**Summary:** This report provides the final Identity (previously Byron Shire Brand) Project Reference Group (PRG) minutes and outlines a way forward for Stage 2 of the Identity Development Project. The Tourism Advisory Committee should note that management has proposed an alternative way forward for Stage 2 to that proposed by the PRG. The reason for the alternative way forward is to ensure that the identity project can be finalised and the concept designs completed during Stage 1 be purchased as supported by Council (resolution 12-120). The management recommendation aims to incorporate the intentions of the PRG's recommendation while also ensuring that the identity project can be finalised.

There is no intention or request to undertake any implementation of the identity, simply to purchase the intellectual property of the identity as developed in Stage 1 – concept design. Following the settling in of a newly elected Council, work can begin on considering resolution 12-120 and focusing on implementation of the identity.

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**RECOMMENDATION:**

**That, in relation to Identity (previously Byron Shire Brand) Project Reference Group (PRG) Recommendation 5.2, the Tourism Advisory Committee not adopt the PRG Recommendation, but instead recommend to Council to adopt Management Recommendation 5.2 below:**

**Management Recommendation 5.2**

1. That the Tourism Advisory Committee note the report.

2. That the Tourism Advisory Committee recommend to Council that following the establishment of the new Council in September, further implementation of the Identity will be considered including, for example, a web 'landing page' communicating the new identity and community core values, a visual representation of the identity that can be used by third parties, and a photography competition to engage the community and expand the portfolio of available images.

3. That the Tourism Advisory Committee recommend to Council to note that the Identity (previously Byron Shire Brand) Project Reference Group has now concluded its tasks and will be disbanded.

***Attachments:***

- Minutes of Identity (previously Byron Shire Brand) PRG meeting 21 June 2012 #1244710 [2 pages].....**Annexure 3(a)**
- Identity images and text endorsed by Council 1 March 2012 #1136785 [36 pages] ..... **Annexure 3(b)**

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**Summary**

This report sets out the history of the brand/identity development project, reports the minutes of the final Identity (formerly Byron Shire Brand) Project Reference Group (PRG) meeting, and outlines a way forward for Stage 2.

While the Identity (formerly Byron Shire Brand) Project Reference Group (PRG) made a number of recommendations for the Tourism Advisory Committee (TAC) to consider at its final meeting, these are only supported in part by management due to the clear direction given by Council on 1 March 2012 (12-120) regarding the portfolio of images and text to be used in connection with the Byron Shire Identity. In addition, management considers there is a strong need for implementation tools – particularly in the form of a Style Guide – to support the Identity's implementation and to give effect to the Tourism Management Plan objectives for a Byron Shire brand/identity.

For these reasons, an alternative recommendation is put forward by management for the TAC's consideration and possible recommendation to Council. The management recommendation aims to incorporate the intentions of the PRG's recommendation while also ensuring that the identity project can be finalised and fully implemented following the proposed consultancy.

**Background - Stage 1 Brand/ Identity Project**

Stage 1 of the Brand/ Identity project saw the formation of a Brand Development PRG, made up of members of Council's TAC. The PRG assisted in the development of a consultancy brief which produced a brand for Byron Shire that reflected the core community values and the Shire's personality.

Following an extensive concept development process and the identification of a core set of community values, the TAC undertook a comprehensive consultation and public exhibition process in 2011/12.

The consultation was intended to test the imagery, copy and tagline developed by Morden's Farm for the TAC's recommended Byron Shire identity: 'Don't Spoil Us – We'll Spoil You'. The results of the consultation were reported to Council on 1 March 2012.

Council resolved (12-120) that it *'support the proposed identity (#1136785), particularly the images and text that comprise the identity, and refer the project back to the TAC for recommendations for its implementation and possible application, to achieve the desired outcomes of the Tourism Management Plan'*.

The Identity (formerly Byron Shire Brand) PRG met for a final time on 21 June 2012 to consider Council's resolution (12-120 above) and the next stage of the project. A copy of the minutes is attached at Annexure 3(a).

**Stage 2 Identity/ Brand Project**

The relevant actions from the Tourism Management Plan for Stage 2 of the project include:

- S10.1 Coordinate the development of an agreed brand and marketing activities and assist the Shire's destinations to further develop their brands and marketing strategies in cooperation with local business and tourism organisations
  - S10.1.10 develop a consistent approach to tourism literature within the destination region to ensure brand consistency, e.g., develop a website that is dedicated to experiences within the Shire, literature for accommodation compendiums and VIC Fact Sheets.

- S10.3 Develop a Brand Policy to protect the 'Byron' brand

- S10.3.1 investigate best practice for destination brand protection, e.g., 'Genuine Noosa', Kangaroo Island
- S10.3.2 develop a program to communicate to tourism and business operators how best to align their product with the 'Byron' brand.

Currently, Byron Shire Council does not have ownership rights to any of the concept development work that was completed in Stage 1 of this project. Therefore, the first step is to obtain ownership of the intellectual property of the concept designed in Stage 1 of the project.

Stage 2 of the project only has a small budget and the focus needs to be on obtaining the intellectual property of the 'Byron' Identity endorsed by Council in March 2012. Following the settling in of a newly elected Council, work can begin on considering resolution 12-120 and focusing on implementation of the identity.

Each of the PRG's recommendations of 21 June 2012 are addressed in turn below:

**Identity – tagline and collateral**

To aid in discussion about the project and clarify any confusion about terminology, the PRG made the following recommendation:

PRG Recommendation 5.1

That we use the language of the 'Byron Identity tagline' for "Don't Spoil Us, We'll Spoil You'; and 'Byron Identity collateral' for the text and images and associated material.

This recommendation is procedural and does not require adoption by Council.

**Single Source Purchasing and Stage 2 Project Brief**

The General Manager has approved (consistent with delegations) that single source purchasing be used for Stage 2 of the Byron Shire Identity/ Brand Development Project. This means that Morden's Farm will be requested to provide a detailed quote (as per Council's Purchasing and Tender Guide) and asked to sign a contract for delivery.

Single source purchasing was recommended for Stage 2 of the Identity/ Brand Project for the following reasons:

1. the concept designs were developed by Morden's Farm and Stage 2 of the project depends entirely on those concept designs
2. it would be very difficult for another brand developer to pick up another person's concept designs and 'deliver' the individual items required
3. Morden's Farm still 'owns' the intellectual property (IP) for the concepts already designed, there has been no passing of ownership of the IP
4. there are time and cost efficiencies in using the same designer as the design work has already been done, and the values and intentions of Council and the TAC are clearly understood, and therefore Stage 2 becomes more about the delivery of that work.

The Identity (formerly Byron Shire Brand) Development PRG noted that the General Manager had approved single-source purchasing from Morden's Farm. It then considered the draft objectives of the project brief for Stage 2 of the project at its meeting on 21 June. The PRG made the following recommendations

PRG Recommendation 5.2

That the Identity PRG recommend to the Tourism Advisory Committee to note that the General Manager will appoint a consultant according to 'single source purchasing' (see Purchasing and

Tender Guide 2011), consistent with delegations, to undertake Stage 2 of the Byron Shire Identity Project, including, but not limited to:

a) Finalise the Byron Shire Identity with the tagline "Don't Spoil Us, We'll Spoil You" as developed during Stage 1 of the project to concept stage, including, but not limited to:

i. Purchasing rights to relevant images*
ii. Finalising text and graphics
iii. Purchase/ apply for domain names, trade marks, business names considered necessary to protect the integrity of the Identity*
iv. All relevant Intellectual Property becoming the property of Byron Shire Council.

*Consultant to provide advice on images to be purchased and indicative budget (point i.); and advice on point iii. and indicative budget to Council; prior to making any purchases.

b) That the PRG recommend to the TAC the following staged priorities:

i. Development of a webpage/ landing page for Council's website, considering how this can be applied to other sites, including business, and noting it could be developed further in the future.

ii. Development of a video slideshow using collation of the images purchased, for example, in the theme of the latest Tourism Australia TV advertisements (eg predominantly images).

iii. That the PRG will further consider implementation actions, including development of a Style Guide and a photography competition to engage the community.

Management Comments

These recommendations are only supported in part by management for a number of reasons.

Firstly, in relation to 5.2.a.i and 5.2.a.ii, clear direction was given by Council on 1 March 2012 (12-120) regarding the portfolio of images and text to be used in connection with the Identity. Management therefore does not consider it is necessary for the consultant to provide further advice on the images to be purchased. The images (#1136785) were endorsed by Council on 1 March 2012 and are attached at Annexure 3(b). Similarly, the consultant will have a set agreed fee and will need to deliver on all of the consultancy objectives within that fee.

Secondly, in relation to 5.2.b.iii, management considers that there is a strong need for implementation tools – particularly in the form of a Style Guide – to support the Identity's implementation and to give effect to the Tourism Management Plan objectives for a Byron Shire identity. Management therefore considers that it would be prudent to include this as one of the priority tasks in the proposed consultant's brief, rather than as a staged task (should funds subsequently become available). The risk is that without a Style Guide (or other communication tool) the identity will not be able to be communicated or implemented, and that it may remain 'on the shelf'.

Finally, management recommends to the TAC that the purchase of the concept designs developed during Stage 1 continue without the need for further TAC or Council endorsement. The current TAC meets for the last time on 16 August prior to the Council election on 8 September. After this date, all current Council committees and PRGs are disbanded and will need to be reconstituted and new memberships confirmed by the new Council. This will take some time, and management considers there is already sufficient direction from Council regarding identity images and text to allow the project to continue in the interim.

For these reasons, an alternative recommendation is put forward by management for the TAC's consideration and possible recommendation to Council:

**Management Recommendation 5.2**

1. **That the Tourism Advisory Committee note the report.**

2. **That the Tourism Advisory Committee recommend to Council that following the establishment of the new Council in September, further implementation of the Identity will be considered including, for example, a web 'landing page' communicating the new identity and community core values, a visual representation of the identity that can be used by third parties, and a photography competition to engage the community and expand the portfolio of available images.**

3. **That the Tourism Advisory Committee recommend to Council to note that the Identity (previously Byron Shire Brand) Project Reference Group has now concluded its tasks and will be disbanded.**

The Tourism Advisory Committee are asked to note that the General Manager, consistent with delegations, will appoint a consultant to undertake the purchase of the concept designs completed during Stage 1 and supported by Council (resolution 12-120). The PRG's feedback on the Stage 2 consultancy brief prepared by management will be incorporated. It is proposed that the consultancy brief will include, but not be limited to:

1. Finalisation of the Byron Shire Identity with the tagline "Don't Spoil Us, We'll Spoil You" as developed during Stage 1 of the project. This will include, for example:

    a. Purchasing rights to relevant images endorsed by Council resolution 12-120 on 1 March 2012 (#1136785)
    b. Finalising text and graphics endorsed by Council resolution 12-120 on 1 March 2012 (#1136785)
    c. Finalising the website concept design endorsed by Council resolution 12-120 on 1 March 2012 (#1136785) and developing a possible 'landing page'.
    d. Purchasing/ applying for domain names, trademarks, and any business names considered necessary to protect the integrity of the Identity
    e. Development of a Style Guide which provides information about the Identity for use in different mediums and circumstances, and examples of implementation ideas for third parties including, but not limited to, website design, print advertising, banner advertising, and merchandising.
    f. Providing any other advice on a recommended communication strategy for the Identity consistent with the Tourism Management Plan and
    g. Ensuring that all relevant Intellectual Property becomes the property of Byron Shire Council.

Please note that there is no intention or request to undertake any implementation of the identity, simply to purchase the intellectual property of the identity as developed in Stage 1 – concept design. Following the settling in of a newly elected Council, work can begin on considering resolution 12-120 and focusing on implementation of the identity.

**Financial Implications**
A budget allocation of $5,000 has been included in Council's endorsed 2012/13 budget for Stage 2 of the Identity Project

**Statutory and Policy Compliance Implications**
Tourism Management Plan 2008 – 2018
Purchasing and Tender Guide 2011

**Report No. 5.4.** **Tourism Management Plan - Review and Forward Planning by the Tourism Advisory Committee**

**Executive Manager:** Society and Culture
**File No:** ADM900020 #1235335

**Principal Activity:** Economic Development

**Summary:** At the Tourism Advisory Committee meeting on 13 April 2012, the committee requested two items for the agenda of 21 June 2012 meeting, namely:

1. 'review of the Tourism Management Plan' (discussion)
2. 'forward planning for 12 months of TAC meetings (taking into account the September election and the dissolution of the TAC and its PRGs.'

This report provides the Tourism Advisory Committee (TAC) with a review of the Tourism Management Plan document, showing the progress to date on the strategies and actions in the Plan. The report also provides the TAC with a list of suggested priorities for 2012/13.

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**RECOMMENDATION:**

1. **That the Tourism Advisory Committee recommend Council note the Review of the Tourism Management Plan (#1234392) on the progress made against strategies and actions in the Plan to date.**

2. **That the Tourism Advisory Committee recommend to Council the Tourism Management Plan priorities for implementation during 2012/13, as follows:**

   **a) Byron Shire Identity/ Brand Development Project**
   **b) Tourism Levy and Governance Model**
   **c) Implementation of the Visitor Information Strategies (local and regional)**
   **d) Tourism Development**
   **e) Tourism Education Program**
   **f) Tourism Research**
   **g) Sustainable Environment/ business accreditation**

***Attachments:***

- Review of Tourism Management Plan for TAC meeting 21 June 2012 #1234392 [29 pages].....**Annexure 4(a)**
- 'Economy' section of the Draft Community Strategic Plan Delivery Program 2012 – 2016 #1237824 [12 pages] ..... **Annexure 4(b)**

**Report**

At the Tourism Advisory Committee (TAC) meeting on 13 April 2012, the committee requested two items for the agenda of 21 June 2012 meeting, namely:

1. 'review of the Tourism Management Plan (discussion)
2. 'forward planning for 12 months of TAC meetings (taking into account the September election and the dissolution of the TAC and its PRGs)'.

In order for the TAC members to review the Tourism Management Plan (TMP), the TMP Action Plan has been updated to include progress to date and comments on actions from the Plan, and is attached at Annexure 3(a). Please note, this document has been provided following a cross-divisional staff review (via the Internal Tourism Working Group) of strategies and actions in the Plan. The committee may choose to work through this document providing information for an update to be reported to Council.

Some general recommendations for updating the document include:

- All references to TNSW be changed to DNSW, RTA updated to RMS, and other government department names updated where relevant
- Following negotiation/ discussion, add VIAByron as a partner to Strategies 4, 5, 6, 8, 10, 11 and 12
- Following negotiation/ discussion, add VIAByron as lead agency for relevant actions under S10

The TAC members should note, that the 2011/12 Draft Annual Report of the Tourism Management Plan will also be considered at the 21 June 2012 meeting, and may like to provide some further input to that Report following these discussions.

Following a review of achievements, the TAC might like to prioritise TMP strategies and actions for the next 12 months and make a recommendation to Council. Please note Annexure 3(b) during these discussions.

Annexure 3(b) is the 'Economy' section of the Draft Community Strategic Plan Delivery Program 2012 – 2016. The new Community Strategic Planning process was introduced by the NSW Department of Local Government in 2010 to replace the former Management Plan, Social Plan and Annual Reporting requirements with an integrated framework. The new framework was developed as part of the Local Government Reform Program and proposes changes to the Local Government Act 1993 to improve Council's long term community, financial and asset planning.

The draft Byron Shire Council Draft Community Strategic Plan (CSP) has been built around five key themes that include Corporate Management, Economy, Society and Culture, Environment and Community Infrastructure. The draft CSP documents were developed as a result of extensive community consultation undertaken in 2011. All the CSP Integrated Planning documents, include Draft Community Strategy Plan (CSP), Resourcing Strategy documents, Draft 2012 - 2016 Delivery Program (including the 2012/13 Draft Operational Plan), were on exhibition for public comment for a period of 28 days from 5 May 2012 to 5 June 2012.

In addition, the Tourism Advisory Committee should note the priorities for 2011, resolved by Council (11-122), not all of which have been implemented to completion:

> *1. That Council note the priority projects identified in the Tourism Management Plan in Annexure 2(a) (#1044229).*
>
> *2. That Council note that the Tourism Advisory Committee adopted the 2011 Forward Agenda as outlined in Annexure 2(b) (#1044284). The Priority projects for 2011 are:*

*a) development of an agreed brand for Byron Shire*
*b) tourism levy and governance framework*
*c) tourism research program*
*d) Tourism Management Plan performance measures*
*e) visitor information services strategy and service level agreements*
*f) volunteer tourism*
*g) visitor trails*
*h) tourism education program*
*i) environmental accreditation program.*

Please note that the following projects are yet to be finalised, and it is recommended they continue:

1. Byron Shire Brand Development Project – a Identity/ Brand Development PRG meeting is scheduled for 20 June to discuss the next steps for this project. Note also the CSP reference EC 2.1.1.

2. Tourism Levy and Governance Model – please refer to the Tourism Levy and Governance Model Report for the 21 June 2012 meeting and note the recommendations made.

3. Visitor Information Centre Strategy (local and regional strategies) – note the CSP references EC 2.2.1 and EC2.3.1, and the 2011 priorities.

4. Tourism development - note the CSP reference EC2.2.1 and the 2011 priorities:
    a. Visitor trails
    b. Volunteer Tourism initiative

5. Tourism Education Program – note the 2011 priorities.

6. Tourism Research – whilst the 2011 Visitor Profile and Satisfaction Survey was a beginning for the research program suggested by the Tourism Management Plan, there are other strategies which still require implementation, particularly S4.1.2 – establish an ongoing and consistent method for collection of data related to visitation, economic, social, environmental impacts.

7. The Tourism Advisory Committee also considered a report at the April 2011 meeting on Strategy 1.1.4 of the Tourism Management Plan – '*Develop a set of performance measures to determine the impact of implementation of the Plan's actions',* but no recommendation was made for progression.

8. Sustainable Environment / sustainable business accreditation – note the CSP references EC 1.1.2, EC1.2.1 and EC2.2.1, and note the 2011 priorities.

**Financial Implications**
Nil

**Statutory and Policy Compliance Implications**
Tourism Management Plan 2008 - 2018

# PROJECT PLAN

*27/7/12*

Project Title*:*
*Visitor Trails Development Project 2012*
*#1248327*

Byron Shire Council

**Prepared by:** **Joanne McMurtry, Tourism Officer – Byron Shire Council**

## 1. Introduction

**Project Purpose**

Best practice destinations recognise that, in addition to their iconic attractions, there is a need to provide and promote a diversity of appropriate tourism product and visitor activities within the destination and broader region. This has the potential to enhance the visitor experience and improve yield, experience and length of stay.

Product development also offers the opportunity to develop and focus local tourism offerings on projects and concepts that align with community core values as well as with the goal of building a sustainable tourism industry bringing multiple social, economic and environmental benefits.

The Byron Shire Tourism Management Plan consultation process identified the need to protect and enhance the development of appropriate nature-based, indigenous and cultural and heritage product and experiences within the Shire. This also provides an opportunity to link and promote across industries, for example, experiences with retail, food and beverage and accommodation experiences.

The project is an opportunity to demonstrate and grow the message of Council's endorsed 'Don't Spoil Us, We'll Spoil You' identity for the Shire.

**Project Overview:**

The key benefits of the visitor trails project are to:

- Enhance the visitor experience by improving access to a greater range of things to do in the Byron Shire
- Disperse visitors to the Shire's towns and villages

A list of the 'top things to see and do' in the Byron Shire was compiled by the Visitor Trails Project Reference Group. Experiences were then grouped, generating the following potential themed trails, which included:

1. Arts and creativity
2. Food and produce
3. Exploration of the hinterland/ sightseeing
4. Short walks trails/ nature walks/ town walks
5. Second-hand trail

A legend was also developed including the key identifiers of: child-friendliness; active participation opportunity; connection to the community/ volunteer experience; showcases sustainability principles; and showcases heritage aspects of the Shire. These identifiers responded to the Tourism Advisory Committee's identity work in 2011 about providing opportunities for visitors to share the community values.

A Shire-wide map will be developed showing the 'top things to see and do' and the visitor trails. In addition, the visitor trails will be developed into a format available to visitors wishing to 'follow' the trails.

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| **Project Objectives:** | The development of tourist trails within the Byron Shire meets a number of objectives in the Byron Shire Tourism Management Plan (see the list below under 'Tourism Management Plan'). The key objectives for developing tourist trails are as follows:<br>o Provide opportunities to enhance, develop and promote appropriate tourism products that will improve the visitor experience and length of stay.<br>o attract visitors and visitor markets that have shared values with the community<br>o develop a range of tourist trails that complement community core values<br>o link existing product in the Shire and provide visitor experiences to increase yield<br>o encourage visitor dispersal throughout the Shire<br>o promote the spiritual and cultural diversity of the Shire, for example, emphasise the uniqueness of the Byron culture<br>o encourage a series of village touring itineraries<br>o create and maintain a positive image that reflects unique and authentic visitor experiences related to nature-based, cultural diversity, food production, heritage and innovative enterprises within the Shire<br>o improve local operator participation in collaborative marketing opportunities<br>o provide the opportunity to collaborate with other tourism stakeholders in the local and regional context<br>o overcome the Byron Bay 'party-town' image and provide alternative visitor experiences. |
| **Link to the Tourism Management Plan** | The development of tourist trails links to the following strategies from the adopted Byron Shire Tourism Management Plan (09-756):<br>• S5.1 – Develop a tourism education and communications program to educate visitors about the environment, community values, appropriate visitor behaviour and safety and security.<br>• S8.1 – Investigate the development and promotion of additional tourism product and visitor experiences to complement the brand and image of the Shire.<br>• S8.1.2 – Work with relevant agencies to develop new and enhance existing nature-based and cultural tourism experiences and develop new experiences.<br>• S8.1.4 – Improve linkage of new and enhanced products to iconic attractions and experiences.<br>• S8.2.1 – Investigate the feasibility to develop and promote a series of village touring, nature-based and cultural itineraries connected throughout the region by rail, cycleway, walkway, horse-riding and road.<br>• S8.2.2 – Continue to develop and promote exceptional food and wine as part of the visitor experience.<br>• S8.2.4 – Consider ways to encourage visitor dispersal to northern parts of the Shire in consultation with the community.<br>• S10.1 – Coordinate the development of an agreed brand and marketing activities and assist the Shire's destinations to further develop their brands and marketing strategies in cooperation with local business and tourism organisations.<br>• S10.1.11 – Improve local operator participation in collaborative marketing opportunities.<br>• S10.2 – Investigate ways to attract high yield/low impact visitor markets to the Shire's destinations.<br>• S10.4 – Ensure that visitor experiences offered in Byron Shire are world's best practice.<br>• S11.1.7 – Maximise the use of Visitor Information Centres to display product strengths, for example, nature-based, cultural, indigenous, health and wellness. |

## 2. Project Plan

**Project Plan:**

The Project will be separated into the following project activities:

**PLANNING AND DESIGN PHASE:**

1. Development of four Visitor Trails by a Project Reference Group (PRG)

2. Work alongside Northern Rivers Tourism's Interactive Trails Project under development within a similar timeframe (some outcomes from this project will assist the delivery of the Byron Shire project).

2. PRG report to Tourism Advisory Committee 16 August 2012 meeting

3. Tourism Advisory Committee makes a recommendation to Council (October 2012)

4. If approved by Council, project implementation begins October 2012

**IMPLEMENTATION PHASE:**

5. Testing of the trails 'on the ground'.

6. Development of trails 'collateral', or marketing material, including a map, and pdf trail brochures and other marketing identified in the communication plan.

**COMPLETION:**

6. Distribution of marketing materials to Visitor Centres and other identified places.

7. Evaluation of 'take up' and debrief.

8. Recommendation to Council on a future (ongoing) Visitor Trails project / program.

**Project Assumptions**

Trails have been developed considering:

1. The principles and concepts of Byron Shire Council's Tourism Visioning Statement, Community Core Values and the Tourism Guiding principles developed by the Tourism Advisory Committee and endorsed by Council.

2. Tourism Research Australia's 2011 Byron Shire Visitor Profile and Satisfaction research results.

3. Byron Shire Council's Community Economic Development Policy and Community Economic Development Strategy and Action Plan (2011-2020) key focus areas.

4. Relevant actions from the Byron Shire Council Cultural Plan, Disability Access and Inclusion Plan and Sustainable Agriculture Strategy.

All tourist trails should meet the following criteria:

1. complement Byron Shire community core values
2. complement Byron Shire tourism guiding principles
3. be mindful of the needs and expectations of Byron Shire local communities
4. minimise the impacts of tourism on the local environment
5. all businesses must comply with appropriate approvals
6. use locally grown and sourced products wherever possible
7. recognise the cultural, social and heritage features of Byron Shire
8. grow the contribution of tourism to the Shire's economy through attracting higher yielding/low impact markets and further investment.

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| | The 'must see, must do' experiences that will be featured on the map and the trails include:<br>• Do the lighthouse walk from Wategos Beach<br>• Kayak in the bay with the dolphins or up the Brunswick River<br>• Experience a local weekend market or farmer's market and try the fresh local food<br>• Be enchanted, walk the labyrinth or see the giant stupa at Crystal Castle<br>• Walk through the rainforest and visit Minyon Falls<br>• Visit a village – shop at Bangalow, eat at the iconic Bruns Hotel or Poinciana/ Mullumbimby Community Gardens in Mullumbimby<br>• Explore the artists trail in the industrial estate – watch a glass blower<br>• Hang out with the locals and enjoy the music at the Rails or the Beach Hotel<br>• Experience one of the many alternative therapies or have your aura mapped<br>• Surf the pass or walk along the beach<br>• Whale watch in season<br>• Attend a festival<br>• Slowly journey through the hills sipping coffee and sampling local produce. |
| **Scope** | The trails will mainly focus on visitor dispersal throughout the Byron Shire, although may link with trails in adjoining LGAs. |
| **Governance** | The project has been developed by the Visitor Trails Project Reference Group in line with Resn 11-404.<br><br>The project will be delivered by the Tourism Officer, and participating businesses. |
| **Map Development** | 1. The Visitor Trails Project Reference Group developed the following criteria for the map:<br>a. No larger than A3 – good size for walk in counter display and car friendly.<br>b. mud map style – vibrant, possibly 3D, characterized, include topography<br>c. informative but inspirational – something people might collect as a poster or souvenir<br>d. accuracy to be based on 'must see, must do's' and visitor trails shown on the map, including street names where appropriate<br>e. the map is an opportunity to express the new identity, "Don't Spoil Us, We'll Spoil You" and the whole look and feel should be compatible with this and the community core values<br>f. the geographical area of the map should be the whole Shire on one side, it won't include individual towns (other maps of towns are available)<br>g. Any detail, legends, information about visitor trails and advertising should be on the back<br>h. the maps the PRG liked include the old Lois Vickery-Hall 'Byron Lismore Hinterland' map, and the map of Rome provided by Cameron Arnold.<br>i. the map will include icons of the 'must see, must do's' and refer to the trails<br>j. Byron Shire Council should own the intellectual property<br><br>2. Must See/ Must Do's to be featured on the map (with icons where appropriate):<br>a. Visit the lighthouse, do the walk from Wategos Beach<br>b. Marine Park - Kayak in the bay with the dolphins or up the Brunswick River, Whale watch in season (eg whale, dolphin and kayaker icons)<br>c. Visit a pristine local beach – surf, swim, learn to surf. Surf the pass or walk along the beach (eg surfer icon, patrolled beaches icon) |

d. Experience a local weekend market or farmer's market and try the fresh local food (eg market icon)
e. Taste our local food – cafes & restaurants, farm gate, organic market, meet the farmer (eg roadside stall icon)
f. Be enchanted, walk the labyrinth or see the giant stupa at Crystal Castle
g. Experience one of the many alternative therapies or have your aura mapped
h. Walk through the rainforest and visit Minyon Falls, Discovery walk in nature – national park, waterfall, take a dip in a rainforest pool
i. Visit a village – shop at Bangalow, eat at the iconic Bruns Hotel or Poinciana/ Mullumbimby Community Gardens in Mullumbimby
j. Explore the artists trail in the industrial estate – watch artists at work
k. Buy some local art, jewellery, locally designed clothes, meet the artist (eg artist icon)
l. Hang out with the locals and enjoy the music at the Rails or the Beach Hotel. Live music experience – pubs, buskers (eg busker icon)
m. Attend a festival or event – including movies
n. Slowly journey through the hills sipping coffee and sampling local produce – explore the hinterland (Visitor Trail)
o. Get some air – paragliding, hangliding, skydiving, hot air balloon, ultralight (use icons)
p. Volunteer in community gardens, etc
q. Experience the Indigenous heritage (eg indigenous icon – work with Arakwal about appropriate place eg Three Sisters Story?)

3. Other information:
   a. invite towns to submit short walks, and a key festival (one for each town/area) they would like referenced on the map
   b. If they fit, include short statements of key messages, eg 'be mindful of residents', 'take only photographs, leave only footprints', etc
   c. Include scenic lookouts – St Helena, Coolamon Scenic Drive, Devines Hill at Ocean Shores
   d. include as icons, the key attractions of Crystal Castle and Macadamia Castle
   e. Identify the two museums – Bangalow and Mullumbimby
   f. Include a link to the new Arakwal website and their 'online induction'
   g. Include National parks
   h. Include general store at Federal
   i. Include the two visitor centres with 'i' icon
   j. include the two golf courses

**Trail Development**

1. Visitor Trails:
   a. The PRG agreed that Council should work with Northern Rivers Tourism 'Interactive Trails' project to further develop the 'Food and Produce' Trail, and the 'Nature' Trails
   b. The PRG agreed that Council should further develop the 'Creative Arts' Trail, the 'Hinterland' Trail, add to the 'Walks' Trail (eg use Nature trail developed by the NRT project and any other relevant walks in the Shire) and add a fifth trail – 'Second-hand' Trail.
   c. References could be made to other trails, eg. Byron Arts and Industry Trail, town walks and The Legendary Pacific Coast touring route should also have reference on the map.

2. The concept/s of the Byron Shire Visitor Trails are outlined below:

**Creative Arts Trail**

Overarching statement – to provide an opportunity for visitors to view, experience, participate in and buy art and to provide an opportunity for artists to showcase their work to visitors.

Potential experiences

- Art galleries, shops, studios, artists in residence
- Not commercial shops like the Bead Shop, need to provide an experience
- Opportunities to view artists at work

Resources

- Arts Northern Rivers
- Existing brochures eg Pocketguides shire-wide arts trail, Byron Arts and Industry Estate map
- Sculpture and Public art

**Food and Produce Trail**

Overarching statement – to provide an opportunity for visitors to view, experience, participate in and consume food and produce and to provide producers a way to showcase their produce.

Potential experiences

- Farmers markets
- Roadside market stalls
- Cafes and restaurants – primary objective is to promote and use local produce
- Stores like Santos – primary objective as above
- Organic farms, permaculture farms
- Community gardens

Resources

- Farmers markets associations
- Council's Sustainable Food Business Directory
- Foodlinks Project resources
- Northern Rivers Food Inc

**Hinterland Trail**

Overarching statement – to view and explore the hinterland and natural beauty of the area to invigorate the senses and to educate visitors about the fragile environment

Potential experiences

- Scenic views
- Attractions including Macadamia Castle, arts and food experiences
- Waterfalls
- Bushwalks
- Villages
- Hinterland is west of the ridge, includes Main Arm
- Hinterland accommodation
- Movies and events at community halls

Resources

- Attractions
- Hinterland accommodation group
- Previous and existing brochures
- Village progress associations

**Short Walks/ Town Walks/ Nature Trails**

Overarching statement – physical walking experience, slower experience, provide orientation to an area

Potential experiences

- Town walks
- Nature walks
- Short bushwalks, beach walks (Bruns to Byron)
- Pet and child friendly walks – put on key/ legend

Resources

- National parks
- Chambers of commerce in towns – work with progress associations etc to decide what walks they want
- Progress associations
- Historical societies

**Second-Hand Trail**

Overarching statement – provide an opportunity for visitors to access sustainability/ recycling principles in action

Potential experiences

- Markets
- Antique shops
- Recycled clothing, building materials etc
- Other second-hand treasures

Resources

- Current brochure 'second-hand' trail – updated
- Recycling shops, businesses and centres

**Project - Proposed Process**

1. The map:
   a. Could be cost neutral – either through sponsorship by a mapmaker, and/ or via selling advertising to businesses that respond to the 'top things to do in the Byron Shire'. For example, the kayaking with the dolphins businesses, market organisations, Crystal Castle, BAI Artist Trail, some iconic venues where you can enjoy live music, some festivals.
   b. Large print run for distribution, stands for maps at, eg visitor centres
   c. Provide an opportunity for businesses to advertise, with redeemable offers. Could 'buy' a branded icon on the map, or advertising space around outside or on back of map. Those who choose not to 'buy' could have a listing with a locator.
   d. Any 'left-over' budget, or additional budget raised from the map, would be used to develop the Trails where the NRT project will not deliver the desired outcome, eg Creative Arts Trail and Short Walks.

2. Council should proceed by calling for an expression of interest in:
   a. making of the mud map
   b. graphic design of the map brochure
   c. printing of the brochure
   d. that EOI's preferably put forward a coordinated approach to these three items
   e. Call for EOI's should include a media release and distribution through Byron social media, eg Common Ground, Practicing Artists Network (PAN), Bangalow Heartbeat, and Arts Northern Rivers.

3. An EOI for business advertisers should be called for with Council to manage. The advertising could be a uniform format including an image, brief description and contact details (including web address).

Criteria for inclusion:

a. first in, first served basis
b. Council makes the decision of icons, or highlighted experiences on the front of the map
c. Businesses or experiences must be in the Byron Shire
d. Experiences must be accessible for visitors (ie open when visitors are here)

## 3. Stakeholders and Key Project Contacts

**Stakeholders**

- Local businesses and others offering great experiences for visitors
- Chambers of Commerce
- VIAByron (local tourism organization)
- Government (State and Federal, neighbouring LGAs)
- Northern Rivers Tourism, Destination NSW, Tourism Australia
- Visitors

## 4. Project Documents

## 5. Budget and Resources

| |
|---|
| **Map development** |
| **Trail 'brochure/s'** |
| **Other advertising** |
| **Other media** |

**Note: the budget allocation available for this project in 2012/13 is $9,000. A full budget will be developed within this resource allocation early in the implementation phase.**

## Draft Visitor Services Strategy Action Plan for the Byron Shire
### (Developed by the Visitor Services Project Reference Group[1])

| Recommendation from Byron Shire Visitor Services Report (Stafford 2012) | Revised Recommendation (Visitor Services PRG 2012) | Recommended Actions (Visitor Services PRG) | Responsibility/ Partners | Timeline |
|---|---|---|---|---|
| **Key Result Area 1** – Upgrade and Develop Existing Information Technology Support Services:<br>1. A high quality visitor information website be created with separate portals to allow each of the unique parts of the Shire to portray itself with its own distinctive look and feel.<br>1.1. Provision of simple online ecommerce capability to access merchandise<br>1.2. Stimulation of visitor experience through online innovation<br>2. Development of a mobile application*<br><br>*The implementation of technology more effectively will also result in a reduced reliance on brochures and increased usage of online based services including accommodation, attractions and event based bookings. There should be far less emphasis on paper based promotion and far greater encouragement for industry to support on line marketing and promotion | 1. A high quality visitor information website be created with separate portals to allow each of the unique parts of the Shire to portray itself with its own distinctive look and feel.<br>2. A suite of high quality visitor information technology products be explored.<br>3. That the development of these tools:<br>3.1. That community values and exposing the characteristics of the Byron community be integral<br>3.2. various management models including partnerships/ collaborative approach be considered<br>4. Encourage the use of online marketing and promotion through the implementation of cutting edge technology<br>5. Byron tourism marketing needs to include recognition of Byron Shire's print, online and radio media. | 1. Progress the website recommendation by accepting VIAByron's offer of assistance to invite all website stakeholders at a meeting to discuss whether there is a need for a separate new website or a different way forward for the Shire, with consideration given of the key points in Recommendation 1.<br><br>2. VIA Byron plan to develop a Destination Management Plan (DMP) and marketing strategies. Work with VIA Byron to consider the development of innovative technology through this process. | Council<br>VIA Byron | Short-term (aim to hold website stakeholder meeting in August 2012) (aim to begin development of DMP 2012) |

1 Based on the Byron Shire Visitor Services Strategy Final Draft 2012 by The Stafford Group; the Regional Visitor Services Strategy Presentation 2012 by Aurora Research and other information.

| Recommendation from Byron Shire Visitor Services Report (Stafford 2012) | Revised Recommendation (Visitor Services PRG 2012) | Recommended Actions (Visitor Services PRG) | Responsibility/ Partners | Timeline |
|---|---|---|---|---|
| **Key Result Area 2** – Maximise Visitor and Local Community Experience of Byron Shire and the Shires' Visitor Information Centres.<br>1. Determine the viability of relocation of the Byron Bay VIC<br>2. Provide a range of community services at each VIC (see * below)<br>3. Create a highly appealing experience to all key markets through highly appealing, relevant and interactive displays within the VICs<br>4. Installation of interactive booking screens<br>5. implementation of technology such as TVs to reduce reliance on hard copy signage and brochures within the VICs<br>6. Create merchandising arrangement between Byron and Brunswick Heads VICs<br>7. Conduct a review of all merchandise sold in VICs and ensure they are as profitable as possible<br><br>*In the future, and when budgetary requirements allow, Council should consider provision of funding support for Visitor Information Centres (to allow for additional full time staffing) on the basis | 1. With respect to locations of the Byron VIC, this should be the subject of ongoing discussion and consideration of all options.<br>2. Council should consider provision of funding support for Visitor Information Centres on the basis that the Visitor Information Centres provide visitor and community information and support services. This could be on a fee for service basis and agreed via a service level agreement so it remains highly transparent. | 1. The current location of the Byron Visitor Centre is desired and supported in the short – medium term. There may be a grant opportunity to build a Visitor Centre at the Byron Regional Sports and Cultural Complex in the longer term if that is a desired gateway.<br>2. Develop Service Level Agreements with the two existing visitor centres as a matter of priority, incorporating delivery of visitor and community/ Council services<br>3. with regard to points 3, 4, 5, note that other funding opportunities may be available, particularly at Byron, for example, a coffee shop, lockers, toilets. It will be necessary to consider the terms of the lease and Plan of Management. The Visitor Centre Boards may choose to work with VIA Byron in the development of a Destination Management Plan (DMP), and subsequent development of a business plan.<br>4. with regard to point 6 and 7, the Visitor Centre managers and staff can work together to | Byron Visitor Centre<br>Brunswick Heads Visitor Centre<br>VIA Byron<br>Council | Short-term |

| Recommendation from Byron Shire Visitor Services Report (Stafford 2012) | Revised Recommendation (Visitor Services PRG 2012) | Recommended Actions (Visitor Services PRG) | Responsibility/ Partners | Timeline |
|---|---|---|---|---|
| that the Visitor Information Centres provide community information and support services. | | achieve this. | | |
| **Key Result Area 3** – Build an effective communication plan and social media strategy for the Byron Shire which incorporate the two VICs<br>1. Create a representative body to oversee website/ portal development, mobile app development, social media strategy and communication plan (see further detail below*).<br>2. create positive support from the local community<br>3. development of a social media strategy for Byron Shire<br>4. develop a web-based marketing campaign<br><br>*Development of a Byron Visitor Services Advisory Committee who should meet up to six times per annum to drive the various technology and other information service enhancements identified in this report. This is needed to start creating stronger communication between Byron Bay, Brunswick Heads, Mullumbimby and Bangalow tourism and other businesses to further visitor servicing opportunities. | That VIA Byron (which Council is a part of) meet regularly to implement the strategy which may include the role and tasks proposed in the strategy for the 'Visitor Services Advisory Committee'. This is also needed to start creating stronger communication between Byron Bay, Brunswick Heads, Mullumbimby and Bangalow tourism and other businesses to further visitor servicing opportunities. | VIA Byron consider tasks proposed for inclusion in the development of a Destination Management Plan. | VIA Byron | Medium-term |

| Recommendation from Byron Shire Visitor Services Report (Stafford 2012) | Revised Recommendation (Visitor Services PRG 2012) | Recommended Actions (Visitor Services PRG) | Responsibility/ Partners | Timeline |
|---|---|---|---|---|
| **Key Result Area 4** – Develop improved visitor attraction within the Byron Shire<br>1. Strongly promote Byron Shire events which capture the diverse nature of the Shire<br>2. conduct discussions with National Parks regarding the development of a conservation-focused interpretation centre with offer an educational facility, new visitor attraction, integrated visitor centre, etc (*see further information below)<br>3. Strongly market and promote the wide variety of nature walks, conservation programs and bush and marine parks in the Shire<br><br>*For the longer term consideration should be given to creating a visitor focussed environmental interpretative centre which brings together the involvement of National Parks, industry operators, Council and other relevant players. The facility could offer an integrated visitor interpretative centre which also acts as an all weather visitor attraction and an educational facility. Byron Shire has a natural advantage in the number of significant national parks, walking trails and land and marine based experiences it is able to offer | For the longer term consideration should be given to creating a visitor focussed environmental interpretative centre which may bring together the involvement of National Parks, industry operators, Council and other relevant players. The facility could offer an integrated visitor interpretative centre which also acts as an all weather visitor attraction and an educational facility. Byron Shire has a natural advantage in the number of significant national parks, walking trails and land and marine based experiences it is able to offer. | 1. In principle support is provided for the development of an interpretive centre. Continue to liaise with National Parks and Arakwal on development of such a centre.<br>2. There may be a grant opportunity to build an Interpretive Centre in the longer term.<br>3. Brunswick Heads Chamber of Commerce is involved in discussions about a possible interpretive centre in the boat harbour precinct.<br>4. There is possible future development of an 'outdoor' interpretive centre on the foot-bridge at Brunswick Heads with interpretive signage etc<br>5. with regard to Strategy 3 – the Tourism Advisory Committee have developed a Visitor Trails project which includes the wide variety of nature walks, bush and marine parks in the Shire. | Council<br>National Parks<br>Arakwal<br>Other stakeholders in the development of an interpretive centre | Long-term<br><br>Part completed – development of the Visitor Trails project. |

| Recommendation from Byron Shire Visitor Services Report (Stafford 2012) | Revised Recommendation (Visitor Services PRG 2012) | Recommended Actions (Visitor Services PRG) | Responsibility/ Partners | Timeline |
|---|---|---|---|---|
| **Key Result Area 5** – Implement improved employee/ volunteer programs to enhance the visitor experience<br>1. ensure than an effective training program is implemented for all new employees and volunteers at each VIC<br>2. conduct regular updated training sessions to ensure knowledge is refreshed<br>3. development of a local familiarisation program<br>4. increase volunteer base at each VIC<br>5. implementation of a roving volunteer ambassador program (create a stronger volunteer network) (*see further information below)<br><br>*The introduction of a volunteer support program which better engages and encourages the community to view tourism and visitor servicing as important and valuable. This should include creating a roving volunteer ambassador program to support visitor and community information needs. Volunteer activity can be highly valuable and productive as long as there is an effective training program for them and ongoing training and support is offered. The Board of the existing two Visitor Information Centres and Chambers of Commerce in Bangalow and | Find support for the enhancement of ways to further develop a volunteer support program, including partnerships. This could include creating a roving volunteer ambassador program to support visitor and community information needs. Volunteer activity can be highly valuable and productive as long as there is an effective training program for them and ongoing training and support is offered. The Board of the existing two Visitor Information Centres are well placed to take a leadership role with volunteer program implementation.<br><br>There are three aspects to managing volunteers:<br>1. Sourcing<br>2. Training<br>3. Keeping them | a. research best practice models in volunteer management at VICs.<br>b. There may be opportunities for a partnership to manage volunteers, for example, with Byron Community Centre.<br>c. Have a 'drive' to attract volunteers to VICs<br>d. Hold an Accredited Visitor Centre (AVIC) training course in the Shire for volunteers. (A few years ago, this cost $3,600 and they required 20 participants). Could hold a course for volunteers and Managers (separate sessions) on the same day. Could have Council input to training presenting 'Don't Spoil Us, We'll Spoil You', community core values and new Arakwal Induction. This action could be funded by the $5,000 allocation to implement the Visitor Centre Strategy in 2012/13.<br>e. VIA Byron consider these tasks in the development of a Destination Management Plan. | Council<br>Byron Visitor Centre<br>Brunswick Heads Visitor Centre<br>VIA Byron | Short-term (aim to hold AVIC training November 2012) |

| Recommendation from Byron Shire Visitor Services Report (Stafford 2012) | Revised Recommendation (Visitor Services PRG 2012) | Recommended Actions (Visitor Services PRG) | Responsibility/ Partners | Timeline |
|---|---|---|---|---|
| Mullumbimby should take a leadership role with volunteer program implementation | | | | |
| **Key Result Area 6** – Development of organisation bodies to support visitor services in the Byron Shire<br>1. develop a new local tourism organisation for the Byron Shire, which is driven and supported by industry<br>2. discussion regarding the establishment of four distinct local tourism groups which operate as a subset of the new LTO | The establishment of VIA Byron covers this recommendation | Action completed. | VIA Byron | Completed |

## Review of Tourism Advisory Committee - Completed and ongoing tasks and recommendations for the future

Completed tasks that have added value

1. Visioning project
    - Development of community core values and endorsement of
    - Has been the basis for everything we do
    - Statement for whole community, not just for tourism
    - Needs to now go onto publication page on Council's website

2. Visitor trails plan
    - Done – something on the ground ready to implement
    - Small group process worked well (PRG)

3. Council understands tourism now/better/degree
    - The test will be if the new Council will take some risks, develop partnerships with stakeholders
    - New confidence in Council about tourism

4. Identity project
    - Branding partly underway
    - Tagline not universally accepted
    - Provides a positive point of difference which is significant
    - Process of community engagement created some learnings for the TAC, eg painfully slow
    - Going through the process of developing a 'platform' for the identity was a positive one

5. Visitor Services Strategy
    - An achievement to have one and open up discussion
    - Inclusive consultation, ownership
    - Implementation started

6. PRGs have mostly achieved a lot except how to fund tourism
    - Process slow and no outcome
    - Research worthwhile – revenue options
    - Bed tax issue for BSC

7. Have proved that Council, industry and community can work together - effective collaboration. The TAC are cautiously enthusiastic about this outcome.

8. The establishment of VIA Byron
    - Founding members of VIA Byron are also members of the TAC
    - The TAC recognised the need and have been generally supportive of the establishment of a shire-wide industry based group
    - Involvement of industry on the TAC and understanding of its role, projects and groundwork conducted over the past 4 years created a much more accepting and informed "atmosphere" for the formation of an LTO for the shire.

9. Staff supporting the TAC have been exemplary

Current Worthy Projects

1. Volunteer Tourism Project
   - Broadening the value of tourism to the wider community
   - Enriching the visitor experience of the local community
   - Recognition that this model has been adopted successfully internationally

2. VIA Byron engagement
   - Not an outcome of TAC deliberations, however provides a way for Council and industry to collaborate in the Shire
   - Two foundation members and two Councillors on the TAC has provided supportive way to build link
   - New link with industry and industry groups eg. Northern Rivers Tourism via members being on TAC

3. Identity Project (as above)
   - Lack of funding an issue
   - Time to determine what kind of destination Byron Shire wants to be
   - Risks with change of personnel, eg loss of corporate knowledge?
   - Finish visioning and identity
   - Then build on intelligence

4. Visitor Trails Project – ready for implementation
   - Reflects back to guiding principles
   - About linking tourism industry with other sectors of the economy – spreading benefits
   - Enriching visitor experience
   - Must see and do map
   - Process good – small group brainstorming

5. Governance and funding project (funding is desperately needed)

6. Visitor Services
   - Volunteer and staff training excellent outcome

7. Data collection commenced
   - Many future applications

Current Challenges

1. Funding of tourism
   - Council – TAC – tourism, we now know more about how hard it is to raise funding and the consequences if Council cannot
   - Priority of spending
   - User pays, eg bed tax, tolls
   - Could unite with other Councils to advocate to state government
   - Pensions and benefits paid very high in this region – demonstrate to government investment in tourism will create jobs, and reduce reliance on benefits
   - Carbon/ bio credits - council can earn money from these activities

- Need to look at revenue options done by PRG in more detail. Eg lottery idea needs further consideration. Prize can be Byron Shire dollars to spend in the Shire. Pozible.com – crowd funding
- Need to develop a strategy if there will be no levy, no other funding
- Sponsorship/ philanthropy eg Nissan with new electric car, best fit – brand/ community values and projects. Needs to be trust between all stakeholders to undertake this.

2. Visitor Services lack of funding
   - May be other, better ways to service visitors than existing VICs, eg set up a bus to stop in each town a couple of hours
   - User pays
   - Walk through merchandising to get to information eg walk through Westfield to get to Olympic gates

3. Enhance community advocacy and engagement

4. More on the ground projects that help to deliver and show the community a benefit from tourism. Do some things that matter to the community, eg more emphasis on infrastructure improvements, or youth employment

5. Tightly define relationship with industry – too much governance of tourism, too many groups
   - TAC has value for the next few years working through the nexus of change
   - TAC eventually should wind down and VIA Byron step up. Not in favour of an ongoing committee in perpetuity.
   - VIA Byron is an industry association, TAC is meeting of industry, Council and community. Need to define roles and responsibilities. VIA Byron can advise on industry issues.

6. Bureaucracy has been frustrating and painfully slow
   - Is this the nature of turning around attitudes of the past twenty years?
   - How do we make things happen more quickly?
   - Look at options for alternatives to communication
   - Having VIA Byron able to implement things may change the speed
   - Perhaps have TAC meet more regularly
   - Perception of lack of transparency – related to lack of communication to outside world
   - Annual report needs to be in public speak, not council speak
   - Lack of awareness of how local government works – need more community education. (Need to double the time, halve the expectation and double the cost.)

7. Has been so much change since plan was first devised, there needs to be a full review done in 2014 (major rethink) eg:
   - Different mix of tourists, number of visitors and new markets
   - Drop in backpacker numbers, rise of Chinese market
   - VIA Byron
   - Regional tourism changes
   - State changes – both change of governing party and tourism changes
   - Local economy changing - Industry more competitive
   - Internet, NBN and technology

- Increased capacity at Gold Coast airport
- Council more confident and will listen
- National economy – new thinking
- Climate change – new energy sources
- Cost of travel – fuel – carbon tax
- Crowd funding – experience economy
- TMP – now understand more about identity in Byron Shire
- New destination strategies – what visitors most seek, themes, new product
- Need a way of managing infrastructure if funding not identified

"While the TAC did not complete some of the very large systemic tasks that either the TMP identified or we identified needed to be done to get significantly improve things on the ground, it did change the broad thinking of Council and some parts of the tourism industry and this paves the way for the more structural change."

Major Recommendations

1. Resolve funding and governance issues
   - Alignment and streamlining of TMP actions with changing and emerging tourism agencies
   - Support the development of VIA Byron – Destination Management Plan
   - Representation on TAC – needs to be inclusive representation – best people available to advise. Council should review the methods and categories of representation. Recommendation that current structure be maintained. TAC has worked extraordinarily well.
   - Lead council by streamlining process for next committee
   - Further investigation of financial options, especially the corporate engagement proposal and lottery idea
   - NBN – visioning of projects and business via NBN to create wealth, about getting head of the game especially for local govt.

2. Identity
   - Work on tangible projects for Don't Spoil Us, We'll Spoil You
   - Creatively marketing the Shire – using new identity/ brand, and using new media, targeted marketing. Intent leading to action
   - Good design being part of the Byron Shire image – what design can contribute to tourism
   - Work on actions, projects and strategies re green tourism. When do review, should emphasise more green tourism strategy eg design

3. Infrastructure
   - Creating a gateway experience – park and ride – for Byron Bay, builds on other council initiatives

4. Projects
   - Prioritise projects that deliver strong benefits to community eg jobs, infrastructure, roads and NBN
   - Prioritise the 'must see and do' map
   - Start negotiations with VICs on SLA's

**UNCONFIRMED**

**REPORT OF THE ABORIGINAL (HEADS OF AGREEMENT)**

**PROJECT REFERENCE GROUP MEETING**

**Date of Meeting:** 20 August 2012

**Time Commenced:** 10.15am

| | | |
|---|---|---|
| PRESENT: | **Convenor/ Facilitator:** | Greg Ironfield, Acting Executive Manager Society and Culture |
| | **Councillors** | Cr Jan Barham |
| | **Community Representatives:** | Yvonne Stewart Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)<br>Gavin Brown (Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) |
| | **Staff:** | Belle Arnold, Aboriginal Projects Officer |

1. APOLOGIES: There were apologies received from Dulcie Nichols, Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), and Cr Richard Staples.

2. DECLARATIONS OF INTEREST: There were no declarations of interest.

3. CONFIRMATION OF A QUORUM: There are 5 members appointed to this group (not including staff). Quorum numbers were met.

4. CONFIRMATION OF THE REPORT FROM THE PREVIOUS MEETING

The report of the Aboriginal (Heads of Agreement) Project Reference Group meeting held on 12 March 2012 (#1204850) was confirmed. (Brown/Stewart)

5. AGENDA ITEMS

**Report No. 5.1. Draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee**

**PRG Recommendation AHoA 5.1.1**

That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council adopt the draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee (#1241935) with the following amendments:

1. Change the title from Constitution to Terms of Reference

2. Under the heading Objectives add, from the 1998 Aboriginal Heads of Agreement:

"The Council acknowledges that Aboriginal people are the original inhabitants of the Byron Shire area and that according to their continuing law, traditions and customs it remains their traditional country. The Council also acknowledges and respects the Corporation's right to speak for its country in accordance with its laws, traditions and customs.

The Parties commit themselves to seek together ways in which Aboriginals Interests can be advanced where decisions are to be made about their traditional country.

The Parties commit themselves to work together to ensure that this is done in a way that advances the interests of the whole community and promotes harmonious community interests."

3. Under the heading Objectives add "This committee meets to fulfil Council's legal obligations under the Native Title Act and facilitate an avenue for the traditional owners as recognised under the Native Title Act (1993) the Bundjalung of Byron Bay, Arakwal People to participate in governance on matters relating to their ancestral homelands."

4. Under the heading Objectives add:

   "To meet as required to develop a Memorandum of Understanding between the Byron Shire Council and the bund Bundjalung of Byron Bay (Arakwal) people and deliver and review identified actions, governance, processes and projects."

5. Under Section 14 Invited Guests add:

   "Requests for attendance at the Arakwal Memorandum of Understanding (MoU) Advisory Committee meetings must be made in writing to the convenor two weeks prior to the meeting date and presented to the Committee for consideration."

---

**Report No. 5.2. Update on the Draft Framework for Memorandum of Understanding between Byron Shire Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)**

**PRG Recommendation AHoA 5.2.1**

1. That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council note the progress on the development of the Arakwal Memorandum of Understanding (#1242584) and make changes to the final sentence in the Background to the Bining Totem section to read:

   'The commitment for partnership is the inspiration for the commissioning of this beautiful artwork'.

2. That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council note further development of the content of the Arakwal Memorandum of Understanding will continue, and be reported to the Arakwal Memorandum of Understanding (MoU) Advisory Committee.

---

**Report No. 5.3. Review of the 1998 Aboriginal Heads of Agreement**

**PRG Recommendation AHoA 5.3.1**

That the Aboriginal (Heads of Agreement) Project Reference Group provide advice on the questions from Council Resolution 12-339 to assist in finalising the review of the 1998 Aboriginal Heads of Agreement.

6. GENERAL BUSINESS

Fee for Service

The Arakwal Corporation will invoice Council after the meeting has occurred.

Catchment Management Authority

Northern Rivers Catchment Management Action Plan – Council's Aboriginal Project Officer provided information and statistics that were not included in the Report.

Liquor Gaming and Racing

A letter has been received from the NSW Government Department of Independent Liquor and Gaming Authority advising of a public conference to discuss the proposed Dan Murphy's in Jonson Street. Council's Aboriginal Project Officer will forward the information to the Committee. Yvonne Stewart will respond to the local conference on behalf of the Bundjalung of Byron Bay, Arakwal People.

7. DATE OF NEXT MEETING

This was the final meeting of the Aboriginal (Heads of Agreement) Project Reference Group.

**Time Meeting Closed:** 12.31pm

**Date Report Confirmed:**

E2012/4510

## Advertising for Expressions of Interest

### Tourism Advisory Committee

Council is seeking the following suitably qualified external representatives to become members on the Tourism Advisory Committee:

- Four tourism industry members, of whom
  - One is associated with the tourism industry in Byron Bay,
  - One is associated with the tourism industry in Brunswick Heads,
  - One is associated with rural tourism and
  - One is associated with a small, family type tourism operation.
- Three community members who are not associated with the tourism industry and of whom at least one is from a rural area.
- One member from a local environmental organisation.

Committee members will have an interest in tourism, strong communication skills, a willingness to contribute and be capable of informing and motivating others. They will readily act solely in the best interests of sustainable tourism in the Shire and will have the ability and willingness to be an ambassador, representing the Shire positively to media, tourism organisations and visitors.

It is highly desirable that committee members have expertise in areas such as marketing, business development, tourism business operation, experience with relevant community or regional organisations and an understanding of the current and future needs of the shire regarding the management of tourism.

The term of appointment for committee members is to align with the term of Council and appointments are in a voluntary capacity only.

The constitution and full selection criteria for the Committee are available at community access points and on Council's website at http://www.byron.nsw.gov.au/expressions-of-interest/

**Expressions of Interest Close: Friday 26 October 2012**

Enquiries: Tourism Officer 02 6626 7170

# BYRON SHIRE COUNCIL

## EXPRESSION OF INTEREST

## TOURISM ADVISORY COMMITTEE MEMBER

### Background

Council resolved on 27 September 2012 to establish a Tourism Advisory Committee pursuant to Section 355 of the Local Government Act 1993.

The Tourism Advisory Committee is an advisory Committee of the Council and does not have executive power or authority to implement actions.

### Purpose of the Tourism Advisory Committee

The purpose of the Tourism Advisory Committee is:

- To lead and implement the strategies and actions of the Byron Shire Tourism Management Plan
- Foster links and engagement between Council, industry and community interests
- Work cooperatively with local state and regional government departments and agencies, local tourism and business organisations, environmental stakeholder organisations and the community
- To advise Byron Shire Council in the sustainable development, marketing and management of tourism, including events and other cultural initiatives, representing the interests of both the tourism industry and resident communities across the Shire, with regard for the social, environmental and economic benefit of the Byron Shire community.
- Act as a focal point (external reference point) and forum for tourism businesses, organisations and individuals involved in the tourism industry in the Byron Shire Council area.
- Be aware of industry trends and statistics across local, regional, domestic and international platforms.
- Prepare an annual report to Council, stakeholders and the community to report on the progress in the implementation of the strategies and actions of the Tourism Management Plan
- To provide an annual budget for adoption by Council
- To provide direction to the various sub-committees established by the Tourism Advisory Committee to work on individual areas
- To consider the reports prepared by sub-committees and refer appropriate policy and strategic direction to staff for their appropriate action, including formal submission to Council

The Tourism Advisory Committee will comprise of:

- Four tourism industry members, of whom at least one is to be associated with the tourism industry in Byron Bay, at least one associated with the tourism industry in Brunswick Heads, at least one is to be associated with rural tourism and at least one is to be associated with a small, family type tourism operation.
- One member from a local indigenous organisation.
- Three community members who are not associated with the tourism industry and of whom at least one is from a rural area.
- One member from an environmental organisation.
- Two Councillors.
- the General Manager (or delegate). Staff members participating on the committee do not have any voting entitlements.

Members represent the sub-sector/ precinct identified, not a particular organisation.

The two Councillors appointed to the Committee are:

- To be advised

The Constitution for the operation of the Tourism Advisory Committee accompanies this information.

## Qualifications and Selection Process

- Committee members will have an interest in Tourism.
- Committee members will have strong communication skills, a willingness to contribute, and be capable of informing and motivating others.
- Members will have ability and readiness to act solely in the best interests of sustainable Tourism in the Shire, without regard to personal interest or benefit.
- Members will bring their personal knowledge and experience to bear on issues of relevance.
- Members will have the ability and willingness to be an ambassador for the Shire and to represent the Shire positively to media, tourism organisations and visitors.
- It is highly desirable that Committee members have expertise in ONE or more of the following:
    - Marketing
    - Business development
    - Tourism business operation
    - Tourism association membership/ involvement
    - Knowledge of the tourism industry structure at a local, regional, state and national level
    - Knowledge of tourism distribution systems
    - Knowledge of the Shire's tourism product
    - An understanding of the current and future needs and requirements of the tourism industry sector
    - An understanding of the current and future needs and requirements of the Shire regarding the management of tourism
    - Experience or working knowledge of tourism issues as an employee, resident or student
    - An understanding of tourism issues from a community development or community services perspective
    - Experience with a historical society, chamber of commerce, arts/ culture/ events, other local/ state/ regional organisation (eg NPWS, Economic Regional Development or Tourism Boards/ Committees) or from an industry that appreciates tourism as a secondary function to their core business.

The initial evaluation of potential members will be undertaken by Council Management, taking into account responses to the selection criteria. Management will then provide a report to Council providing all responses with recommendations for appointment.

## Meeting Schedule

It is proposed that the Tourism Advisory Committee will meet at least quarterly.

## Term of Appointment

The term of appointment for Committee members is to align with the term of Council unless otherwise resolved by Council.

Appointments to the Tourism Advisory Committee are in a voluntary capacity only.

## Insurance

Council has in place 'Councillors and Officers Liability Insurance'. The terms of this insurance provide that, among other things, coverage applies to 'committee members of any special or advisory committee established by the policyholder under the Local Government Act'.

## Closing Date

Expressions of Interests to be a member on the Tourism Advisory Committee must be received by close of business on **Monday 26 October 2012.**

It may be submitted in writing, faxed or emailed to Council as follows:

Attention: General Manager

Postal Address: PO Box 219, Mullumbimby NSW 2482
Fax: 6684 3018
Email: council@byron.nsw.gov.au

## Enquiries

All enquiries should be directed to the Tourism Officer by telephone 02 6626 7170.

***Reference Documents***

- Tourism Advisory Committee Constitution #TBA
- Tourism Management Plan #DM972975

E2012/4514

# BYRON SHIRE COUNCIL

## TOURISM ADVISORY COMMITTEE NOMINATION

Note about completing this form: the form uses 'form fields'. Some fields are a check-box, while others are continuous fields. If you start typing in the continuous fields, the field expands as you type.

**Date:**

**1. Name of Committee: Tourism Advisory Committee**

**2. Position applying for on committee (click for drop down options):**

**Click to select**

**3. Your Name: Mr / Mrs / Ms / Miss**

**4. Are you representing a Group or Organisation: Yes ☐ No ☐**

**If "Yes" please advise name of Group/Organisation:**

**5. Postal Address:**

**Postcode:**

**6. Telephone Numbers: Daytime:**
**Mobile:**

**7. Email Address:**

**8. Preferred method of contact: Email ☐ Phone: ☐**

**9. Please outline your interest in tourism:**

**10. Please outline examples of your strong communication skills, willingness to contribute, your capabilities regarding informing and motivating others:**

**11. Please comment on your ability and readiness to act solely in the best interests of sustainable Tourism in the Shire, without regard to personal interest or benefit.**

**12. Please comment on your ability and willingness to be an ambassador for the Shire and to represent the Shire positively to media, tourism organisations and visitors.**

**13. It is highly desirable that members of the Tourism Advisory Committee have expertise in ONE or more of the following areas. Please outline your experience or expertise in one or more of the following:**

- **Marketing**
- **Tourism business operation**
- **Tourism association membership/ involvement**
- **Knowledge of the tourism industry structure at a local, regional, state and national level**
- **Knowledge of tourism distribution systems**
- **Knowledge of the Shire's tourism product**
- **An understanding of the current and future needs and requirements of the tourism industry sector**
- **An understanding of the current and future needs an requirements of the Shire regarding the management of tourism**
- **Experience or working knowledge of tourism issues as an employee, resident or student**
- **An understanding of tourism issues from a community development or community services perspective**
- **Experience with a historical society, chamber of commerce, other local/ state/ regional organisation (eg NPWS, Economic Regional Development or Tourism Boards/ Committees) or from an industry that appreciates tourism as a secondary function to their core business.**

**14. Past experience on Council's Committees (if any):** Please list name of Committee(s) and period of service

**15. Any other information you wish to include:**

**ATTENTION: Applicant - Privacy Notification Form**

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 ("the Act"). The information may only be made available through this or other relevant Acts and Regulations that may apply.

The intended recipients of the personal information are:

→ officers within the Council; → agents or data service providers engaged by the Council → Council agendas

The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council will be unable to process your application.

Council is collecting this personal information from you in order to process this committee nomination.

If elected to a committee

→ Your name will also be printed in the reports of Committees and published on Council's Web Page
→ Your name and contact details may be made available to other committee members

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be addressed to the Information Service Department of Council. Council is to be regarded as the agency that holds the information.

Signed Applicant ……..  Dated…….

**Minutes of the Byron Shire Council Water, Waste and Sewer Advisory Committee Meeting held on Thursday 23 August 2012** #E2012/1824

PRESENT: Cr Tom Tabart (Chair), Cr Richard Staples

Staff: Phil Warner, Executive Manager Water and Recycling
Warren Burgess, Manager Waste Services
Dean Baulch, Principal Engineer Systems
Wayne Bertram, Manager Development Assessment and Certification
Rachael Levey (Minute Taker)

Community: Col Draper
Garry Scott
Duncan Dey
Susie Mylecharane
Julia Sherry

Guests: Nil.

*Cr Tom Tabart opened the meeting at 10:05am.*

APOLOGIES: Nil.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Nil.

CONFIRMATION OF PREVIOUS MINUTES

**PROCEDURAL MOTION**

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on Thursday 10 May 2012 and the extraordinary minutes from 18 May 2012 be confirmed. (Tabart/Dey)

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**WATER AND RECYCLING REPORTS**

**REPORT NO. 4.1 STP Flow and Reuse Data**
**File No:** ENG701100 #1260930

1. That the Water, Waste and Sewer Advisory Committee note the report.

2. That the Recycled Water figure for Byron Bay November 2011 be checked by staff and amended as necessary.

3. That Council note the Committee expressed concerns about the Byron Bay Golf Course reuse. (Staples/Draper)

DRAFT

**REPORT NO. 4.2 Council Policies**
**File No:** ENG850000 #1260936

That the Water, Waste and Sewer Advisory Committee recommends to Council the following draft policies be placed on public exhibition and that if there are no submissions they be adopted, subject to the following amendments:

1. Pressure Sewer

    a) Page 6 of 23, section 4.2: add an extra point 'As an option where an existing gravity reticulation system requires replacement'.

    b) Page 9 of 23, section 4.8: replace the word 'will' with 'may'

    c) Page 21 of 23: in the home owners manual include a comment that water conservation measures will have the added benefit of reducing electricity costs associated with the low pressure pumping unit.

2. Private Sewer Pump Station

    a) Section 5, part a): add a comment to 'The switchboard must have an hour run meter and at application stage, provide details of the pump flow rates.'

3. Access to Bulk Water Mains

    a) Page 3 of 5, section 3: Change the word 'Audience' to 'Application'

    b) Page 4 of 5, section 5.2 e), change 4.2 a) to 5.1 a) and 5.1 b)

    c) Page 4 of 5, section 5.2: add the word 'depot' to 5.2 h)

    d) Page 4 of 5, section 5.3: 5.3 d) and e) should read 5.3 a) and b)

    e) Page 4 of 5, section 5.3: replace 'red of' with 'read at'

    f) Page 4 of 5, section 5.3 a): Remove the word 'bulk'

    g) Page 5 of 5, section 6. Exceptions to the Policy: delete point 6.2

    h) Page 5 of 5, section 7. Compliance Action: replace 'shall' with 'may' (Dey/Tabart)

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*There being no further business the meeting concluded at 12:05pm.*

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DRAFT

# N O T I C E  O F  M E E T I N G

## W A T E R ,  W A S T E  A N D  R E C Y C L I N G
## A D V I S O R Y  C O M M I T T E E  M E E T I N G

A Water, Waste and Recycling Advisory Committee Meeting of Byron Shire Council will be held as follows:

| | |
|---|---|
| **Venue** | **Meeting Room 1, Station Street, Mullumbimby** |
| **Date** | **Thursday, 23 August 2012** |
| **Time** | **10am-12pm** |

Phil Holloway
Acting General Manager

*#E2012/442*
*Distributed 15/8/12*

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests" -** A conflict of interests can be of two types:
**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).
**Remoteness –** a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.
**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).
**Relatives, Partners -** a person is taken to have a pecuniary interest in a matter if:

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

N.B. "Relative", in relation to a person means any of the following:
(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)
**No Interest in the Matter -** however, a person is not taken to have a pecuniary interest in a matter:

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

**Disclosure and participation in meetings**

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

**No Knowledge -** a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.
**Participation in Meetings Despite Pecuniary Interest (S 452 Act)**
A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.
**Non-pecuniary Interests -** Must be disclosed in meetings.
There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

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

## RECORDING OF VOTING ON PLANNING MATTERS

**Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters**
(1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  (b) not including the making of an order under Division 2A of Part 6 of that Act.
(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
(4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
(5) This section extends to a meeting that is closed to the public.

## BUSINESS OF MEETING

**1. APOLOGIES**

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

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1 Minutes from the 10 May meeting and 18 May Extraordinary meeting

**4. REPORTS BY DIVISION**

**Water and Recycling**

4.1 STP Flow and Reuse Data.....2

4.2 Council Policies.....6

**5. BUSINESS ARISING FROM PREVIOUS MINUTES**

5.1 Draft Waste Management Strategy Targets (Section 5 Attached)

## WATER AND RECYCLING REPORTS

**Report No. 4.1** **STP Flow and Reuse Data**
**Executive Manager:** Water and Recycling
**File No:** ENG701100 #1260930

**Principal Activity:** Sewerage Services

**Summary:** Council resolution 11-188 accepted the Water, Waste and Sewer Advisory Committee recommendation "*that the Committee receive quarterly schedules reporting effluent reuse and total flows (inflows, out flows, overflows) throughout the Shire (as a standing item on agendas).*

This report presents the requested data for the last quarter and also includes the Sewerage Key Performance Indicators reported to the State Government annually.

**RECOMMENDATION:**

**That the Water, Waste and Sewer Advisory Committee note the report.**

**Report**

The data presented below contains all inflows to each Sewage Treatment Plant (STP) collated by month as requested by the committee. The flows are for the past 15 months. Outflows are not measured at Byron Bay STP; Bangalow STP and Ocean Shores STP. Outflows are therefore not provided.

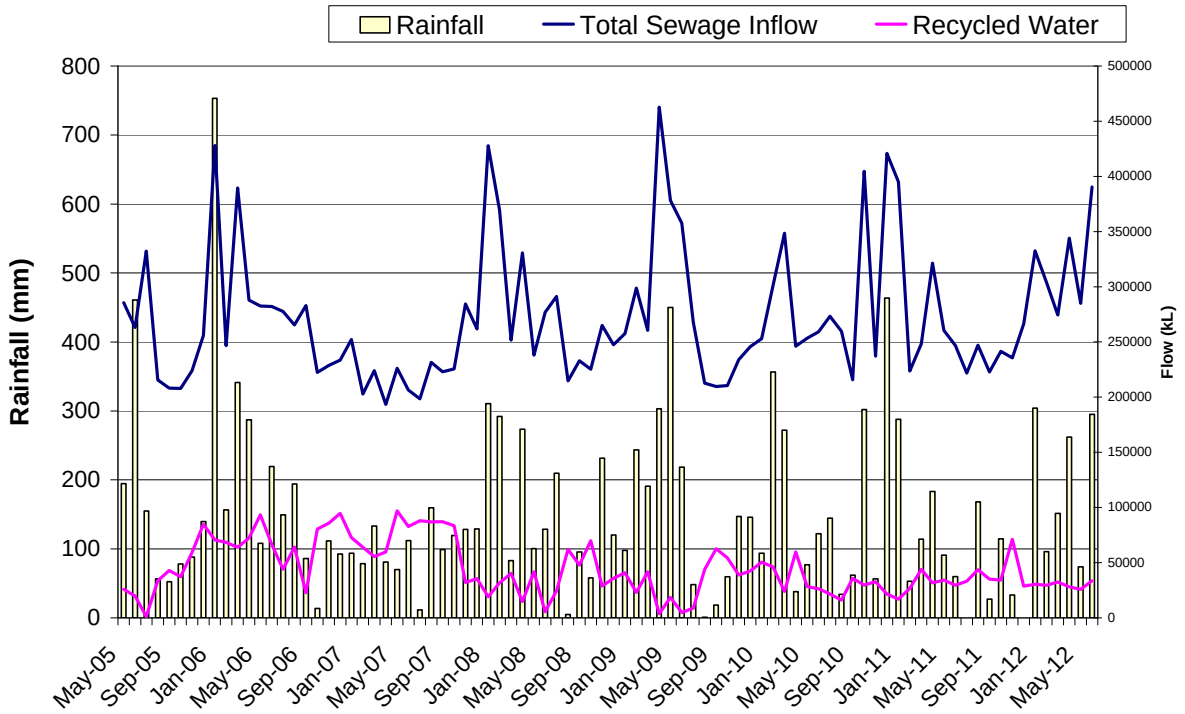
Also included in the report are monthly flows of drinking water into the Shire's water reservoirs; the management plan KPIs for Sewerage Principal Activity; monthly flows of reuse water supplied in each catchment and graphs for Odour Complaints; Blocked Sewer Mains; and Sewage Overflows from Manholes and Pump Stations.

**Sewer Flows**

| | BASTP | BVSTP | 4003 O/Flow | BHSTP | MUSTP | OSSTP | BBSTP | TOTAL STP FLOW | Byron Rainfall |
|---|---|---|---|---|---|---|---|---|---|
| Apr-11 | 13204 | 84181 | | 0 | 0 | 58660 | 165224 | 321269 | 183 |
| May-11 | 12267 | 43500 | | 0 | 0 | 50655 | 154072 | 260494 | 91 |
| Jun-11 | 10578 | 58041 | | 0 | 0 | 44140 | 133842 | 246601 | 60 |
| Jul-11 | 9891 | 43464 | | 0 | 0 | 43649 | 124864 | 221868 | 0 |
| Aug-11 | 11420 | 59841 | | | | 47291 | 128494 | 247046 | 168 |
| Sep-11 | 9850 | 47081 | | | | 41723 | 124159 | 222813 | 27 |
| Oct-11 | 10268 | 48051 | | | | 40714 | 142356 | 241388 | 115 |
| Nov-11 | 9807 | 50232 | | | | 39022 | 136485 | 235546 | 33 |
| Dec-11 | 10807 | 62945 | | | | 46471 | 146296 | 266518 | 0 |
| Jan-12 | 15145 | 89783 | 0 | | | 66338 | 161203 | 332469 | 304 |
| Feb-12 | 12619 | 82970 | 0 | | | 58502 | 149623 | 303714 | 96 |
| Mar-12 | 10259 | 68468 | 0 | | | 50216 | 145376 | 274319 | 152 |
| Apr-12 | 11767 | 94131 | 0 | | | 71451 | 166644 | 343993 | 262 |
| May-12 | 10946 | 63382 | 0 | | | 50584 | 160042 | 284954 | 74 |
| Jun-12 | 16181 | 111414 | 0 | | | 74793 | 188072 | 390461 | 295 |

**Recycled Water**

| | Bangalow Reuse | Mullum Reuse | Byron Bay Reuse | Total Reuse |
|---|---|---|---|---|
| Apr-11 | 1636 | 425 | 29657 | 31719 |
| May-11 | 2283 | 2055 | 29877 | 34215 |
| Jun-11 | 2379 | 0 | 27158 | 29537 |
| Jul-11 | 2972 | 1135 | 28987 | 33094 |
| Aug-11 | 2090 | 14334 | 27103 | 43527 |
| Sep-11 | 3170 | 4770 | 27104 | 35044 |
| Oct-11 | 2220 | 156 | 31892 | 34267 |
| Nov-11 | 1954 | 7858 | 61247 | 71059 |
| Dec-11 | 648 | 229 | 27735 | 28611 |
| Jan-12 | 1383 | 0 | 29002 | 30385 |
| Feb-12 | 2126 | 0 | 27433 | 29559 |
| Mar-12 | 3290 | 71 | 28958 | 32319 |
| Apr-12 | 0 | 240 | 27792 | 28033 |
| May-12 | 0 | 1077 | 24692 | 25770 |
| Jun-12 | 0 | 2552 | 31031 | 33583 |



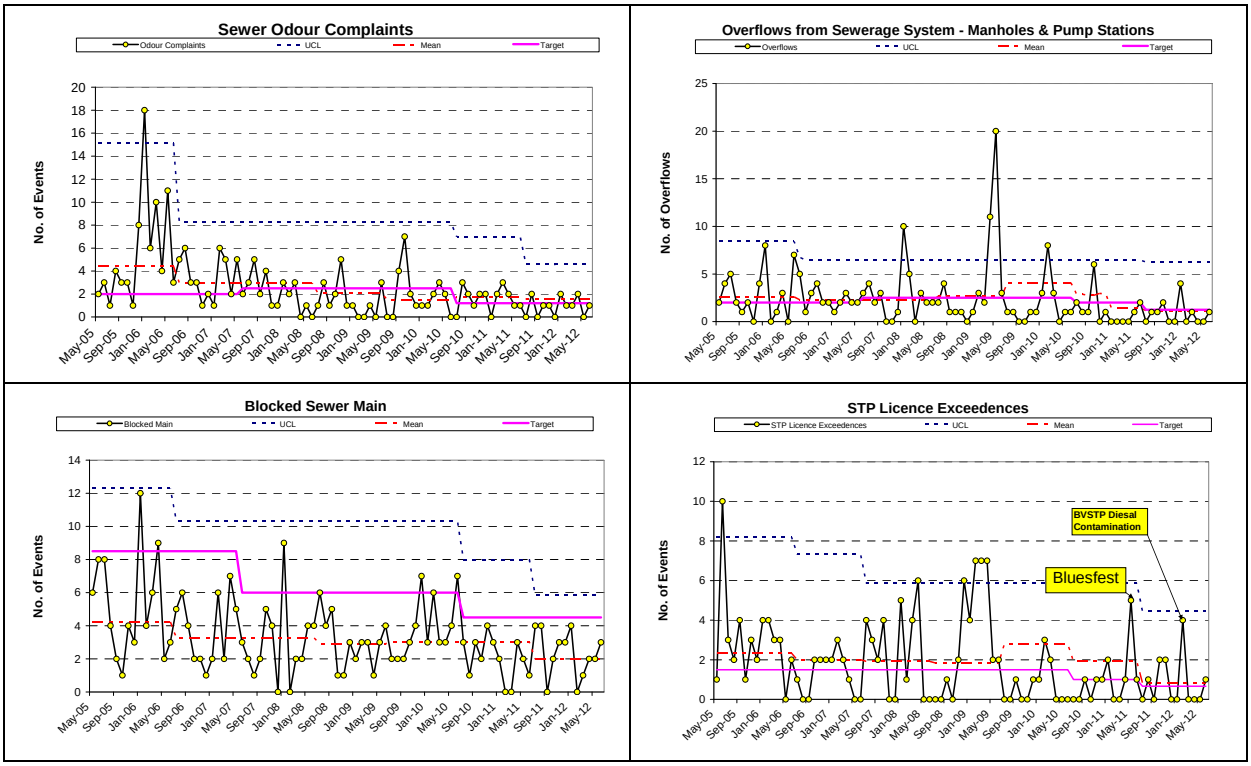

## Drinking Water

| | Paterson St. Resevoir | Coopers Shoot | Wategos Beach | Total for Byron Bay | Bangalow | Brunswick Heads | Ocean Shores | Mullum | Total Consumption Levels | Rainfall (mm) |
|---|---|---|---|---|---|---|---|---|---|---|
| Jul-11 | 49,608 | 62,648 | 2,482 | 114,738 | 11,799 | 16,312 | 42,227 | 27,867 | 212,943 | 39 |
| Aug-11 | 40,057 | 67,153 | 3,425 | 110,635 | 11,237 | 15,449 | 41,807 | 27,422 | 206,550 | 140 |
| Sep-11 | 43,772 | 71,658 | 3,523 | 118,953 | 11,542 | 17,417 | 42,190 | 27,668 | 217,770 | 37 |
| Oct-11 | 46,210 | 71,570 | 3,589 | 121,369 | 11,838 | 16,523 | 41,601 | 27,140 | 218,471 | 154 |
| Nov-11 | 49,595 | 77,053 | 4,452 | 131,100 | 11,365 | 17,960 | 44,451 | 28,361 | 233,237 | 66 |
| Dec-11 | 53,324 | 81,698 | 4,772 | 139,794 | 11,595 | 19,275 | 44,365 | 27,546 | 242,575 | 112 |
| Jan-12 | 63,213 | 81,503 | 5,604 | 150,320 | 12,023 | 20,701 | 45,628 | 28,964 | 257,636 | 210 |
| Feb-12 | 60,858 | 60,632 | 4,639 | 126,129 | 10,824 | 15,717 | 38,898 | 27,648 | 219,216 | 166 |
| Mar-12 | 56,173 | 69,793 | 3,564 | 129,530 | 11,696 | 15,876 | 39,858 | 26,757 | 223,717 | 95 |
| Apr-12 | 52,968 | 69,618 | 4,257 | 126,843 | 11,632 | 17,464 | 40,594 | 25,530 | 222,063 | 285 |
| May-12 | 47,023 | 65,720 | 4,284 | 117,027 | 10,719 | 24,996 | 42,517 | 30,709 | 225,968 | 77 |
| Jun-12 | 42,856 | 59,704 | 3,164 | 105,724 | 10,184 | 26,872 | 38,192 | 28,565 | 209,537 | 283 |

## Key Performance Indicators Sewerage

| Objectives | Key Indicators | Target | Actual | Comment |
|---|---|---|---|---|
| Protect and enhance the ecology through sewerage operations | Quantity of Recycled Water utilised PA | > 500 ML | 425 | No |
| Maintain value for money service pricing | Operating Cost per Property | Less than $455 | $403 | |
| Minimise disruptions to service as a result of system operations | Sewer Overflows to the Environment PA | Less than 15 | 9 | |
| | Odour Complaints per annum | Less than 20 | 10 | |
| Maintain and achieve regulatory compliance | Compliance with Sewerage System Licences | Less than 8 exceedences | 10 | 2 exceedences at BVSTP due to contaimination plus a pH exceedence at OSSTP. |
| Achieve compliance with | Submission of State and Federal | Nov-11 | Sept 11 | Complete |

| Objectives | Key Indicators | Target | Actual | Comment |
|---|---|---|---|---|
| key performance reporting requirements | government reporting data | May-12 | | |
| Safe Workplace | Lost Time Injuries | < 5 | 1 | |
| | Lost Time Days | < 50 | | |




**Financial Implications**

The above trends indicate consistent performance. This has translated into budget savings. Currently we are projecting a 5% budget saving. This equates to approximately $300,000 across the water and sewer funds.

**Statutory and Policy Compliance Implications**

There was one overflow during the past quarter which occurred in Bangalow (manhole). There was no environmental damage caused by this overflow.

**Report No. 4.2** **Council Policies**
**Executive Manager:** Water and Recycling
**File No:** ENG850000 #1260936

**Principal Activity:** Water and Recycling

**Summary:** One of the purposes of the Water, Waste and Sewer Advisory Committee is to develop policies for addressing the water cycle and waste cycle management needs and aspirations of the shire's population in an ecologically sustainable way.

In accordance with this purpose, this report presents to the Committee two new draft policies and one revised draft policy.

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**RECOMMENDATION:**

**That the Water, Waste and Sewer Advisory Committee recommends to Council that the following draft policies be placed on public exhibition and that if there are no submissions they be adopted:**

1. **Pressure Sewer**
2. **Private Sewer Pump Station**
3. **Access to Bulk Water Mains**

***Attachments:***

- Pressure Sewer #1172568 [23 pages]..... **Annexure 1(a)**
- Private Sewer Pump Station #1182136 [15 pages]..... **Annexure 1(b)**
- Access to Bulk Water Mains #941108 [5 pages]..... **Annexure 1(c)**

**Report**

The purpose of this report is to present to the Water, Waste & Sewer Advisory Committee two new draft policies:

1. Pressure Sewer; and
2. Private Sewer Pump Station

and one revised draft policy:

3. Access to Bulk Water Mains.

**Background**

Draft Policies

**1. Pressure Sewer**

**This policy provides a framework for the provision of pressure sewer systems within Byron Shire, where the use of such systems is justified.**

In particular this policy details the responsibilities of Council, developers and individual property owners with respect to the construction, maintenance and operation of associated infrastructure and provides a basic guide to Council's expectations from such systems.

It is proposed to permit the installation of pressure sewerage systems to provide sewerage services where other forms of sewerage cannot be effectively or economically used, or where pressure systems have particular environmental, economic or social benefits. While pressure systems are an internationally recognised sewerage system, they are sufficiently different to conventional gravity reticulation systems to require a separate policy statement.

A pressure sewerage system is a complete system where raw sewage is conveyed under pressure generated by pumping units located on each property to a nominated discharge point. The system comprises three components as described below:

1. Pressure Sewer reticulation, which is a network of pressure mains (including pressure sewer laterals and property boundary assemblies) which transports sewage from properties to a nominated discharge point.
2. "On Property" works, which includes a collection/pumping unit located on and draining individual properties, a Control/Alarm panel and associated electrical connections, and a property discharge line which connects the Collection/pumping unit(s) to the property boundary assembly, and
3. Property Sanitary drains, which are pipelines installed by licensed plumbers which convey sewage from buildings to a connection point (also called house drains, house sewer or house service line).

Use of Pressure Sewer in Byron Shire

As a general principle, pressure sewerage systems may be permitted either:

a) In sewerage catchments where Council has resolved that pressure sewerage is to be the method of providing sewerage collection; or
b) Within developments where pressure sewerage is demonstrated to be a significantly lower overall life cycle cost option for Council than gravity sewerage.

The most common applications for pressure sewerage in Byron Shire are likely to be:

- New subdivisions that can be more economically serviced with a pressure sewerage system than gravity sewerage systems,
- Low lying areas that would require gravity sewers below sea level or within water charged ground,
- Backlog sewerage areas where ground and/or topography conditions are more suited to a pressure sewerage system than gravity sewerage systems - A backlog area is defined as existing developed residential areas that do not currently have a reticulated sewerage system,
- For communities that are in close proximity to a sewered urban area but have not been serviced by reticulated sewerage system and/or site conditions are such that construction of gravity main sewerage system would compromise sensitive environmental areas (known as a *Special Scheme*).

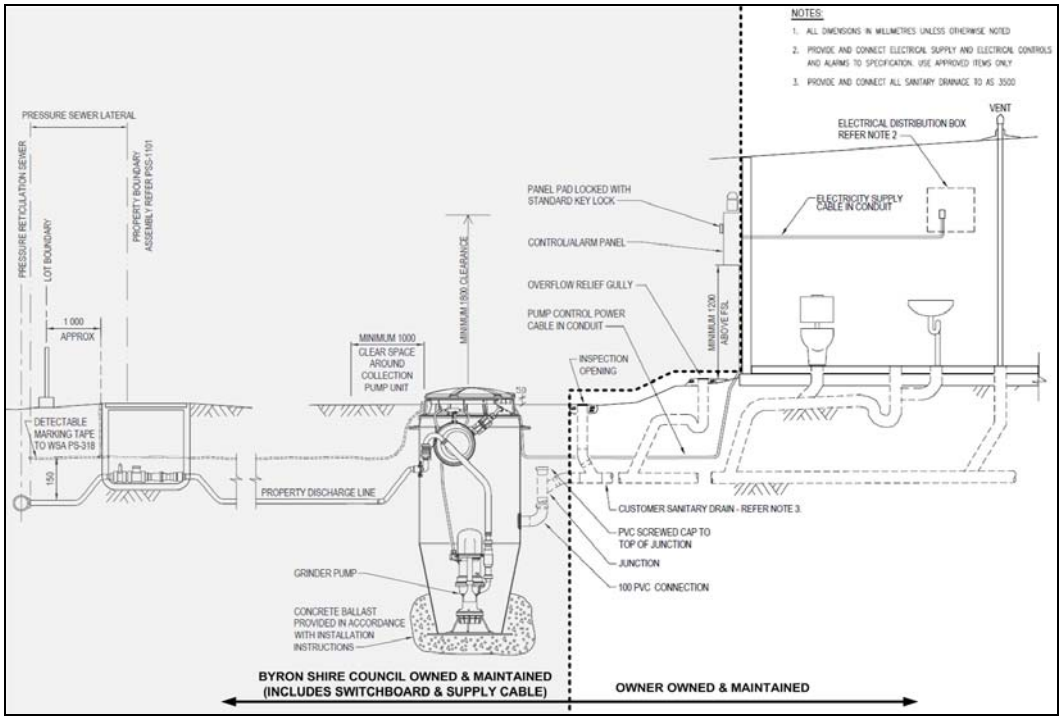
**Ownership of the "On-Property" System**

Conditions of connection to Council's pressure sewerage systems under Clause 18 (1) of the Local Government (General) Regulation 2005 are that:

a) Ownership of "On Property" works, which include the following components (as defined in Pressure Code of Australia WSAA 07-2007) shall reside with Council as shown in Figure 1.

b) Collection/pumping units shall be in accordance with the latest version of the Pressure Code of Australia.

**Figure 1 Typical *On Property* Pressure Sewerage Ownership**



**Property owners required to connect to Pressure Sewerage**

Once Council has formally determined that pressure sewerage systems are applicable to an area, all properties serviced by the system (and within 75m of a sewer of the council as per section 552 of the Local Government Act 1993) will be required to connect to Council's system by pressure sewerage.

**Operation and Maintenance of Pressure Sewerage Systems**

Council's intent is that residents with pressure sewerage systems should not be required to carry out significantly more operational input than for other sewerage systems. The infrequent reporting of an alarm is not seen as a significant impost and is offset by other advantages offered by pressure sewerage.

Council will achieve these goals by:

- Being responsible for the maintenance and repair of the collection/pumping units which will be funded through the annual sewerage charges.
- Providing a 24 hour emergency response line.
- Providing residents with a Home Owner's Manual to guide them in the operation of the pumping unit.

**New Developments/Subdivisions**

**General requirements**

Where specifically requested at the Development Application stage, Council will assess whether a pressure sewerage system would be applicable and approved for a particular development. Specific conditions may be applied in the development consent.

**Pressure Sewerage in Council Schemes**

Council will itself or engage contractors to undertake design and construction of pressure sewerage reticulation in backlog areas or special schemes.

**Consultation**

A series of draft versions of the policy was disseminated to key staff in the organisation for their comment and input:

The policy was also reported to the Executive team who endorsed referral to the Water, Waste, and Sewer Advisory Committee.

**References**

- Draft Pressure Sewer Policy, Ballina Shire Council
- Design Manual for Pressure Sewer Systems, SA Water, April 2010
- Local Government (General) Regulation 2005
- Policy Statement Pressure Sewer Systems, Dubbo City Council, January 2006
- Pressure Sewerage Policy No 3.20.3, Richmond Valley Council, 18 August 2009
- Pressure Sewerage Policy No 3.02, Clarence Valley Council, 14 December 2004

- Pressure Sewer Guidelines, Southern Water, 17 May 2011
- Pressure Code of Australia WSAA 07-2007

**2. Private Sewerage Pump Station**

**This policy provides a framework for the provision of private sewer pump stations within Byron Shire.**

In particular this policy details the responsibilities of developers and individual property owners with respect to the construction, maintenance and operation of associated infrastructure and provides a basic guide to Council's expectations from such systems.
Byron Shire Council will permit the installation of private sewer pump stations to provide sewerage services where other forms of sewerage cannot be effectively or economically used, or where private sewer pump stations have particular environmental, economic or social benefits. Private sewer pump stations are sufficiently different to gravity reticulation systems and pressure sewerage systems to require a separate policy statement.

This policy does not include gravity sewerage reticulation systems or pressure sewerage systems (Pressure Sewer Policy). These applications do not fall within the definition of a private sewer pump stations and this document is not intended to cover those applications.

A private sewer pump station consists of a sewerage pump system located on private land where raw sewage is piped under pressure generated by pumping units contained on the private property. The private pump stations discharge to a nominated discharge point in the public sewer main. There are individual properties which may have been allowed to pump their sewerage into Council's existing gravity sewerage mains, or a collection of properties that pump to a common discharge location within Council's sewerage collection system.

**Where can Private Sewer Pump Stations be used in Byron Shire?**

Subject to Council approval, where a gravity sewer connection is not directly available to service a development, Council may approve a private sewer pumping station, which will discharge to the existing sewerage system via a private rising main.

**Likely General Applications of Private Sewer Pump Stations**

The most common applications for Private Sewer Pump Stations in Byron Shire are likely to be:

- For individual properties that are currently in close proximity to a sewered urban area but have not been serviced by a reticulated sewerage system and/or site conditions are such that construction of gravity main sewerage system would compromise sensitive environmental areas or are impracticable due to site elevation.
- Community Title Developments

This also includes existing vacant urban blocks of land under the same circumstances. These properties will be subject to an application for connection to the sewerage system and subsequent investigation that confirms that this connection is possible and viable.

**Design and Construction of Private Sewer Pump Stations**

Council will only approve designs submitted by consultants with appropriate skills and experience in pressure sewerage system design.

Whilst the Developer will be responsible for the design of the proposed Private Sewer Pump Station, the design will be subject to formal approval by Council's Water and Recycling Services. Council may require that the Developer also undertake analysis of the receiving sewers to ensure that the additional loading will not subsequently require an augmentation of existing receiving sewers, including downstream pump stations. Council may alternatively advise the Developer of an appropriate connection point based upon its own analysis of the public sewer system capability.

Installation and testing of private pump stations shall be completed prior to issue of an occupation certificate for building works.

Operation and Maintenance of Private Sewer Pump Stations

The owner is solely responsible for the operation, maintenance and repair of private sewer pump station.

**Consultation**

A series of draft versions of the policy was disseminated to key staff in the organisation for their comment and input:

The policy was also reported to the Executive team who endorsed referral to the Water, Waste, and Sewer Advisory Committee.

**References**

- Policy 11 Land Development Guidelines, Section 7 Development Works within Private Property Gold Coast City Council, September 2008
- Water and Sewer Design Manual, Section 4 Small to Medium Submersible Sewer Pump Stations and Sewer Rising Mains, July 2008

**3. Access to Bulk Water Mains Policy**

The objectives of the policy are:

- To set out the conditions and charges for the supply of bulk water for construction purposes and for filling swimming pools.
- To mitigate the illegal drawing of water from Council Water Mains and prevent contamination of the water supply.
- To direct bulk water carters/tankers to Rous Water for all filling requirements.

The purpose of the policy is to ensure that Byron Shire Council protects its water supply system from:

- the potential of contamination, and
- possible damage to water mains and fittings.

In addition the policy proposes to reduce the occurrences of unaccounted water use.

It is the policy of Byron Shire Council that the withdrawal of water from Byron Shire Council hydrants or from other access points not authorised by Byron Shire Council is expressly forbidden, unless occurring in compliance with the terms of this Policy as follows:

- Bulk water carters/tankers and mobile storage containers including but not limited to those associated with construction and under boring activities and delivery of potable water are directed to comply with Rous Water requirements and filling points.
- Water for any purpose other than a metered supply (i.e. residential or commercial properties), shall be supplied from either metered standpipes or by metered hydrant designated by Byron Shire Council. No water is to be drawn from either the Mullumbimby system (a closed and finite supply) or the Billinudgel system (when high flow volumes are extracted customers in this area suffer a loss of service).

**Consultation**

A series of draft versions of the policy was disseminated to key staff in the organisation for their comment and input:

The policy was also reported to the Executive team who endorsed referral to the Water, Waste, and Sewer Advisory Committee.

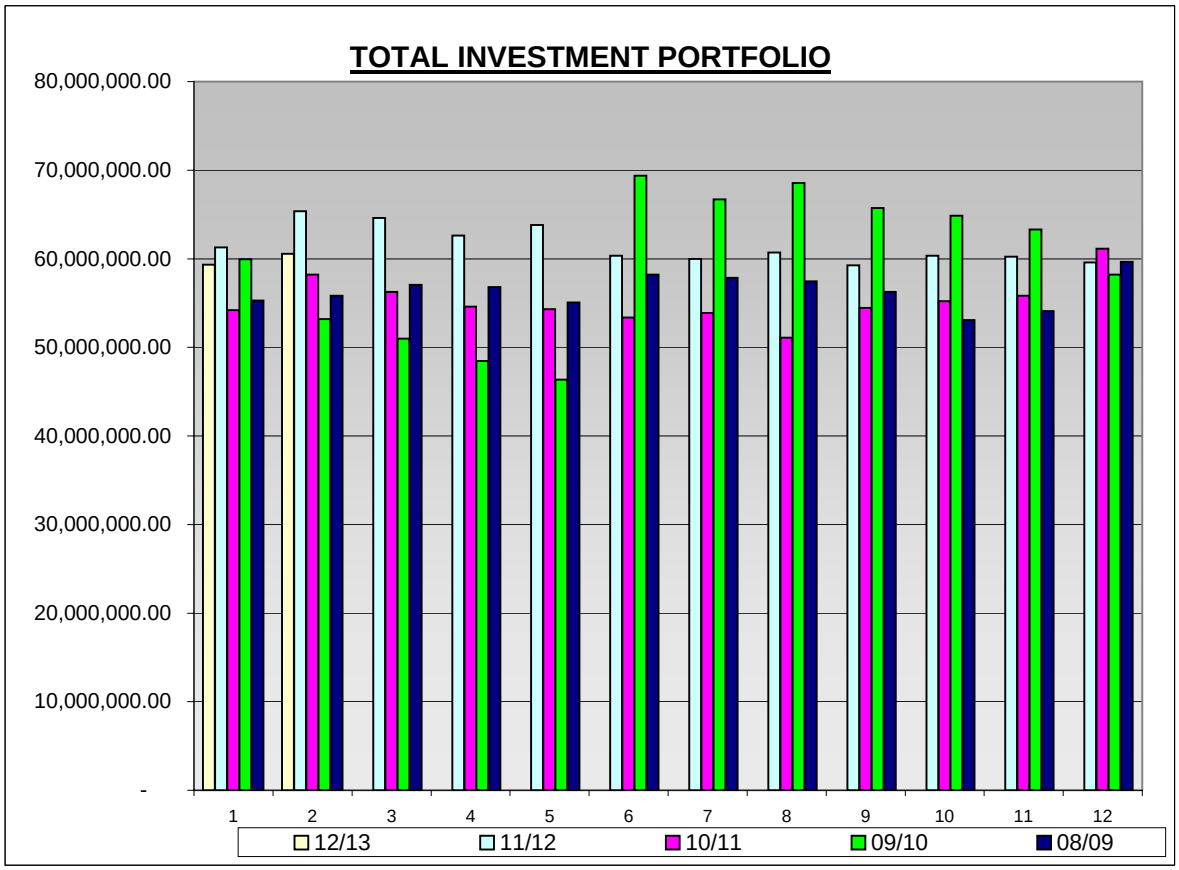
**Financial Implications**

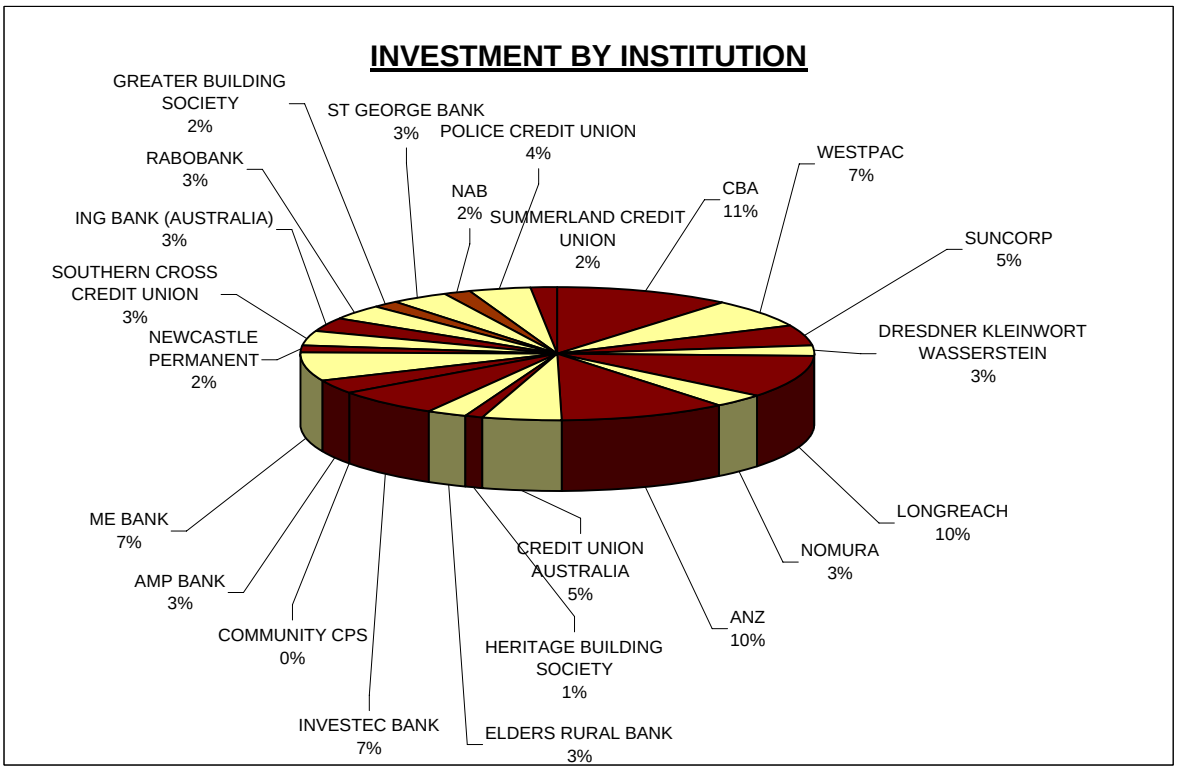
Clear policies in these three areas will assist council staff and the community in the efficient delivery of water supply and sewerage services.

**Statutory and Policy Compliance Implications**

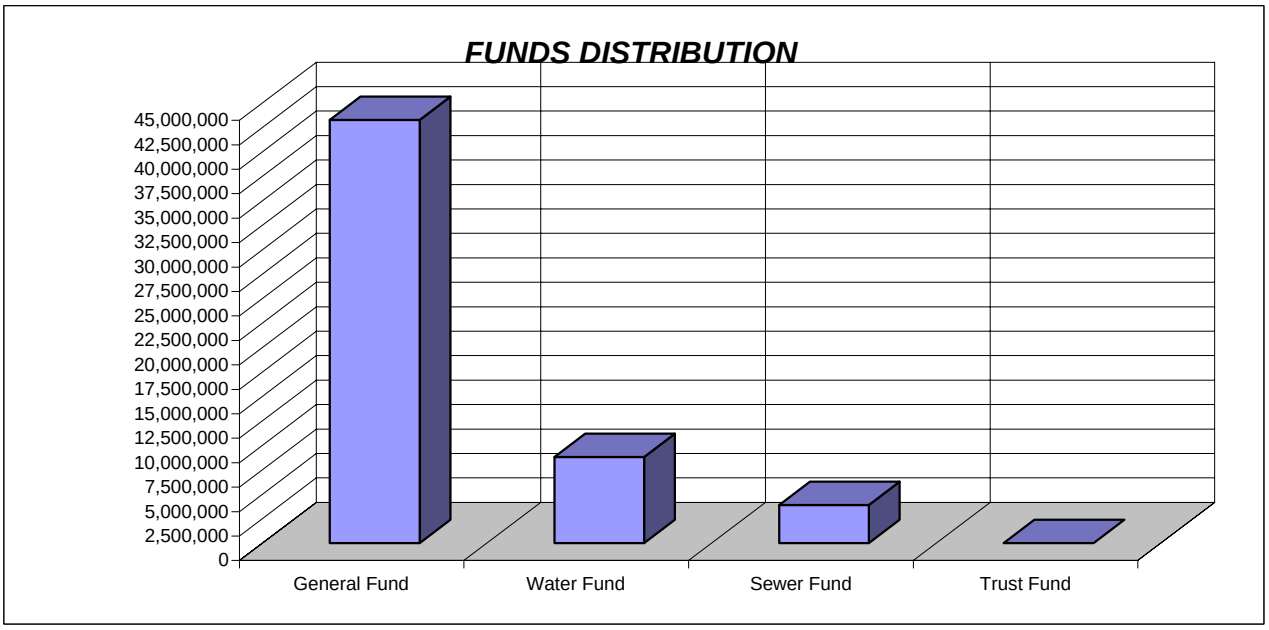
Clear policies in these three areas will assist council staff in the administration of Section 68 applications.

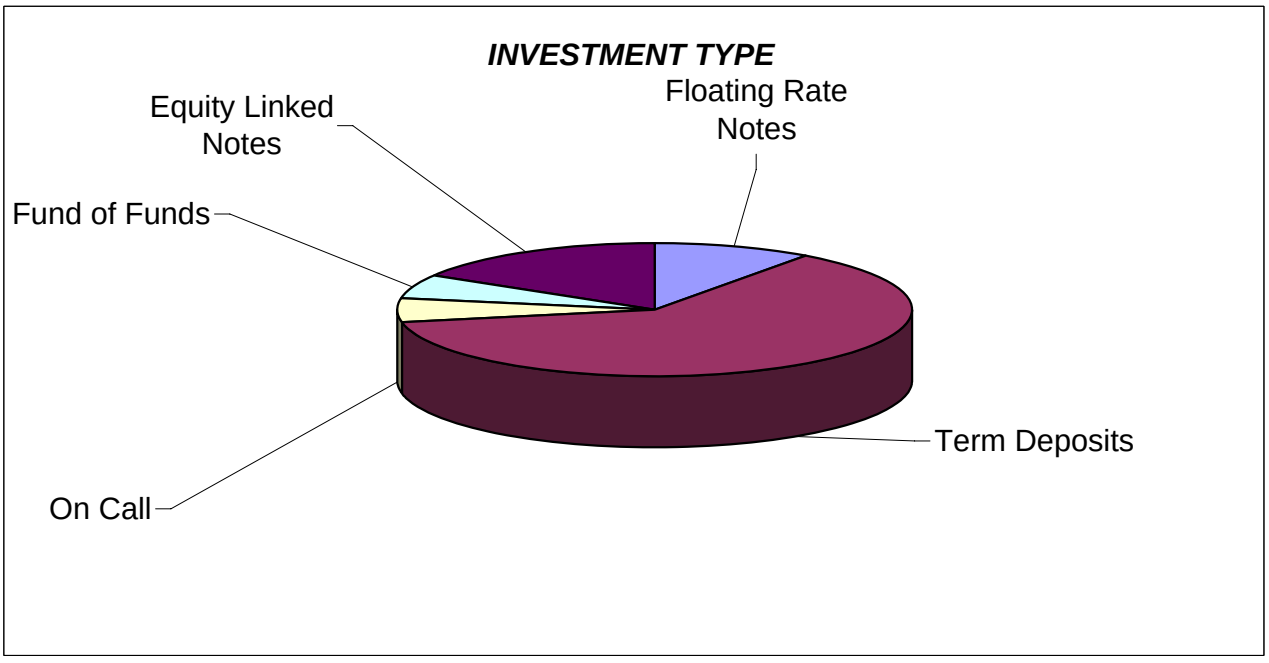
## Month Ending 31st August 2012



## Month Ending 31st August 2012



Denison
Financial Advisory

Monthly Report to

# Byron Shire Council

# Investment Portfolio

August 2012

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# 2. MARKET SNAPSHOT

*Market and Economic News*



The markets continue to look for triple header stimulus packages coming out of Europe, the U.S. and China. If these packages don't eventuate look out for much tougher times ahead.

Recent commodity price drops are already causing ramifications for Australia's booming (boomed?) mining sector. Reports are filtering through from the industry with projects being mothballed and future capital investment under extreme doubt in the near to medium term.

August is the height of the Northern Hemisphere summer holiday and markets were on the whole slightly better although volumes were low across a fairly uneventful month.

Another Spanish region, this time Cantabria which is the second largest of the Spanish regions requested up to Eur5bn from the special public rescue fund – this had a negative impact on market sentiment as it was illustrative of the deep hole that the economy finds itself in.

As per last month's comment ECB President Draghi continues to drive for a solution that the market will tolerate with bond markets in early September consolidating August's movements rushing into peripheral European bonds pushing yields down whilst selling German debt.

The U.S employment data for July released during the month showed payrolls up by 163,000 (June +80k) and a solid result for retail sales at up 0.8% pushed the yields up for U.S government debt. 10 year bonds were 8 points higher on a month-on-month basis to close at 1.55% although they did hit an inter-month high of around 1.85% in late August

The continuing apparent slowdown in China was illustrated by the release of the PMI (purchasing manager's index) for August at 47.8 down from 49.3 – note that a level below 50 indicates a contracting outlook. Actual China growth was still positive but down on recent years which were particularly robust.



Australian economic data released during the month was relatively uninspiring. June housing finance data was subdued as was the employment result of just 14,000 new jobs being created whilst the unemployment rate remained at 5.20%. This

moderate jobs growth masks some patchy industry-by-industry results with many areas reducing their levels of employment.

The RBA again did not cut rates in early August or indeed early September leaving the cash rate at 3.5%. Monetary policy settings clearly are viewed as being appropriate by the RBA when taking into consideration the relatively benign inflation numbers. Whilst consumption did tick up in the first half of the year it is widely viewed as a temporary increase with the GDP growth being driven by the mining sector rather than broad based activity.

Commodity price drops over the month were most starkly illustrated by the fall in iron ore of around 25%. Iron ore is Australia's largest export accounting for just under 25% of the total.



**The cash rate was left unchanged at 3.50%** in early August and again in September.

The RBA as stated last month is adopting a cautious wait and see approach before delivering further rate cuts. This was broadly in line with market expectations.

The market is still pricing in subsequent movements down in the official rate through to the middle of 2013 with increases thereafter.

Bank bill rates at the short end of the curve again rose with the 90 day physical bill reaching 3.65% from 3.58% - the short end of the market responded this way due to the lack of RBA action and upon news of Draghi talking up increased support for the European economy and markets.

Rates remain across the board at very low levels on an historical basis with many clients now looking to borrow on a fixed rate basis locking in very attractive term funding levels whilst looking to invest in floating rate securities in a more aggressive way.

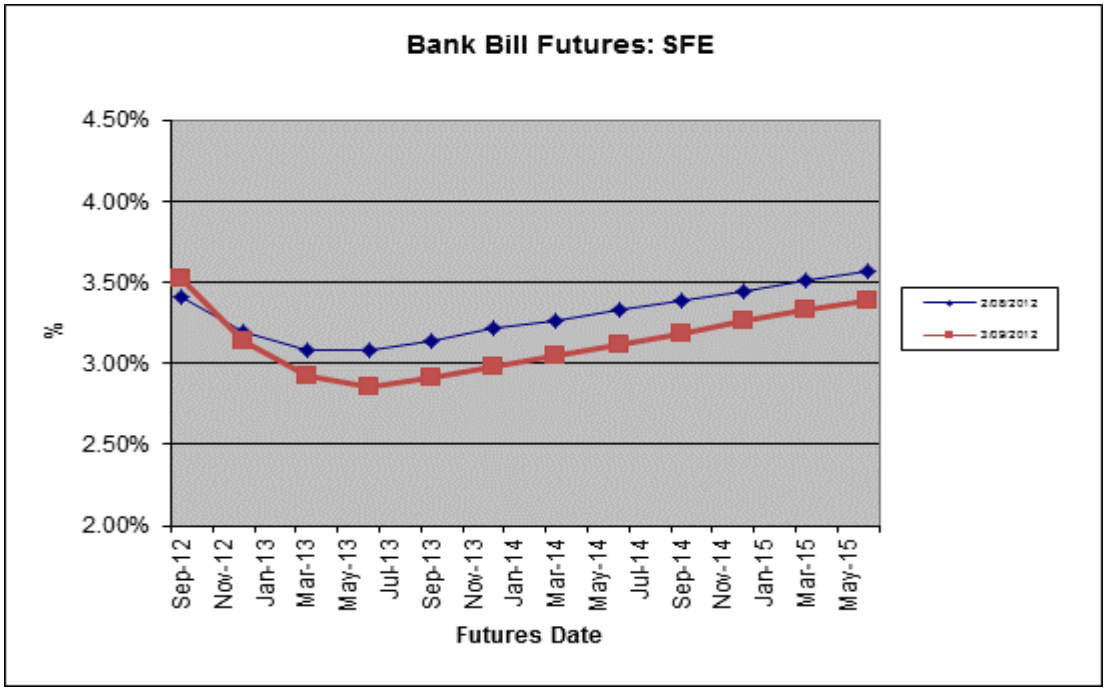
Australian longer term yields were steady on a month on month basis but really jumped a lot higher in the middle of the month in particular being supported by good June retail sales data. 10 year government bond yields finished at 3.09% but had seen a high in excess of 3.4% during August.

Other economic data released which pulled yields back down was a drop in consumer confidence, a 5.6% fall in July new home sales, a 0.8% drop in July ANZ job ads and a 17.3% drop in building approvals for July.

The news that BHP was announcing that it had shelved around $50bn worth of capital expenditure also pushed down yields as investors feared that the China boom was over and the main sector of our economy was finally on a down trend.

The market again was slightly more aggressive with regards to expectations of drops in future interest rates with the expectation that 90 day yields will reach below 3% before rising again as set out in the following graph with the red curve being the end of month market levels.

The average yield for the 12 futures contracts (a 3yr period) is currently at 3.14% down from 3.30% a month earlier and 4.40% from this time last year.




***90 day Bank Bill Futures*** *Source: SFE/ASX*




**Equity markets were generally modestly higher in light volumes across August.** Holiday seasons and a relatively uneventful news cycle kept volumes at low levels.

The U.S market was buoyed by the good economic data released as mentioned above consolidating gains in the major indices – the S&P 500 is up nearly 12% across 2012 with the German DAX up over 18% across the same period. In contrast the UK market was better by just 2.55 whilst the Australian market improved by around 7% over the year after a 1.1% increase in August.

**The Australian dollar** was weaker over August reversing the gains seen in both June and July. On a trade weighted basis it dropped back by 2.4% (July up by 3.1%).

Early gains seen in the currency on the back of the retail sales data were eroded by increasing investor concerns regarding the outlook for China. The large drop in iron ore prices further consolidated things whilst Q2 Capex data indicated that 2012/13 investment intentions had been downgraded.

The AUD reached a high of 1.0613 USD in the second week of August before dropping back to 1.03 at month end after the July close of 1.95USD.

**Credit markets** – spreads were mixed during August with early tightening moves reversed later. The early rally was driven by hopes that Bernanke was going to announce a new round of market support.

The Australian credit index finished quite a bit wider at 171 which was out 21 points allegedly weaker on the back of the iron ore price drop.

In rating action S&P affirmed Germany at AAA, it also affirmed Greece's CCC rating but it remains on negative outlook. In bank rating news UBS was affirmed at 'A' and had its outlook improved to stable whilst HSBC was affirmed at A+ but with a negative outlook.

There were no material defaults in any of the CDO portfolios of which we are aware and pricing generally improved over the month as the deals edged towards maturity. A number of well used corporate names continue to trade at distressed levels particularly in the insurance sector which as kept many deals on a knife edge with success or failure often resting on the default or not of just one name in the underlying portfolio.

# 3. DEPOSITS

The following sections relate to Council's portfolio at June month end as an updated portfolio is yet to be received but we understand the current portfolio is not materially different to that discussed here.

Council maintains a large and diversified deposit portfolio which at June month end totalled $37.5mm or 62% of the total investment portfolio of $60.3mm.

The allocation to Term Deposits has grown over the last six months and provides Council with Capital stability and attractive returns.

Council has exposure to many approved deposit taking institutions in the portfolio ranging from major banks to some smaller credit unions. The deposit portfolio generates a yield in excess of the standard benchmark of the UBS Bank Bill Index – this index in August was 3.59% - Council's TD returns for June were at 6.13% and had an average term of 171 days.

Council had done a good job in diversifying its deposit exposures and has taken advantage of various 'yield specials' from time to time to add value to this dominant sector of the portfolio.

# 4. SUBORDINATED AND SENIOR BANK DEBT

Council's sole subordinated debt investment ($1mm) the ANZ January 2013 bond was up from the previous month to be at a price of 100.064. The credit spread at which it was quoted at month end was improved at BBSW+100 - it delivers Council an attractive yield return of BBSW +120 basis points.

Council has $4mm invested in two lines of major bank senior paper maturing in each of the next two years – the ANZ Notes maturing in April 2013 are priced at 100.612 whilst the December 2012 are priced at small discount. The Heritage fixed rate bonds ($500,000) are valued at a slight premium.

Council bought these notes at an attractive effective yield and over time they have improved in price as their maturity dates approach and credit spreads have contracted.

# 5. CAPITAL PROTECTED PRODUCTS

Unchanged from last month - Council had $14.3mm (approximately 24% of the total portfolio) invested in various Capital Protected investments.

These investments were intended to allow Council access to growth markets with a built in security mechanism to protect Council's original investment. The collapse in prices in many 'risky' assets during and after the GFC resulted in these investments being allocated out of the risky element and into a long dated deposit growing to par on the scheduled maturity date.

This component of the portfolio (based on current size) at the Jun 2011 year end was valued at $12.05mm reflecting the fact that the notes are on deposit and are currently priced at a discount to their face value.

The valuations for these securities as at the end of the month have grown to an estimated $13.46mm. These securities have generally excellent price transparency and Council has taken advantage of their inherent liquidity to exit some deals and switch into higher yielding deposits where they are available.

Council's capital protected investments mature over the next four years with approximately $5mm maturing this year and $8mm in 2014 being the busiest years for maturities. We will continue to attempt to source short term deposit offerings that are attractive enough to make economic switches viable.

# 6. DEFINITIONS

**ADI** – Authorised Deposit Institution (APRA regulated institution such as a bank, building society, credit union, or branch of an overseas institution that is subject to APRA regulation).

**Bid price** – where a market participant (including the issuer itself) will buy an asset. This will reflect transaction costs, and will therefore be less than fair value.

**Capital protected notes** – provide a safety net for investors where their capital is protected at a fixed maturity date by the promise of a well-rated financial institution.

**Bill / bond futures** – the Sydney Futures Exchange (SFE) has futures contracts over 90 day bills, and 3 and 10 year government bonds. Prices are expressed as "100 - yield" (e.g. 5% yield is quoted as "95"). Therefore, "futures falling" means falling prices and yields rising.

**Bill strip** – market expectations, shown by futures markets, of where short term rates are heading over the short to medium term.

**Bonds** – securities issued that pay regular interest to investors and principal at maturity.

**CCO** – Collateralised Commodity Obligation – Similar to a CDO but where the underlying portfolio is a number of options on various commodity prices. Instead of insuring against a number of defaults in a portfolio of credits, a CCO insures against a number of very large commodity price falls.

**CDO** – Collateralised Debt Obligation – usually a rated structured note issued giving investors exposure to a portfolio of underlying credit assets. Increased yield comes from the leverage – small portfolio losses can result in total loss of the CDO.

**CDS** – Credit Default Swap. A derivative transferring issuer default risk from one market participant to another

**CPPI** – Constant Proportion Portfolio Insurance (the most common mechanism for Capital Protection). The "insurance" comes from switching into fixed interest as prices fall to protect against further downside exposure.

**Credit spreads** – cost in yield terms of an issuer's credit. The higher the perceived risk the higher the credit spread and yield.

**Equity linked** – security with returns linked to the performance of the equity market.

**Fair value** – a value calculated at which willing and knowledgeable buyers and sellers would exchange in today's market conditions.

**Floating rate notes** – pay regular interest amounts that vary over time with the level of short term interest rates in the market.

**Grandfathered** –previous Minister's Orders treating certain investments as compliant can be used for existing investments; new investments (including restructures) need to comply with the current Order.

**Hedge funds** – unregulated fund managers seeking absolute returns not relative returns.

**In /out of the money** – description of where an option is situated relative to its strike (exercise) price. An "in the money" option is one that would be profitable to exercise.

**iTraxx** – index of market credit spreads

**Leverage** – a magnification of an investor's exposure, either through directly borrowing or through structures or derivatives.

**Mark to market** – current market valuation. A method of establishing an asset's true value, usually based on option models or, ideally, observable trading activity.

**OECD** – Organisation for Economic Co-operation and Development

**SAAR** – Seasonally Adjusted Annual Rate

**Subordinated debt** – debt that ranks behind senior debt and deposits in the case of liquidation; it may also have additional rights for the issuer, such as the right to defer principal repayment.

**Swap Rate** – a rate reflecting market expectations for interest rates of various terms. The rate at which the market is happy to exchange fixed for floating rates and is generally slightly higher than the equivalent term government bond.

**Vanilla** – market jargon for 'normal' or uncomplicated, as opposed to "structured." Standard FRNs are an example.

**Zero coupon bonds** – bonds paying no interest until maturity.

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## Final Report of the Visitor Economy Taskforce

## Selected Recommendations and Actions relevant to the Byron Shire

The report nominates seven strategic imperatives which must all be acted upon to achieve the target of 'doubling overnight visitor expenditure to NSW by 2020':

Strategic Imperative 1: Increase visitation
Strategic Imperative 2: Grow physical capacity
Strategic Imperative 3: Renew and revitalise NSW destinations
Strategic Imperative 4: Improve the visitor experience
Strategic Imperative 5: Increase visitor spend
Strategic Imperative 6: Make NSW more competitive
Strategic Imperative 7: Change of Mindset

The Report and Action Plan are based upon the importance of improved collaboration between Government and Industry, with Government acting as facilitator for Industry-driven change.

A whole-of-government response to the report has been earmarked by the end of the year (2012).

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| 1 | p 32 - 37 | Research undertaken by the Taskforce found that domestic visitors' top four attributes for NSW were nightlife, shopping, history & heritage and coastal & beach experiences. These were different to the 'aspects of appeal to visitors, which include: nature, wildlife, beach & coastal experiences, food & wine, gardens, arts & culture and history. | (2) Finalise a long-term, compelling and consistently delivered brand strategy for the key identified NSW destinations, and ensure joint marketing with Industry support. | **2a** Build a comprehensive brand positioning framework for NSW destinations, utilising current data on visitor preferences for key NSW destinations and experiences.<br>**2b** Link brand positioning with Destination Management Plans and work with destinations to identify key features and promote key strengths.<br>**2c** Integrate major events and festivals, arts and culture, natural heritage and other relevant positioning into the NSW destinations brand strategy.<br>**2d** Establish a systematic themeing approach to regional destination promotion for use by all key industry marketing partners.<br>**2e** Allow iconic publicly-owned NSW images, locations and events to be filmed/ photographed at no charge when being used in NSW destination brand promotions. |
| 1 | pp 38 - 44 | NSW is losing market share of international visitation | (3) Focus all Government visitor marketing on the top target markets and market segments identified by research for NSW | Domestic visitors:<br>**3c** Promote NSW destinations that have the highest demonstrated consumer appeal and potential to grow visitor expenditure to target markets and incorporate events and |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| | | | | festivals that are proven visitation drivers, for example, the Tamworth Country Music Festival, into the domestic target market strategy. |
| 2 | pp 51 - 54 | Currently there is limited capacity to promote additional visitation into Sydney due to the lack of accommodation capacity. | (6) Develop a NSW Visitor Accommodation Supply Plan | **6c** Identify and release Crown land suitable for visitor economy purposes, including caravan/tourist parks, ecotourism, heritage, family or Aboriginal-based tourism developments, including in or adjacent to National Parks, State Forests and Reserves and other Crown lands. Ensure that sustainable development and management practices are adopted.<br>**6g** Call upon the Commonwealth Government to provide greater flexibility within the *Fair Work Act 2009* to lessen the constraints of higher penalty rates on the accommodation sector. |
| 2 | p 60 - 61 | Airport capacity – regional airports | (10) Support the growth in air services to Newcastle, Gold Coast/ Coolangatta and Canberra airports to accommodate larger aircraft, increased passenger movements and to cater for international arrivals and departures. | **10c** Support the development and enhancement of air services into Newcastle, Canberra and Gold Coast/ Coolangatta airports to facilitate increased visitation to NSW.<br>**10d** Work with the Queensland Government to resolve cross-border regulatory anomalies that do not provide reciprocal arrangements for NSW and Qld taxis and restrict NSW taxis from picking up airport customers in Qld to return them to NSW. |
| 2 | pp 67 - 68 | Integrated transport planning | (14) Ensure that visitor needs relating to access to visitor precincts and major event venues are understood and effectively considered in the transport planning process across a wide range of transport modes and services providers (see also recommendation 24) | **14a** Ensure that the NSW Government's *Long-Term Transport Master Plan* currently being prepared addresses visitor facilitation and access issues across all transport modes.<br>**14c** Improve coach and taxi infrastructure and access options throughout Sydney CBD, major visitor precincts, event venues and Regional NSW. |
| 3 | pp 75 - 78 | Destination management planning | (18) Implement a Destination Management Planning approach for NSW's key destinations and develop uniform Destination Management Plans in identified visitor economy destinations across the State. The plans need to be developed in partnership with the Industry, the community and all three levels of | **18a** Ensure that Destination Management Plans address demand and supply, and policy and planning issues including:<br>• infrastructure requirements<br>• Tourism Industry development<br>• destination experience<br>• destination brand and positioning<br>• appropriate relevant target markets<br>• major events and festivals, arts, culture, sport and recreation activities<br>• the role of Crown lands, including National Parks, State |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| | | | Government.<br><br>(19) Ensure that key tourism destinations and precincts are protected against encroachment by other forms of development activity which may impact on their sustainability or potential to contribute to the visitor economy. | Reserves, heritage precincts and National Landscapes.<br>**18b** Establish five visitor economy 'zones' across NSW to structure Destination NSW, Government and Industry engagement processes, including the facilitation of a new Destination Management Planning process:<br>• Greater Sydney<br>• Sydney Surrounds<br>• North Coast<br>• South Coast<br>• Inland.<br>**18c** Develop cross-border arrangements with destinations adjacent to the borders of NSW.<br>**18d** Consolidate and leverage Government resources and investment in NSW by ensuring that grants and other payments relating to the visitor economy (for example, grants for arts, recreation, events and festivals and so on) are facilitated through the Destination Management Plans of the relevant destinations.<br><br>**19a** Amend the relevant State planning policies and legislation to ensure the protection of significant tourism assets and values of the destination.<br>**19b** Ensure that tourism assets and values of the destination, identified in Destination Management Plans, are protected through Local Environment Plans. |
| 3 | pp 79 - 83 | Additional revenue to support visitor economies | (20) That the guidelines governing the consideration by IPART for approval to a special rate variation, above the rate cap and applied to businesses, be amended to include expenditure in relation to the visitor economy. The additional rate revenue should be outside the current rate cap and would be collected and accounted for by Councils. The expenditure of these funds would be overseen and administrated by special purpose entities. The funds should be spent in | **20a** Develop a comprehensive policy, including approved types of expenditure, so as to amend guidelines governing special rate variation applications and encourage Councils to apply.<br>**20b** Allow a transition period of a maximum of 12 months to allow adjustment to the new arrangements.<br>**20c** Ensure that the new special purpose entities are representative of visitor economy interests (for example, including representation from Chambers of Commerce, retail, local tourism operators, events and festivals, Crown lands, including National Parks management and cultural institutions). |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| | | | accordance with relevant Destination Management Plans on those critical visitor economy initiatives necessary to achieve the 2020 target. | |
| 4 | pp 87 - 88 | Improved visitor information, access and transport | (22) Incorporate wayfinding and signage considerations for visitors to Regional NSW into relevant policies and guidelines and provide suitable facilitation to enhance the visitor experience. | **21b** Negotiate free wi-fi visitor information hotspots in key city, urban and regional places frequented by visitors.<br>**21d** Include the role of visitor information centres and the provision of visitor information in the Destination Management Planning process.<br>**22a** Review the role, location and operation of traditional visitor information centres and explore turning the centres into 'experience' gateways that showcase a destination's key experiences and link effectively with other destinations.<br>**22b** Ensure that the responsibility for the quality of the visitor experience is a key role for Destination NSW to coordinate and facilitate.<br>**22c** Incentivise the development and support of digital-based visitor information that facilitates wayfinding and is supported by effective physical signage.<br>**22d** Review tourist route and other wayfinding road signage policy and guidelines in consultation with Councils and Roads and Maritime Services (RMS) to ensure the appropriate timely facilitation and enhancement of road travel and touring by visitors. |
| 4 | pp 90 - 91 | Visitor transport services | (24) Develop a Visitor and Transport Policy to ensure that visitor needs and improved visitor service are incorporated into transport planning and service delivery. | **24e** Improve the operation, efficiency and capability of taxi services through (a number of measures such as driver training, reviewing changeover requirements, increasing number of taxi ranks)<br>**25a** Provide travel concessions for international students.<br>**25b** Review the opportunities to provide greater and more accessible rail transport into Regional NSW and improved visitor experiences. |
| 4 | pp 92 - 94 | Aboriginal experience development and arts and culture experience development. | (26) Raise the profile of NSW's Aboriginal heritage and contemporary culture and further develop and sustain visitor attractions and experiences which tell the story of Indigenous Australia. | **26d** Amend the management principles within the *National Parks and Wildlife Act 1974* to ensure that relevant representatives of the NSW Aboriginal community are actively encouraged to be involved in undertaking interpretation and delivery of visitor experiences in National Parks. Ensure the relevant Destination Management Plans require this as a key performance indicator for the National Parks and Wildlife |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
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| | | | | Service.<br>**26f** Ensure that priority is given to implementation of the Destination NSW *Aboriginal Tourism Action Plan*. |
| | | | (27) Implement a whole-of-government approach across all marketing and promotional activities of NSW Government arts and cultural institutions to better facilitate integration in the positioning and promoting of Sydney and NSW. | **27c** Identify the best of NSW arts and cultural products and events to be incorporated into the Sydney and NSW brand strategies.<br>**27d** Establish roundtable meetings between arts and event sectors and Destination NSW in collaboration with Arts NSW and Regional Arts NSW to coordinate arts and culture and tourism/ travel activity packaging, develop promotional, distribution and visitor sales strategies and better target the demographics of growth target markets.<br>**27e** Undertake a comprehensive audit if all arts and culture-related infrastructure throughout Regional NSW to identify the need for refurbishments or new developments, and potential hallmark Regional NSW arts/ culture attractions, as a part of the Destination Management Planning process.<br>**27f** Identify opportunities for arts/ culture development in key tourism precincts that maximise visitor economy returns, best serve target market needs and further develop the cultural brand of NSW and its regions, and incorporate these opportunities in the Destination Management Planning process. |
| 4 | pp 95 - 96 | Events and festivals | (28) Enhance the existing NSW events and festivals strategy to develop a long-term comprehensive state-wide events and festivals strategy that encompasses both major and smaller events and festivals. | **28b** Streamline approval processes and enable long-term DA approvals to be obtained for events and festivals.<br>**28c** Expand and heavily promote a year-round regional events and festivals calendar. |
| 4 | p97 | Nature and heritage experience development | (29) Relevant NSW Government Departments and agencies work with the Tourism Industry to clearly articulate responsibilities and establish milestones for the management and development of identified nature and heritage tourism experiences and develop a coordinated and more dynamic | **29a** Amend the *National Parks and Wildlife Services Act 1974* management principles to require the NPWS to develop and promote access, services and facilities for visitors that are compatible with the conservation of National Parks' natural and cultural values.<br>**29b** Incorporate significant National Landscapes and World Heritage Areas within NSW into the relevant Destination Management Plans to better leverage these experiences and help grow visitation and spend. |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| | | | approach to delivery of these opportunities. | **29c** Identify and facilitate opportunities for commercial and strategic tourism partnerships and participation in National Parks, historic sites and other relevant State-operated Reserves and implement a plan to realise these opportunities.<br>**29d** Ensure that NPWS's role and responsibilities are integrated into relevant Destination Management Plans.<br>**29e** Further develop and promote the *Great Walks in NSW* to enhance visitor nature experiences. |
| 5 | pp101 - 104 | Increase visitor spend | (31) Work with the retail industry to position Sydney as a world-class shopping destination | **31b** Deregulate remaining restrictions on trading hours and days in key tourism precincts and destinations to enhance the retail trading environment for business and the shopping experience for visitors. |
| 5 | pp104 - 106 | Food and wine – Food and wine promotion should also be directed toward domestic and international visitors who are likely to visit hospitality outlets during non-peak times. The promotional effort must make use of insights into consumer dining behaviour and build on the pride of the NSW food and wine product. In particular, there are significant opportunities to leverage promotion in regional areas to market the diversity of dining options in NSW. Providing promotional assistance to destinations and regional food organisations can capture increased visitor spend. | (32) Extend the marketing and brand messaging for Sydney and NSW destinations to promote more strongly the quality food and wine experiences that NSW offers for visitors. | **32a** Work with Industry to call upon the Commonwealth Government to provide greater flexibility within the *Fair Work Act 200*9 to lessen the impact of higher penalty rates on the retail sector and encourage greater trading during weekends and public holidays (see also Retail shopping).<br>**32b** Identify and further develop food and wine styles for individual destinations and associated events and festivals, and incorporate them into relevant Destination Management Plans.<br>**32c** Further develop and promote food and wine trails.<br>**32d** Extend and co-ordinate targeted trade and consumer promotions to encourage visitors to experience more of NSW's food, wine and hospitality services and promote the quality and diversity of food and wine experiences (including dining options) when promoting NSW as a destination.<br>**32e** Call upon Industry associations in the food and hospitality sector to champion and work with their NSW members to increase the availability of NSW-sourced food and wine and to learn from successful wine marketing initiatives in NZ and other States.<br>**32f** Work with the NSW wine and food industry to explore opportunities for promoting NSW as a destination on exported wine and food (for example, include Destination NSW's consumer web address on labels).<br>**32g** Encourage hospitality industry organisations to undertake education and training programs to enable a better response |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| | | | | to visitor cultural and culinary preferences. |
| 5 | pp110 - 111 | Specific High-yield segments | (34) Continually assess, monitor and quantify emerging high-yield market segments. | **34a** Work with the relevant Industry bodies to identify, develop and facilitate specific high-yield market segment opportunities, such as youth tourism, medical tourism, high-level business events. [There may be opportunities here for Byron in health & wellness (pre and post medical procedures), youth, etc.] |
| 6 | pp 115 - 117 | Make NSW more competitive | (35) Follow through on the NSW 2021 commitment to reduce red tape and provide improved incentives and investment information, at State and Local Government level, to investors and establish mechanisms that facilitate and expedite private investment. | **35a** Establish a one-stop shop for:<br>• Industry, including potential investors in the visitor economy, to access the full range of Government information and research and to expedite required approvals<br>• event proponents to access a full range of Government information and to facilitate and expedite required approvals.<br>**35b** Investigate options to provide incentives, such as planning bonuses and tax offsets for tourism investment in new projects, as well as refurbishments and improvements that enhance the visitor experience and quality of existing product offerings.<br>**35c** Increase the use of planning incentives and land use controls to stimulate tourism development, especially for visitor accommodation and attraction investment.<br>**35d** Provide appropriate tenure arrangements, support infrastructure, development incentives and a consistent planning approval process to encourage quality and appropriate accommodation and attraction development in high natural amenity locations on Crown land. |
| 6 | pp 117 – 119 | Business events | (36) That the NSW Government adopt a whole-of-government approach to the attraction and hosting of business events, funding, brand development, planning and integration of events with the broader visitor economy in Sydney and across the relevant regions. | **36a** Establish a Business Events Investment Fund in place of the current subvention system to support conference bidding by Business Events Sydney against highly incentivised competitor destination bids for business events in NSW.<br>**36b** Develop and implement a NSW regional business events strategy that identifies appropriate regional infrastructure and provides support to Regional NSW to effectively target business event opportunities, including required promotional activities.<br>**36c** Increase the number of NSW Government conferences and events that are held in Regional NSW.<br>**36d** Promote to, and engage with, Sydney businesses to encourage them to hold their conferences in regional areas.<br>**36f** Expand work with Business Events Sydney to assist in the development of pre and post conference touring itineraries in |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| | | | | NSW to maximise time and spend in the State. |
| 6 | pp 120 - 121 | Funding | (39) Ensure all NSW Government Departments' and agencies' funding on visitor economy-related activities, for example, arts and sport events, grants, Industry development and so on are subjected to the same assessment as outlined in the Plan and ensure a return on investment to the State.<br><br>(40) Recognise this Industry as a segment that qualifies for access to NSW innovation funding programs. | **38b** Obtain Industry commitment to additional funding and in-kind contributions.<br>**39a** Undertake an audit of all Department and agency budget allocations to identify expenditure on visitor economy-related purposes and, where it would be appropriate, guided by Destination Management Plans, that the funding require a visitor economy-related performance indicator.<br><br>**40a** Review guidelines and criteria to include the visitor economy in NSW innovation funding programs. |
| 7 | pp 128 – 130 | Regional Development and Support | (47) Reform the operational structure and funding framework of regional tourism to enable funding to be allocated directly to destinations which have developed a Destination Management Plan and remove the requirement that all funding must be provided through the RTO network.<br><br>(48) Maintain, at least, the current $5.1 million regional funding | **47a** Ensure that funding for regions will only continue where there is a Destination Management Plan that has a focus on building capacity and capability to grow visitor expenditure from priority target markets.<br>**47b** As experience-based destinations do not usually conform with existing Local Government, regional or State boundaries, ensure that the special purpose entities (see Destination Management Plan) are empowered to manage the Destination Management Plans.<br>**47c** Ensure that Destination NSW is able to deal directly with all Industry and stakeholders in destinations.<br>**47d** Ensure that arts and culture, events, nature and heritage and other visitor experience development initiatives are integrated into the Destination Management Planning and implementation processes for the relevant destination.<br>**47e** Consolidate and leverage Government resources and investment in Regional NSW by ensuring that grants and other payments relating to enhancing visitor experiences (for example, grants for arts, recreation, events and festivals) are facilitated through the Destination Management Plans of the relevant destinations.<br><br>**48a** Implement transitional funding arrangements by Destination NSW for regional tourism that do not continue |

| Strategic Imperative | Page reference | Context | Recommendation | Relevant Action |
|---|---|---|---|---|
| | | | allocation for regional visitor economy initiatives. | beyond 2013:<br>• allowing RTOs to access 'capacity' funding according to current criteria for a maximum of 12 months ending in the 2012–13 financial year so that alternates to any Government funding of staff, utilities and so on are put in place<br>• opening up future Destination NSW marketing funding to competitive bidding, with funding proposals to be assessed by Destination NSW against specified criteria, including a Destination Management Plan, to all Industry and stakeholders in a destination, not just RTOs. |

**NORTH COAST DESTINATION NETWORK (replacing two RTOs)**



## WHY WE NEED TO CONTINUE TO CREATE NORTH COAST DESTINATION NETWORK?

The *Towards 2020-New South Wales Tourism Masterplan* seeks to develop a sustainable tourism industry for the state. As previously mentioned, the North Coast Regional Boards wish to work in partnership with the fifteen LGAs and industry together with Destination New South Wales to competitively position the North Coast through destination sustainability. This can be achieved by replacing the two Regional Tourism Organisations (RTOs) with one united entity.

**1.0 Overview:**

- In light of extension of Regional Partnership Program until June 30th 2013, both North Coast Boards are still committed to creation of one united, strong sustainable North Coast Destination Network.
- Long term strategy of new Network is to better position the region in face of the forecast of domestic markets flat lining and economic growth made available through anticipated international growth (Asia).
- North Coast Destination Network will create opportunities for growth through scope and scale that Northern Rivers Tourism and Mid North Coast Tourism in their current structure and format cannot achieve independently.
- A fresh start for the Northern Rivers LGAs to work in partnership with a regional body.

**2.0 Objective:**

- The creation of one united Network in partnership with Destination NSW (DNSW), 15 LGAs and over 4000 combined industry operators will provide the roadmap to achieve doubling overnight visitor expenditure for the State of NSW by 2020.
- The purpose of the North Coast Destination Network is to create a collaborative capacity across the Mid North Coast and Northern Rivers regions in which multiple stakeholders have agreed to join together around shared tourism objectives to create a self sustaining model
- Furthermore, the North Coast Destination Network's intended outcomes include increased tourism capability through collaborative industry training and development programs, research delivery and marketing cooperation.

## REGIONAL PARTNERSHIP PROGRAM Core Obligations and Meeting needs of Members

**1.0 MOU between North Coast Destination Network and Destination NSW to access 2012/2013 Financial Year Extension of Regional Partnership Funding:**

- The MOU is based on the agreed "Core Components" that ALL RTOs' must undertake/deliver to receive funding for capacity and/or demand building funds.
- In our case it is the North Coast Destination Network is the RTO.
- The MOU defines activities, accountabilities and measurement against performance and the core components that the North Coast Destination Network agrees adhere to in order to receive $990 000.
- This amount is only made available to the North Coast tourism stakeholders on proviso that the new entity is still established and operational by 1st October 2012.

**2.0 Capacity Funding**

- $200 000 is available for capacity funding for North Coast – as a Tier one.
- To access capacity funding NCDN needs to complete the Capacity Funding form and supply an operational budget.
- This will be used to fund the HR and operations of the NCDN in light of no service agreement for NCDN this year to perform duties on behalf of DNSW (extension of the Regional Partnership Program).
- It is suggested that no 10% marketing administration fee is implemented by the NCDN and only use the capacity and membership fee to fund the operations of the Network.

**3.0 Governance**

**3.1 Corporation**

- North Coast Destination Network continue to operate as an Incorporated Association.
- The establishment of the NCDN planned process is to extend Mid North Coast Tourism membership to The Tweed and change constitution and name to North Coast Destination Network at the 18th September AGM.
- Complete Change Process timeline outlined in section 10.0

**3.2 NCDN Board –**

- RPP Core Obligation says that the Board is a skill based, tourism industry led board that is representative of the composition of the regions tourism industry.
- Majority representation on Board to be held by industry (Note: This refers to tourism industry operators, not Tourism Managers OR LGA representatives).

- **Suggestion of New Board for first year to be - 9 Member Board all with voting rights**

- 4 x executive representatives from the current elected Boards to continue the momentum as we move into the new funding program 2013/2014 with DNSW. Includes current RTO Chairs and Vice Chairs (for two year term rotating new industry led Board Members)
- 2 x independently selected Tourism Managers with skills base – one from the Northern Rivers and one from the Mid-North Coast (for two year term rotating new Tourism Managers)
- 2 x independently selected visitor economy operators with skills base not representing any geographical location but needed requirement for the new Board (for three year term rotating new Board Members)
- 1 x National Parks and Wildlife Services representative (for two year rotating term)

**3.3 NCDN Membership**

- Regional Partnership Program (RPP) core obligation is that the RTOs must have a comprehensive direct membership base that reflects the composition of the tourism industry within that region.
- A suggestion is to have the LGAs and LTAs or equivalent association as the member of the RTO representing the industry operators as a whole and no direct competition with LTAs or LGAs for industry membership.

| | |
|---|---|
| **Level one membership**<br>$5000 per LGA and $5000 per LTA | The Tweed<br>Byron Bay<br>Coffs Coast<br>Greater Port Macquarie<br>Port Stephens<br>Great Lakes |
| **Level two membership**<br>$3500 per LGA and $3500 per LTA | Ballina<br>Lismore<br>Grafton<br>Kempsey<br>Manning Valley |
| **Level three membership**<br>$1500 per LGA and $1500 per LTA | Kyogle<br>Richmond<br>Bellingen<br>Nambucca Valley |

**NB:** Different LGA/LTAs will have their own local agreement on how the destinations are funded as members ie Council could pay on behalf of both the industry association (or equivalent body) and council membership OR the

Tourism Association could pay on behalf of Council but both entities will have a member representative at the Regional Reference Group and voting rights at the AGM.

**4.0 Demand Building**

- To access demand building 2012/2013 NCDN has to complete a DNSW marketing plan template and have it approved by DNSW.
- It will need to identify the measurement tools we will use and the data we will supply to provide a tangible and measurable link between activities, results and the KPIs.
- NCDN has to complete the updated Demand Funding application form, demonstrating how our proposed activities will contribute towards doubling overnight expenditure and visitation by 2020.
- Got to meet regular reporting requirements.
- All activity to carry DNSW logo.
- Core obligation from RPP is the following minimum spend required for funded marketing campaigns/activities:
  a) At least $50 000 for regional media activity
  b) At least $100 000 for capital city media activity

- $790 000 will be made available for Demand Building
- DNSW has asked a significant portion go to large scale cooperative and they have suggested The Legendary Pacific Coast (TLPC) would be the ideal cooperative campaign for North Coast stakeholders. Suggested that $100 000 be allocated to TLPC.
- The suggestion on how the remainder is to be distributed amongst the destinations based on current LGAs profiles from the NVS overnight visitation is in the attached excel spreadsheet.

**5. 0 Regional Reference Group**

- It is a core obligation of RPP to have Advisory Groups to include industry representation.
- Suggestion is that the Regional Reference Groups of Northern Rivers (to be established with industry representation) and Mid North Coast meet with Board and EO separately twice a year in respective regions.
- And as a combined Regional Reference Group twice a year at Coffs Harbour.
- Suggestion EO to attend 2 TM Group meeting for NR and Mid North Coast per year.

**6.0 Strategy Planning & Resources**

- Core obligation is to have a 1 Year Strategic Business Plan currently being developed.

**7.0 Human Resources**

- Executive Officer – Belinda Novicky
- PR/ Communication/ Media and Marketing (Contractor) Sonia Fingleton
- International Strategies/Activities, Tourism Australia contact, (Contractor) – Russell Mills
- Project Coordinator, famils, Northern Rivers direct contact - (Contractor) Jess McClean

**8.0 Industry Communication**

- Core obligation is to have in place formal and regular communication processes and mechanisms that will ensure all NCDN members and industry are fully informed of all RTO and Tourism NSW activities, initiatives and results
- Suggestion is to distribute all information through the TMs or Industry Association databases
- NCDN will have a monthly update newsletter
- All Board Papers including EO reports to be distributed to all members prior to Board Meetings.

**9.0 What you get for Membership**

- Develop DMP for North Coast, craft strategies and develop a marketing and development plan (also necessary to access Demand Building dollars on behalf of region)
- Access to Demand Building Dollars
- Assessment of local applications, coordination of reports and finalising reports to DNSW
- Opportunity to be part of collaborative International Program (requesting additional resources from DNSW)
- DNSW Conduit and communication channel – includes trade famils, information on campaigns, funding programs, workshops ie Research Update road show and strong united voice
  Apply for Federal and State Grants on behalf of the entire North Coast tourism stakeholders
- Liaise directly with Tourism Managers and provide assistance as advocate for tourism
- Work with the Tourism Managers to engage with industry
- Voting rights as member of RTO (NCDN) x 2 (LGA and industry representation)

- Access to a PR/Comms and promotional coordinator working on behalf of all destinations and TLPC. First example of this working for destinations is the Australian Society of Travel Writers Lunch 23 August
- Manage and drive TLPC on behalf of all the destinations and members (90% North Coast)
- Coordination and delivery of North Coast Tourism Awards
- Coordination and delivery of North Coast Symposium (again 2013)
- Provide research and trends papers
- Coordinate Crisis Management plan and lead crisis management action

**10.0 Timeline**

| Task | Description | Timeline |
|---|---|---|
| Confirm offer and obligations of RRP | Receive proposal from DNSW on allocation of funds for NCDN 2012/2013 | 17 July 2012 |
| NRT and Mid North Coast RTO Boards discussions of RRP | | |
| MNC Regional Reference Group meeting | Go through agreement and core obligations and suggestions to meet obligations and reach goals.<br>To have agreement on way forward.<br>Decide on their board representative. | 23 August 2012 |
| Send out AGM Notice and Motion to accept new members and change to constitution | Include new members list, constitution changes | 27 August 2012 |
| NRT Regional Reference Group meeting | Go through agreement and core obligations and suggestions to meet obligations and reach goals.<br>To have agreement on way forward.<br>Decide on their board representative | 24 August 2012 |
| Close of NRT office | | 24 August 2012 |
| Formally announce new entity | At the Tourism Awards | 1 September 2012 |
| MNC AGM and combined NC Regional Reference Group meeting | Have all stakeholders and industry representatives present | 18 September 2012 |
| Present and accept Constitutional Changes and new members as part of AGM | All 29 members present | 18 September 2012 |
| NRT and MNC Board Chairs and Vice Chairs caretaker of NCDN until new Board appointed | | 18 September - 8 November 2012 |
| Submit forms to Fair Trading | | 21 September 2012 |
| Prepare and accept Board recruitment application form and criteria for two board members and two Tourism Managers | Advertise recruitment information to potential candidates after both RRG agreed on process and governance suggestions | 18 September 2012 |
| Close Applications for new Board | | 12 October 2012 |
| Independent Selection Panel | Appoint selection panel from recommendations from RRG 20 September | October 15- 18 October 2012 |
| New Board Announced | Implement PR strategy | 19 October 2012 |
| First Board Meeting and Executive Elections | To be held Coffs Harbour as mid point | 8 November 2012 |

4th September 2012
Acting General Manager
Byron Shire Council
70 – 90 Station Street
Mullumbimby, NSW 2482

Dear Sir,

On behalf of the newly formed local tourism organization, VIA Byron I would like express our support for the formation of the North Coast Destination Network (NCDN).

The NCDN is a new entity that has been formed to replace the 2 current regional tourism organizations on the NSW North Coast, Mid North Coast Tourism and Northern Rivers Tourism. The formation of this body will allow the tourism industry in the north coast to, amongst other things:

- Maintain control of our own destiny in relationship to destination management
- Be efficient as possible with resources
- Gain access to grants as they come available
- Maximize funding from Destination NSW
- Communicate and interact with the visitor and tourism industry

The membership of this new body will be made up of 29 members, being made up of the 15 LGA's and their shire councils, and/or their local tourism organization/association. For Byron Shire, VIA Byron will be taking up one of these memberships, whilst we encourage Byron Shire Council to take up the other membership on offer.

Byron Shire has for too long now missed many opportunities to have a voice at the table in relationship to the management of tourism throughout our region. This new entity offers a great opportunity to allow this voice to address issues that affect our shire, which we identify as unique.

As a new industry association representing the whole of the Byron Shire we are very keen to work in collaboration with Byron Shire council and feel the representation of both of our bodies on the NCDN will assist us to operate on the same issues and with strong unity.

Yours Sincerely

Cameron Arnold
President – VIA Byron
**VISITOR INDUSTRY ASSOCIATION of BYRON Shire**

Visitor Industry Association of Byron Shire – PO Box 533, Byron Bay, NSW 2481

**UNCONFIRMED**

**REPORT OF THE ABORIGINAL (HEADS OF AGREEMENT)**

**PROJECT REFERENCE GROUP MEETING**

**Date of Meeting:** 20 August 2012

**Time Commenced:** 10.15am

| | | |
|---|---|---|
| PRESENT: | **Convenor/ Facilitator:** | Greg Ironfield, Acting Executive Manager Society and Culture |
| | **Councillors** | Cr Jan Barham |
| | **Community Representatives:** | Yvonne Stewart Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)<br>Gavin Brown (Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) |
| | **Staff:** | Belle Arnold, Aboriginal Projects Officer |

1. APOLOGIES: There were apologies received from Dulcie Nichols, Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), and Cr Richard Staples.

2. DECLARATIONS OF INTEREST: There were no declarations of interest.

3. CONFIRMATION OF A QUORUM: There are 5 members appointed to this group (not including staff). Quorum numbers were met.

4. CONFIRMATION OF THE REPORT FROM THE PREVIOUS MEETING

The report of the Aboriginal (Heads of Agreement) Project Reference Group meeting held on 12 March 2012 (#1204850) was confirmed. (Brown/Stewart)

5. AGENDA ITEMS

**Report No. 5.1. Draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee**

**PRG Recommendation AHoA 5.1.1**

That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council adopt the draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee (#1241935) with the following amendments:

1. Change the title from Constitution to Terms of Reference

2. Under the heading Objectives add, from the 1998 Aboriginal Heads of Agreement:

"The Council acknowledges that Aboriginal people are the original inhabitants of the Byron Shire area and that according to their continuing law, traditions and customs it remains their traditional country. The Council also acknowledges and respects the Corporation's right to speak for its country in accordance with its laws, traditions and customs.

The Parties commit themselves to seek together ways in which Aboriginals Interests can be advanced where decisions are to be made about their traditional country.

The Parties commit themselves to work together to ensure that this is done in a way that advances the interests of the whole community and promotes harmonious community interests."

3. Under the heading Objectives add "This committee meets to fulfil Council's legal obligations under the Native Title Act and facilitate an avenue for the traditional owners as recognised under the Native Title Act (1993) the Bundjalung of Byron Bay, Arakwal People to participate in governance on matters relating to their ancestral homelands."

4. Under the heading Objectives add:

   "To meet as required to develop a Memorandum of Understanding between the Byron Shire Council and the bund Bundjalung of Byron Bay (Arakwal) people and deliver and review identified actions, governance, processes and projects."

5. Under Section 14 Invited Guests add:

   "Requests for attendance at the Arakwal Memorandum of Understanding (MoU) Advisory Committee meetings must be made in writing to the convenor two weeks prior to the meeting date and presented to the Committee for consideration."

---

**Report No. 5.2. Update on the Draft Framework for Memorandum of Understanding between Byron Shire Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)**

**PRG Recommendation AHoA 5.2.1**

1. That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council note the progress on the development of the Arakwal Memorandum of Understanding (#1242584) and make changes to the final sentence in the Background to the Bining Totem section to read:

   'The commitment for partnership is the inspiration for the commissioning of this beautiful artwork'.

2. That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council note further development of the content of the Arakwal Memorandum of Understanding will continue, and be reported to the Arakwal Memorandum of Understanding (MoU) Advisory Committee.

---

**Report No. 5.3. Review of the 1998 Aboriginal Heads of Agreement**

**PRG Recommendation AHoA 5.3.1**

That the Aboriginal (Heads of Agreement) Project Reference Group provide advice on the questions from Council Resolution 12-339 to assist in finalising the review of the 1998 Aboriginal Heads of Agreement.

6. GENERAL BUSINESS

Fee for Service

The Arakwal Corporation will invoice Council after the meeting has occurred.

Catchment Management Authority

Northern Rivers Catchment Management Action Plan – Council's Aboriginal Project Officer provided information and statistics that were not included in the Report.

Liquor Gaming and Racing

A letter has been received from the NSW Government Department of Independent Liquor and Gaming Authority advising of a public conference to discuss the proposed Dan Murphy's in Jonson Street. Council's Aboriginal Project Officer will forward the information to the Committee. Yvonne Stewart will respond to the local conference on behalf of the Bundjalung of Byron Bay, Arakwal People.

7. DATE OF NEXT MEETING

This was the final meeting of the Aboriginal (Heads of Agreement) Project Reference Group.

**Time Meeting Closed:** 12.31pm

**Date Report Confirmed:**

# A G E N D A

## Aboriginal Heads of Agreement Project Reference Group

**To:** Cr Jan Barham, Cr Richard Staples
Invited representatives: Yvonne Stewart, CEO Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
Gavin Brown, Manager Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
Dulcie Nichols, Board Member Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
Staff representatives: Graeme Faulkner (General Manager)
Greg Ironfield (Manager Sustainable Communities)
Belle Arnold (Aboriginal Projects Officer)

### A Project Reference Group Meeting will be held as follows:

| | | |
|---|---|---|
| **Venue** | **Conference Room, Byron Shire Council** | |
| **Date** | **Monday 20 August 2012** | |
| **Time** | **Commence: 10:00am** | **Conclude: 12:00pm** |

Items to be discussed will be as follows:

1. Apologies

2. Declarations of Interest

3. Confirmation of a Quorum

4. Confirmation of the Report from the previous meeting (12 March 2012) #1204850

5. Agenda Items

   5.1 Draft Constitution for the Arakwal Memorandum of Understanding (MoU) Advisory Committee (#1241950)
   5.2 Updated Draft Memorandum of Understanding (MoU) framework (#1204146)
   5.3 Review of 1998 Heads of Agreement (#1242277)

6. General Business

   6.1 Fee for Service

7. Date and time of next meeting

   This will be the final meeting of the Aboriginal (Heads of Agreement) PRG.

***Note: To ensure a quorum can be met for this meeting please advise Belle Arnold on 6626 7226 if you are unable to attend as soon as possible.***

**Report No. 5.1.** **Draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee**

**Executive Manager:** Society and Culture
**File No:** ADM 300300 #1241950

**Principal Activity:** Community Services

**Summary:** On 3 November 2011 Council resolved (11-891) to conduct the ongoing relationship with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) as a Committee, not a Project Reference Group (PRG), with terms of reference to oversee the implementation of a new Memorandum of Understanding (MoU).

The purpose of this report is to present a draft Arakwal Memorandum of Understanding Advisory Committee Constitution to the outgoing Aboriginal (Heads of Agreement) PRG for consideration and referral to Council.

---

**RECOMMENDATION:**

**That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council adopt the draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee (#1241935).**

***Attachments:***

- Draft Constitution of the Arakwal Memorandum of Understanding (MoU) Advisory Committee #1241935 [7 pages] ..... **Annexure 1**

**Report**

At the Ordinary meeting on 3 November 2011 Council resolved (**11-891)** (in part):

> *2. That a Memorandum of Understanding (MoU) be established to guide a relationship with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), including any ongoing actions from the Heads of Agreement between Byron Shire Council and the Arakwal Aboriginal People 1998 (#129787), and any new matters identified by the PRG as noted in the minutes of the PRG meeting against each of the priority developments.*
>
> *3. That the ongoing relationship with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) be conducted as a Committee, not a PRG, with terms of reference to oversee the implementation of the new MoU.*

The establishment of an Arakwal Memorandum of Understanding (MoU) Advisory Committee will require a Constitution with terms of reference to oversee the implementation of the new MoU to be developed.

Council staff have developed the draft Arakwal Memorandum of Understanding (MoU) Advisory Committee Constitution based on the existing Constitution for the Aboriginal Heads of Agreement Public Reference Group and other Council Committees.

The draft Constitution outlines that the Committees objectives include to meet as provided to develop, deliver and review the Memorandum of Understanding between the Byron Shire Council and the Bundjalung of Byron Bay (Arakwal) people.

**Financial Implications**

Nil from this report.

**Statutory and Policy Compliance Implications**

Local Government Act 1993
Engaging with local Aboriginal Communities (A Resource Kit for Local Government in NSW) 2007
1998 Heads of Agreement between Byron Shire Council and the Arakwal People

**Report No. 5.2.** **Review of the 1998 Aboriginal Heads of Agreement**
**Executive Manager:** Society and Culture
**File No:** ADM 300300 #1242277

**Principal Activity:** Community Services

**Summary:** Council have requested further information to be considered for the finalisation of the Review of the 1998 Aboriginal Heads of Agreement under Resolution No. 12-339.

---

**RECOMMENDATION:**

**That the Aboriginal Heads of Agreement PRG provide advice on the questions from Council Resolution 12-339 to assist in finalising the review of the 1998 Aboriginal Heads of Agreement.**

**Report**

At the Ordinary meeting on 26 April 2012, Council resolved (12-339):

*That in relation to AHoA 5.1 Council defer the matter for further information to be provided to Council and inform the PRG when possible. Information such as:*

*a) Circumstances regarding the transfer of Broken Head Caravan Park*
*b) Sandhills estate planning process and any intended transfers of land to Council (Resolutions 02-850 and 02-929)*
*c) Ironbark Avenue affordable housing*
*d) Acquisition of Byron Bay library site*
*e) The Cultural site*
*f) Wategos land*
*g) The Annexure comprising Council Report 1 September 2002 and 27 June 2006 and subsequent resolutions.*
*h) Any other relevant matters.*

Further details are required on the above issues prior to Council finalising the Review of the 1998 Aboriginal Heads of Agreement.

With limited Council staff time and resources committed to this project, further information is requested from the PRG members who have been involved with the long term process of the 1998 Heads of Agreement.

At the Ordinary meeting on 3 November 2011 Council resolved (Res 11-891) (in part):

> *2. That a Memorandum of Understanding (MoU) be established to guide a relationship with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), including any ongoing actions from the Heads of Agreement between Byron Shire Council and the Arakwal Aboriginal People 1998 (#129787), and any new matters identified by the PRG as noted in the minutes of the PRG meeting against each of the priority developments.*
>
> *3. That the ongoing relationship with the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) be conducted as a Committee, not a PRG, with terms of reference to oversee the implementation of the new MoU.*

In order to progress the development of the new Arakwal Memorandum of Understanding (MOU) it is important to finalise the review of the 1998 Aboriginal Heads of Agreement. Input from the Aboriginal Heads of Agreement PRG members is essential to finalise the information requested in Resolution No. 12-339.

To recognise the finalisation of the 1998 Aboriginal Heads of Agreement, Council staff would like to create a timeline from the review of the 1998 Aboriginal Heads of Agreement depicting significant milestones in the partnership between the Bundjalung of Byron Bay (Arakwal) People and Byron Shire Council for display at the Council Building and in the new Byron Bay library.

**Financial Implications**

Nil from this report

**Statutory and Policy Compliance Implications**

Local Government Act 1993
Engaging with local Aboriginal Communities (A Resource Kit for Local Government in NSW) 2007
1998 Heads of Agreement between Byron Shire Council and the Arakwal People

**Report No. 5.3.** **Update on the Draft Framework for Memorandum of Understanding between Byron Shire Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)**

**Executive Manager:** Society and Culture
**File No:** ADM300300 #1204146

**Principal Activity:** Community Services

**Summary:** Council has resolved (12-337) that the 1998 Heads of Agreement between Byron Shire Council and the Arakwal People be reviewed and finalised and a new Memorandum of Understanding (MoU) be established to guide the future relationship. This report presents an updated draft framework for the development of a MoU for discussion.

---

**RECOMMENDATION:**

1. **That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council note the progress on the development of the Arakwal Memorandum of Understanding (#1242584).**

2. **That the Aboriginal (Heads of Agreement) Project Reference Group recommend that Council note further development of the content of the Arakwal Memorandum of Understanding will continue, and be reported to the Arakwal Memorandum of Understanding (MoU) Advisory Committee.**

***Attachments:***

- Draft Memorandum of Understanding framework for Byron Shire Council and Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) #1242584 [4 pages]..... **Annexure 2**

**Report**

At the Ordinary meeting on 24 April 2012 Council resolved (Res No 12-337) :

*That in relation to Report No. 5.3 Draft Framework for Memorandum of Understanding between Byron Shire Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Council adopt: PRG Recommendation AHoA 5.3:*

> *1. That Council adopt the draft Memorandum of Understanding (MoU) framework (#1204510) as a template to guide the development of a new agreement between Council and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).*
>
> *2. That the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) advise of a suitable title for the MoU in Bundjalung language.*
>
> *3. That a draft Terms of Reference be developed for an Aboriginal (Arakwal MoU) Committee that will replace the current Aboriginal (Heads of Agreement) Project Reference Group.*
>
> *4. That the following changes be made to the draft MoU framework (#1204510):*
>
> *a) Point 5 - move down to become point 6.*
> *b) Point 8 - amend to read Term/Review of MoU.*
> *c) Insertion of a new page following the front cover to include background and development of the totem*
> *d) Point 1 Background to include reference to the first 1998 Heads of Agreement.*

Council staff have made the required changes as listed in point 4 and the updated draft framework is provided as Annexure 2.

Informal preliminary discussion with the General Manager of the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) has identified some priority issues for consideration to include in the MoU.

The issues identified include:

1. Priority issues carried forward from the 1998 Aboriginal Heads of Agreement.
2. Constructed wetlands around identified sites in Byron, Cultural Heritage Management.
3. Taylors Lake as a protected Aboriginal Area
4. Arakwal room at the Byron Bay Library
5. Employment strategy including possible Arakwal employment strategies
6. Cultural Heritage including assistance with building the Arakwal Cultural Centre.
7. Housing including Ironbark houses and affordable housing for ‘mob to live on country’
8. Public Art opportunities for Arakwal people - cultural expression
9. Native Title Training for Byron Shire Council staff.

Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) have requested the MoU document to be developed through a series of meetings with Council staff at the Arakwal depot in Byron Bay. This working group will continue to develop the MoU and report back to the Arakwal Memorandum of Understanding Advisory Committee.

**Financial Implications**
Nil from this report

**Statutory and Policy Compliance Implications**
Local Government Act 1993
Engaging with local Aboriginal Communities (A Resource Kit for Local Government in NSW) 2007
1998 Heads of Agreement between Byron Shire Council and the Arakwal People



Photo of the 4 Sisters

# Byron Shire Council and Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

# Memorandum of Understanding

# Bining
## Background and Development of the totem

Bining is a Bundjalung word for turtle. The bining (turtle) is an important totem to the Bundjalung people as it is connected to both land and sea.

This binding was designed by Sean Kay of the Bundjalung of Byron Bay, Arakwal people in 2011. Sean Kay was commissioned by Byron Shire Council to create a logo that could represent the historic partnership between his people, the Arakwal people and the Byron Shire Council.

The first official document this Bining appeared on was the 'Aboriginal Statement of Commitment to Bundjalung of Byron Bay - Arakwal People' signed by Byron Shire Council's Mayor Jan Barham and General Manager Graeme Faulkner during Reconciliation Week 2012.

The Statement of Commitment states " Byron Shire Council recognises the Bundjalung of Byron Bay Aboriginal - Arakwal People as traditional owners and custodians within this local Government area. Byron Shire Council and the Aboriginal community are committed to working together in the process of reconciliation".

This depicts the intent of the partnership and the inspiration for the commissioning of his beautiful artwork.



DRAFT

Byron Shire Council and the
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

# Memorandum of Understanding

This Memorandum of Understanding (MoU) records a voluntary, co-operative agreement entered into (date) between Byron Shire Council and Bundjalung of Byron Bay Aboriginal Corporation (Arakwal). This MoU follows from the 1998 Heads of Agreement between Byron Shire Council and the Arakwal People.

1. Background
   1.1 History - 1998 aboriginal Heads of Agreement

2. Parties

3. Intent/ Purpose

4. Specific Objectives

5. Governance / Responsibilities

6. Action Plan (measurable outcomes with timeframe)

7. Meetings and Reporting

8. Term of MoU
Timeframe
Review

9. Dispute Resolution/ Mediation

10. Termination

DRAFT

Executed by the Parties

Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

Date

.....

Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

Date

.....

Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

Date

.....

Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

Date

.....

Byron Shire Council Mayor

Date

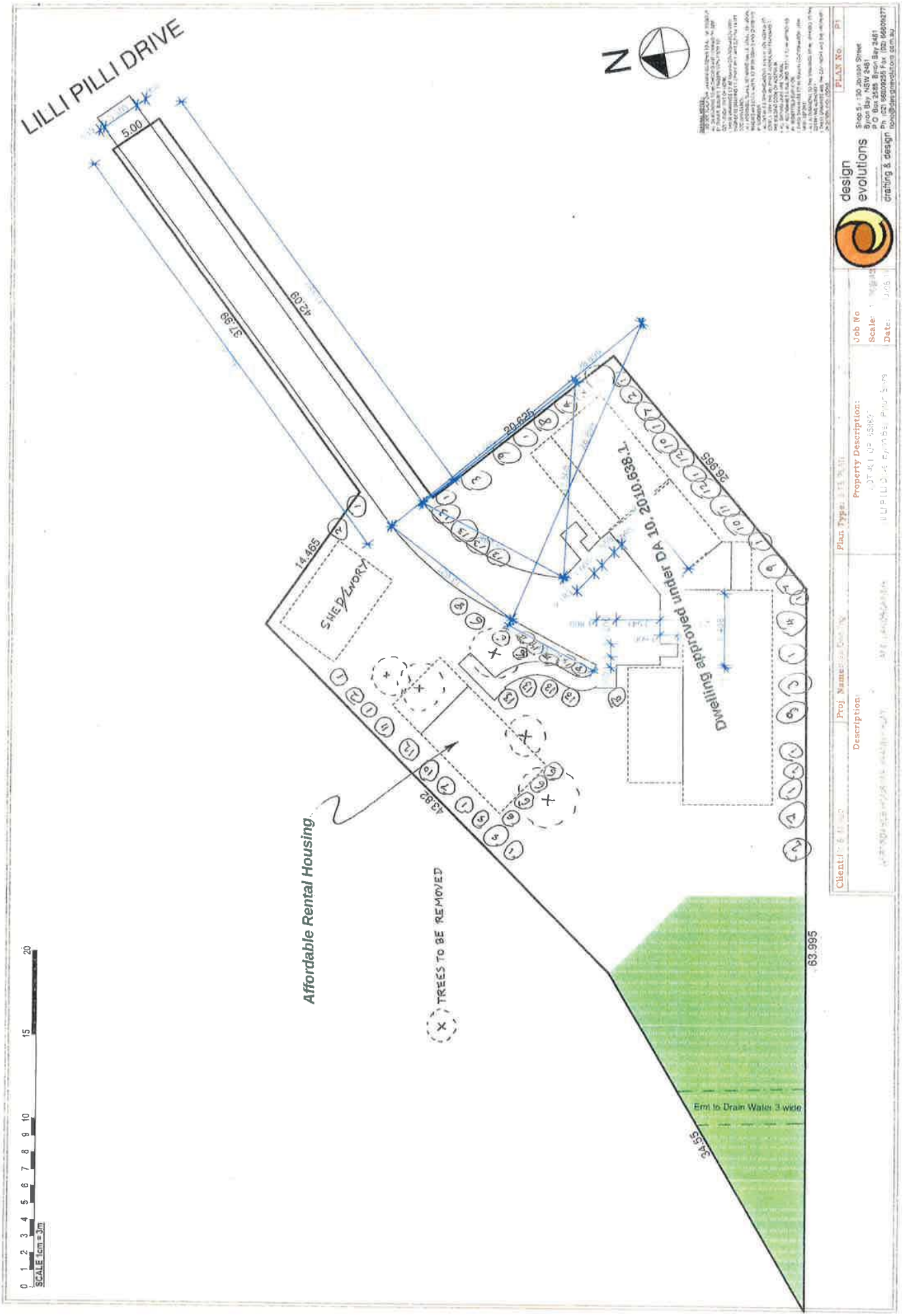
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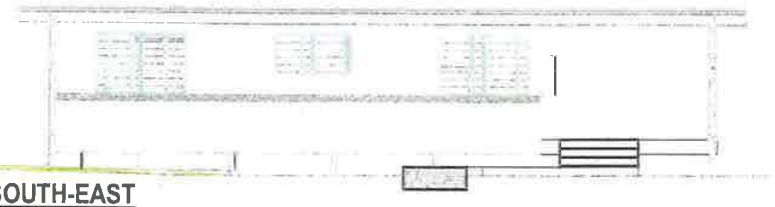
Byron Shire Council General Manager

Date

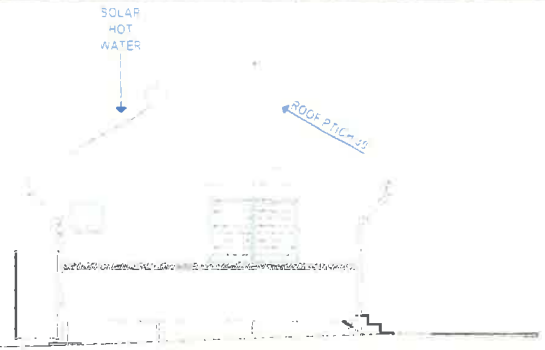
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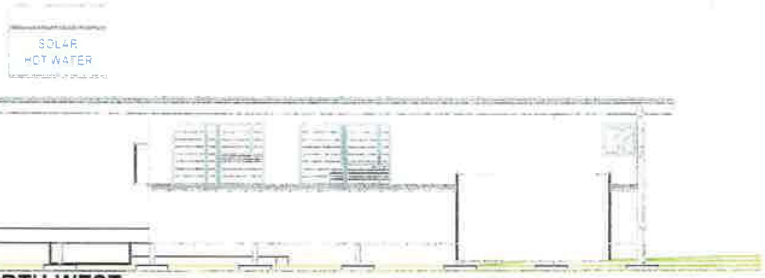

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SHED/WORK
Dwelling approved under DA 10.2010.638.1
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63.995
Emt to Drain Water 3 wide
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N
SCALE 1cm = 1m
design evolutions
drafting & design
PLAN No
Plan Type:
Property Description:
Job No
Scale:
Date:
Proj Name:
Description:
Client:



SOUTH-EAST




SOUTH-WEST

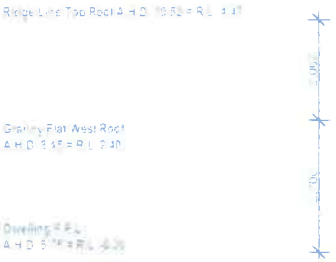


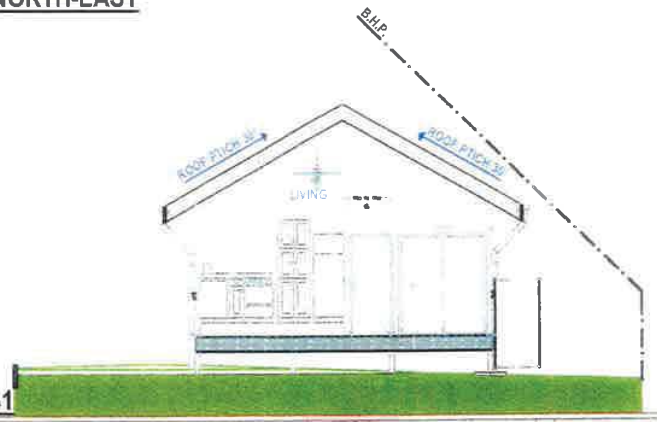

NORTH-WEST




NORTH-EAST

SCHEDULE OF FINISHES




SECTION EDMsB1

| | | | |
|---|---|---|---|
| Client: | Proj Name: | Plan Type: | PLAN No P 3 |
| Description: | | Property Description: | Job No |
| APPROVABLE HOUSING GRANNY FLAT | | | Scale: |
| | | | Date: |

design evolutions
drafting & design

Shop 5 / 130 Jonson Street
Byron Bay NSW 2481
P O Box 2585, Byron Bay 2481
Ph (02) 66809255 Fax (02) 66809277
rene@designevolutions.com.au

0 1 2 3 4 5 6 7 8 9 10 15 20

SCALE 1cm = 2m



EASTERN ELEVATION

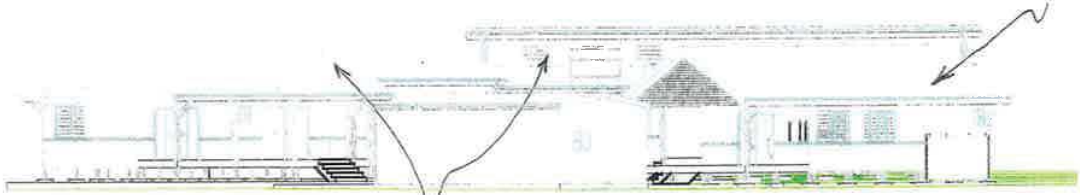
secondary dwelling

Dwelling approved under DA 10. 2010.638.1.



WESTERN ELEVATION

secondary dwelling



NORTHERN ELEVATION

Dwelling approved under DA 10. 2010.638.1.



SOUTHERN ELEVATION

SCHEDULE OF FINISHES

Client: Proj. Name: Plan Type: SITE ELEVATIONS PLAN

Description:

Property Description:

Job No

Scale:

Date:

PLAN No.

design evolutions

drafting & design

Shop 5 / 130 Jonson Street
Byron Bay NSW 2481
P.O. Box 2585, Byron Bay 2481
Ph. (02) 66809255 Fax. (02) 66809277
rione@designevolutions.com.au

E2012/4655

**10.2011.284.1**
**CONDITIONS OF CONSENT**

S c h e d u l e o f C o n d i t i o n s

## Parameters of this Consent

**1) Development is to be in accordance with approved plans**
The development is to be in accordance with plans listed below:

| Plan No. | Description | Prepared by | Dated: |
|---|---|---|---|
| P1 | Site plan | Design evolutions | 14 June 2011 |
| P2 | Plans and section | Design evolutions | 14 June 2011 |
| P3 | Elevations and section | Design evolutions | 14 June 2011 |
| P4 | Site elevations plan | Design evolutions | 14 June 2011 |

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**2) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

(a) that the work must be carried out in accordance with the requirements of the Building Code of Australia ,
(b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(2) This clause does not apply:
(a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
(b) to the erection of a temporary building.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

**3) Erection of signs**

(1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
(a) showing the name, address and telephone number of the principal certifying authority for the work, and
(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(c) stating that unauthorised entry to the work site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100).

**4) Notification of Home Building Act 1989 requirements**

(1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989 .

(2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:
(i) the name and licence number of the principal contractor, and
(ii) the name of the insurer by which the work is insured under Part 6 of that Act,
(b) in the case of work to be done by an owner-builder:
(i) the name of the owner-builder, and
(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

**5) Bushfire Conditions**

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones', with the exception of the shaded western area noted on submitted plans (Design Evolutions, Plan No. P1, dated 14/06/11).

**Water and Utilites**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. In recognition that the dwelling/structure may be connected to a gas supply, the following requirements are to be complied with:

    a) Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2002: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
    b) All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
    c) Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.
    d) Polymer sheathed flexible gas supply lines to gas meters adjacent to
    building are not to be used.

3. Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1— 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, an onsite 10,000 litre water supply shall be provided for fire fighting purposes.

**Access**
The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

**Design and Construction**
The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. New construction shall comply with section 8 (BAL 40) Australian Standard A53959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be
non-combustible.

**Landscaping**

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**The following conditions are to be complied with prior to issue of a Construction Certificate**

**6) Compliance with BASIX Certificate requirements**
The development is to comply with BASIX Certificate No. 382861S dated 17 June 2011.

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

Note that the plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the BASIX Certificate.

Minor changes to the energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

Proposed colours must be consistent with the provisions of Section C3.1 of Council's Development Control Plan 2002. Note that white colours are not permissible.

Such plans and specifications must be approved as part of the Construction Certificate.

**7) Long Service Levy to be paid**
A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.lspc.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. Where paying to Council, cheques are to be made payable to 'Byron Shire Council'.

For further information regarding the Long Service Payment please refer to the website above.

**8) Water and Sewerage - Section 68 approval required**
An Approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

**9) Amended plan required**
An amended plan is to be submitted for approval as part of the Construction Certificate with the secondary dwelling setback 4 metres from the northern/side boundary adjacent to the council reserve in order to ensure appropriate protection of vegetation along that boundary including koala feed trees.

**The following conditions are to be complied with prior to commencement of building works**

**10) Erosion and Sediment measures**
Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A copy may be downloaded from Council's web site at http://www.byron.nsw.gov.au/pdfs/stormwater/sediment_erosion.pdf. Particular attention is to be given to the provision of the following sediment and erosion control measures:

a) Temporary driveway from the edge of road to the building site;
b) Temporary downpipes immediately installed after the roof has been erected;
c) Silt fence or sediment barrier.

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Note: Council may impose on-the-spot fines for non-compliance with this condition.
Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

**11) Protection of trees**
Trees to be retained and the vegetated area along the northern boundary are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

a. with a minimum height of 1.2 metres,
b. outside the dripline of the tree,

c. of steel star pickets at a maximum distance of 2 metres between pickets,
d. using a minimum of 3 strands of steel wire,
e. to enclose the tree, and
f. with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter
g. The fence is to be maintained for the duration of the site preparation and construction works.

**12) Relocation of Bangalow Plams**

The bangalow palms located within the secondary dwelling footprint are to be relocated to a suitable location within the landscaped area of the site by a person(s) qualified and experienced to undertake such work.

**The following conditions are to be complied with during construction**

**13) Stormwater drainage work**

Stormwater shall be collected and disposed of in a controlled manner. The point of disposal shall be to the kerb and gutter via a suitably manufactured kerb adaptor. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works are to be installed by a suitably qualified person and in accordance with the requirements of AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage.

**14) Construction times**

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

a) Monday to Friday, from 7 am to 6 pm.
b) Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

**15) Construction Noise**

Construction noise is to be limited as follows:

a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

Note: Council may impose on-the-spot fines for non-compliance with this condition.

**16) Builders rubbish to be contained on site**
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**The following conditions are to be complied with prior to issue of a Final Occupation Certificate**

**17) Works to be completed prior to issue of a Final Occupation Certificate**
All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, is to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

**The following conditions are to be complied with at all times**

**18) Use of Dwelling Houses**
The secondary dwelling is not approved for holiday letting and/or for the use as a tourist facility.

**19) Use of Dwelling Houses**
At all times, landscaping and vegetation management is to be conducted in accordance with the approved Landscape and Vegetation Management Plan prepared by RedBrownGreen Environmental Solutions dated February 2012.

**Notes**

**Secondary dwellings:**
Approval of your Secondary Dwelling will be included on a register to provide accountability of the uptake of this affordable housing approach and to assist in any compliance action that may need to be taken in the circumstance that the dwellings are being used for tourism purposes rather than meeting the need for affordable housing (Resolution No. 11-268).

**Construction Certificate required:**

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au.

**Principal Certifying Authority:**

Work must not commence until the applicant has:-

- appointed a Principal Certifying Authority (if the Council is not the PCA); and
- given the Council at least two days notice of the their intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.

- notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

**Occupation Certificate required:**

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

**Protection of the Environment Operations Act 1997:**

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

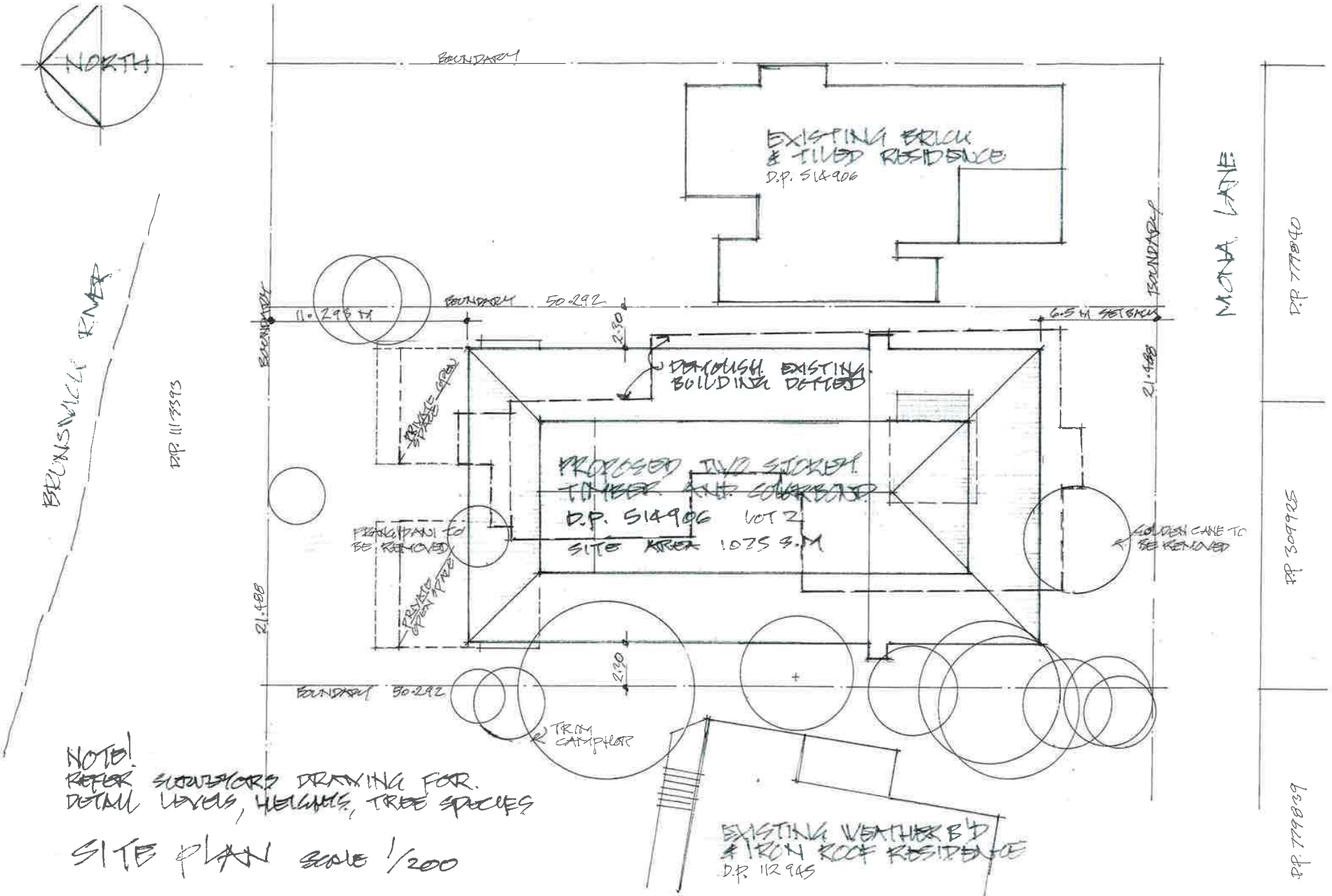
**Reasons**

**1** To comply with the provisions of Byron Local Environmental Plan 1988.

**2** To preserve the amenity of the area.

**3** To ensure the development is completed in accordance with the consent.

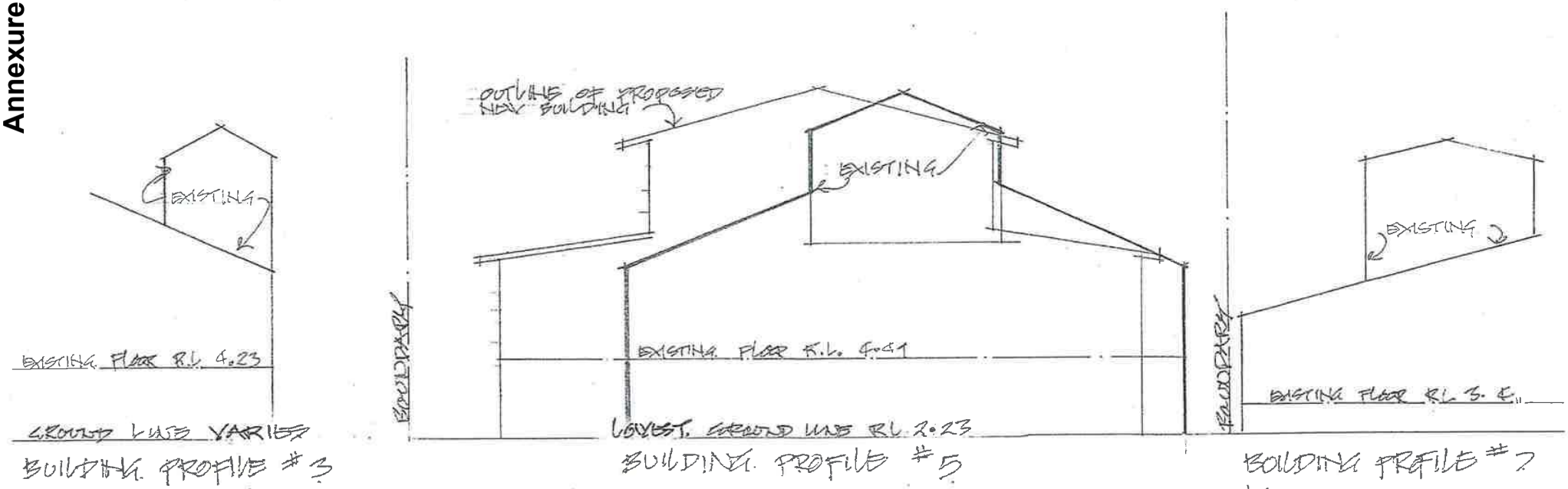
**4** To reduce the risk of damage from the effect of bushfires.




SITE PLAN SCALE 1/200

PROPOSED RE DEVELOPMENT 5 MONA LANE BRUNSWICK HEADS FOR.
M.&.R. ROSEN, P.&.J. ANDREWS & G. OTTERY. LOT 2 D.P. 514906 5 MONA LANE BRUNSWICK HD
BY: BYRON DESIGN & CONSTRUCTION P.O. 785 BYRON BAY JUNE 2010

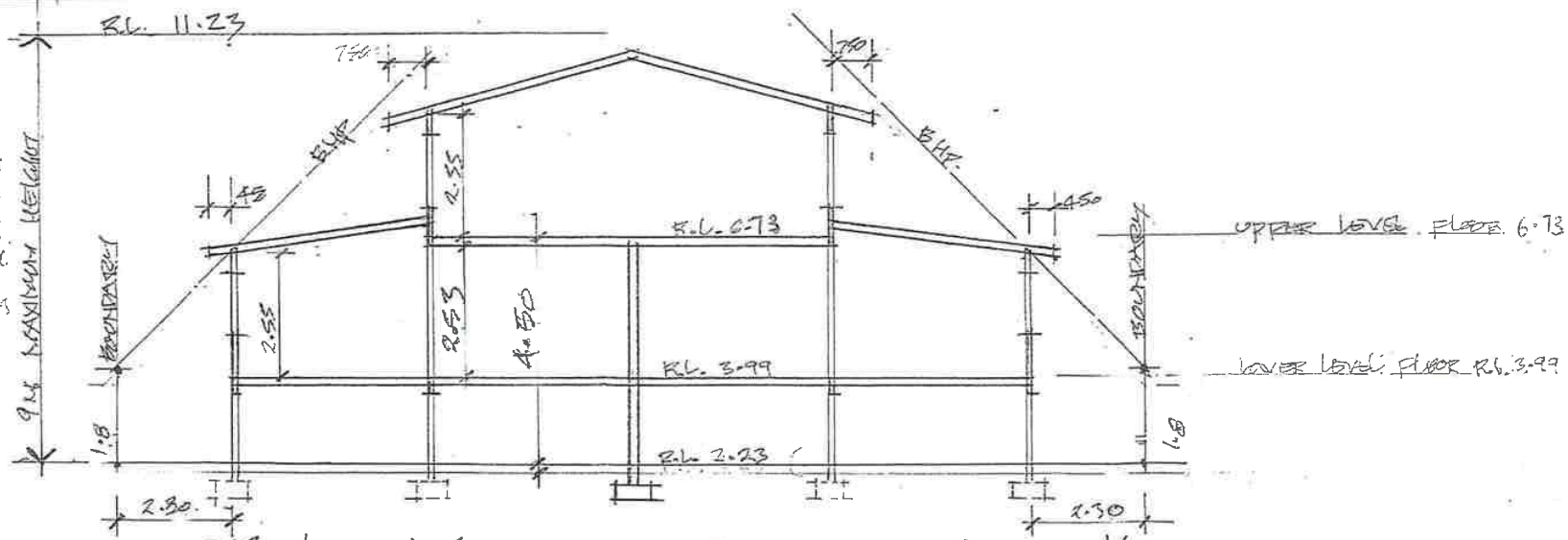
(1)




ADJOINING PROPERTIES COMBINED CROSS SECTION SCALE 1/100

## AREA CALCULATIONS

SITE AREA - 1080 S.M.
SITE COVERAGE - 458 S.M.
LOWER LEVEL LIVING (2) - 320 S.M.
LOWER LEVEL DECKS - 67 S.M.
UPPER LEVEL LIVING - 178 S.M.
UPPER LEVEL DECKS - 32.5 S.M.
COMMON LANDSCAPED - 336 S.M. (OPEN SPACE)
GROUND FLOOR STORAGE (2) 60 S.M.

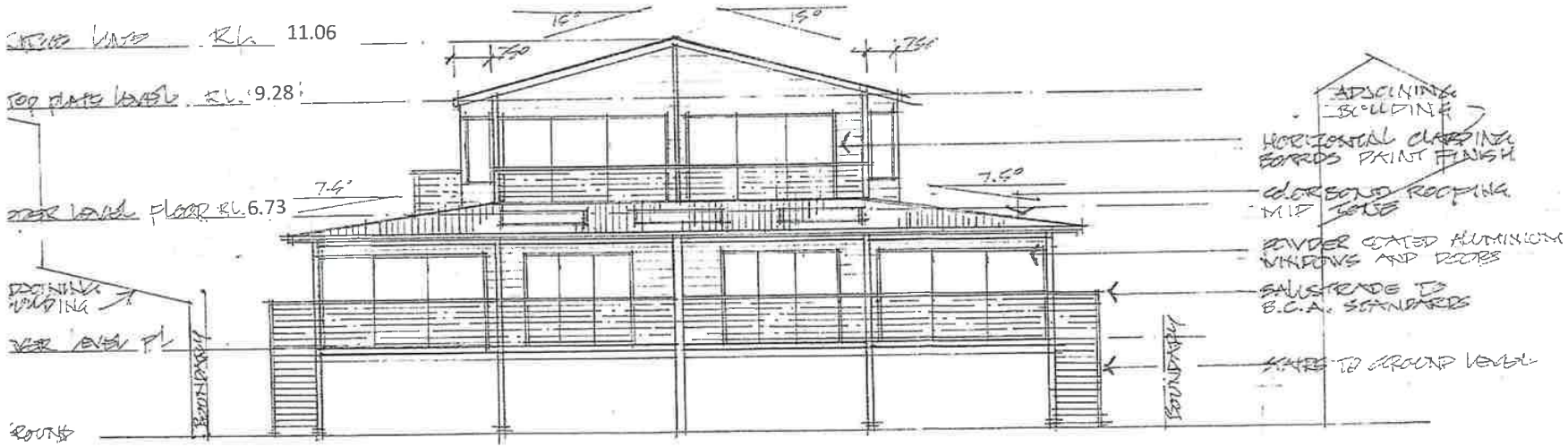



BUILDING CROSS SECTION SCALE 1/100

PROPOSED RE DEVELOPMENT 5 MONA LANE BRUNSWICK HEADS FOR K.&R. ROSEN, P.&J. ANDREWS & G. OTTERY LOT 2 D.P. 514906 5 MONA LANE BRUNSWICK HDS (2)
BY: BYRON DESIGN & CONSTRUCTION




EASTERN ELEVATION scale 1/100



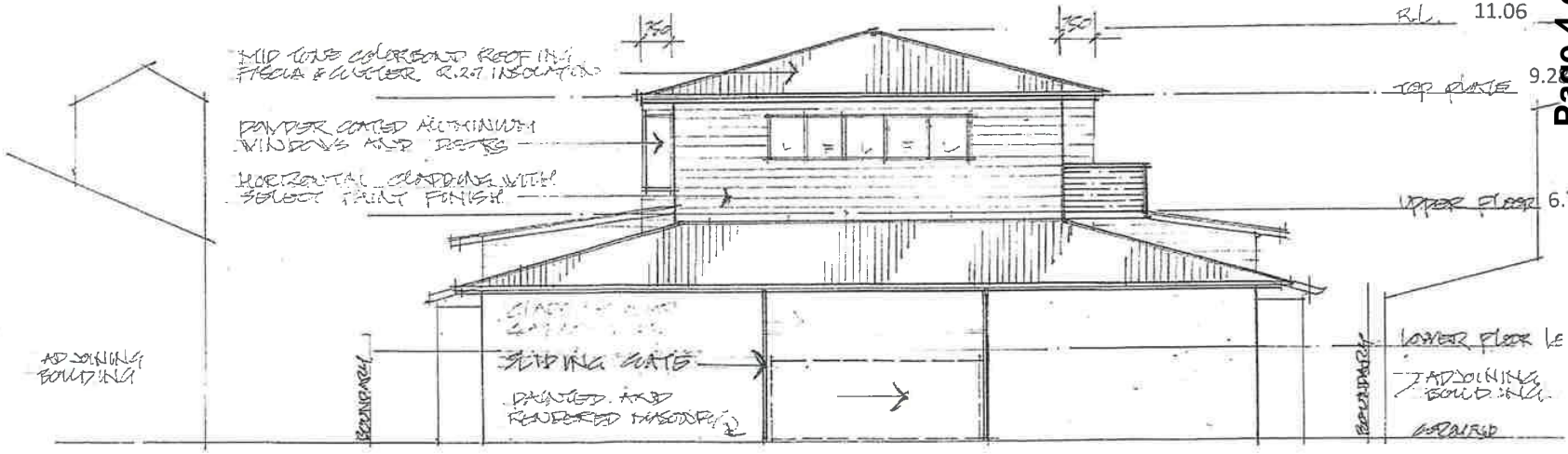

NORTHERN ELEVATION scale 1/100

PROPOSED REDEVELOPMENT OF 5 MONA LANE BRUNSWICK HEADS FOR
W & R. ROSEN, P & J. ANDREWS & G. OTTERY LOT 2 D.P. 514906 5 MONA LANE BRUNSWICK HEADS (5)
BLI ELEVATION DESIGN & CONSTRUCTION P.O. 785 BYRON BAY LOW 2010




WESTERN ELEVATION scale 1/100

SEE CONDITION NO. 20




SOUTHERN ELEVATION scale 1/100

PROPOSED REDEVELOPMENT OF 5 MONA LANE BRUNSWICK HEADS FOR R & K ROSEN, P & J ANDREWS & G. OTTERY LOT 2 D.P. 514906 5 MONA LANE BRUNSWICK HEADS (6)

BY: BYRON DESIGN & CONSTRUCTION P.O. BOX BYRON BAY JUNE 2010

## LANDSCAPE DESIGN INTENT

The landscape design to the proposed residential development at 5 Mona Lane seeks to:

***provide private open space courtyards***

Open space courtyards are provided adjacent to the covered decks for units 1 and 2. Each courtyard provides at least 30 square metres of outdoor space with a minimum dimension of 4m in each direction.

The courtyards are designed to provide a screened private outdoor space that is still integrated with the common open space. The courtyards are 'softly' separated with a garden area rather than a constructed fence. The intention is to give some privacy whilst allowing views out to the river. This approach is intended to create a park like character to the garden that flows out to the river public open space.

The courtyards include a paved area that could be used for seating and gathering. The courtyard includes a clothesline which is partially separated from the main part of the courtyard with a garden area.

***provide screening to neighbouring properties***

Paths link the front and rear gardens. The side gardens include hedge planting to provide some screening between this and the neighbouring properties. The proposed plant for the 'southern' hedges is Syzygium elegance, a dense growing lilly pilly cultivar which can be easily kept at 1 to 1.5m high. The proposed plant for the 'northern' hedges is Westringia fruticosa (Coastal Rosemary).

***existing Camphor laurel***

There is an existing Camphor laurel at 3 Mona Lane that partically overhangs 5 Mona Lane. It is proposed this tree is pruned by a qualified arborist only to an extent that would allow the presence of the proposed new building at 5 Mona Lane. The tree is to be retained in order to provide screening to the new residence when viewed from 3 Mona Lane. The arborist should review the location of the main roots of the Camphor laurel and provide strategies for the treatment of any exposed roots and the protection of the tree during construction.

***retained and removed trees***

It is proposed four existing trees/palms are removed. These are an existing Golden Cane palm, a Frangipani, a palm and a Giant Bird of Paradise. It is proposed an existing Cupaniopsis anacardioides (Tuckeroo) is retained and incorporated into a new garden area.

***informal park like gardens***

It is proposed the rear yard have an informal park like feel that will intregrate with the character of the grassed river edge. The courtyards are to be separated from the commen area with gardens. Similar gardens would be located around the common open space and it is proposed these adopt a random planting layout rather than a formal one. Plant species have been selected on their suitability to the site. Many of them are indigenous to the local area. Species have also been selected for their low water requirements. The plant palette is limited to create a landscape with a distinct and legible character.

## PROPOSED PLANT SPECIES

| BOTANICAL NAME | COMMON NAME | HT X WIDTH | POT SIZE |
|---|---|---|---|
| **TREES** | | | |
| Elaeocarpus reticulatus | Blueberry Ash | 6m x 3m | 25 litre |
| **SHRUBS** | | | |
| Banksia robur | Swamp Banksia | 1.5m x 1.5m | 200mm |
| Banksia spinulosa | Hairpin Banksia | 2m x 2m | 200mm |
| Melaleuca 'Claret Tops' | Claret Tops | 1m x 1m | 200mm |
| Syzygium Elegance | Lilly Pilly Cultivar | 1.5m x 1.2m | 200mm |
| Westringia fruticosa | Coastal Rosemary | 1.5m x 1.2m | 200mm |
| **GROUNDCOVERS** | | | |
| Actinotus helianthi | Flannel Flower | .8m x .8m | 140mm |
| Austromytus dulcis | Midgenberry | .5m x 1m | 140mm |
| Carpobrotus glaucescens | Pig Face | .2m x 1m | 140mm |
| Crinum pedunculatum | Swamp Lily | 1m x 1m | 140mm |
| Lomandra Lemon Fizz | Lomandra cultivar | .5m x .5m | 140mm |



*Elaeocarpus reticulatus*
Blueberry Ash



*Banksia robur*
Swamp Banksia



*Banksia spinulosa*
Hairpin Banksia



*Melaleuca 'Claret Tops'*
Claret Tops



*Syzygium 'Elegance'*
Lilly Pilly cultivar



*Westringia fruticosa*
Coastal Rosemary



*Actinotus helianthi*
Flannel Flower



*Austromyrtus dulcis*
Midgenberry



*Carpobrotus glaucescens*
Pig Face



*Crinum pedunculatum*
Swamp Lily



*Lomandra 'Lemon Fizz'*
Lomandra cultivar



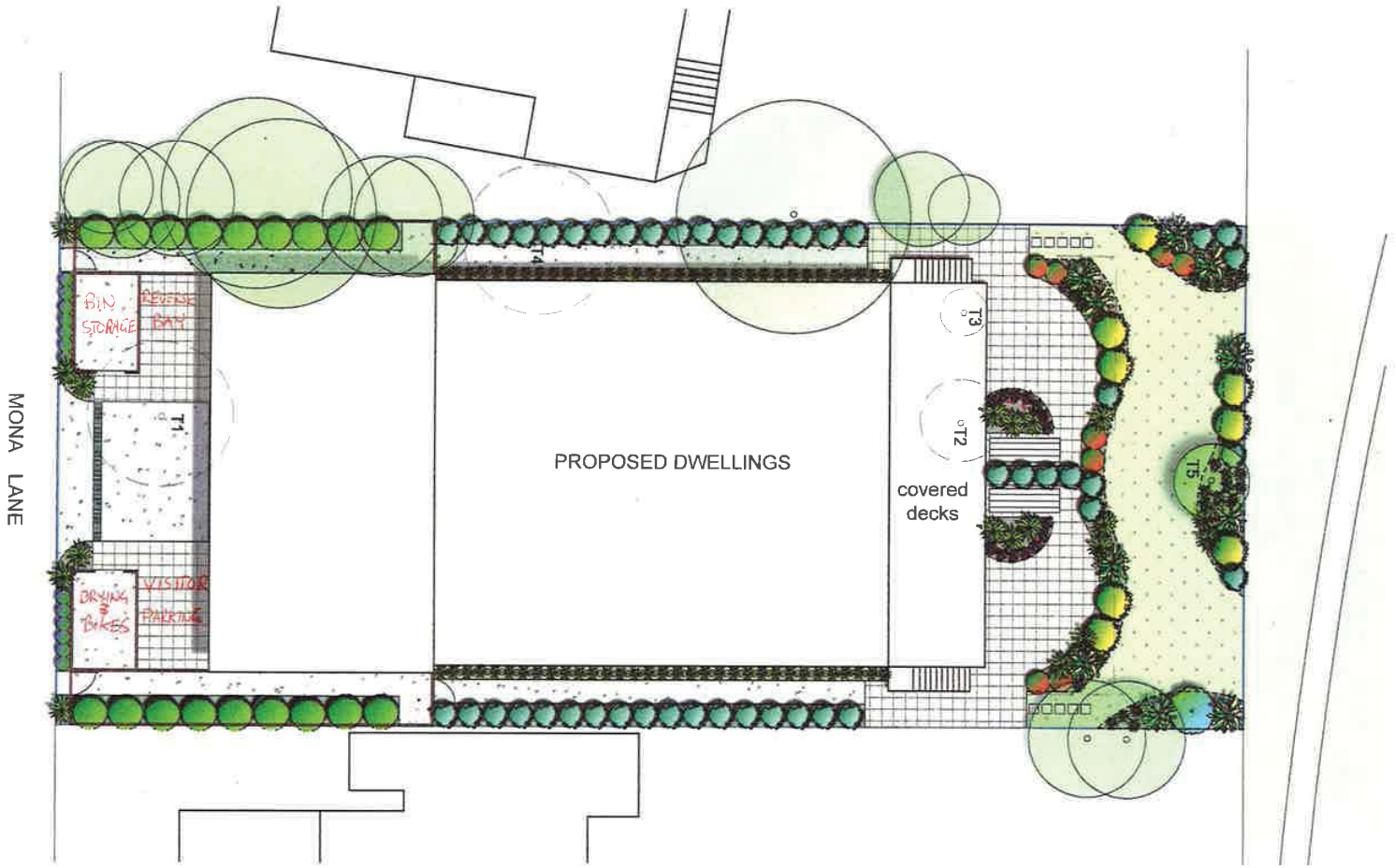




5 Mona Lane, Brunswick Heads
DEVELOPMENT APPLICATION

1278-01 LANDSCAPE INTENT
issue A

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1345 Bucca Road
NANA GLEN NSW 2450




LEGEND

- property boundary
- existing tree on adjacent property
- Camphor laurel on adjacent property
- T1 existing tree/palm to be removed
- T5 existing Tuckeroo to be retained
- turf
- paving
- concrete pavement
- tree planting Elaeocarpus reticulatus
- hedge planting Syzygium 'Elegance'
- hedge planting Westringia fruticosa
- shrub planting Banksia spinulosa
- shrub planting Banksia robur
- shrub planting Melaleuca Claret Tops
- groundcover Austromyrtus dulcis
- groundcover Crinum pedunculatum
- groundcover Lomandra Lemon Fizz
- groundcover Carpobrotus glaucescens
- fence/screen

SCHEDULE OF EXISTING TREES

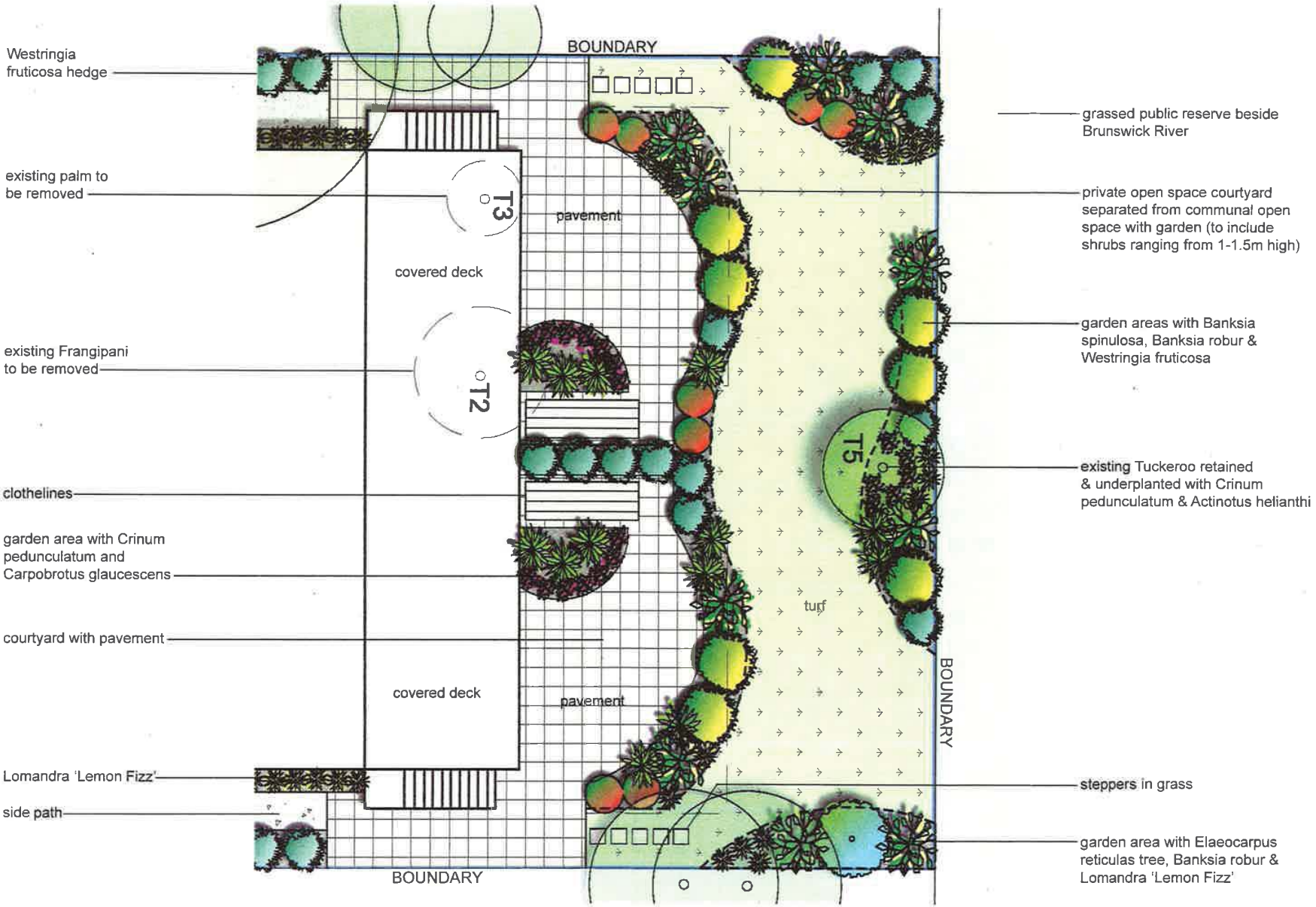
| # | SPECIES | COMMON NAME | HT X WTH | RETAIN/REMOVE |
|---|---|---|---|---|
| T1 | Chrysalidocarpus lutescens | Golden Cane | 3m x 3m | remove |
| T2 | Plumeria rubra | Frangipani | 2.5m x 2.5m | remove |
| T3 | Livistonia australis | Cabbage Palm | 5m x 2.5m | remove |
| T4 | Strelitzia nicolai | Giant Bird of Paradise | 3.5m x 2.5m | remove |
| T5 | Cupaniopsis anacardioides | Tuckeroo | 2.5m x 2m | retain |

5 Mona Lane, Brunswick Heads
DEVELOPMENT APPLICATION

scale 1:200 @ A3

1278-02 LANDSCAPE PLAN
issue A

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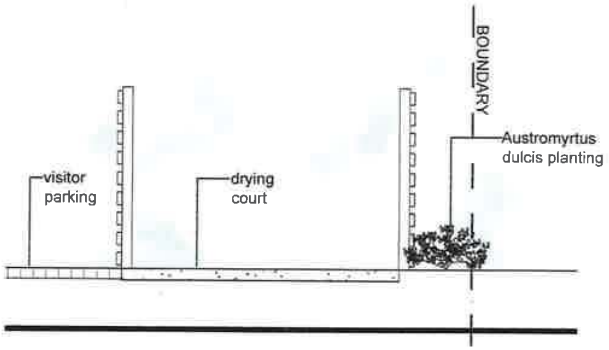



5 Mona Lane, Brunswick Heads
DEVELOPMENT APPLICATION

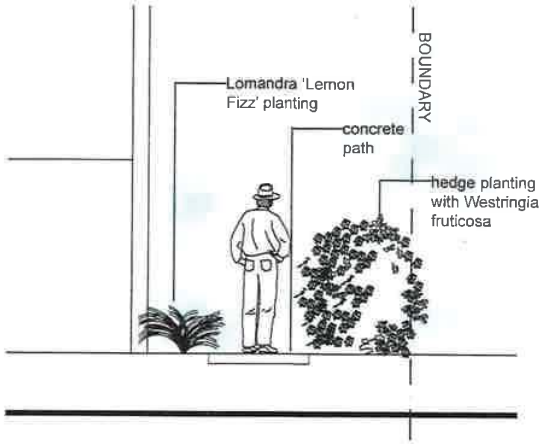
scale 1:100 @ A3

1278-03 COURTYARDS PLAN
issue A

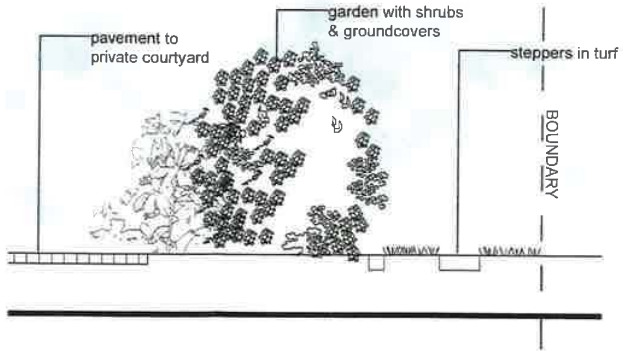
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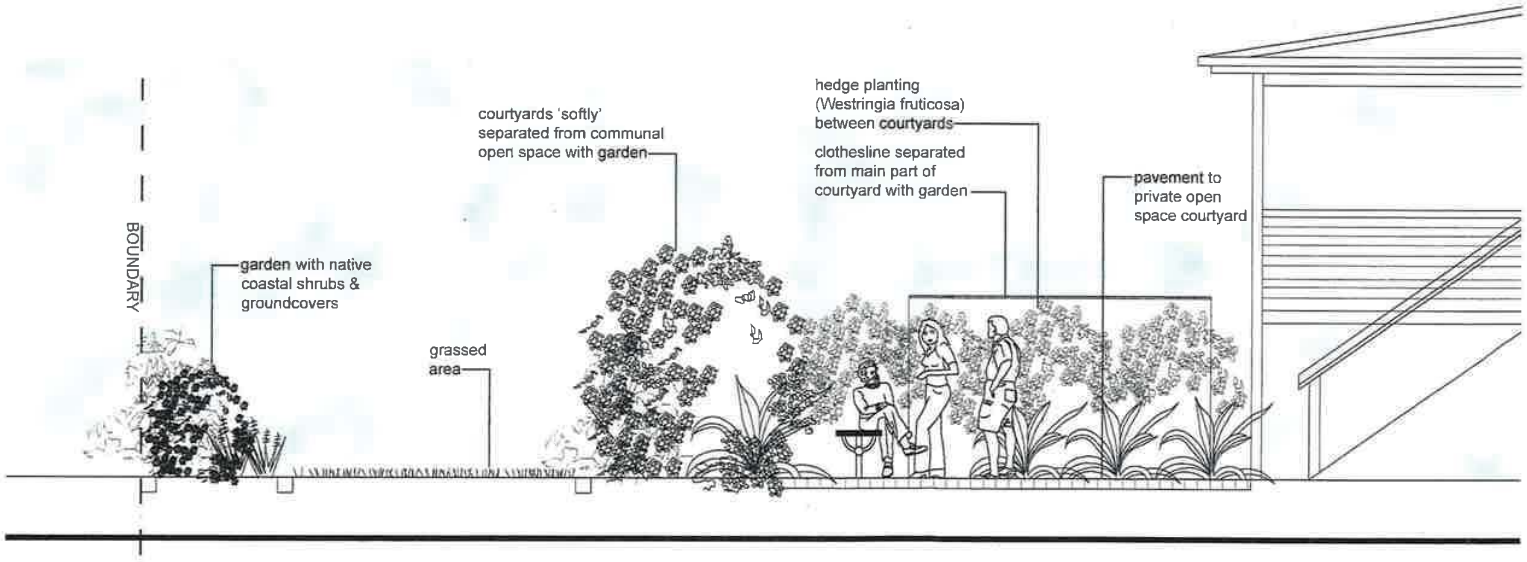

A Typical cross section - bin storage




B Typical cross section - eastern hedge




C Typical cross section - access to communal space




D Typical cross section - private open space courtyard

5 Mona Lane, Brunswick Heads
DEVELOPMENT APPLICATION

scale 1:50 @ A3

1278-04 TYPICAL CROSS SECTIONS
issue A

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Remedial Action Plan

# Lot 2 DP 514906 5 Mona Lane Brunswick Heads



HEALTH SCIENCE ENVIROMENTAL EDUCATION
ENVIRONMENTAL AUDITOR

# Remedial Action Plan

## Lot 2 DP 514906 5 Mona Lane
## Brunswick Heads

Prepared for: Jenny & Peter Andrew, Robert & Kim Rosen & Gavin Ottery
Job No: 0183
Date: September 2010
Tim Fitzroy & Associates
ABN: 94120188829
ACN: 120188829

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# 1. Introduction

*Tim Fitzroy & Associates* has been engaged by Jenny & Peter Andrew, Robert & Kim Rosen & Gavin Ottery to prepare a Remedial Action Plan (RAP) in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA 1997) for land described in real property terms as Lot 2 DP 514906 No 5 Mona Lane Brunswick Heads. This report relates to the demolition of an existing residential flat building containing 5 units and construction of a medium density development comprising 3 x 3 bedroom dwellings.

We have conducted a review of the existing site survey (Lot 2 DP 514906 No 5 Mona Lane Brunswick Heads), minutes of the Development Assessment Panel (DAP) at Byron Shire Council and the proposed development plans. In addition we have had discussions with Council's Environmental Officer, Emma Holt who attended the DAP meeting and is responsible for imposing relevant conditions on the development regarding management of contaminated lands at the subject site.

Following our discussions with Ms. Holt it was agreed that given the proposed demolition process the best way to manage contaminated lands at the subject site is to prepare a Remedial Action Plan (RAP) in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA 1997). Post Demolition soil sampling and analysis is proposed to ensure that the site is suitable for the proposed used in accordance with State Planning Policy (SEPP) 55.

## 1.1 Scope of Works

The objectives of the Remedial Action Plan (RAP) are to:

- ensure the site will be suitable for the proposed use and will pose no unacceptable risk to human health or the environment, both on and off the site;
- determine the extent of contamination on soils within the vicinity of the demolished residential flat building;
- determine the most appropriate remedial strategy (where necessary);
- document in detail all procedures and plans to be implemented to reduce risks to acceptable levels for the proposed site use;
- establish environmental and public health safeguards required to complete the remediation in an environmentally acceptable and safe manner; and
- identify necessary approvals that need to be obtained from regulatory authorities.

The RAP will include reference to site specific safety issues and conventional and relevant environmental management strategies

- The RAP will be prepared in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA 1997), with appropriate reference to the *Code of Practice for the Safe Removal of Asbestos 2nd Edition (NOHSC: 2002(2005))* and the NSW EPA Lead Safe Guidelines.

# 2. Site Description and History

## 2.1 Site Location

The subject site is legally described as Lot 2 DP 514906 No 5 Mona Lane Brunswick Heads. The site is a total of 1,075m$^2$ in area, and has a street frontage to Mona Lane to the south, while the property abuts the Brunswick River at the rear.

The site is rectangular in shape, being approximately 21.5m by 50.3m. Site improvements include a one and two storey combination fibrocement, weatherboard, brick and imitation brick residential flat building with metal roof. Other improvements include a carport, concrete driveway and paving.

A site context diagram is provided in **Illustration 2**.

## 2.2 Topography, Soils and Geology

Site elevation varies from approximately 2.0m AHD at the front entrance to a maximum height of 2.83m AHD towards the middle of the allotment, from which the land gradually falls to the rear to a level of 1.90m AHD in the north western corner.

The soils within the subject site are within the Tyagarah soil landscape comprises Quaternary estuarine alluvium overlain by and/or mixed with Quaternary sands (Morand1992). The sands are aeolian, originating from the adjacent beach ridge systems. Aeolian sands are highly permeable.

Field observations indicate were consistent with the soil descriptions by Morand (1992).

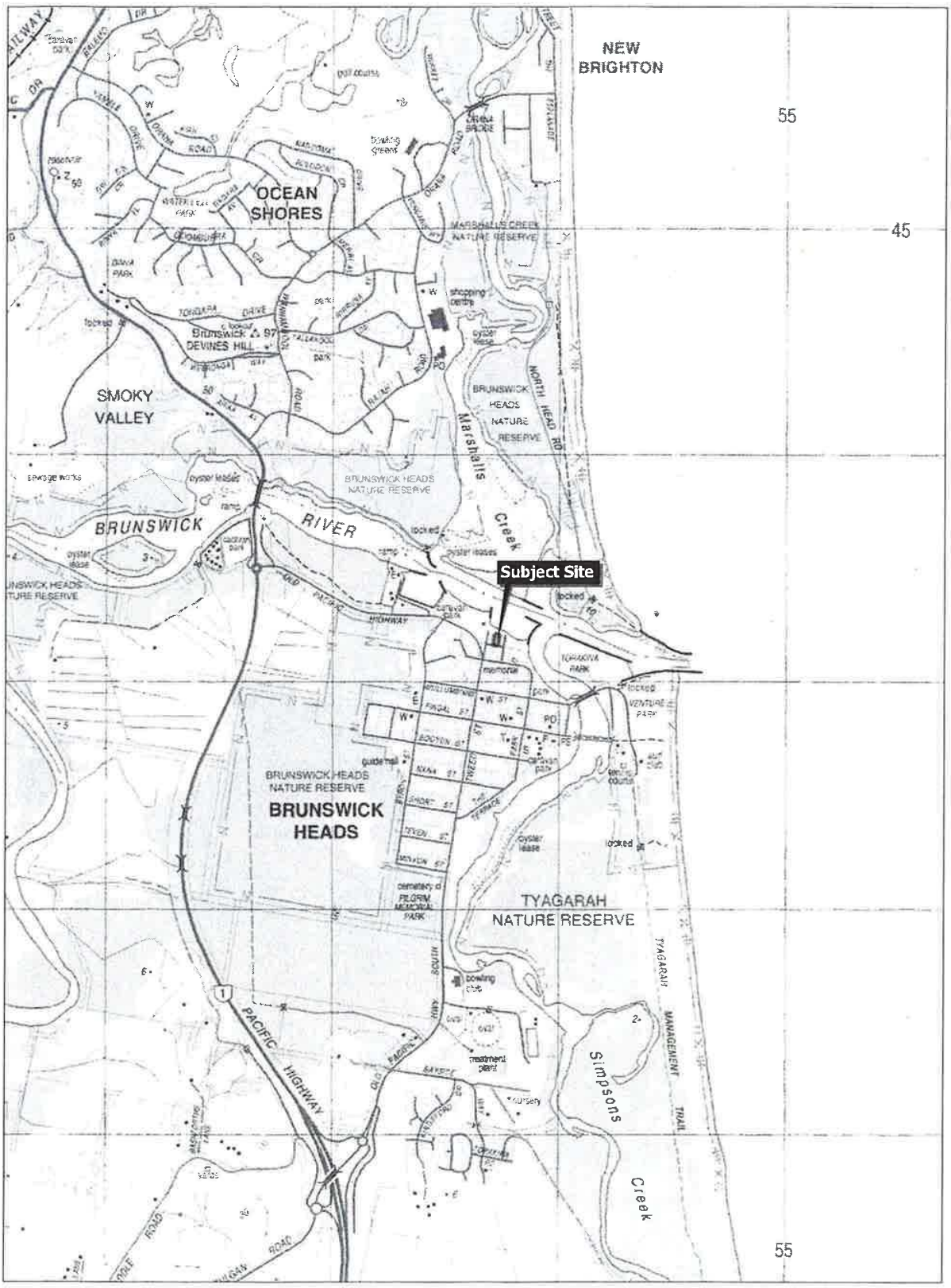
## 2.3 Surrounding Environment

The site is surrounded by residential development and is located on the west of Brunswick Park and approximately 400m north west of the Brunswick Heads Central Business District.

## 2.4 Site History

A review of Council files indicates very little information on the prior use of the subject site. As a result soil sampling (in accordance with NSW EPA Soil Sampling Guidelines 1997) will be undertaken post demolition to determine the extent of contamination from past uses and the demolition process.

PREPARED BY: tim fitzroy & associates




N

0 500m

SCALE: 1:25,000 (@ A4)
DRAWN: azaCAD.com.au
BASE SOURCE: DEPT OF LANDS
DATE: SEPTEMBER 2010
REFERENCE: 22-61-A

**Illustration 2: Site Context**

Remedial Action Plan • Andrew • Lot 2 in DP 514906 • 5 Mona Lane, Brunswick Heads

# 3. Remedial Action Plan

## 3.1 Site Inspection

A site inspection was conducted of the subject site on 1 September 2010 (see Photographs **Appendix A**). The site inspection confirmed:

- one and two storey combination fibrocement, weatherboard, brick and imitation brick residential flat building with metal roof; and
- a carport, concrete driveway and paving.

The inspection revealed:

- the presence of bonded asbestos in the form of fibro cement in the eaves, understorey wall lining, fascia and sewer ventilation stack; and
- possibly lead paint on external painted surfaces.

## 3.2 Proposed Soil Sampling and Analysis Post Demolition

The following sampling, analysis and data quality objectives have been adopted for this Remedial Action Plan post demolition:

- to confirm the soils on the subject site do not pose a risk to human health or the environment through soil contamination
- to employ quality assurance when sampling, assessing and during evaluation of the subject soils
- to ensure that decontamination techniques are applied during the sampling procedure and that no cross contamination of samples occurs.

Table A of the Contaminated Sites Sampling Design Guidelines (NSW EPA 1995) was taken into consideration when designing the sampling program.

This Remedial Action Plan (RAP) will include the analysis of two (2) composite samples formed from eight (8) sub-samples from the subject property. **Table 3.1** below provides a reference of the sub-samples to be composited together to constitute the corresponding composite sample for subsequent analysis.

**Table 3.1 Constitution of Composite Sample**

| *Composite Sample No.* | *Sub-samples* |
|---|---|
| TFA 1 | 1A, 1B, 1C, 1D |
| TFA 2 | 2A, 2B, 2C, 2D |

Post demolition soil sampling will be concentrated on the footprint of the residential flat building, with additional samples taken from the open space areas. For a site area of 1,075 $m^2$, 8 individual samples will be collected, providing a sampling density greater than 100 which is in excess of the NSW EPA Contaminated Soil sampling density guidelines (see **Illustration 3**).

Given the site history, proposed development and the characteristics of the soils in the locality, soil sampling will be undertaken close to the ground surface. The sampling pattern and density adopted is considered sufficient to ensure that should soil contamination be present on the site, it will be detected.

In accordance with the EPA Sampling Design Guidelines, the following post demolition soil sampling method is proposed:

- eight (8) sub-samples (TFA 1 (A-D) and TFA 2 (A-D) inclusive) will be taken from the soil horizon between 0 and 75 mm below the surface within the proposed building envelope and in the adjacent open space areas using a 70 mm diameter hand auger.
- The eight sub samples will be transported in an esky filled with cooler bricks to the Environmental Analysis Laboratory, Southern Cross University, Lismore. Equal portions from each of the eight sub-samples will be thoroughly mixed to form two (2) composite samples. Analysis and determination of metals samples will be analysed at the Environmental Analysis Laboratory; while analysis and determination of organo-chlorines concentrations and asbestos will be sub contracted to an allied NATA approved laboratory by EAL.

**Asbestos Sampling**

- Hand Picking (Emu-Bob)

Hand picking refers to the visual inspection of surface soils and manual collection of Asbestos Containing Material (ACM). As a minimum, the location and weight of collected ACM identified on the surface post demolition is recorded. At least 3 passes of the area will occur on a grid pattern and results collated.

- Screening and Sampling

- A 70 mm hand held auger will used to extract soil to a maximum depth of 75mm and then screened through a final mesh size of 7mm, as this size approaches the minimum thickness of 6.35mm for most asbestos cement sheeting products.
- Each sample will be placed in new, clean, sealed plastic bag and transported to Environmental Analysis Laboratory; Lismore and will then be sub-contracted to an allied NATA approved laboratory by EAL.

## 3.3 Quality Assurance

The following basic measures will be undertaken by *Tim Fitzroy & Associates* to conform to the minimum standards for sampling and quality control procedures:

- Hand auger excavation and sampling will be undertaken by Tim Fitzroy, with experience in site contamination investigations.
- Soil sampling equipment will be decontaminated between samples by rinsing thoroughly with de-mineralise water, scrubbing with cleanser (Decon 90), and finally re-rinsing with de-mineralised water.
- A Chain of Custody form, which identifies the sample identification code, the collection date and the type of analysis to be undertaken will be fully completed and despatched with the samples.

Residual samples will be stored in sealed plastic bags, frozen and retained by the *Environmental Analysis Laboratory* pending the need for additional or repeat analysis.

## 3.4 Assessment Criteria

The ANZECC Guidelines are the accepted guidelines in Australia and New Zealand for establishing "threshold" levels in relation to soil contamination. These threshold levels suggest further investigation is required if levels are exceeded. The NEPC guidelines further expand on the ANZECC threshold limits based on health and environmental risk assessments for a variety of land uses including residential with varying levels of accessible soil risks, open space, commercial and industrial.

The investigation threshold levels identified by "ANZECC Guidelines for the Assessment and Management of Contaminated Sites" 1992 are provided below and were used to identify if high levels of contaminates exist at the site:

- Lead 300 mg/kg
- Arsenic (total) 100 mg/kg
- Cadmium 20 mg/kg

In addition, the results will be compared to the following Health-Based investigation levels identified by "Soil Investigation Levels" National Environment Protection Council, 1999:

- OP (Aldrin + Dieldrin) 10 mg/kg
- OC (DDT+DDD+DDE) 200 mg/kg

As part of the development of this RAP a Literature Review was conducted. The review revealed a lack of adequate data to set an acceptable ambient air level of asbestos globally except for occupational exposure. IPCS (1988) concluded that it was unable to recommend an environmental standard. There has been little progress in the state of knowledge since the 1980s to allow a more accurate or reliable estimate of safe levels for asbestos. In reviewing the existing guideline values it should be noted that any guideline levels adopted must be measurable using a validated analytical method.

The air exposure limits that have been identified are:

- Occupational exposure standard (eg, 1 f/mL for chrysotile and 0.1 f/mL for amphiboles and mixed fibre types in Australia) and para-occupational sampling using the limit of detection of 0.01 f/mL (NOHSC, 2002).
- Ambient air levels of
  - 0.002 f/m3 (sic1) in Canada (Daniel, 2000)
  - 0.02 f/mL in South Africa (Van Der Walt and De Villiers, 1996)
  - 0.033 f/mL proposed in Tasmania

A practical indoor air level of 0.001 f/mL (detection limit) has been set in Norway (Daniel, 2000).

Imray and Neville (1993) suggested a level of < 0.001 f/mL in air and < 0.001% in soil to classify a site as uncontaminated or unrestricted and suitable for all land uses (using information from Institute of Occupational Medicine (IOM) study (Addison et al 1 Presumably 0.002 f/mL, 1988)). However, suitable, readily available analytical techniques to quantify low levels of asbestos in soil have not been identified. Various methods are currently used to determine asbestos concentrations in soil. A consistent approach should be developed, validated and adopted throughout Australia.

Imray and Neville (1993: 256) further argued,

*Since buried asbestos (left undisturbed) does not present a risk to health there is no scientific basis for setting an "acceptable" level in soil.*
*The risks depend on potential for disturbance and generation of airborne asbestos, which may be inhaled.*

This position still holds today. Quantification down to trace levels of asbestos is not necessary for decision-making in the majority of situations.
Other guideline levels identified include:

Unofficial soil levels of 0.001% have been proposed in the United Kingdom, below which no further action is required.

Clean up levels between 0.25% and 1% are used by various regions of the US EPA.

In Manukau City Council, New Zealand (1999), where extensive remediation of asbestos cement fragments has occurred, a semi-quantitative estimate of 0.001% asbestos content has been accepted as a guideline, based on the mass of fibres in handpicked samples and the mass of soil examined.

A health investigation level of Asbestos 0.01% fibres in soil has been proposed by the Australian Contaminated Land Consultants Association (2001). This level is based on the draft NATA method.

The Western Australian Department of Heath has led the way in Australia with respect to Asbestos contamination assessment and remediation. The Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia (February 2008) are seen as the premier reference document in Australia concentrating on the remediation and management of asbestos contaminated sites.

Whilst the WA Guidelines are currently under review they have been used as a reference in the preparation of this Action Plan.

***Given that there is no National or NSW asbestos concentration trigger level for asbestos contamination in soil it is proposed to defer to the Western Australia Department of Health Guidelines. The WA Guidelines (February 2008) propose a classification trigger level of 0.001% w/w when using ACM as a basis for demonstrating asbestos concentration.***

The calculation of soil asbestos levels based upon soil ACM content remains reliant upon visual inspection and identification of ACM.

**Calculations**

The enHealth asbestos guideline briefly outlines an approach whereby the concentration of asbestos in soil attributable to ACM contamination may be estimated:

$$\% \text{ Soil Asbestos} = \frac{\% \text{ Asbestos Content} \times \text{ACM (kg)}}{\text{Soil Volume (L)} \times \text{Soil Density (kg/L)}}$$

where it was assumed that:

% Asbestos Content (within asbestos cement materials) = 15%

Soil Density (for Perth sandy soils) = 1.65 kg/L

This is considered a suitable approach for all ACM contaminated sites as:

- All ACM is treated as though free asbestos fibres will be released
- ACM products in Australia typically contain 10 – 15% asbestos by weight
- Soil densities encountered are typically greater than 1.5 kg/L

The demolition contractor is to provide a Certificate of Clearance (COC) post demolition stating that:

*Asbestos removal has been conducted on a site at 5 Mona Lane Brunswick Heads and that removal has complied with Workcover guidelines and NOHSC:2002 (2005), disposal in accordance with EPA regulations.*

*The COC must certify that the site is clear of bonded asbestos material.*

## 3.5 Preliminary Soil Sampling and Reporting

Laboratory soil analysis reports containing the full results will be provided by the Environmental Analysis Laboratory usually within 10 working days of receipt.

A summary of the results and comparison to the guideline limits will be provided, together with a full suite of heavy metals, asbestos and the 22 chemicals constitutes of organochlorine pesticides tested for.

In accordance with the NSW EPA Sampling Design Guidelines, the acceptable threshold concentration values for the suspected contaminates will be adjusted (x4) to resolve the problem of hot spot dilution.

The adjusted laboratory results for all contaminants of concern will be reported against the Health-Based investigation levels (HBIL) identified by "NEPC Guideline on Health Based Investigation Levels" for residential areas with gardens, as provided in the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites and 'Schedule B (1) guideline on the Investigation Levels for Soil and Groundwater' (NEPC 1999).

**Where the composite soil samples are below the HBIL, a Validation report will be furnished to the client with a clear statement that the subject site is suitable for residential use.**

**Where a composite soil sample exceeds the HBIL, analysis will be conducted on the sub –samples. The sub –samples will be assessed against the acceptable threshold levels.**

**Where the individual sub soil samples comply with the HBIL, a Validation report will be furnished to the client with a clear statement that the subject site is suitable for residential use.**

**Where bonded asbestos is located on the surface the demolition contractor will be required to undertake a re-inspection and safely remove residual asbestos from the subject site. A supplementary Certificate of Clearance shall then be provided to Tim Fitzroy & Associates for inclusion in any subsequent Validation Report.**

Should one or more of individual sub soil samples exceed the NEPC threshold HBIL, the following procedures will be employed:

- **Site security**: The site will be made secure against unauthorised entry through the erection of barrier fences and signs. Ongoing site security shall be maintained throughout the remediation and validation process.
- **Site Stabilisation**: The site will be stabilised to minimise pollutant and sediment transport from the site before, during and after remediation works. Site stabilisation includes the installation and ongoing maintenance of erosion and sediment management structures.
- **Hot spot investigation**: Further detailed sampling may be required to establish the lateral and vertical extent of contamination.
- **Excavation of contaminated soil**: All soil above the Health - Based Investigation Level Threshold for residential areas with gardens will be excavated.
- **Stockpiling excavated soil**: Soil that is excavated from hotspots will be placed in stockpiles on site. Stockpiles shall be stabilised to reduce the risk of stockpile erosion and translocation of contaminated soil.
- **Classification of stockpiled soil**. Stockpiled soil will be classified to identify the appropriate method pf disposal. This phase includes soil sampling and analysis.
- **Disposal of stockpiled soil**. Stockpiled soil shall be transported and disposed to an approved facility.
- **Validation sampling and testing**: The site will be assessed (soil samples collected and analysed) to determine whether all contaminated hotspots (greater than HBIL) have been excavated and removed from the site. Further excavation, disposal and validation will occur if remaining hotspots are detected.

- **Post-Remedial Stabilisation**: Following the completion of validation, post remediation stabilisation will occur in conjunction with proposed construction of the 3 x 3 bedroom dwellings to ensure that the site is not prone to erosion.
- **Validation of Site for Proposed Use**. A Statement of Completion of Remediation will be supplied to Byron Shire Council when testing has confirmed that contaminated soil in excess of "NEPC Guideline on Health Based Investigation Levels" for residential areas with gardens has been achieved.

## 3.6 Site security

Contamination hotspots present a risk to human health and therefore people, with the exception of appropriately protected remediation workers, should be excluded from the subject site.

In order to minimise the risks to human health the following site security provisions are to be employed.

- Engagement of site supervisor
- Erection of barriers
- Use of appropriate signage
- Written notification of pending works
- Compliance with acceptable working hours and days

### 3.6.1 Site Supervisor

A site supervisor should be engaged to ensure that all site security measures are employed and maintained at all times during the remediation process. Contact details for the Site Supervisor must be clearly displayed in close proximity to the Remediation Area.

### 3.6.2 Signage

Signs should be placed at all access points to the contaminated site. Signs should be A3 size or larger, and must be durable enough to withstand the elements during the remediation process.

The signs should be positioned

- at all access points into the subject site

The signs shall conform to NSW occupational Health and Safety requirements and should read:

**DANGER**
**CONTAMINATED LAND**
**NO UNATHORISED ENTRY**

### 3.6.3 Barriers

Fluorescent plastic safety mesh or portable security fencing should be erected around the perimeter of the contaminated area. Protective post-caps should be placed on metal stakes and all other necessary occupational health and safety procedures shall be followed.

All barriers should be regularly checked and maintained during the remediation process.

### 3.6.4 Notification

Byron Sire Council must be notified in writing 30 days before the commencement of remediation works and within 30 days of completion of remediation works in accordance with clauses 16, 17 and 18 of State Environmental Planning Policy (SEPP) 55 – Remediation of Land.

### 3.6.5 Hours of Remediation Activities

All remediation works shall be conducted between:

| | |
|---|---|
| 7am-6pm | Monday-Friday |
| 8am-1pm | Saturday |

No remediation works will occur on Sundays and Public Holidays, with the exception of necessary repairs to sediment and erosion control structures.

## 3.7 Site Stabilisation

The stability of the remediation area (its ability to withstand erosion forces and potential translocation of contaminates) is affected by the following factors:

- The presence of identified hotspots
- The presence of bare earth on the former dwelling site
- The area is prone to periods of high intensity rainfall
- The area is prone to regular coastal breezes

The following procedures are proposed to reduce the risk of translocation of contaminates throughout the remediation process.

### 3.7.1 Sediment management devices

Sediment management devices are required to minimise translocation of contaminates from wind and water erosion. This process is to be conducted in conjunction with the construction manager for the new dwellings. Erosion and sedimentation controls (such as silt fences, or hay bales) will be implemented in appropriate locations around the work site including stockpiles, down slope of all unprotected disturbed areas and

drainage lines prior to the commencement of works to capture any sediment passing from the site and kept functional to the end of remediation works (See **Appendix B**).

### 3.7.2 Hot Spot Investigation

If it is deemed necessary additional soil sampling to confirm the vertical and lateral extent of hot spot contamination prior to excavation will be undertaken.

The extent of additional sampling will be determined by the results of the initial soil sampling analysis. As per section 3.6 a full suite of heavy metals, asbestos and the 22 chemicals constitutes of organochlorine pesticides will be tested for.

### 3.7.3 Excavation of contaminated soil

Contaminated soil identified during the hot spot contamination shall be excavated, with the aim of removing all soil containing above HBIL thresholds for *residential areas with gardens.*

Vehicles, machinery and equipment will be maintained in accordance with manufacturer's specifications in order to meet the requirements of the Protection of the Environment Operations Act 1997 and associated regulations.

### 3.7.4 Stockpiling excavated soil

Soil that is excavated from hotspots shall be stored in stockpiles onsite prior to waste classification and ultimate disposal. Stockpiles should be located and stabilised to reduce the risk of stockpile erosion and translocation of contaminated soil.

The following procedures should be followed during this process. Stockpiles shall be

- placed on geofabric base
- located as far as possible from drains and protected with sediment fences/haybales
- thoroughly mixed to allow representative samples of the soil to be taken for waste classification
- kept moist to reduce dust generation
- placed within barriers

### 3.7.5 Classification of Stockpiled Soil

Soil in the stockpile shall be classified to identify the appropriate method of disposal. The classification process involves the following procedures:

- Stockpile Sampling

Soil samples shall be extracted from the mixed stockpile at a rate of 1 per $25m^3$.

- Soil Analysis

Individual soil samples will be analysed for all analytes that were identified as above-threshold concentrations in identified contamination hotspots. In addition the soil samples will undergo a Leachability test.

- Reporting

Contaminate soil concentrations will be assessed to determine the waste classification in the stockpile. The laboratory results for the soil samples will be compared to the General Solid and Restricted Solid Waste to determine the classification of waste (NSW DECC 2004).

The waste classification will determine the ultimate disposal point (either local or specialised landfill) for the contaminated waste.

### 3.7.6 Validation sampling and Testing

The base and sides of the excavation will be sampled for contaminates will be assessed for all analytes that were identified as above-threshold concentrations in identified contamination hotspots in accordance with the NSW EPA Sampling Guidelines (1995).

Further excavation, disposal and validation will occur if remaining hotspots are detected.

### 3.7.7 Post-Remedial Stabilisation

Following the completion of validation, post remediation stabilisation will occur in conjunction with proposed construction of the dwellings to ensure that the site is not prone to erosion.

The extent of stabilisation will be determined by the size and location of any identified hotspots relative to the proposed dwellings.

### 3.7.8 Validation of Site for Proposed Use

A *Statement of Completion of Remediation* will be supplied to Byron Shire Council when testing has confirmed that all contaminated soil in excess of "NEPC Guideline on Health Based Investigation Levels" for residential areas with gardens has been removed from the site and that the subject site is suitable for its proposed use.

PREPARED BY:
tim fitzroy & associates




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SCALE: 1:300 (@ A4)
DRAWN: azaCAD.com.au
BASE SOURCE: CANTY'S
DATE: SEPTEMBER 2010
REFERENCE: 22-61-A

**Illustration 3:**
**Proposed Soil Sampling Locations**

Remedial Action Plan • Andrew • Lot 2 in DP 514906 • 5 Mona Lane, Brunswick Heads

# 4. Contact Details

Any enquiries with regard to this Remedial Action Plan should be directed to:

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Tim Fitzroy & Associates
52 Alston Ave
Alstonville NSW 2477
Ph 02 66 283837
Mob 044 848 3837
Email tim@timfitzroy.com.au

This Remedial Action Plan (RAP) has been prepared by Tim Fitzroy of *Tim Fitzroy & Associates.*



**Tim Fitzroy**
Environmental Health Scientist

# References

Australia and New Zealand Environment and Conservation Council (ANZECC), 1992, Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, Australia and New Zealand Environment and Conservation Council.

Environment Protection Authority, 1995, Contaminated Sites Sampling Design Guidelines, Environment Protection Authority, Sydney.

Morand, D.T. 1994. *Soil Landscapes of Ballina:Byron 1:100000* Sheet. DCLM, Sydney.

National Environment Protection Council (NEPC), 1999, National Environment Protection (Assessment of Site Contamination) Measure 1999, National Environment Protection Council.

National Environment Protection Council (1999) 'Schedule B (1) Guideline on the Investigation Levels for Soil and Groundwater'

Personal Communication 2010, Kate Singleton

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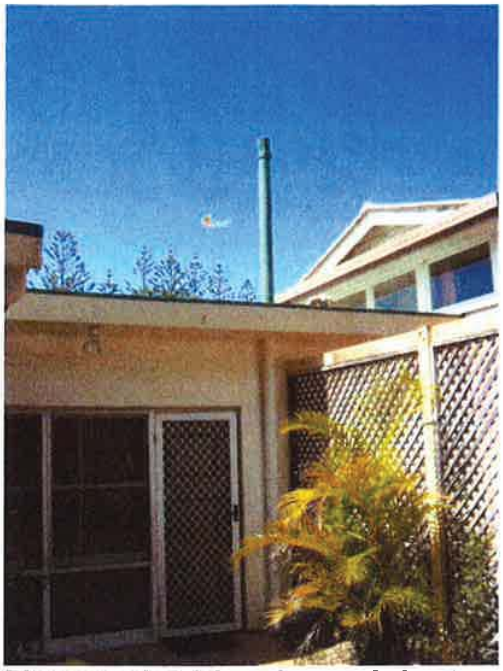
# A Photographs



Photograph 1 Asbestos Wall Sheet (Understorey)



Photograph 2 Existing residence looking south east

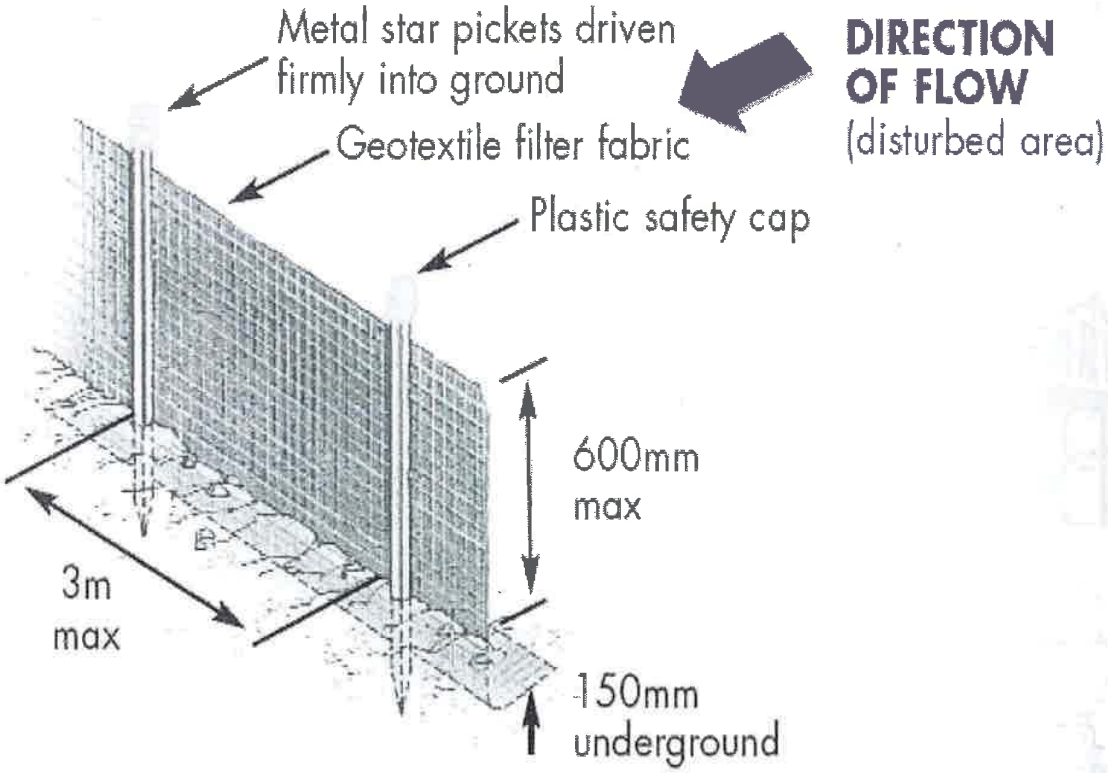


Photograph 3 (above) Asbestos sewer vent fascia & eaves

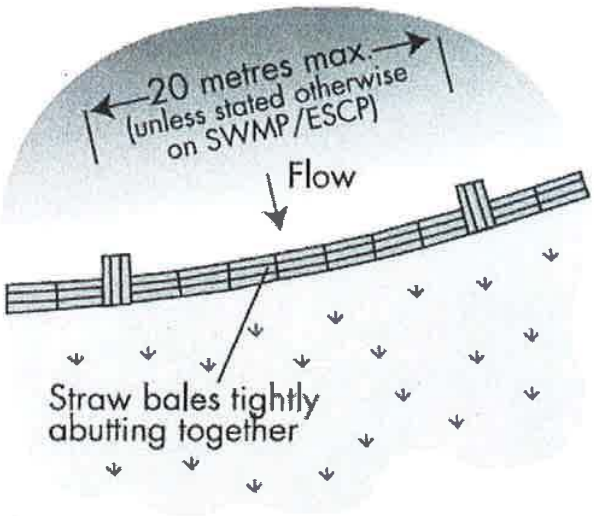


Photograph 4 Rear of Buidling looking south

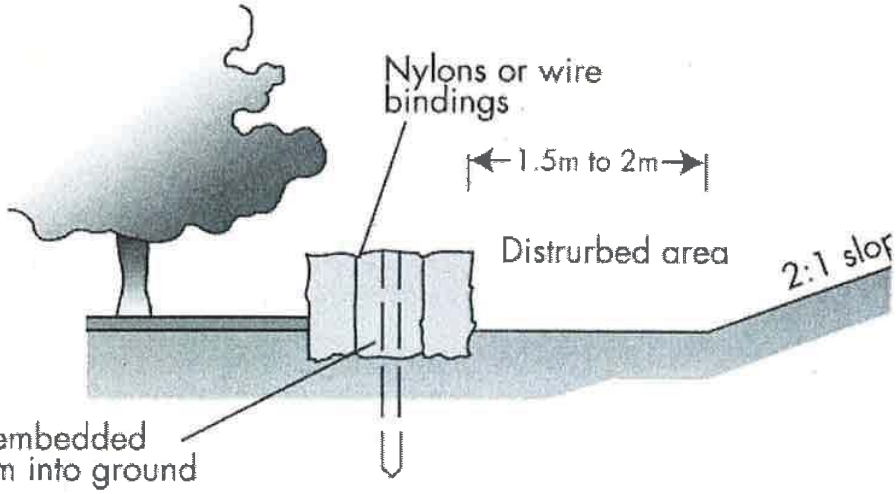
# B Sediment & Erosion Control Devices


Metal star pickets driven firmly into ground
Geotextile filter fabric
Plastic safety cap
DIRECTION OF FLOW
(disturbed area)
600mm max
3m max
150mm underground

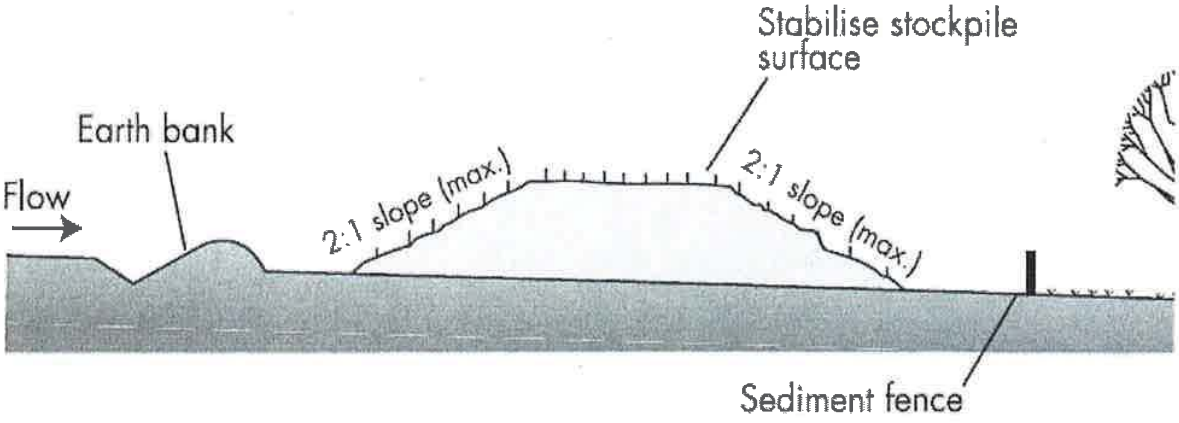
**Plan**




**Section**




14


Stabilise stockpile surface
Earth bank
Flow
2:1 slope (max.)
2:1 slope (max.)
Sediment fence

#E2012/4640

**10.2011.508.1**
**CONDITIONS OF CONSENT:**

S c h e d u l e o f C o n d i t i o n s

**Parameters of this Consent**

**1) Development is to be in accordance with approved plans**
The development is to be in accordance with plans listed below:

| Plan No. | Description | Prepared by | Dated: |
|---|---|---|---|
| No.1 | Site Plan | Byron Design and Construction | June 2010 |
| No.2 | Building Cross Section | Byron Design and Construction | June 2010 |
| No.3 | Lower Floor Plan | Byron Design and Construction | June 2010 |
| No.4 | Upper Floor Plan | Byron Design and Construction | June 2010 |
| No.5 | Eastern Elevation & Northern Elevation | Byron Design and Construction | June 2010 |
| No.6 | Western Elevation & Southern Elevation | Byron Design and Construction | June 2010 |
| 1278-01 (Issue A) | Landscape Intent | Jackie Amos Landscape Architect | Not dated |
| 1278-02 (Issue A) | Landscape Plan | Jackie Amos Landscape Architect | Not dated |
| 1278-03 (Issue A) | Courtyards Plan | Jackie Amos Landscape Architect | Not dated |
| 1278-04 (Issue A) | Typical Cross Sections | Jackie Amos Landscape Architect | Not dated |
| Job No.0183 | Remedial Action Plan Lot 2 DP 514906, 5 Mona Lane Brunswick Heads | Tim Fitzroy and Associates | September 2010 |

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**2) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
   (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia ,
   (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(2) This clause does not apply:
   (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or

(b) to the erection of a temporary building.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

**3) Erection of signs**

(1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
(a) showing the name, address and telephone number of the principal certifying authority for the work, and
(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(c) stating that unauthorised entry to the work site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100).**

**4) Notification of Home Building Act 1989 requirements**

(1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989 .

(2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:
(i) the name and licence number of the principal contractor, and
(ii) the name of the insurer by which the work is insured under Part 6 of that Act,
(b) in the case of work to be done by an owner-builder:
(i) the name of the owner-builder, and
(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further

work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

**5) Car Parking spaces are to be available for the approved use**
A total of 6 residence car spaces plus visitor parking are to be provided and maintained, together with all necessary access driveways and turning areas, to the satisfaction of Council.

**6) Vehicles to enter/leave in a forward direction**
Vehicles using the off-street parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

**The following condition is to be complied with prior to issue of a Construction Certificate for demolition or any construction work**

**7) Noise Management Plan**
A Noise Management Plan must be submitted prior to the issue of the construction certificate for demolition/building works. The Noise Management Plan must be prepared by a suitably qualified acoustic practitioner and detail the methods that will be implemented for the whole project to minimise construction/demolition noise. Information should include:

a) identification of nearby residences and other sensitive land uses;
b) assessment of expected noise impacts;
c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
d) strategies to promptly deal with and address noise complaints;
e) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
f) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts;
g) reference to relevant consent conditions; and
h) name and qualifications of person who prepared the report.

Refer to DECC (2009) *'Interim Construction Noise Guideline'* for more information (see http://www.environment.nsw.gov.au/noise/constructnoise.htm).

**The following conditions are to be complied with prior to any demolition works commencing**

**8) Erosion & sediment measures**
Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A summary of these guidelines is attached. A full copy may be downloaded from Council's web site at www.byron.nsw.gov.au.

**9) Noise Management**
Measures must be in place in accordance with the requirements of the Noise Management Plan.

**The following conditions are to be complied with during demolition of existing structures**

**10) Demolition work**

All demolition works are to be in accordance with the provisions of AS 2601 (AS 2601 means the document entitled Australian Standard AS 2601-1991*: The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993).

**11) Demolition times**

Demolition works must not unreasonably interfere with the amenity of the neighbourhood. In particular demolition noise, when audible on adjoining residential premises, can only occur:

a) Monday to Friday, from 7 am to 6 pm.
b) Saturday, from 8 am to 1 pm.
c) No construction work to take place on Sundays or Public Holidays.

**12) Demolition noise**

Demolition noise is to be limited as follows:

a) For demolition periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
b) For demolition periods greater than four (4) weeks and not exceeding twenty six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the demolition site is in operation must not exceed the background level by more than 10 dB(A).

**13) Builders rubbish to be contained on site**

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**14) Removal of asbestos and other wastes**

All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal at Council's waste depot.

All wastes removed from the site must be managed and disposed on in accordance with NSW DECC *Waste Classification Guidelines* (2008).

**15) Maintenance of sediment and erosion control measures**

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**16) Prevention of water pollution**

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

**17) Noise Management**

Works must be undertaken in accordance with the requirements of the approved Noise Management Plan.

**18) Maximum depth of excavation**

No excavation for foundations beyond 2m depth below existing ground level.

**19) Soil contamination assessment**

Assessment of soil contamination must be undertaken as described in the report titled *'Remedial Action Plan. Lot 2 DP 514906, 5 Mona Lane Brunswick Heads. Tim Fitzroy & Associates. September 2010'* and in accordance with the NSW EPA (1997) *'Guidelines for Consultants Reporting on Contaminated Sites'.* Remediation of contaminated land must be undertaken in accordance with these same documents.

**The following conditions are to be complied with prior to issue of a Construction Certificate for the Residential Flat Building**

**20) Lower floor decks**
The rear lower floor level covered decks are to be reduced in depth from 4.0 metres to 3.3 metres (providing a rear setback of 12 metres).

**21) Raised window height**
The proposed eastern side and western side elevation windows for the kitchen and living rooms are to have their sill heights raised to 1.6 metres above finished floor level (as shown in red on the approved north elevation drawing).

**22) Front fence height**
Front fencing (fencing located between outer wall of the ground level garage and the front boundary to Mona Lane) is not exceed 1.2metres in height in accordance with Council's DCP 2010. Screening for bin storage, bike and drying areas is not to exceed 1.8 metres in height.

**23) On-site stormwater detention - Section 68 approval required**
An approval under Section 68 of the Local Government Act 1993 to carry out on-site detention drainage system and connection to a Council approved drainage system.

**Note: The plans must be in compliance with Council's Development Control Plan 2010, Part N and Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". Refer to Council's website for copies of these documents.**

**24) Water and Sewerage - Section 68 approval required**
An **Approval** under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

**25) Consent required for works within the road reserve**
Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

| | |
|---|---|
| **Driveway (residential areas)** | A driveway in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".<br>**NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".** |

**26) Car parking layout, vehicle circulation and access plans required.**
The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of Council's DCP 2010, AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

a) pavement description;
b) site conditions affecting the access;
c) existing and design levels;

d) longitudinal section from the road centreline to the car spaces;
e) cross sections;
f) drainage (pipes, pits, on-site detention, etc.);
g) turning paths;
h) linemarking and signage.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Such plans and specifications must be approved as part of the Construction Certificate.

**NOTE**: **The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".**

**27) Flood Planning Level for new buildings**
The flood planning level for this development is **R.L. 3.99m A.H.D.**
The plans and specifications to accompany the construction certificate application are to indicate a minimum floor level that is above the flood planning level.

The plans and specifications to accompany the construction certificate application are also to indicate the use of flood compatible materials, fixtures and power outlets where used in the building below the flood planning level. The flood compatible materials, fixtures and power outlets must be those components listed as "suitable" in *Table 10 - Flood Proofing Code* of Part K – Flood Liable Lands of Development Control Plan 2010.

**28) Bond required to guarantee against damage to public land**
A bond of **$3000** is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

**29) Compliance with BASIX Certificate requirements**
The development is to comply with BASIX Certificate No. 360968M, dated 21 March 2011. The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the BASIX Certificate.

Minor changes to the energy efficiency measures may be undertaken without the issue of an amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

Proposed colours must be consistent with the provisions of Chapter 1, Section C3.1 of Council's Development Control Plan 2010. Note that white colours/tones are not permissible.

Such plans and specifications must be approved as part of the Construction Certificate.

**30) Long Service Levy to be paid**

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.lspc.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. Where paying to Council, cheques are to be made payable to 'Byron Shire Council'.

For further information regarding the Long Service Payment please refer to the website above.

**The following conditions are to be complied with prior to commencement of building works**

**31) Dilapidation Reports**
Prior to the commencement of any excavation works requiring rock drilling, blasting or breaking, a pre-construction Dilapidation Report is to be submitted to Council detailing the current condition of all adjoining buildings, infrastructure and roads.

A second Dilapidation Report shall be submitted to Council, prior to occupation of the building (whole or partial), to ascertain if any structural damage has occurred to any adjoining building, infrastructure or roads.

**32) Plumbing Standards and requirements.**
All Plumbing, Water Supply and Sewerage Works shall be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

Your Plumber must obtain a **Plumbing Permit** at least **two (2) working days prior to commencing work.** Please forward the **enclosed** Application for a Plumbing Permit to your plumber to complete and to return to Council prior to commencement of work or Refer to http://www.byron.nsw.gov.au/files/Forms/Plumbing_Drainage_Permit.pdf.

The following INSPECTIONS are required:
a) Internal Drainage;
b) External Drainage;
c) Water Rough In;
d) Stackwork; (where applicable);
e) Final.

**33) Erosion and Sediment measures**
Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A copy may be downloaded from Council's web site at http://www.byron.nsw.gov.au/pdfs/stormwater/sediment_erosion.pdf. Particular attention is to be given to the provision of the following sediment and erosion control measures:

a) Temporary driveway from the edge of road to the building site;
b) Temporary downpipes immediately installed after the roof has been erected;
c) Silt fence or sediment barrier.

**Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.**

**Note: Council may impose on-the-spot fines for non-compliance with this condition. Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).**

**34) Trees to be protected**

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

- with a minimum height of 1.2 metres,
- outside the dripline of the tree,
- of steel star pickets at a maximum distance of 2metres between pickets,
- using a minimum of 3 strands of steel wire,
- to enclose the tree, and
- with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

**35) Noise Management**
Measures must be in place in accordance with the requirements of the Noise Management Plan.

**36) Remediation of contaminated land**
Remediation of any contaminated land must be undertaken in accordance with report titled *'Remedial Action Plan. Lot 2 DP 514906, 5 Mona Lane Brunswick Heads. Tim Fitzroy & Associates. September 2010'* and in accordance with the NSW EPA (1997) *'Guidelines for Consultants Reporting on Contaminated Sites'.*

a. The applicant is required to provide the following information **no less than 30 days prior to commencement of remediation works**:
   i. a notice of commencement of the remediation work and a copy of the Remedial Action Plan must be provided to Council's Environmental Services Team;
   ii. the notice of commencement must include contact details of the responsible person, including an emergency 24-hour phone number;
   iii. a detailed scaled plan which identifies the surrounding land uses, distances to boundaries, and the proposed development as well as a schedule of works to ensure compliance with the plan; and
   iv. identify and include proof of any necessary approvals and licences required by regulatory authorities.

b. The applicant is required to provide the following information **no less than 30 days after completion of the remediation works**:
   i. a report confirming completion of works, specifying the standard of remediation achieved and certifying that the site is suitable for the proposed use. This report must conform to the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997,* and must also include information confirming that EPA and all other regulatory requirements have been met. In particular, documentary evidence is required to confirm that any disposal of soil off-site is done in accordance with the Remedial Action Plan and regulatory requirements.

**The following conditions are to be complied with during construction of Residential Flat Building**

**37) Noise Management**
Works must be undertaken in accordance with the requirements of the Noise Management Plan.

**38) Construction times**
Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

a) Monday to Friday, from 7 am to 6 pm.

b) Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

**Note: Council may impose on-the-spot fines for non-compliance with this condition.**

**39) Construction Noise**

Construction noise is to be limited as follows:

a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

**Note: Council may impose on-the-spot fines for non-compliance with this condition.**

**40) Builders rubbish to be contained on site**

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**41) Maintenance of sediment and erosion control measures**

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**42) Prevention of water pollution**

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

**Note: Council may impose on-the-spot fines for non-compliance with this condition.**

**43) Electrical and Mechanical Equipment**

For dwellings constructed on flood liable land, the electrical and mechanical materials, equipment and installation must conform to the requirement of Park K of Development Control Plan 2010.

**44) Water service to be connected**

A water service must be connected to the property using an approved backflow prevention device. It is the applicant's responsibility to engage a licensed plumber who shall liaise with council during this process.

Any new water service will be at the applicants cost.

**The following conditions are to be complied with prior to issue of a Final Occupation Certificate**

**45) Works to be completed prior to issue of a Final Occupation Certificate**

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, is to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

**46) Car parking areas to be completed**

The car parking areas are to be constructed in accordance with the approved plans.

**47) Stormwater disposal**

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

a) Clear of buildings and infrastructure,
b) Not concentrated so as to cause soil erosion,
c) Not directly to a watercourse, and
d) Not onto adjoining land.

**48) Land Fill and Floor Levels**

Prior to the issue of an occupation certificate the owner/builder of a development is to confirm in writing to Council the as-built levels are as per the approved designs (ie the heights are confirmed by a registered surveyor). The heights which should be provided would be habitable floor, non-habitable or garage floor.

**Reasons for conditions**

- To reduce the potential loss of privacy for adjoining properties at No.3 and No.7 Mona Lane.
- To comply with the provisions of Byron L.E.P. 1988.
- To protect the environment.
- To preserve the amenity of the area.
- To ensure adequacy of services to the development.
- To ensure public health and safety.
- To ensure compliance with Section 68 of the Local Government Act 1993.

**Notes**

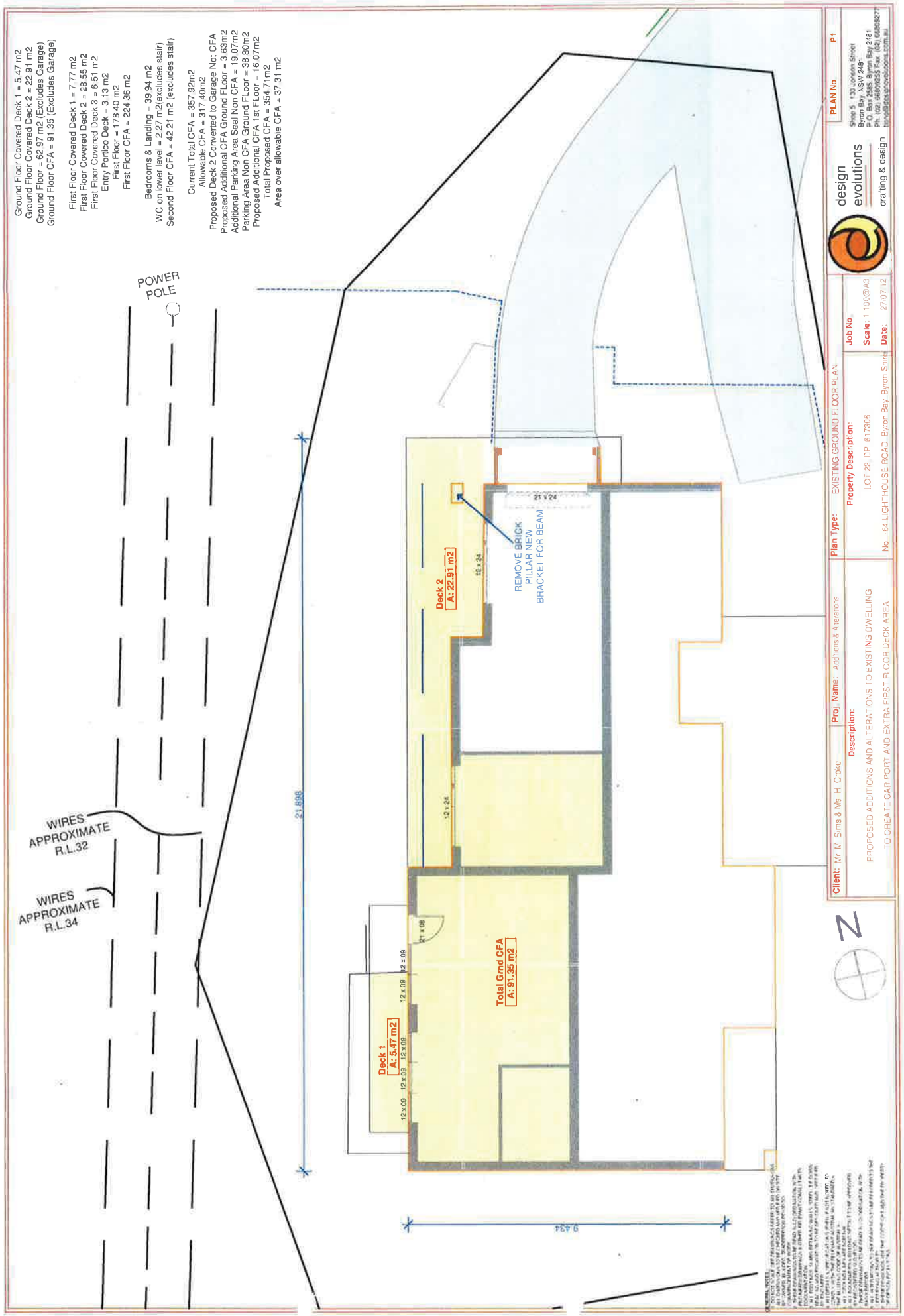
**Protection of the Environment Operations Act 1997:**
It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

**Civil Works**
The civil works shall be designed and constructed in accordance with Council's Engineering Standard current at the time of submission of Engineering Plans for approval by Council. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with standard current at that date.

**Adjoining Crown Land**
It is noted the development must not:

- Encroach upon or occupy the adjoining Crown land
- Stockpile materials, equipment or machinery on the adjoining Crown land
- Direct stormwater discharges onto the adjoining Crown land
- Remove any vegetation from the adjoining Crown land

**During construction**
Construction vehicles are not to obstruct the laneway.


Ground Floor Covered Deck 1 = 5.47 m2
Ground Floor Covered Deck 2 = 22.91 m2
Ground Floor = 62.97 m2 (Excludes Garage)
Ground Floor CFA = 91.35 (Excludes Garage)
First Floor Covered Deck 1 = 7.77 m2
First Floor Covered Deck 2 = 28.55 m2
First Floor Covered Deck 3 = 6.51 m2
Entry Portico Deck = 3.13 m2
First Floor = 178.40 m2
First Floor CFA = 224.36 m2
Bedrooms & Landing = 39.94 m2
WC on lower level = 2.27 m2(excludes stair)
Second Floor CFA = 42.21 m2 (excludes stair)
Current Total CFA = 357.92m2
Allowable CFA = 317.40m2
Proposed Deck 2 Converted to Garage Not CFA
Proposed Additional CFA Ground FLoor = 3.63m2
Additional Parking Area Seal Non CFA = 19.07m2
Parking Area Non CFA Ground FLoor = 38.80m2
Proposed Additional CFA 1st FLoor = 16.07m2
Total Proposed CFA = 354.71m2
Area over allowable CFA = 37.31 m2
POWER POLE
WIRES APPROXIMATE R.L.32
WIRES APPROXIMATE R.L.34
21.898
9.434
Deck 2
A: 22.91 m2
Deck 1
A: 5.47 m2
Total Grnd CFA
A: 91.35 m2
REMOVE BRICK PILLAR NEW BRACKET FOR BEAM
21 x 24
12 x 24
12 x 09
21 x 08
design evolutions
drafting & design
PLAN No
P1
Client: Mr M. Sims & Ms H. Cooke
Proj. Name: Additions & Alterations
Plan Type: EXISTING GROUND FLOOR PLAN
Description:
PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING DWELLING
TO CREATE CAR PORT AND EXTRA FIRST FLOOR DECK AREA
Property Description:
LOT 22 DP 617306
No. 164 LIGHTHOUSE ROAD, Byron Bay, Byron Shire
Job No.
Scale: 1:100@A3
Date: 27/07/12
N

## SECOND FLOOR

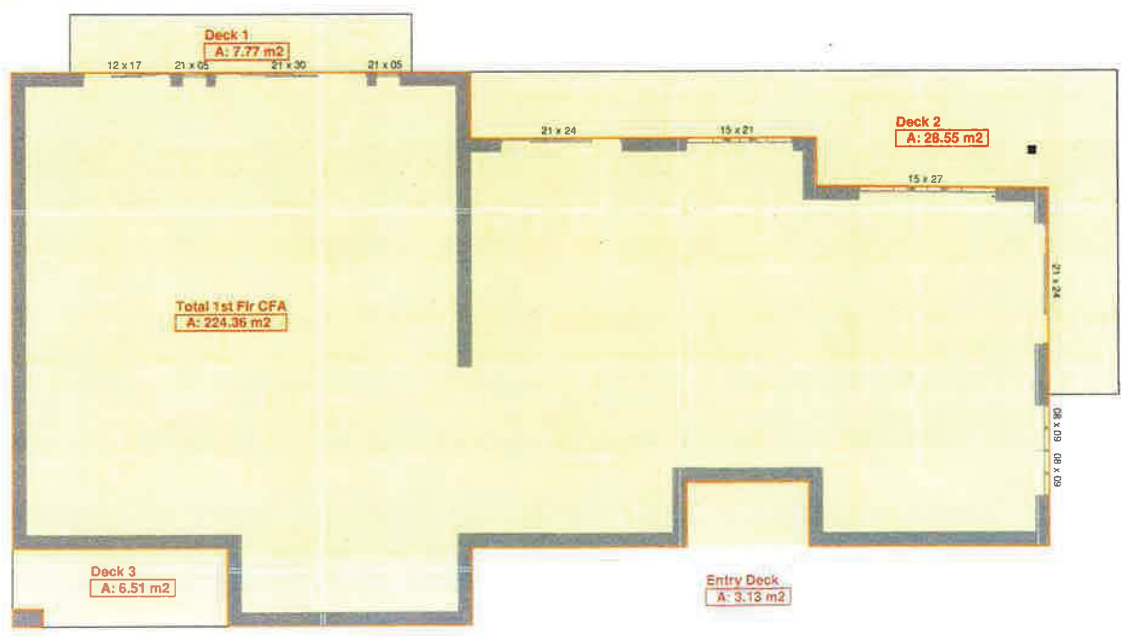



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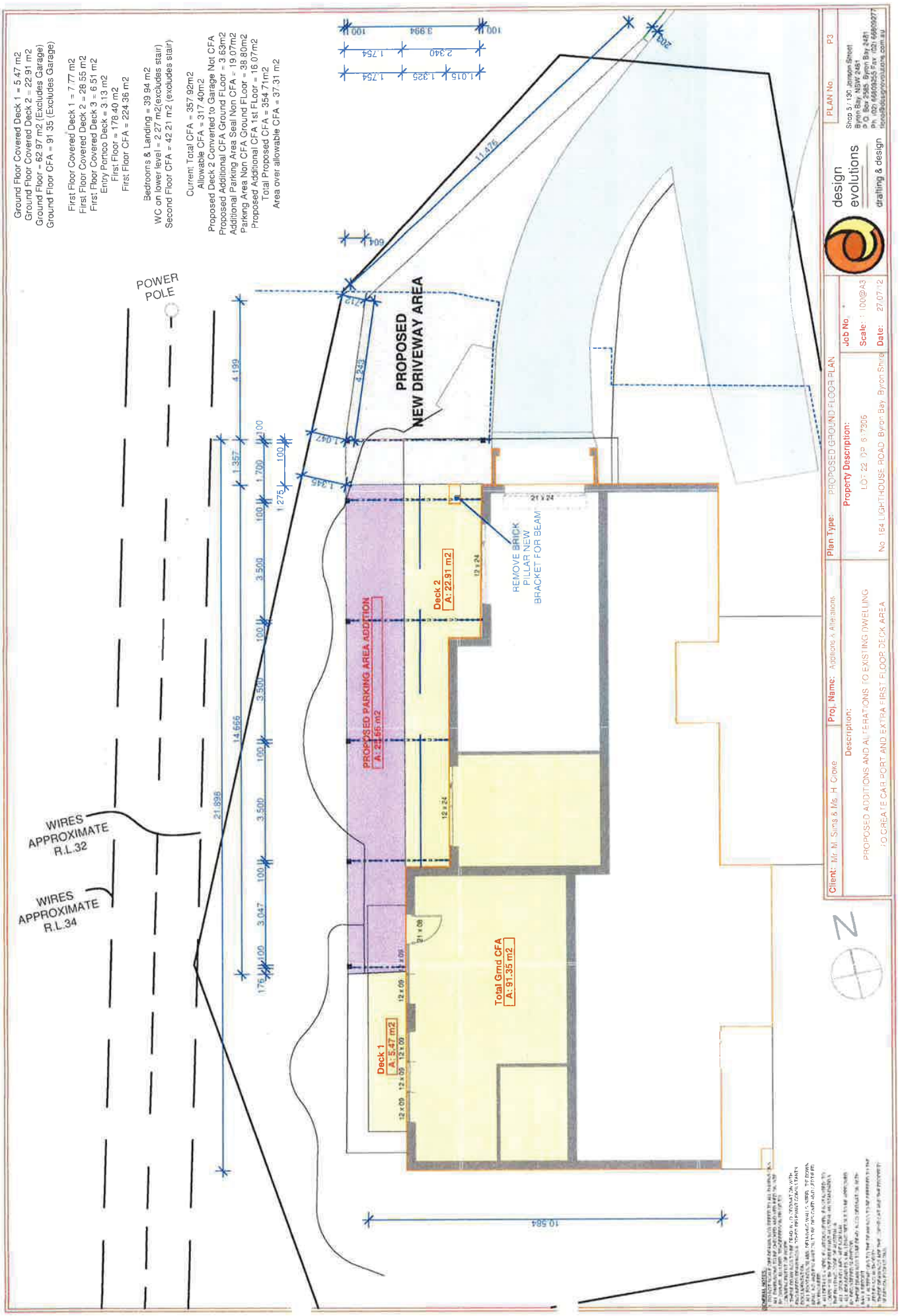

## FIRST FLOOR

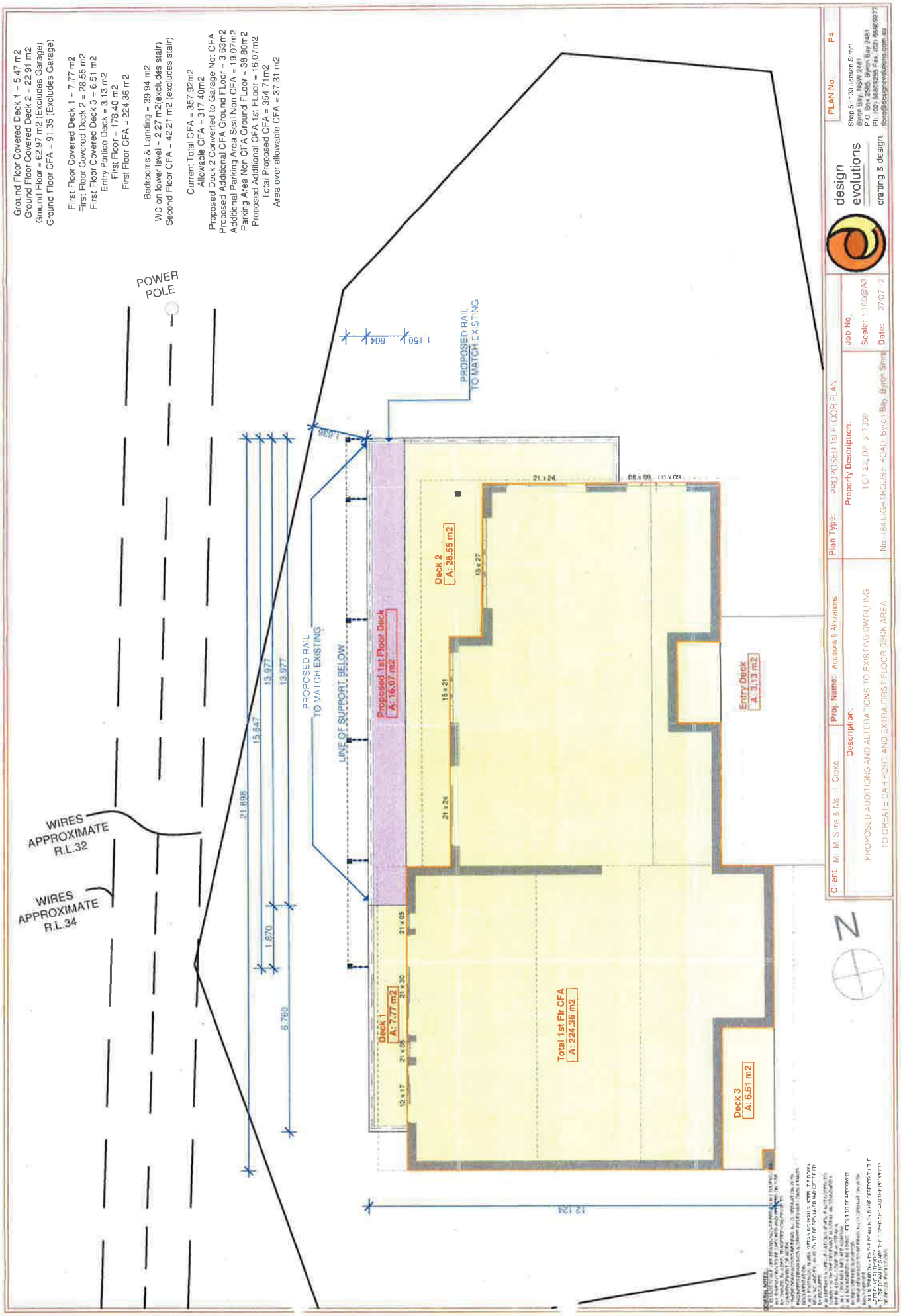
GENERAL NOTES:

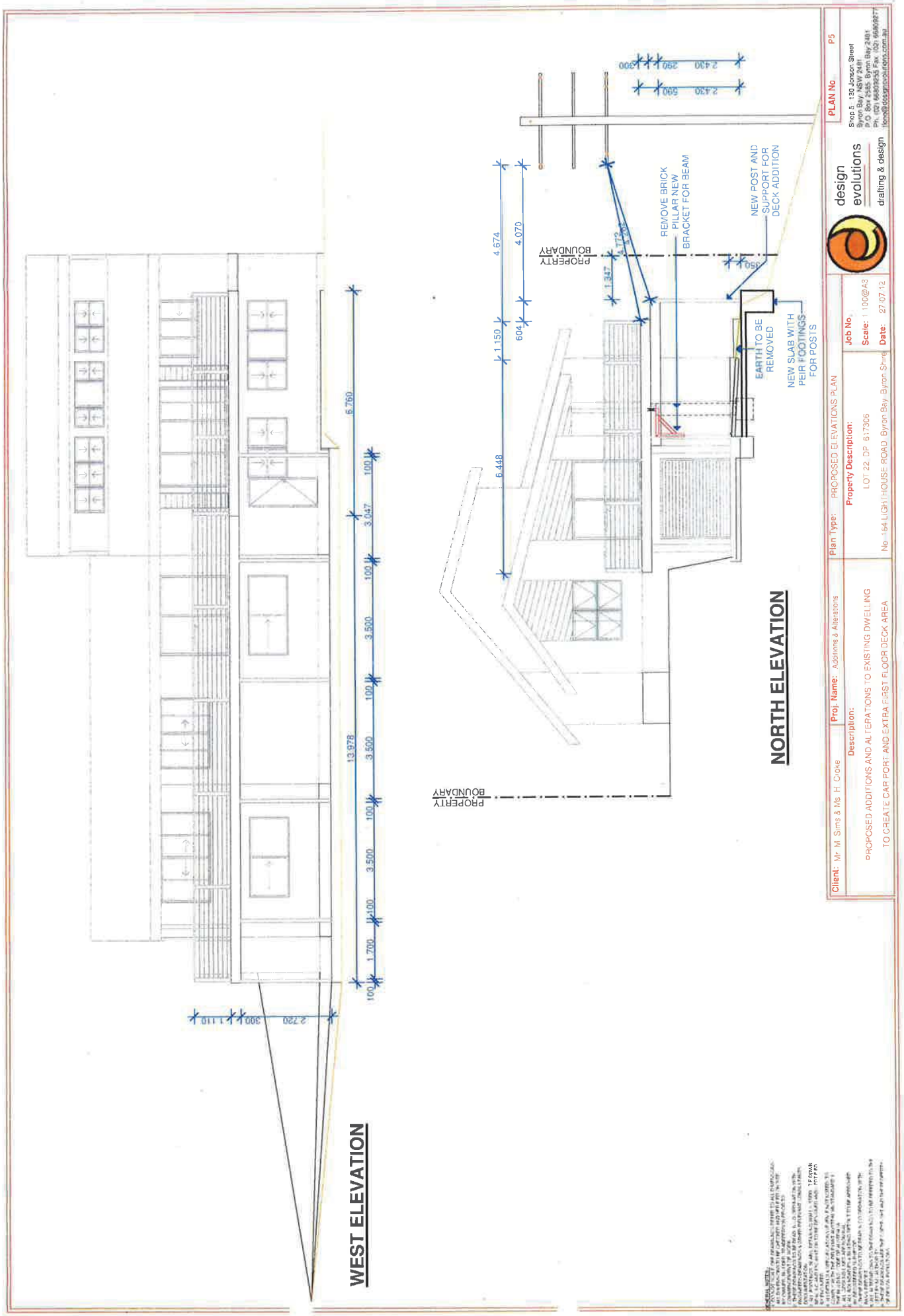
| | | | |
|---|---|---|---|
| Client: Mr M Sims & Ms H Croke | Proj. Name: Additions & Alterations | Plan Type: EXISTING 1st & 2nd FLOOR PLANs | PLAN No. P2 |
| Description: PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING DWELLING TO CREATE CAR PORT AND EXTRA FIRST FLOOR DECK AREA | | Property Description: LOT 22 DP 617306 No 164 LIGHTHOUSE ROAD Byron Bay Byron Shire | Job No<br>Scale: 1:100@A3<br>Date: 27/07/12 |

design evolutions
drafting & design

Shop 5 / 130 Jonson Street
Byron Bay NSW 2481
P.O. Box 2565 Byron Bay 2481
Ph (02) 66809255 Fax (02) 66809277
rene@designevolutions.com.au


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Area over allowable CFA = 37.31 m2
POWER POLE
PROPOSED NEW DRIVEWAY AREA
PROPOSED PARKING AREA ADDITION A: 21.65 m2
Deck 2 A: 22.91 m2
Deck 1 A: 5.47 m2
Total Gmd CFA A: 91.35 m2
REMOVE BRICK PILLAR NEW BRACKET FOR BEAM
WIRES APPROXIMATE R.L.32
WIRES APPROXIMATE R.L.34
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Byron Bay, NSW 2481
P.O. Box 2585 Byron Bay 2481
Ph. (02) 66809277 Fax (02) 66809277
steve@designevolutions.com.au
PLAN No. P3
Client: Mr. M. Sims & Ms. H. Cloke
Proj. Name: Additions & Alterations
Plan Type: PROPOSED GROUND FLOOR PLAN
Job No.
Description:
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TO CREATE CAR PORT AND EXTRA FIRST FLOOR DECK AREA
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LOT 22 DP 6 7306
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First Floor Covered Deck 2 = 28.55 m2
First Floor Covered Deck 3 = 6.51 m2
Entry Portico Deck = 3.13 m2
First Floor = 178.40 m2
First Floor CFA = 224.36 m2
Bedrooms & Landing = 39.94 m2
WC on lower level = 2.27 m2(excludes stair)
Second Floor CFA = 42.21 m2 (excludes stair)
Current Total CFA = 357.92m2
Allowable CFA = 317.40m2
Proposed Deck 2 Converted to Garage Not CFA
Proposed Additional CFA Ground FLoor = 3.63m2
Additional Parking Area Seal Non CFA = 19.07m2
Parking Area Non CFA Ground FLoor = 38.80m2
Proposed Additional CFA 1st FLoor = 16.07m2
Total Proposed CFA = 354.71m2
Area over allowable CFA = 37.31 m2
POWER POLE
WIRES APPROXIMATE R.L.32
WIRES APPROXIMATE R.L.34
PROPOSED RAIL TO MATCH EXISTING
LINE OF SUPPORT BELOW
PROPOSED RAIL TO MATCH EXISTING
Proposed 1st Floor Deck A: 16.07 m2
Deck 2 A: 28.55 m2
Entry Deck A: 3.13 m2
Deck 1 A: 7.77 m2
Total 1st Flr CFA A: 224.36 m2
Deck 3 A: 6.51 m2
21.896
15.847
13.977
13.977
13.977
1.870
6.760
12.124
design evolutions
drafting & design
Shop 5 130 Jonson Street Byron Bay NSW 2481
P.O. Box 2585 Byron Bay 2481
Ph: (02) 66859255 Fax: (02) 66859277
PLAN No P4
Client: Mr M Sims & Ms H Croke
Proj. Name: Additions & Alterations
Plan Type: PROPOSED 1st FLOOR PLAN
Job No.
Scale: 1:100@A3
Date: 27/07/12
Description:
PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING DWELLING
TO CREATE CAR PORT AND EXTRA FIRST FLOOR DECK AREA
Property Description:
LOT 24 DP 617306
No. 164 LIGHTHOUSE ROAD, Byron Bay, Byron Shire
N


NORTH ELEVATION
WEST ELEVATION
PROPERTY BOUNDARY
PROPERTY BOUNDARY
REMOVE BRICK PILLAR NEW BRACKET FOR BEAM
NEW POST AND SUPPORT FOR DECK ADDITION
EARTH TO BE REMOVED
NEW SLAB WITH PEIR FOOTINGS FOR POSTS
4.674
4.070
1.150
604
6.448
1.347
350
6.760
13.978
3.047
3.500
3.500
1.700
100
2.220
design evolutions
drafting & design
Shop 5, 130 Jonson Street
Byron Bay, NSW 2481
P.O. Box 2585, Byron Bay, 2481
Ph. (02) 66809253 Fax. (02) 66809277
PLAN No. P5
Client: Mr M Sims & Ms H Croke
Proj. Name: Additions & Alterations
Plan Type: PROPOSED ELEVATIONS PLAN
Job No.
Scale: 1:100@A3
Date: 27.07.12
Description:
PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING DWELLING
TO CREATE CAR PORT AND EXTRA FIRST FLOOR DECK AREA
Property Description:
LOT 22 DP 617306
No. 164 LIGHTHOUSE ROAD Byron Bay Byron Shire

E2012/5788

**10.2012.337.1**
**CONDITIONS OF CONSENT:**

S c h e d u l e o f C o n d i t i o n s

**Parameters of this Consent**

**1) Development is to be in accordance with approved plans**
The development is to be in accordance with plans listed below:

| Plan No. | Description | Prepared by | Dated: |
|---|---|---|---|
| P1 | Existing Ground Floor Plan | Design Evolutions | 27/07/2012 |
| P2 | Existing 1st & 2nd Floor Plans | Design Evolutions | 27/07/2012 |
| P3 | Proposed Ground Floor Plan | Design Evolutions | 27/07/2012 |
| P4 | Proposed 1st Floor Plan | Design Evolutions | 27/07/2012 |
| P5 | Proposed Elevations Plan | Design Evolutions | 27/07/2012 |

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**2) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia ,
- (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(2) This clause does not apply:
- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- (b) to the erection of a temporary building.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

**3) Erection of signs**

(1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
(a) showing the name, address and telephone number of the principal certifying authority for the work, and
(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(c) stating that unauthorised entry to the work site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100).**

**4) Notification of Home Building Act 1989 requirements**

(1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989 .

(2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:
(i) the name and licence number of the principal contractor, and
(ii) the name of the insurer by which the work is insured under Part 6 of that Act,
(b) in the case of work to be done by an owner-builder:
(i) the name of the owner-builder, and
(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

**5) Bushfire safety measures**

This land is identified as being designated bushfire prone land and Under S79B of the act, Council must be satisfied prior to making a determination for development on bushfire prone land that the development complies with "Planning for Bush fire Protection 2006". The development is approved subject to the following:

1. Any gas service which is installed must satisfy the following:
    a. Reticulated or bottled gas must be installed and maintained in accordance with AS 1596 with metal piping use;
    b. Fixed gas cylinders must be kept clear of flammable material by a distance of 10m and shielded on the hazard side of the installation;
    c. Gas cylinders close to the dwelling must have the release valves directed away from the building and at least 2 (two) metres from flammable material with connections to and from the gas cylinder being of metal;
    d. Polymer sheathed flexible gas supply lines to gas meters adjacent to the building must not be used.
2. The whole of the property must be maintained as an asset protection zone in perpetuity in accordance with Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service Standard for Asset Protection Zones.
3. Landscaping must be undertaken in accordance with Appendix 5 of Planning for Bush Fire Protection 2006 and managed and maintained in perpetuity.
4. The development must be constructed in accordance with the requirements of BAL-40 as per the provisions of AS3959-2009.
5. The owners of the property must prepare a Bushfire Evacuation Plan in accordance with NSW Rural Fire Services "*A Guide to Developing a Bushfire Evacuation Plan*".

**Note: some bushfire conditions may require additional details to be provided for approval of the Construction Certificate, which may not be noted below.**

**The following Conditions are to be complied with prior to issue of a construction certificate**

**6) Internal Driveway details required**

The application for a Construction Certificate is to include plans and specification that indicate vehicular access from the site boundary to the proposed car space(s). Vehicular access must be in accordance with AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking. Plans are to include the following items:

a) pavement description (grades exceeding 15% must be sealed);
b) site conditions affecting the access;
c) existing and design levels;
d) longitudinal section from the road centreline to the car space(s);
e) cross sections every 20 metres;
f) drainage (open drains, pipes, etc.), including calculations and catchment details.

**NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".**

**7) Landscaping plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Part H of Development Control Plan 2010. Species identified in Part H of Development Control Plan 2010 are to be planted wherever possible. The landscaping plan must indicate:

a) proposed location for planted shrubs and trees
b) botanical name of shrubs and trees to be planted
c) mature height of trees to be planted
d) location of grassed and paved areas, and
e) location of trees identified for retention in the development application plans.
f) The plan is to be prepared by a suitably qualified landscape architect / architect /ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate.

Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

**8) Consent required for works within the road reserve**

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

| | |
|---|---|
| **Driveway (residential areas)** | A driveway(s) in accordance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings". |

**The following Conditions are to be complied with prior to commencement of building works**

**9) Erosion and sediment measures**

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

**The following Conditions are to be complied with during construction**

**10) Construction times**

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

a) Monday to Friday, from 7 am to 6 pm.
b) Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

**Note: Council may impose on-the-spot fines for non-compliance with this condition.**

**11) Construction Noise**

Construction noise is to be limited as follows:

a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

**Note: Council may impose on-the-spot fines for non-compliance with this condition.**

**12) Builders rubbish to be contained on site**
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**13) Prevention of water pollution**
Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

**Note: Council may impose on-the-spot fines for non-compliance with this condition.**

**14) Maintenance of sediment and erosion control measures**
Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**15) Demolition**
Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

**The following conditions are to be complied with prior to issue of a Final Occupation Certificate**

**16) Works to be completed prior to issue of a Final Occupation Certificate**
All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, is to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

**17) Internal & External driveways in accordance approved plans**
Both the internal and external driveways are to be constructed in accordance with the approved plans.

**18) Stormwater disposal**
Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
a) Clear of buildings and infrastructure,
b) Not concentrated so as to cause soil erosion,
c) Not onto adjoining land.

**Notes**

**Construction Certificate required:**
This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require

the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au.

**Principal Certifying Authority:**
Work must not commence until the applicant has:-
1) appointed a Principal Certifying Authority (if the Council is not the PCA); and
2) given the Council at least two days notice of the their intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
3) notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

**Occupation Certificate required:**
The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

**Protection of the Environment Operations Act 1997:**
It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

**Penalties apply for failure to comply with development consents**
Failure to comply with conditions of development consent may lead to an on the spot fine (generally $600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.

**Reasons**

- To ensure the development is completed in accordance with conditions of consent and approved plans.
- To preserve the environment and existing or likely future amenity of the neighbourhood.
- To ensure adequate access to and from the development.
- To ensure that appropriate landscaping is provided.
- To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of runoff from any buildings and paved areas that may be constructed on the land.
- To ensure compliance with engineering standards.
- To protect the environment.
- To preserve the amenity of the area.
- To minimise the possible adverse effects from bushfires.
- To ensure compliance with the Roads Act 1993.

**Annexure 19(a)**

## Land and Environment Court
## New South Wales

| | |
|---|---|
| **Medium Neutral Citation** | S J Connelly CPP Pty Ltd v Byron Shire Council [2011] NSWLEC 1393 |
| **Hearing Dates** | 22, 23 24 June 2011 and 1, 16 September 2011 |
| **Decision Date** | 04/06/2011 |
| **Jurisdiction** | Class 1 |
| **Before** | Dixon C |
| **Decision** | 1. I propose to uphold the appeal and amend the Schedule of contributions under condition 26 as detailed in my judgment.<br>2. The Council is directed to prepare a revised Schedule of contributions, which reflects my reasons for judgement, and file that Schedule with the Court and serve a copy on the applicant within 7 days of today date.<br>3. Upon receipt of the revised Schedule I propose to make final orders unless the parties need to address me in respect of the revised Schedule. |
| **Catchwords** | Modification of development consent - Section 94 contributions condition - reduction of monetary contribution - no nexus to the development - amount claimed unreasonable - no account of material public benefit from retention of heritage building- historical "peak workforce" use of the site as council chambers - |
| **Legislation Cited** | Bryon Local Environmental Plan 1988<br>Byron Shire Council Section 94 Development Contributions Plan 2005<br>Draft Byron Shire Section 94 Contributions Plan 2010<br>Environmental Planning and Assessment Act 1979<br>Environmental Planning and Assessment Act Regulation 1994<br>Environmental Planning and Assessment Regulation 2000)<br>Heritage Act 1977<br>State Environmental Planning Policy (Infrastructure) 2007 |
| **Cases Cited** | Arkibult Pty Ltd v Ku Ring Gai [2006] NSWLEC 502; (2006) 148 LGRERA 85<br>Bennette V Byron Council (2004) NSWLEC 565<br>Fevcourt Pty Limited &Anor V Wingecarribee Shire Council [2005] NSWCA 107<br>Goldie v Commonwealth of Australia (2002) FCA 261<br>Meriton Apartments Pty Limited v Council of the City of Sydney (2011) NSWCA 17<br>Rose Consulting Group v Baulkham Hills Shire Council [2003] NSWCA 266<br>Stockland (Constructors) Pty Limited v Baulkham Hills Shire Council [1996] NSWLEC 185 |
| **Category** | Principal judgment |
| **Parties** | S J Connelly CPP Pty Ltd (Applicant)<br><br>Byron Shire Council (Respondent) |
| **Representation** | Solicitors<br>McCartney Young Lawyers (Applicant)<br><br>Marsdens Law Group (Respondent)<br><br>Counsel<br>P Tomasetti SC (Applicant)<br><br>A Seton (solicitor) Respondent) |
| **File Number(s)** | 10786 of 2010 |

## JUDGMENT

### Background

1 This appeal concerns land at 19-23 Lawson Street, Byron Bay being the site of the former Byron Bay Council Chambers. Until 1996 it was owned and occupied by the respondent,

**Annexure 19(a)**

Byron Shire Council, as its Administrative Centre and Council Chambers.

2 In 1996 the applicant, S J Connelly CPP Pty Ltd, purchased the site and obtained a development consent DA 10.2005.733.1 (the 1996 consent) to operate a 90 x bed hostel called the "*Main Beach Backpackers*", with 3 retail shops and a takeaway food shop. In assessing the car parking demand that would be generated by this new use the Council accepted that the development generated a demand for 27 car parking spaces of which 23 spaces would be provided onsite. It required the applicant to pay a financial contribution of $45,882 for the provision by council of the 4 spaces it could not provide onsite. (Exhibit 2 Tab 1 p4).

3 In December 2004, the Council placed an *Interim Heritage Order* on the council building under the *Heritage Act* 1977. On 25 November 2005 the building was listed as an "*item of environmental heritage*" under Schedule 2 of the *Bryon Local Environmental Plan* 1988 (LEP).

4 On 24 May 2007 the Council granted the applicant development consent to DA 10.2005.733.2 (the 2007 consent) for development described as a three storey mixed commercial development comprising:

(1) 316-bed backpacker hostel;

(2) 2 restaurants;

(3) 1 takeaway food shop;

(4) 5 retail shops;

(5) retention of 4 existing shops; and

(6) 55 onsite car parking spaces.

5 The consent was issued subject to condition 26. It provides:

> "26 Developer Contributions to be paid
>
> Contributions set out in the attached Schedule are to be paid to Council. Contributions are levied in accordance with [and the condition lists certain documents]...
>
> The contributions payable will be adjusted in accordance with [sic] relevant plan and the amount payable will be calculated on the basis of the contributions rates that are applicable at the time of payment..."

6 The Schedule to condition 26 is said to be based on the provisions of the *Byron Shire Council Section 94 Development Contributions Plan* 2005 (CP2005) and is as follows:

SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

| | | | | |
|---|---|---|---|---|
| Community and Cultural Facilities | (CF-BB) | 86.90 SDU @ $967.17 | = | $84,046.88 |
| - Shire Wide | (CF-SW) | 86.90 SDU @ $540.29 | = | $46,950.77 |
| Open Space | 90S-BB) | 86.90 SDU @ $6,033.78 | = | $524,335.79 |
| - Shire Wide | (OS-SW) | 86.90 SDU @ $2,602.49 | = | $226,156.81 |
| Roads | (R-BB) | 291.00 trips @ $765.92 | = | $222,882.76 |
| Car Parking | (CP-BB) | 32.8 Spaces @ $54,594.84 | = | $1,790,710.75 |

**Annexure 19(a)**

| | | | | |
|---|---|---|---|---|
| Cycleways | (CW-BB) | 86.90 SDU @ 699.70 | = | $60,804.20 |
| Civic & Urban Improvements | (IM-BB) | 91.87 SDU @ $1,547.50 | = | $142,168.90 |
| Surf lifesaving | (SL-BB) | 86.90 SDU @ $25.16 | = | $2,168.19 |
| Administration | (OF-SW) | 91.87 SDU @ $726.48 | = | $66,741.90 |
| | | **Total** | = | **$3,166,984.96** |

7 On 6 August 2010 the applicant made application to the Council under s96 (1A) of the *Environmental Planning and Assessment Act* 1979, to modify the Schedule of contributions under condition 26 to an amount of $831,349.31 (folios 162 and 178 of Exhibit 2).

8 Before that application was determined the applicant filed this appeal on 30 September 2010.

9 On 11 October 2011 the council resolved to reduce the Schedule of contributions to a total amount of $2,397,108.93 (folios 354 -355 Exhibit 2).

SCHEDULE OF CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

| | | | | | | |
|---|---|---|---|---|---|---|
| Open Space | (OS-BB) | 48.68 | SDU @ | $6,033.78 | = | $293,724.58 |
| " - Shire Wide | (OS-SW) | 48.68 | SDU @ | $2,602.49 | = | $126,689.46 |
| Roads | (R-BB) | 280.00 | Trips @ | $765.92 | = | $214,457.64 |
| Car Parking | (CP-BB) | 29.40 | Spaces @ | $54,594.84 | = | $1,605,088.29 |
| Cycleways | (CW-BB) | 48.68 | SDU @ | $699.70 | = | $34,061.55 |
| Civic & Urban Improvements | (IM-BB) | 53.59 | SDU @ | $1,547.50 | = | $82,930.57 |
| Surf Lifesaving | (SL-BB) | 48.68 | SDU @ | $25.16 | = | $1,224.67 |
| Administration | (OF-SW) | 53.59 | SDU @ | $726.48 | = | $38,932.17 |
| | | | | **Total** | = | **$2,397,108.93** |

10 In reducing the contribution the Council accepted that there should be no contribution made by the development for the local or shire wide "*Community and Cultural Facilities*" identified in the CP2005. It also accepted that the contributions for "*Open Space, Cycleways, Civic & Urban Improvements, Lifesaving and Administration"* should be reduced to reflect an occupancy rate for tourist development of 56% identified in the exhibited draft *Byron Shire Section 94 Contributions Plan 2010* (folio 348 of Exhibit 2 - paragraph 6 of the Respondent's Written Submissions (RWS)). Other adjustments were made based on the floor areas of

**Annexure 19(a)**

various components in the development.

11 In paragraph 102 of its written submissions, the Council submits that it would not be unreasonable for the Court to amend the contributions payable pursuant to the 2007 consent to provide for a contribution comprising the following:

- Parking - $619,948.48
- Roads - $246,825.67
- Open Space - $200.419.00
- Cycleways - $46,066.00
- Civic and Urban Improvements $46,166.00
- Surf Life saving - $1187.21
- Administration - $36,866.83
- **Total** $1,200,479.19

12 (The amounts are unindexed and council submits would need to be indexed from the date of the CP 2005 until the date of payment in accordance with the CP2005).

13 However, the reduction in the monetary contributions does not resolve the appeal because the applicant's primary submission is that it should not be required to pay any monetary contribution.

14 The issues are detailed in the applicant's Second Further Amended Facts and Contentions filed with the leave of the Court on 11 March, which is Exhibit A. The Court has been assisted by comprehensive written submissions filed by the parties and the expert planning, traffic/engineering, and heritage expert evidence.

**Applicant's contentions**

15 The applicant submits that no contributions are payable under s94 or that the quantum of the contribution imposed with respect to:

(a) Open Space (including "Shire Wide"),
(b) Roads.
(c) Car parking,
(d) Cycleways, and
(e) Civic & Urban Improvements,
(f) Administration

16 It asserts that the conditon is unlawful as there is no nexus between the development and the demand for those facilities identifed in the CP2005.

17 The applicant contends that it is unreasonable to require any contribution for the above items under the CP2005 and relies on section 94(2) of the Environmental Planning and Assessment Act 1979 . In the alternative, it asserts that the quantum of the s 94 contribution sought for the items is unreasonable and without limitaion.

18 With respect to a s 94 contribution for "Administration" in its written submissions (AWS) the applicant submits it is unreasonable and the contribution should be nil ( AWS paragraph 23).

19 With resepct to carparking contribution the applicant contends that the council has incorrectly calculated the carparking demand generated by the development. The quantum of the carparking contribution is unreasonable having regard to the requirement to retain and preserve and restore (in part) the heritage item on the site and the difficulty of achieveing carparking with such a constraint. It argues a material public benefit has been provided by the heritage item and that has not been factored into the amount of the car parking contribution.

20 In calculating the net increase in demand for public services and amenities generated by the development it submits it is reasonable to have reagrd to the pre -existing demand for public services and amenities generated by the peak work force populaion on the subject site at

the time that it was owned and occupied by the council.

21 The applicant asserts that the development should not be levied for certain road works included in the CP 2005 because there is no nexus with the development.

22 It asserts some of the works identified in the CP 2005 are no longer being carried out yet a contribution is sought toward these works; such as the Byron Bypass (which is identified as "*new works*" in - Table 4.15 of the CP2005 -Exhibit 2 folio 851); and discussed in the council's report dated 24 June 2010 (Exhibit H). Other identified shortcomings and inaccuracies within the CP2005 are listed at paragraphs 59 to 65 of the AWS.

23 The applicant also contends that condition 26 fails to adequately establish the nexus between the expected types of development in the area to which that plan applies and the demand for amenities and services to meet the development (cl27 (1)(c)). In other cases the council attempts to impose obligations upon the incoming population for amenities and services the demand for which was already generated and in existence by 2001. The Court was referred to works brought forward from the 1993 plan into the CP 2005 which the applicant contends has no nexus to the 2007 consent under review (paragraph 73 -81 AWS.)

24 The applicant also asserts that the proposed development does not generate the demand for public services and amenities for which contributions are claimed. For example, there is little or no demand from backpackers for amenities such as open space or car parking. In support of this submission the applicant relies on the survey data in Annexure 2 to Exhibit 7; and, the oral evidence of its planner Mr Smith (transcript 24 June 2011 page 65, line 49 - [page 66, line 1]. It contends that the draft 2010 CP recognises that a substantial discount should apply to tourist related developments to take account of occupancy rates. Yet CP 2005 has not been amended at any time to reflect that discount in respect of tourist development. This is so notwithstanding that the council has been aware since 2005 that the contribution rate should be discounted by 56% [Page 9 transcript 24/6/2011 line 27].

25 Ultimately the applicant invites the Court to come to the view that the applicant should not pay any contributions as a result of the grant of consent to this development. It submits that the CP 2005, which was adopted on 28 June 2005, fails to comply with the law and therefore "*cannot form the basis for a calculation of s94 contributions that are reasonable*" (paragraphs 58- 68, 204 (a) AWS). However, if the Court is minded to require some monetary contribution, it submits that obligation is more than offset by the value of the material public benefit in retaining the council chamber building as a heritage item and recognising the difficulty in achieving car parking on the site because of the item. This credit would be in addition to the credit, which the applicant contends arises from a consideration of the "*peak workforce*" or occupancy when the council used the land as administration offices. It is the applicant's position that the council did not correctly assess, if at all, the net parking increase generated by the 1996 development consent as compared to the council use as discussed by the Court in *Meriton Apartments Pty Ltd v Council of the City of Sydney* [2011] NSWCA 17. It believes that credit should be applied to this consent.

26 In short, the applicant invites the Court under s 94B to form its own view as to what a reasonable contribution should be (if any) having regard to the circumstances and the facts of this case (AWS paragraph 67-68).

**Council's contentions**

27 The Council is of the view that the modified Schedule of contributions detailed at paragraph [11] should be imposed.

28 It takes issue with the applicant's interpretation of *Meriton* and submits the Court of Appeal decision is not authority for the proposition that the Council or the Court is required, in respect of imposing a monetary contribution under s 94 of the EPA& Act, to determine or give a credit for the "peak workforce' that may have occupied the site the subject of the development application at some previous point of time. The Court of Appeal did not deal with the question of how far back, if at all, a council or the Court should go in relation to determining the maximum population of a site; and, there is no such general principle.

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29 The Council contends that the provisions of the statute are concerned with the net demand for public amenities and services generated by the development in question. This requires a determination of the existing demand for such services in order to reach the net demand: *Merition* at [59]. There is no need to go back further than the present use of the site pursuant to the 1996 consent to determine the population of the relevant land and the existing demand for public amenities and services. It follows that a credit for the demand generated by the existing 90-bed hostel and 4 shops would be allowed and it would be unreasonable to go back further in the circumstances of the case (RWS paragraphs 22 -30). If the Court does not accept that submission, the Council explains that any credit allowed against monetary contributions for the 2007 consent for the demand generated by the use of the land prior to 1996 for the council chambers would be limited to the joint expert evidence in Exhibit 9 and Exhibit G and not as the applicant asserts by reference to the DCP 2002 or DCP 2010 (exhibit 4 and 5).

30 The Council rejects the applicant's claim for a 50% credit against the monetary contribution for car parking as proposed in the Council's planner's report on the 2007 consent (Exhibit 2 tab 3) based on a "material public benefit" for the preservation of the 1929 section of the former council chamber building the Council. It submits that it is not legally open to the Court to take into account the heritage building as a "material public benefit" under s94 (6) of the EPA &Act on the facts of this case. And even if it were, it submits that there is no probative evidence before the Court to support the amount of the discount of 50%. It invites the Court to reject the evidence of Mr Gooley about the development potential of the site (without the heritage item) as unreliable because his evidence is based on the 2004 development application which was refused by the council for many reasons not just the heritage item. It also submits that council's internal planning assessment report, which supports a 50% discount for car-parking contribution should be ignored (Exhibit C).

31 The council submits that the there is no suggestion that the Bypass or other listed works in the CP2005 have been abandoned. The withdrawal of the development application for the Bypass was a consequence of legislative changes, which allowed the development to proceed under *State Environmental Planning Policy (Infrastructure)* 2007. It submits that there is no probative evidence to support the applicant's claim in this regard.

32 The Council submits that the Court is entitled to assume that the CP2005 sets out the works that are proposed to be provided by the council: *Easeport Pty Ltd V Leichhardt Council* (2001) 112 LGERA 376 (although I note the law has changed since *Easeport; cl 26* (g) of the *Environmental Planning and Assessment Act Regulation* 1994 was replaced by cl 27 *Environmental Planning and Assessment Regulation* 2000). It also contends that it is not unlawful to carry works forward from earlier contributions plans to the CP 2005. There is no restriction in the EPA Act or regulations upon a council carrying forward works and collected contributions into a new plan: *Fevcourt Pty Limited &Anor V Wingecarribee Shire Council* [2005] NSWCA 107 Beazley JA. In support of this submission it relies on Mr Mc Kenzie, council's planner's oral evidence at p83, line 21 of the transcript dated 24 June 2011 "*...the proportion that council has charged for these facilities is listed in the table. Now they decided, in moving from one plan to the next plan and I'll admit this is a clumsy way of doing it, but they're accepting an uplift in the proportion that they're collecting those contributions for*."

33 While I am not bound to apply the CP2005 the council submits that I should have regard to those provisions unless it can be objectively demonstrated that a condition imposed in accordance with CP 2005 was unreasonable in the circumstances of the case (RWS paragraph 16). The council reminds me that the statutory discretion of the Court is not unfettered it must be referenced to the subject matter, scope and purpose of the legislation which creates it: *Goldie v Commonwealth of Australia* (2002) FCA 261 at 45.

**Consideration**

34 In order to dispose of this appeal I must decide - in accordance with s 94B (3) of the EPA & Act - whether to disallow or amend conditon 26 because it is unreasonable in the particular circumstances of this case. The section states:

"

**94B Section 94 or 94A conditions subject to contributions plan**

**Annexure 19(a)**

> ....
>
> (3) A condition under section 94 that is of a kind allowed by a contributions plan (or a direction of the Minister under this Division) may be disallowed or amended by the Court on appeal because it is unreasonable in the particular circumstances of that case, even if it was determined in accordance with the relevant contributions plan (or direction). This subsection does not authorise the Court to disallow or amend the contributions plan or direction. "

35 The section does not authorise me to disallow or amend the contributions plan even if I accept, as the applicant contends, that the CP 2005 has not been updated in accordance with the *Environmental Planning and Assessment Regulation* (effective 8 July 2005) or reviewed as required by the Department's Practice Notes to in respect of accountability and transparency (Exhibit 2 tab 30 folios 947-968).

36 Those matters are only relevant in this appeal if it results in the imposition of a condition that is unreasonable in the circumstances of the case. Only then is the condition open to challenge: *Rose Consulting Group v Baulkham Hills Shire Council* [2003] NSWCA 266 Santow JA citing Pearlman J in *Stockland (Constructors) Pty Limited v Baulkham Hills Shire Council* [1996] NSWLEC 185 "*...until the contribution plan is amended, anyone who challenges such a condition is likely to succeed* "; and Jagot J in *Arkibult Pty Ltd v Ku Ring Gai* [2006] NSWLEC 502; (2006) 148 LGRERA 85 at [45].

37 Council has already acknowledged issues with the application of the CP2005 in respect of this case. It has on review reduced and in one instance removed some of the items in the schedule. It has accepted that there should be no contribution made by the development for the local or shire wide "*Community and Cultural Facilities*" identified in the CP2005. It also accepted that the contributions for "*Open Space, Cycleways, Civic & Urban Improvements, Lifesaving and Administration"* should be reduced to reflect an occupancy rate for tourist development of 56% identified in the exhibited draft *Byron Shire Section 94 Contributions Plan 2010* (folio 348 of Exhibit 2 - paragraph 6 of the Respondent's Written Submissions (RWS) and now proposes a final amended version at RWS paragraph [102].

38 I must now consider whether the reductions to the contributions result in a reasonable s 94 condition in this case or whether condition 26 should be amended in the terms sought by the applicant or at all.

39 In making that decision I am not required to apply the provisions of CP 2005 or impose a condition that is in accordance with CP2005 if I am of the opinion to do so is unreasonable. However, my discretion under s94B of the EPA &Act is not unfettered. I must adhere to the subject matter, scope and purpose of the imposition of the condition requiring the payment of a monetary contribution under s94 (1) of the EPA &Act. That means that I must have regard to the "*net demand for public amenities and services generated by the development in question*: per Tobias *Meriton* at [56] and [58].

40 On the evidence before me, I cannot accept that the development approved by the 2007 consent does not generate a demand for public amenities and services. I agree with the councils' submission that the development proposes a substantial increase in the existing number of hostel beds on the subject site (226) and provides for five new shops having a GLFA of 226.8m2 and two restaurants having a GLFA of 142.07m2.

41 The applicant contends that any contribution payable is offset under s 94 (6) by the material public benefit gained by the retention of the heritage building on the site and a consideration of the net increase in parking demand generated by the development when compared to the "peak workforce" when the council used the site. These propositions are fundamental to the applicant's primary case.

**Material Public Benefit**

42 The applicant relies on s 94 (6) of the Act in support of its claim for a discount for the retention of the heritage item as a "material public benefit".

43 Section 94 provides:

> "
>
> 94 Contribution towards provision or improvement of amenities or services

**Annexure 19(a)**

(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:

(a) the dedication of land free of cost, or

(b) the payment of a monetary contribution,

or both.

(2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.

(3) If:

(a) a consent authority has, at any time, whether before or after the date of commencement of this Part, provided public amenities or public services within the area in preparation for or to facilitate the carrying out of development in the area, and

(b) development for which development consent is sought will, if carried out, benefit from the provision of those public amenities or public services,

the consent authority may grant the development consent subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services (being the cost as indexed in accordance with the regulations).

(4) A condition referred to in subsection (3) may be imposed only to require a reasonable contribution towards recoupment of the cost concerned.

(5) The consent authority may accept:

(a) the dedication of land in part or full satisfaction of a condition imposed in accordance with subsection (3), or

(b) the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed in accordance with subsection (1) or (3).

(6) If a consent authority proposes to impose a condition in accordance with subsection (1) or (3) in respect of development, the consent authority must take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the consent authority, other than:

(a) a benefit provided as a condition of the grant of development consent under this Act, or

(b) a benefit excluded from consideration under section 93F (6).

(7) If:

(a) a condition imposed under subsection (1) or (3) in relation to development has been complied with, and

(b) a public authority would, but for this subsection, be entitled under any other Act to require, in relation to or in connection with that development, a dedication of land or payment of money in respect of the provision of public amenities or public services or both,

then, despite that other Act, compliance with the condition referred to in paragraph (a) is taken to have satisfied the requirement referred to in paragraph (b) to the extent of the value (determined, if the regulations so provide, in accordance with the regulations) of the land dedicated or the amount of money paid in compliance with the condition. "

44 The Council submits that because the applicant has not dedicated or provided any part of the building on the land to the council it cannot rely on s94 (6). It is only a "material public benefit" if it is dedicated or provided free of cost within the area (or any adjoining land) to the consent authority (RWS paragraph 35 - 43).

45 In this case the building is not vested in or placed in the control of the council. And, the Council submits even if it was not necessary for the material public benefit to be dedicated or provided to council it submits that there has been no "material public benefit" dedicated or provided by the applicant/owner of the land. The building remains because of the planning controls that require it to be retained not because of anything done or provided by the applicant/owner of the land. It is listed as a heritage item under the LEP1998. The building has always been able to be viewed from the public domain and the applicant provides nothing more.

46 The Council contends that it is not legally open to the Court to take into consideration the

heritage item that remains on the land as a "material public benefit" under s 94(6).

47 I accept council's submissions on this issue. The development does no more than comply with the provisions of clauses 19 and 20 of the LEP 1998. The heritage item is a development constraint on the site but that does not equate with it being a "material public benefit" for the purposes of s94 (6). As Mr Romney, the applicant's heritage expert states at 5.0 at p6 of Exhibit E the development incorporates "...*adaptive reuse of the retained 1929 Byron Shire Council Chambers building for front of house hostel reception and lounge functions*." The applicant in this case retains the private use of the heritage item and does not offer it up for a public use such as a "community centre" controlled by the council or someone other than the applicant.

48 A material public under s 94 (6) to my mind must be a public benefit of an enduring nature and not one susceptible to being withdrawn or changed by the applicant or a successor in title. An enduring public benefit is assured by vesting the item in the control of the council or some other entity independent of the owner of the land. Whether s 94 (6) requires that it only be vested in the council does not need to be determined on the facts of this case.

49 Therefore, I do not believe that I have the power under s 94 (6) to give any credit or discount as sought by the applicant in respect of any material public benefit argument on the facts of this case.

**Peak workforce**

50 In identifying the net increase in demand for public amenities and services the applicant argues that there is no evidence before the Court that indicates that any real or genuine consideration was given by the council to the net increase in demand for public amenities and public services generated by the development of a 90 bed backpackers hostel. It submits that as a matter of law following the decision of the Court of Appeal in *Meriton* the Court is required to have regard to the peak workforce for the purposes of determining the net demand for public services and amenities. (AWS in Reply paragraph 1 p1).

51 The peak workforce is a matter of fact and the applicant contends that according to the evidence that was at the time of the council's use of the land (exhibit B). It asserts in respect of car parking spaces that the council use of the site generated a demand of 50 spaces (applying the DCP exhibit 4) and an additional demand from the public when visiting the chambers. (Transcript 23 June p41). Council provided 29 spaces (Exhibit 9 - varies from 28 to 35 spaces). Accordingly, it submits that there was a shortfall of at least 21 spaces.

52 It submits that the car-parking shortfall, the demand for which was generated by the council use of the site may not be required to be made up by the applicant. Accordingly, the demand for car parking calculated by Mr Holdsworth is reduced from 62.9 spaces to a net demand of 37.9 spaces - allowing for the 21 spaces and the 4 spaces previously paid for - at Exhibit 8 p8 (AWS 160 to 183).

53 I do not accept the applicant's submission that *Meriton* is authority for the proposition that the Council or the Court in an appeal is required, in respect of imposing a monetary contribution under s 94 of the Act, to determine or give a credit for the peak workforce that may have occupied the site a point of time. I agree with the Council's submissions that the Court of Appeal in *Meriton* merely accepted that the Senior Commissioner determined that a credit should be granted for past industrial use on the facts of that case and that it was not appropriate to adopt in that case the cut off date for being populated as being that reflected in the 2001 census. I accept as the Council submits that the Court of Appeal did not deal with the question of how far back, if at all a Court should go in relation to determining the maximum population of a site.

54 I do not accept that there is any general principle that requires the Council or the Court in determining a monetary contribution to give a credit for the peak contribution or workforce that occupied a site at some date in the past.

55 In accordance with s 94B I need to be focused on "*the net demand for public amenities and services generated by this development*" In this case, this requires a determination of the existing demand based "...*purely on the actual or deemed resident or workforce population*

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*of the relevant land at the time of the development application for it is only the future population that generates the demand in respect of which a monetary contribution can be required*" per Tobias J *Meriton* at [59].

56 As a matter of law I do not need to go back to the council use of the site. Having regard to the facts and evidence before me I think it is appropriate to consider the present use of the site pursuant to the 1996 consent for the purpose of determining the population of the relevant land and the existing demand for public amenities and services in order to assess any net increase from the 2007 consent.

57 I accept as the council submits that in determining the net demand, on the evidence before me, a credit for the demand generated by the existing 90-bed hostel and 4 shops would be allowed. To go back further in this case would be unreasonable.

**Car parking**

58 The traffic experts Mr Begovic and Mr Holdsworh agree that the 2007 consent development will generate additional demand for parking. Some backpackers from the development will use cars (Survey Annexure F to exhibit 8).

59 They also agree that the 2007 consent proposes 460.4m2 floor area for the 4 existing shops and 5 new shops. The restaurants generate a total floor area of 142.07m2 and then there is the 316-bed hostel.

60 According to Mr Begovic the appropriate rate is 4.5 spaces per 100m2 of gross lease able floor area (GLFA). Based on the RTA traffic Guidelines (Exhibit 6). Mr Holdsworth uses a figure of 4.1 spaces per 100 metres GLFA. However, the expert use different GLFA figures in table 5.2 of the RTA guideline (Exhibit 6) that applies to shops.

61 I prefer Mr Begovic' s figure as being more reasonable on the evidence before me. It is closer to the requirements in the DCP2002- Part G exhibit 4 and the rates set out in table 5.2 of the RTA Guide for shops having less than 10,000m2. Mr Begovic assesses the car parking should be 1 space per 8 beds (lower than the requirement in DCP 2002 rate of 1 space per 4 beds) and two staff space. Mr Holdsworth 's evidence is 1 space per 4.8 beds for private rooms and 1 space per 11 beds for dormitory rooms.

62 I accept Mr Begovic' s assessment in addressing the demand generated by this development. Based on that evidence and a consideration of the competing submissions of the parties I think it is reasonable to require a contribution for a parking shortfall for 12.6 car spaces at $49,202.26 (unindexed) that calculates to $619, 948.

**Administration**

63 I accept the applicant's submission that the contribution for Administration should not be allowed on the facts and evidence before me.

64 The evidence does not establish a nexus between the development and the recoup of the costs for the new council chambers. In fact Mr McKenzie agreed with the proposition that the contribution for "Administration" as proposed by the council was unreasonable (at p100 line 48 Transcript 24/6/2012). 4.13.1 of the CP.

65 He then proceeded to calculate a reasonable contribution under the CP2005. I cannot accept Mr McKenzie's entirely speculative basis for calculating a contribution for the purpose of administration under 4.13.1 of CP2005 (p40 exhibit 7) as discussed at paragraph 96 of the RWS. It is as the applicant asserts based on assumptions and it is unsupported by the evidence before me. As a result I have no reliable evidence to support the imposition of a contribution for this item. Therefore, I have no choice but to disallow the contribution sought for Administration in the Schedule of contributions under condition 26 pursuant to s 94B (3).

**Open space**

66 The planners have different views about whether tourists demand open space as opposed to using it. Mr Smith is of the opinion that tourist's may use it if it is there but not demand it (transcript 24 /6/2011 p65 line 49).

67 Despite that difference in opinion Mr Smith is critical of the CP2005. He points out errors in the CP2005 and a lack of detail about the proposed works. His evidence is that without the detail in the CP2005 you cannot determine a nexus between contributions required for an alleged demand for open space and this development (AWS 86 - 99). With respect to nexus Mr Smith's evidence is that there are no open space facilities identified in the CP2005 and accordingly there is no demonstrated nexus with the development (Transcript 24/6/2011 p71 line 35 p72 line 27).

68 Mr Mckenzie's evidence is that the development will demand open space - shire wide p2 (exhibit 7). However, Mr McKenzie was also unable to identify the works with any certainty under the CP 2005 (carried forward from the 1993 contributions plan (necessary to meet the population increase that occurred in 2001).

69 Despite the lack of nexus on the evidence the Council submits it is reasonable to require a contribution for open space for items identified in CP2005 albeit at a reduced rate reflecting an occupancy rate for tourists of 56% based on Mr McKenzie's evidence. It proffers Mr McKenzie's assessment for an open space contribution in the amount of $200,419.00 (indexed from 4 June 20004) as reasonable in the circumstances of this case to meet the demand for this development. Unfortunately, Mr McKenzie's evidence on this issue suffers the same absence of detail as the plan itself.

70 The CP2005 does not demonstrate nexus between this development and the "open space" demand generated as a result of this development. The applicant submits that if the Council wants to levy s 94 contribution then the Council must prepare a CP that identifies the increase in demand, propose specified facilities and then locates and costs the facilities and all items proving and demonstrating a nexus with the development. In the absence of a CP that meets these requirements then the Council can only assert general propositions, which are not able to satisfy the legal requirements for a levy under s94.

71 I accept Mr Smith's evidence and the council's submission in respect of this item and disallow the contribution sought for Open Space under s 94B (3) of the EPA Act.

**Civic and Urban Improvements**

72 The applicant's planner Mr Smith gave oral evidence (p90 line 5 Transcript 24/6/2011) that there may be some demand for items listed for the civic and urban improvements for Byron Bay/Suffolk Park /Ewingsdale identified in s4.12.2 of CP 2005 (folio 857 of Exhibit 2).

73 Mr Mckenzie was more confident about demand he believed that development would generate a demand for public street signs, rubbish bins; bike racks, public toilets and footpaths (line 15 Transcript 24/6/2011). He assessed that a contribution in the amount of $49,166.00 was reasonable for this item having regard to CP2005.

74 I accept that there is a nexus between the development and a demand for this item and based on the evidence of Mr McKenzie believe the amount of the contribution is appropriate and that this item is reasonable under s 94B (3). Therefore, I accept a contribution of $46,166.00 for this item.

**Surf Lifesaving**

75 The applicant does not dispute a contribution for this item at $1187.21 therefore it is allowed under s 94B (3).

**Cycleways**

76 Based on the evidence tourist use bicycles. According to the survey (Annexure 2 of -Exhibit 7) 34 of the 71 persons staying in a backpacker hostel used a bicycle as a mode of transport.

77 The CP2005 does identify works, which might be used by this development. I do not accept, as the applicant contends, that the three items brought forward from the 1993 CP into the CP 2005 which propose inter town links have no nexus to the development. The location of the inter town links explored in the evidence (see Transcript 24/6/20110 at p84) did not in my opinion support a conclusion that there is no nexus between the proposed development and the bikeway network proposed under the CP2005. The various locations within Bryon,

which need to be linked, include tourist destinations (see p77 Transcript 24/6/2011 at 41).

78 I accept Mr McKenzie's assessment (p2 of Exhibit 7) of a contribution in the amount of $46,000.00 to the shire wide cost of providing cycleways as reasonable under s 94B (3).

**Roads**

79 Both traffic experts agree the development will generate additional traffic. Although the applicant says the demand generated by this development will be negligible (AWS in Reply paragraph 73). It notes a number of errors with the CP2005 relating to car parking and traffic but says the most significant problem relates to the work identified in the CP2005 for the Byron Bypass.

80 According to the evidence the work is to build the Byron - By Pass around town centre Byron at a cost of $3,611,313. The council lodged a DA for the By Pass in 2001 but withdrawn the application in June 2010. The cost of the work is included in the 2005 CP. The other work identified in the plan relates to Bangalow Rd.

81 Both works include a s94 and council contribution. The applicant submits the council has abandoned the By Pass (Exhibit H) and therefore a contribution cannot be asked of this developer toward that work.

82 The council, however, maintains that the By Pass has not been abandoned for the reasons detailed at paragraph [32]. I accept the Council 's explanation. It cannot be assumed on the evidence before me that the By Pass will not proceed as proposed in the CP2005.

83 The nexus between tourist development and the demand for improvements or upgrading of roads is established in 4.9.of CP2005. Again the CP2005 includes works carried forward from 1993 plan or CP 2001 into the CP2005 (AWS) but I accept this can be done.

84 Despite that I also accept the applicant's submission that road trips generated by backpackers are not significance based on the Surveys at annexure 2 of the Joint report of the planners (exhibit 7). However, the development also contains restaurants and shops.

85 Mr Begovic and Mr Holdsworth agree that the traffic generated for the hostel should be equivalent to the traffic generation rate for motels as set out in the RTA Guide to Traffic Generating Development and they agree upon a rate of 3 trips per car space. In respect of shops they agree that table 3.2 of the RTA Guide is relevant. However, both adopt different figures and come to different conclusions about the assessed contributions albeit not terribly far apart in monetary terms.

86 Mr Holdsworth uses a figure in table 3.2 that is even less than the figure that is provided for a GLFA of 30,000- 40,000m2. Mr Holdsworh did not carry out a survey assessment of the GLFA in Byron Town Centre. The council contends the rate adopted by Mr Holdsworth is unreasonable or justified because it is even lower that the figure set out in table 3.2. It contends Mr Begovic's figure of 55.5 tips per 100 m2 of GLFA for shops is more reasonable having regard to the table in 3.2. In relation to the restaurant the RTA Guide to Traffic Generating Development it provides 60 trips per 100m 2 GFA (p3-11 Exhibit 6), which converted, to GLFA is 75 trips per 100 m2. Mr Begovic adopts this figure and Mr Holdsworth adopts 45 trips per 100m2 (which is lower than the rate for shopping centres having GLFA of 30,000-40,000m2 in table 3.2).

87 I accept the shops of Byron Town Centre are not the same as a "shopping centre" of a kind referred to in table 3.2. Therefore, I prefer Mr Begovic's assessment methodology.

88 The council submits that the assessment by Mr Begovic of an additional 339 trips per day at $750.23 per trip (unindexed) is reasonable in this case and calculates to a road contribution to $246,825.67. It includes 135.43 vehicle trips at 3 trips per space for the hostel component: (316 divided by 7 beds per space X 3 = 135. 43) the other detail is recorded in the RWS.

89 The Council's internal engineer assessed the road contribution in council's assessment report (folio 348 Exhibit 2). It also relies on the RTA Guide to Traffic Generating Developments for motel type developments, which have occupancy rates included. That

**Annexure 19(a)**

report recalculates the traffic based on the reduced floor areas and reduces the estimated traffic from 291 trips to 280 trips. The council engineer at (folio 384 of Exhibit 2) supports a contribution based on with 280 trips at $765.92 = $214,457.64.

90 However, according to the evidence the RTA Guide to Traffic Generating Developments for motel type developments rates assumes 100% occupancy rate (AWS in Reply p15 at paragraph 53). This is at odds with the 56% occupancy rate identified by the Council for tourist development in the draft CP2005 and used by council in its revised Schedule of contributions at CWS paragraph [120] repeated at paragraph [11] of this judgment.

91 Accordingly, any contribution required must reflect an occupancy rate for the hostel of 56%, which on the evidence is accepted as the appropriate occupancy rate for tourist accommodation.

92 After a consideration of the above I have decided to accept the council engineer's calculation of the road contribution of $214,457.64 (folio 348 of Exhibit 2) subject the amendment to reflect an occupancy rate of 56%.

**Conclusion**

After a consideration of all of the evidence and the oral and written submissions of the parties I propose to uphold the appeal and amend the Schedule of contributions under condition 26 pursuant to s 94B (3) of the EPA Act as detailed above. I have also decided in the circumstances of this case to disallow any contribution for "Administration" or "Open Space".

The Council is directed to prepare a revised Schedule of contributions, which reflects my reasons for judgement and file and serve a copy of that Schedule within 7 days. Upon receipt I propose to make orders unless the parties need to address me in respect of the Schedule.

**Susan Dixon**

**Commissioner of the Court**

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Last updated 1 November 2011

Form 84 (version 3)
UCPR 50.4, 50.12

# SUMMONS COMMENCING AN APPEAL (PART 50)

24 AUG 2012
FILED

## COURT DETAILS

| | |
|---|---|
| Court | Land and Environment Court of New South Wales |
| Class | 1 |
| Registry | Sydney |
| Case number | 12/10868 |

## TITLE OF PROCEEDINGS

| | |
|---|---|
| Appellant | **S J Connelly CPP Pty Ltd** |
| Respondent | **Byron Shire Council** |

## PROCEEDINGS IN THE COURT BELOW

| | |
|---|---|
| Title below | SJ Connelly CPP Pty Ltd v Byron Shire Council |
| Court below | Land and Environment Court of New South Wales |
| Case number below | 10786 of 2010 |
| Dates of hearing | 22, 23, 24 June and 1 & 16 September 2011 |
| Material date | 4 June 2011 |
| Decision of | Commissioner Dixon |

## FILING DETAILS

| | |
|---|---|
| Filed for | **S J Connelly CPP Pty Ltd** |
| Filed in relation to | Whole decision below |
| Legal representative | Michael Young, McCartney Young Lawyers |
| Legal representative reference | MY:20120193 |
| Contact name and telephone | Michael Young (02) 6683 5566 |
| Contact email | michael@my-lawyers.com.au |

## HEARING DETAILS

This summons is listed at 9.30am 21 SEP 2012

## TYPE OF CLAIM

Appeals - Appeal from the decision of Commissioner on question of law (s56A *Land and Environment Court Act* 1979)

## DETAILS OF APPEAL

1 The Appellant appeals from the whole of the decision below.

A copy of this document must be served 31 AUG 2012
by.....

## ORDERS SOUGHT

1 Appeal allowed.

2 The matter is remitted to the Commissioner for determination by the Commissioner in accordance with the decision of the Court.

3 The Respondent pay the Appellant's costs of the appeal and interest on costs.

## APPEAL GROUNDS

The Commissioner made the following errors of law:

1 The Commissioner's finding at [47] when read with [48]- [49] is an error of law. The circumstance that the Council sold the land and improvements to the applicant and then caused the building to be listed as a heritage item under the Byron LEP 1988 was a fact, matter and circumstance that was legally open for the Commissioner to have regard to in determining whether the applicant had provided a material public benefit in part or full satisfaction of a condition imposed in accordance with s94(1) of the Act.

2 The Commissioner's finding at [54] to be read in conjunction with [50] to [57] and [58] – [62] is an error of law. It is contrary to the decision in *Meriton Apartments Pty Ltd v Council of the City of Sydney* [2011] NSWCA 17 [61].

3 The Commissioner's findings at [50] – [57] are an error of law as they are inadequately reasoned.

4 The Commissioner's findings at [72] – [74] are an error of law as they are inadequately reasoned.

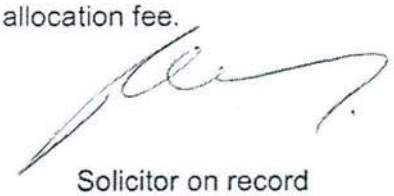
5 The Commissioner's findings at [76] – [78] are an error of law as they are inadequately reasoned.

6 The Commissioner's finding at [77] read in conjunction with [76] to [78] is an error of law. It is contrary to the decision in *Meriton Apartments Pty Ltd v Council of the City of Sydney* [2011] NSWCA 17 [61].

7 The Commissioner's finding at [83] read in conjunction with [79] to [92]) is an error of law. It is contrary to the decision in *Meriton Apartments Pty Ltd v Council of the City of Sydney* [2011] NSWCA 17 [61].

## SIGNATURE OF LEGAL REPRESENTATIVE

I have advised the Appellant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature 

Capacity Solicitor on record

Date of signature 23 August 2012

## NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the plaintiff's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

## HOW TO RESPOND

**Please read this summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

## REGISTRY ADDRESS

| | |
|---|---|
| Street address | The Land and Environment Court of NSW<br>Level 4, 225 Macquarie Street<br>Windeyer Chambers<br>Sydney NSW 2000 |
| Postal address | GPO Box 3565<br>SYDNEY NSW 2001<br>DX 264 SYDNEY |
| Telephone | 9113 8200 |

[on separate page]

## FURTHER DETAILS ABOUT FILING PARTY

### Appellant

| | | | |
|---|---|---|---|
| Name | S J Connelly CPP Pty Ltd | | |
| Address<br>[The filing party must give the party's address.] | 6 | Byron | Street |
| | Lennox Head | NSW | 2478 |

### Legal representative for Appellant

| | | | |
|---|---|---|---|
| Name | Michael Young | | |
| Practising certificate number | 22498 | | |
| Firm | McCartney Young Lawyers | | |
| Address | Level I | | |
| | 31 | Cherry | Street |
| | Ballina | NSW | 2478 |
| DX address | DX 27660 Ballina | | |
| Telephone | (02) 6683 5566 | | |
| Fax | (02) 6683 5544 | | |
| Email | michael@my-lawyers.com.au | | |
| Electronic service address | Not applicable | | |

## DETAILS ABOUT RESPONDENT

### Respondent

| | | | |
|---|---|---|---|
| Name | Byron Shire Council | | |
| Address | | | |
| | 70 – 90 | Station | Street |
| | Mullumbimby | NSW | 2482 |

# DRAFT
# BYRON SHIRE COUNCIL

## AUSTRALIA DAY 2013

## PROJECT REFERENCE GROUP

## CONSTITUTION

#E2012/2338

**INFORMATION ABOUT THIS DOCUMENT**
**(INTERNAL USE ONLY)**

| | | | |
|---|---|---|---|
| **Date Commenced:** | | **Time Frame to carry out objectives** | 6 Months |
| **Date Group to be Disbanded** | February 2013 | | |
| **Convenor/Facilitator** | Mark Arnold, Executive Manager Corporate Management | | |
| **Review Timeframe** | | | |

***Document History***

| Doc No. | Date Amended | Details Comments eg Resolution No. |
|---|---|---|
| #1133910 | 25/8/11 | Res 11-195 – Amend Constitution, advertise for EoIs |
| #1146488 | 22/9/11 | Res 11-751- Appointment of members |

***Further Document Information and Relationships***

| | |
|---|---|
| **Principal Activity (Management Plan)** | Governance and Administration – Project Reference Group Facilitation (Australia Day) |
| **Related Legislation** | Local Government Act 1993 Section 451<br>Government Information (Public Access) Act) 2009 |
| **Related Policies** | Code of Conduct Policy 1.8<br>Privacy Management Plan |
| **Related Procedures/ Protocols, Statements, documents** | Agenda Template for PRG Meetings<br>Report Template for PRG Meetings<br>Action List Template for PRG Meetings |

# Constitution
# Australia Day 2013 Project Reference Group

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# Constitution
# Australia Day 2013 Project Reference Group

## 1. Preamble

The Project Reference Group is a Group formed by the Council or Strategic Planning Committee of the Council and does not have executive power or authority to implement actions.

The role of the Project Reference Group is to carry out specific objectives as stated in this Constitution.

## 2. Objectives

The purpose of the Australia Day 2013 Project Reference Group is:

1. Organise Australia Day Events

a) Australia Day Celebrations to be organised in each town if there is a PRG member to organise such event. This is to be done on a voluntary basis by the member representing that town. One of these towns is required to hold and organise the Official Ceremony as part of their Australia Day celebration.

b) The Official Ceremony is to include the Australian Citizenship ceremony and Local Citizen of the Year awards.

c) Celebrations are generally to be free of charge and family orientated (can recoup costs of any moneys expended outside of Council's donation).

d) Budget moneys received from Council are not to be used for the employment of professional artists.

e) Events are to celebrate what is great about Australia eg. the people, our diversity, our freedom and democracy, a fair go for all, the land or our indigenous people.

f) Events are to recognise the contribution of Indigenous Australians and our multicultural heritage and celebrate the diversity that has helped shape our nation.

2. Australia Day Address - Local Resident

a) Nominate a local resident to give the Australia Day Address at the Official Ceremony.

3. Local Australia Day Awards

a) Develop a nomination form for Byron Shire Council Australia Day awards.

b) Categorise what awards will be given.

c) Call for nominations and actively promote the awards to the community as awards for people or groups who have succeeded in their chosen field or have worked tirelessly within their communities.

d) Award recipients are to be chosen by a vote of the full committee. Tied votes are to be resolved by a draw from a hat.

.

4. Australia Day Ambassador

a) Local identities are to be utilised if the organising committee wishes to have an Australia Day Ambassador at their local event.

b) A local identity is to be utilised for the Official Ceremony's Australia Day Ambassador. The identity is to be endorsed by the PRG.

c) Selection of an Ambassador is not to include any Woolworths sponsored Ambassador.

The objectives have been confirmed by Council on 27 September 2012.

## 3. Timeframe for Group

The Project Reference Group has 6 months to complete its objectives.

This group will be disbanded in February 2013.

The Council or Strategic Planning committee may dissolve the Group at any time.

## 4. Membership

Membership is to include 8 members (for example):

- 8 community organisations represented
    - Ocean Shores Community Association
    - Lions Club of Brunswick / Mullumbimby
    - Sisters for Reconciliation
    - Byron Bay Rotary Club
    - Quota International of Brunswick Valley
    - Byron Bay Rural Fire Brigade
    - Bangalow Historical Society
    - Brunswick Valley Historical Society

- a relevant staff member(s).
    - Mark Arnold, Executive Manager Corporate Services
    - Administration Services

    * Staff members participating on the working group do not have any voting entitlements.

Members were appointed by the Council on 27 September 2012.

## 5. Chairperson

The Chair of the PRG be elected from Councillors nominated to the PRG, to be determined at the first meeting. If there are no Councillors on the PRG, then the PRG be chaired by the relevant staff member.

## 6. Quorum

A quorum is to constitute at least half the number of members.
ie. 4 members (if a total of 8 appointed).
* Staff members or the Councillor are not counted as part of a quorum.

## 7. Confidentiality

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

## 8. Convenor/Facilitator

The Convenor/Facilitator of the Project Reference Group in most cases will be the staff member unless otherwise decided by the Council or the Strategic Planning Committee.

## 9. Voting

Each member of the Group (with the exception of the staff members) is to have one vote. If the vote is tied on any particular matter it will be referred to the Strategic Planning Committee for determination.

## 10. Majority Decision

A requirement that a majority decision of the Group comprises a majority of the invited representative members present and voting on any item subject to the requirements of a quorum being met at the meeting.

## 11. Convening Meetings

Meetings to be held as required.

## 12. Reporting

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

b) The project reference group reports to Council or the Strategic Planning Committee.

## 13. Meetings Open to the Public

PRG meetings are not public meetings as they have no executive function. Public transparency is provided for when the reports of these meetings are reported to Council or the Strategic Planning Committee.

## 14. Invited Guests

The PRG Convenor may request to seek further expertise and consultation as agreed to by the Group and if necessary arrange attendance of a person providing the expertise at a PRG meeting. Any request for information to be at no cost to Council unless a budget is allocated by Council and the expenditure has been authorised in writing by staff with requisite delegations.

## 15. Audio Taping of Meetings

A PRG meeting may be recorded. If the meeting is being recorded, all PRG members will be advised of this and it will be noted in the Report of that meeting.
Recordings of PRG meetings may involve the recording of personal information provided at the meeting. The recordings will be made to assist with the administration of the PRG.

The provision of any information that is recorded is voluntary, however, if any person does not wish to be recorded they should not address the meeting.

The recordings may be made available to other persons where such access is in accordance with the relevant regulations and requirements in this regard, such as under the Local Government Act 1993 or the Government Information (Public Access) Act 2009. The recordings where made will ultimately be stored in Council's document storage system.

## 16. Vacation of Office

Any Project Reference Group member wishing to resign from the group shall do so in writing.

**Invited Members:** If an invited member on the Group who represents an Organisation resigns, an invitation to the Organisation for an alternate delegate will be requested. If no alternate delegate is nominated by the Organisation then that position will become redundant.

**Community Members:** If a community member resigns and if more than half of the timeframe to complete the PRG's objectives still exists and an alternate delegate has been resolved by Council then that person appointed by Council as an alternate delegate will then be appointed as the new community member. If no alternate delegate has been appointed by Council or the alternate delegate declines to accept the vacant position then that position will become redundant.

## 17. Publicity

PRG members unless authorised by Council are not to promote or advertise the group's activities.

## 18. Records of meetings (agenda and reports)

a) The Convenor/Facilitator of the Group will prepare the Agenda, Progress Reports and Action lists of the Group's meetings formatted in accordance with Council's templates.

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

c) The reports of the Group's meetings are to be reported to Council or the Strategic Planning Committee when required. The PRG's web page will indicate what meeting Council will be considering the PRG's reports.

d) If the PRG considers necessary, reports from each PRG meeting may be placed on Council's Web Page for access by the public and Councillors after each meeting.

e) If the time frame allocated to complete the objective(s) is 6 months or more the Group is to provide a progress report quarterly to Council or the Strategic Planning Committee on its progress.

f) At the end of the Group's term a final status report be presented to Council or the Strategic Planning Committee on the outcomes of each objective.

## 19. Section 377 Delegation

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

## 20. Miscellaneous

**Insurance**: All group members are covered by the public liability policy of Council insofar as they are acting in their capacity as a group member, within the scope of the PRG's Terms of reference and in accordance with the Code of Conduct and statutory obligations. This insurance does not preclude the working group from due diligence and all Council policies must be adhered to.

**Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.

**Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the group member.

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

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

**Privacy**: All group members are to abide by Council's Privacy Management Plan (see http://www.byron.nsw.gov.au/publications?P ) relating to their access to personal information.

**Meeting Practice:** If any other issue arises regarding meeting practice not covered under this constitution, it be referred to the General Manager or delegate or if required Council for a determination to be made.

Form B (version 1)
LECR 3.2

# APPLICATION CLASS [1]

## COURT DETAILS

| | |
|---|---|
| Court | Land and Environment Court of New South Wales |
| Class | Class 1 |
| Case number | 12/10902 |

## TITLE OF PROCEEDINGS

| | |
|---|---|
| [First] applicant | **Robin Wise** |
| [First] respondent | **Byron Shire Council** |

## FILING DETAILS

| | |
|---|---|
| Filed for | **Robin Wise** applicant |
| Legal representative | Richard Licardy Licardy and Co |
| Legal representative reference | RAL:ER:5375 |
| Contact name and telephone | Richard Licardy 02 9327 6744 |

A telephone directions hearing will take place at:
Time: 10.00am
Date: - 1 OCT 2012
Please telephone **(02) 8251 8146** just prior to your allocated time.

ed by the registry].

Class 1 Environmental Planning and Protection Appeal

## eCOURT ACCESS

For eCourt purposes, please give access to the following accounts:

Licardy and Company.

## DETAILS OF APPLICATION

| | |
|---|---|
| Date or other identification of the decision, or other matter appealed against, objected to, complained of or referred or remitted to the court | Development Application No. 10.2012.237.1 refused by Byron Shire Council on 22nd August, 2012, |
| Act or instrument under which the proceedings are brought | Section 97 of The Environmental Planning and Assessment Act 1997. |

A copy of this document must be served
10 SEP 2012
by .....

## ORDERS SOUGHT

1 That the decision of Byron Bay Shire Council issued on 22nd August, 2012 be set aside.

2 That Development Application no. 10.2012.237.1 lodged by the applicant on 24th May, 2012 be approved by this Court.

3 Costs.

4 Any further order of this Court that it sees fit to issue.

## SIGNATURE

Signature of legal representative 

| | |
|---|---|
| Capacity | Solicitor |
| Date of signature | 31st August, 2012. |

## NOTICE TO RESPONDENT

If your solicitor, barrister, authorised agent or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the application and for the applicant's costs of bringing these proceedings.

You must enter an appearance before you can appear before the court.

## HOW TO RESPOND

**Please read this application very carefully. If you have any trouble understanding it or require assistance on how to respond to the application you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the application from:

- The court registry.
- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.

Court forms are available on the LEC website at www.lawlink.nsw.gov.au/lec.

| REGISTRY ADDRESS | |
|---|---|
| Street address | Level 4, 225 Macquarie Street, Windeyer Chambers, SYDNEY NSW 2000 |
| Postal address | GPO Box 3565, SYDNEY NSW 2001 |
| Telephone | (02) 9113 8200 |

[on separate page]

## PARTY DETAILS

### PARTIES TO THE PROCEEDINGS

| Applicant | Respondent |
|---|---|
| Robin Wise First Applicant | Byron Shire Council First Respondent |

## FURTHER DETAILS ABOUT APPLICANT

**[First] applicant**

| | | | |
|---|---|---|---|
| Name | Robin Wise | | |
| Address | | | |
| | 65 | Oceanview | Avenue, |
| | Dover Heights | NSW | 2030 |

**Legal representative for applicant**

| | | | |
|---|---|---|---|
| Name | Richard Licardy | | |
| Practising certificate number | 469 | | |
| Firm | Licardy and Co. | | |
| Contact solicitor | Richard Licardy | | |
| Address | Suite 507 | | Eastpoint Tower |
| | 180 | Ocean | Street |
| | Edgecliff | NSW | 2027 |
| DX address | | | |
| Telephone | 02 93276744 | | |
| Fax | 0293272933 | | |
| Email | lawyers@licardy.com.au | | |

## DETAILS ABOUT RESPONDENT

**[First] respondent**

| | | | |
|---|---|---|---|
| Name | Byron Shire Council | | |
| Address | | | |
| | PO Box 219 | | |
| | Mullumbimby | NSW | 2482 |

| | |
|---|---|
| **DA No:** | 10.2012.237.1 |
| **Proposal:** | Subdivision to create 3 allotments |
| **Property description:** | LOT: 10 DP: 874882<br>Prior Drive COOPERS SHOOT |
| **Parcel No/s:** | 218530 |
| **Applicant:** | Mr R Wise |
| **Owner:** | Mr S C Marcellos & Ms A E Wallace |
| **Zoning:** | 1(c1) Small Holdings Zone |
| **Date received:** | 24 May 2012 |
| **Integrated Development:** | No |
| **Public notification or exhibition:** | Level 2 advertising under DCP 17 – Public Notification and Exhibition of Development Applications<br>Exhibition period: 12/6/12 to 25/6/12<br>Submissions: For = 0 Against = 7 |
| **Other approvals (S68/138):** | Roads Act (51) |
| **Planning Review Committee:** | N/A |
| **Delegation to determination:** | Manager / Executive Manager - SEPP1 variation of a development standard is less than 10% |
| **Issues:** | • Section 80 EP&A Act. An application for a subdivision that does not comply with an EPI must be refused by Council. The application is not in accordance with Clause 11 of Byron LEP, however a SEPP 1 objection against the development standard that does not comply was lodged.<br>• 7 x Submissions against |
| **Summary:** | The application proposes a three lot subdivision of a 7.65 hectare lot within Zone 1(c1) – Small Holdings Zone.<br><br>The subject land, Lot 10 DP 874882 was created from a 13 lot subdivision of Lot 2 DP 600192, which was approved under DA 94/447 on August 7 1995, as amended by s102 Modification 96/7036.<br><br>Byron LEP Clause 11(2) (a) stipulates that Council may only consent to the subdivision of land within Zone 1(c1) where the number of allotments to be created for the purpose of a dwelling-house is not greater than that area divided by 2.5.<br><br>Byron LEP Clause 11(3) defines the meaning of 'land' in subclause (2) as "a parcel or parcels of land held under a separate title on the appointed day". The appointed day is 22nd April 1988, the day Byron Local Environment Plan 1988 took effect.<br><br>Council reports for DA 94/447 indicate that, on the appointed day, the part of Lot 2 within Zone 1(c1) comprised an area of 33.94 hectares. This area divided by 2.5 provides a lot yield of 13.576 lots or 13 lots.<br><br>The approved subdivision comprised 13 lots which was the maximum |

| | |
|---|---|
| | allowable under the LEP.<br><br>It has been Council's consistent position that if the maximum yield is reached for 'land' (as defined) within Zone 1(c1), then there is no more potential for subdivision. Council provided two separate written planning advices, in 1998 & 2002, that state this position. The applicant was provided with those advices.<br><br>Clause 80(1) of the Environmental Planning and Assessment Act 1979 states that Council must refuse an application of subdivision of land, that would, if carried out, result in a contravention of an environmental planning instrument.<br><br>Council wrote to the applicant advising that Council's position is that under the current LEP the land (including Lot 10 DP 874882), has no further subdivision potential, and that the applicant was invited to withdraw the application and receive a partial refund of DA fees.<br><br>The applicant chose to continue with the application stating that he believed the SEPP1 objection was relevant for this application.<br><br>The objection relies on the provisions of the new LEP, which is not yet a draft EPI. Seven submissions were received in objection to the proposal. Most objected to the proposed density breaches of the subdivision. It is considered that it is not in the public interest to vary the current LEP to enable the Development Application to be granted consent. It is recommended that the proposal be refused.<br><br>The proposal seeks a 9.493% variation to the 2.5 density provision. Accordingly it can be determined under delegation. |
| **Recommendation:** | **Pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2012.237.1 for Subdivision to create 3 allotments, be refused for the reasons listed at the end of the report.** |

## 1. INTRODUCTION

### 1.1 History/Background

The land, Lot 10 DP 874882 was created from a 13 lot subdivision of Lot 2 DP 600192 which was approved under DA 94/447 on August 7 1995, as amended by s102 Modification 96/7036.

| | | | |
|---|---|---|---|
| 10.2009.601.1 | Dwelling & swimming pool | Approved | 10/05/2010 |

### 1.2 Description of the site

The subject allotment is described as Lot 10 DP 874882 and is known as 10 Prior Drive, Coopers Shoot. The allotment has an area of approximately 7.65ha. The subject allotment is located on the corner of Coopers Shoot and Prior Drive. The south eastern boundary has frontage to Coopers Shoot Rd. To the north east the allotment has frontage to Prior Drive. To the north east & west the subject allotment adjoins similar rural residential allotments. To the south the land is larger rural lots.

There is a moderate to steep downwards slope across the site from the south east to the north west.

There are no other significant constraints on the subject allotment:

Vegetation on the site is generally limited to grasses and shrubs and small trees no trees higher than 3m will be removed as part of this application.

The land is within Zone No. 1(c1) - Small Holdings Zone.

### 1.3 Description of the proposed development

The application proposes a three lot subdivision of a 7.65 hectare lot within Zone 1(c1) – Small Holdings Zone.

The subject land, Lot 10 DP 874882 was created from a 13 lot subdivision of Lot 2 DP 600192 which was approved under DA 94/447 on August 7 1995, as amended by s102 Modification 96/7036.

Byron LEP Clause 11(2) (a) stipulates that Council may only consent to the subdivision of land (as defined) within Zone 1(c1) where the number of allotments to be created for the purpose of a dwelling-house is not greater than that area divided by 2.5.

Byron LEP Clause 11(3) defines the meaning of 'land' in subclause (2) as "a parcel or parcels of land held under a separate title on the appointed day". The appointed day is 22nd April 1988, the day Byron Local Environment Plan 1988 took effect.

Council reports for DA 94/447 indicate that, on the appointed day, the part of Lot 2 within Zone 1(c1) comprised an area of 33.94 hectares. This area divided by 2.5 provides a lot yield of 13.576 lots or 13 lots.

The approved subdivision comprised 13 lots which was the maximum allowable under the LEP.

The application states (page 17 of the SEE) that, as Lot 10 was created after the appointed day it does not comprise "land" under Clause 11(3).

It has been Council's consistent position that if the maximum yield is reached for 'land' (as defined) within Zone 1(c1), then there is no more potential for re-subdivision of the lots created.
Council provided two separate written planning advices, in 1998 & 2002, that state this position. The applicant was provided with those advices.

The SEE states that advice was received from Council (duty planner 16 April 2011), however letter from Council's Director of Planning, dated July 2011 states that 100 lots may be created within the 1(c1) & 1(c2) zone during a new 5 year period that commenced on the same day of the letter (26/7/2011). This letter refers to Byron LEP Clause 11A which states:

11A. (1) This Clause applies to land within Zone No. 1(c1) or 1(c2)

(2) The Council must not consent to a subdivision for the purpose of rural residential development:

(a) if the subdivision will result in the creation of a number of allotments of land to which this clause applies during a 5-year period to be used for that purpose which will exceed the maximum number of allotments specified by the council for that period; or

(b) if there is no maximum number so specified for the current 5-year period.

The intent of the letter from the Director of Planning is, that any land within 1(c) zonings, that still has subdivision potential under Clause 11(2)(a), i.e. land that has not been subdivided to its potential yield under Clause 11(2), is not affected by the allocation under clause 11A. (1). It does not nullify Clause 11(2).

Council wrote to the applicant advising that Council's position is that the land (Lot 10 DP 874882), has no further subdivision potential and that the applicant was invited to withdraw the application and receive a partial refund of DA fees.

Section 80(1) of the Environmental Planning and Assessment Act 1979 states that Council must refuse an application of subdivision of land, that would, if carried out, result in a contravention of an environmental planning instrument.

The applicant chose to continue with the application stating that the SEPP1 objection was expressly relevant to the application and caused the subdivision to be consistent with Section 80(1) of the Act.

The SEPP1 puts forward a strong argument for relaxation of the development standard contained in Byron LEP Clause 11(2) (a), i.e. the 2.5 divisible density provision, considering that the development standard is not supported by NSW Department of Planning & Infrastructure (#1260191). Notwithstanding the SEPP1 objection, the application is premature and as such creates a precedent that undermines the current LEP. It is not considered to be in the public interest to support the proposal at this stage. Council has consistently advised similar applicants and planning advice enquirers that, where subdivision has been maximised under Clause 11(2)(a), no further subdivision exists under the current planning instrument (LEP).

As the application would result in a contravention of Clause 11(2) of Byron Local Environment Plan 1988 it is not supported.

## 2. SUMMARY OF GOVERNMENT/EXTERNAL REFERRALS

| | **Summary of Issues** |
|---|---|
| Development Engineer | Access, drainage, S.94s |
| Environmental Officer | SEPP 55, OSSM |
| Government Authorities | SEPP 1 Concurrence |

## 3. SECTION 79C – MATTERS FOR CONSIDERATION – DISCUSSION OF ISSUES

Having regard for the matters for consideration detailed in Section 79C(1) of the Environmental Planning & Assessment Act 1979, the following is a summary of the evaluation of the issues.

### State/Regional Planning Policies and instruments - Issues

### 3.1. STATE/REGIONAL PLANNING POLICIES AND INSTRUMENTS

| **Requirement** | **Requirement** | **Proposed** | **Complies** |
|---|---|---|---|
| **State Environmental Planning Policy No 1— Development Standards** | Provides flexibility in the application of planning controls operating by virtue of | The applicant has submitted a SEPP 1 objection to Clause | Refer to discussion below. |

| | | | |
|---|---|---|---|
| | development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Act.<br><br>Requires submission of a written SEPP1 objection. | 11(2)(a) of Byron LEP1988 against the subdivision yield being determined by dividing the land area by 2.5. | |
| North Coast Regional Environmental Plan | The council shall not grant consent to developments for residential purposes unless it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans | Can be conditioned | Yes |
| NSW Coastal Policy 1997 | N/A | N/A | Yes |
| Building Code of Australia | N/A | N/A | Yes |
| Demolition | N/A | N/A | Yes |
| Disability Access (DDA) | Access for persons with disabilities and integration into surrounding streetscapes without creating barriers. (Council Res.10-1118) | N/A | Yes |

** Non-complying issues discussed below*

**SEPP1 Objection to:**

**Clause 11 subclause (2)(a):**
Council may only consent to the subdivision of land within Zone 1(c1) where the number of allotments to be created for the purpose of a dwelling-house is not greater than that area divided by 2.5.

The land, that part of Lot 2 DP 600192 within Zone 1(c1), comprised an area of 33.94 hectares. This area divided by 2.5 provides a lot yield of 13.576 lots or 13 lots.

The land, Lot 10 DP 874882 was created from a 13 lot subdivision of Lot 2 DP 600192 which was approved under DA 94/447 on August 7 1995, as amended by s102 Modification 96/7036.

The current application would create 15 lots from the land and therefore exceeds the maximum permissible lot yield.

The applicant has submitted a SEPP1 objection claiming that requirement of Clause 11(2)(a), that the area of the original Lot 2 subdivision, being divided by 2.5 to calculate a lot yield is unreasonable and unnecessary having regard to the particular circumstances of the case. The proposal will vary the density provision by 9.493%. The non-compliance is discussed under Clause 11 of Byron Local Environmental Plan 1988 below.

### 3.2. BYRON LOCAL ENVIRONMENTAL PLAN 1988

**Zone:** Zone No. 1(c1) - Small Holdings Zone
**Definition**: **Subdivision**

| LEP Requirement | Summary of Requirement | Proposed | Complies |
|---|---|---|---|

| LEP Requirement | Summary of Requirement | Proposed | Complies |
|---|---|---|---|
| **ZONE No. 1(c1)(SMALL HOLDINGS ZONE)** | • allow rural development but only if it does not impact on services and agricultural production; and<br>• make provision for small rural holdings while maintaining rural character. | Refer to Issues Section. | Refer to Issues Section below. |
| **Permissible use** | Subdivision with consent | Consent sought | Yes |
| **11. Subdivision in rural areas for agriculture, etc.** | 11(2) (a) Council may only consent to the subdivision of land within Zone 1(c1) where the number of allotments to be created for the purpose of a dwelling-house is not greater than that area divided by 2.5. | The land, that part of Lot 2 within Zone 1(c1) comprised an area of 33.94 hectares. This area divided by 2.5 provides a lot yield of 13.576 lots or 13 lots.<br>13 lots were created one of them being the subject land, Lot 10.<br><br>No further subdivision potential exists for the land under Byron LEP1988.<br><br>A SEPP 1 objection to Cl 11(2)(a) has been submitted.<br><br>Refer to Issues Section below. | **No*** |
| | Clause 11(3) defines the meaning of 'land' in subclause (2) as "a parcel or parcels of land held under a separate title on the appointed day". The appointed day is 22nd April 1988, the day Byron Local Environment Plan 1988 took effect. | On the appointed day, Lot 10 existed as part of Lot 2,<br>The part of Lot 2 within Zone 1(c1) comprised an area of 33.94 hectares. This area divided by 2.5 provides a lot yield of 13.576 lots or 13 lots.<br>13 lots were created on of them being the subject land, Lot 10.<br>No further subdivision potential exists for the land under Byron LEP1988. | **No** |
| | | | |

** Non-complying issues discussed below*

**Byron Local Environmental Plan 1988- Issues**

**SEPP1 Objection to Clause 11 subclause (2)(a)** - Council may only consent to the subdivision of land within Zone 1(c1) where the number of allotments to be created for the purpose of a dwelling-house is not greater than that area divided by 2.5.

The land, Lot 10 DP 874882 was created from a 13 lot subdivision of Lot 2 DP 600192 which was approved under DA 94/447 on August 7 1995, as amended by s102 Modification 96/7036.

**Byron LEP Clause 11(3)** defines the meaning of 'land' in subclause (2) as "a parcel or parcels of land held under a separate title on the appointed day". The appointed day is 22nd April 1988, the day Byron Local Environment Plan 1988 took effect.

Council reports for DA 94/447 indicate that, on the appointed day, the part of Lot 2 within Zone 1(c1) comprised an area of 33.94 hectares. This area divided by 2.5 provides a lot yield of 13.576 lots or 13 lots.

The approved subdivision comprised 13 lots which is the maximum allowable under the LEP.

For subdivision in Zone 1(c1), it has been Council's consistent position that if the maximum yield is reached for land (as defined), within then there is no more potential for subdivision.

Council provided two separate written planning advices, in 1998 & 2002, that state this position. The applicant was provided with those advices.

The Applicant submitted a Statement of Environmental Effects, an objection under State Environmental Planning Policy No. 1, and supporting documentation dated 13 June 2012. The Applicant's main argument for a variation to the current LEP is the fact that the draft LEP has removed density provisions for subdivision within the 1(c1) Zone. This stems from advice from the Department of Planning that it is not appropriate for the new LEP to have a density clause for the R5 Large Lot Residential Zone. Council has resolved to seek a Section 65 Certificate from the Department of Planning for the new LEP with the density provisions removed. It is noted that a Certificate is yet to be issued.

The arguments submitted by the Applicant are not completely without merit. However, they rely on the provisions of an EPI that is not yet a draft. It would be premature to assess the subject Development Application against the provisions of the new LEP. It is not in the public interest to vary the current LEP.

As there is currently no potential for further subdivision of the land the application is not supported.

Objectives of the 1(c1) Small Holdings Zone

(a) to allow development of an essentially rural nature only in areas which, in the opinion of council, have adequate provision of services, are not so located as to jeopardise the efficient and economic future expansion of urban areas and where there will be no significant impact on agricultural activities or production;

(b) to make provision for small rural holdings in appropriate locations and in response to a genuine demand;

(c) to maintain a rural character in areas where small holdings are permissible;

(d) to control by means of a development control plan the location, form, character and density of permissible development; and

(e) to ensure that no development occurs within this zone until the likely impact of the development on the locality has been considered.

Both Objectives (a) and (c) confirm that development within the 1(c1) zone must maintain the rural character of the area. Objective (d) provides that the location, form, character and density of permissible development shall be controlled by a development control plan. Council's principal development control plan (DCP 2010) does not contain specific development control standards for subdivision within the 1(c1) zone, however the relevant provisions are discussed within Section 3.3 of this Planning Report. It is appropriate that Clause 11(2) of Byron LEP 1988 be used to control the density, form and character of subdivision within the zone. As discussed above, the failure of the proposal to meet the numerical provisions of Clause 11(2) indicates that the proposal is inconsistent with the objectives of the zone.

When the subject land was first included within the 1(c1) zone, it was restricted by a maximum number of allotments which it could be subdivided into. This maximum was imposed to ensure the rural character of the locality is maintained. In addition to the maximum density, a minimum allotment size

was also imposed. These development standards help protect the rural character of the locality. The Applicant may argue that the site is undeveloped as it includes a substantial area of un-subdivided 1(c2) zone land. However, this land could have in fact been incorporated into the allotments making up the Prior Drive subdivision, only in much larger allotment sizes to those that currently exist. The creation of larger rural-residential allotments with the same maximum number of allotments would have far less impact on the rural character than the smaller lot subdivision proposed with the subject Development Application.

Numerical provisions aside, the proposed subdivision will add three lots to the existing rural locality. The open, undeveloped and rural character of the site will be removed as a result of the proposal. This is in conflict with the objectives of the zone.

It is noted that the concurrence of the Director is required for any variations made under SEPP No. 1. In correspondence dated 1 August 2012, the Department of Planning granted concurrence to vary the requirements of Clause 11(2). However, the application under SEPP No. 1 is not supported in this case due to non compliance with the objectives of the 1(c1) Zone, the adverse impacts on the rural character that will result and the fact that it pre-empts the final provisions of the new LEP.

**Draft EPI that is or has been placed on public exhibition and details of which have been notified to the consent authority - Issues**

No draft EPI's apply.

### 3.3 DEVELOPMENT CONTROL PLANS

**Development Control Plan 2010**

**Chapter 1 Part B - Subdivision**

Part B4.1 – Lot Size and Shape

All of the proposed allotments meet the minimum lot sizes as prescribed by Clause 11 of Byron Local Environmental Plan 1988.

B4.2 – Residue Land

Part B4.2 includes provisions with regards to residue land from subdivisions carried out within the 1(c1) or 1(c2) zones. It states that any part of an allotment that is located outside the 1(c1) Zone may not be used to increase the lot yield as determined by the provisions of Byron Local Environmental Plan 1988 at the time of subdivision or subsequently. In addition, the DCP states that lots which incorporate residue land as described within Part B4.2 have no further subdivision entitlement, whether or not such lots have an area greater than the minimum provided by Byron Local Environmental Plan 1988.

Whilst the proposal does not involve any land other than land zoned 1(c1), it does include a residual parcel that has no further subdivision entitlement. Technically, part B4.2 is not applicable to the subject proposal. However, the intent of Part B4.2 is to prevent the further subdivision of land once the maximum density has been reached. This is the case of the subject proposal. Accordingly, the application is not supported.

### 3.4 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The existing rural character is currently maintained by the number, size and location of small holdings. The proposed subdivision seeks to increase the density of small holdings within the locality, above that controlled by Clause 11 of Byron Local Environmental Plan 1988.

A number of submissions received during the public exhibition of the Development Application raised concerns that the amenity of adjoining residences would be reduced as a result of the proposal. As the character of the area would be affected by the proposal, the amenity of adjoining residences would be reduced.

### 3.5 The suitability of the site for the development **Annexure 21(b)**

The land has been subdivided to its maximum potential under Clause 11 of Byron Local Environmental Plan 1988. The proposed development cannot be accommodated without breaching Council's maximum density requirements for subdivision. Such a breach would have a negative impact upon the existing rural character of the area by introducing a greater density into the Prior Drive rural residential area.

Although a number of dwelling sites have been nominated as part of the proposed subdivision, the existing site is rural in character, it is open and largely undeveloped.

In consideration of the issues discussed above, the site is not suitable for the proposed development.

### 3.6 Submissions made in accordance with this Act or the regulations

There were **7** submissions made on the development application.

- **7** Against
- **0** For

| Issue |
|---|
| I object to the proposed subdivision on the basis that it would negatively affect my residential amenity. |
| The proposal will result in adverse visual impacts and environmental impacts relating to increased building and traffic. |
| The site has already been subdivided to the maximum potential. |
| To allow 3 allotments instead of 1 would create a precedent in the Shire. |
| The proposal is not in the public interest as it falls outside the current planning controls. |
| Coopers Shoot Road is in a poor state of repair and any increase traffic flow would contribute. |
| Development of this nature is contrary to the scenic nature of this area. This should be preserved not defiled. |
| The current LEP nominates one house per block and is the precedent which prompted the residents to build there in the first instance to enjoy a non crowded atmosphere. |
| The proposal for 3 blocks is totally opposed to the original concept for the area. |
| These blocks were subdivided to create rural lifestyle blocks under the current LEP and were created to maintain a level of housing density that would maintain the rural environment. |
| To subsequently attempt to subdivide again into three blocks would change the delicate balance and density in this pristine rural setting and set a precedent if approved for every other landholder to do the same. The LEP was set to preserve the very thing that this application is attempting to take away from everyone who has purchased property with the understanding that there was certainty of not being suburbanised. |
| Access from both Coopers Shoot Road and Prior Drive is awkward at best and is compounded by the steepness of the proposed lots. There is only one viable building platform. |
| When we purchased our land we were of the understanding that no subdivision could be carried out on the subject lot. |
| If the application is approved we could have 3 large homes looking into our property as opposed to the original plan for 1. |
| We would like to remind Council that there is a natural spring on Lot 10, which combined with another spring on the adjacent property is the start of Byron Creek. Any further development on Lot 10 may compromise the spring and the waterway. |
| The proposal will result in more houses in our direct line of sight. We spent a lot of money to buy a big lot next door to a big lot to avoid such an eventuality. |

### 3.7 Public interest

It is evident from the submissions above that many of the surrounding residents are not in support of the proposed development. Most who made a submission commented that they were of the understanding that the subdivision potential of the locality had been maximised and that they bought their land in the knowledge that they would not see further allotments created adjacent to their properties. If the LEP is complied with, this is correct.

The proposal seeks to vary the LEP by way of an objection under State Environmental Planning Policy No. 1. However, it is not considered to be in the public interest to grant a variation. It is premature to assess the proposal having regards to the provisions of the new LEP. It is not in the public interest to support the proposal on this basis.

## 4. DEVELOPER CONTRIBUTIONS

### 4.1 Water & Sewer Levies

As there is no increase in the load on these services and therefore no contributions will be required for water and sewer services.

### 4.2 Section 94 Contributions

If approved, contributions would be required.

## 5. CONCLUSION

Approval is sought to carry out a subdivision of the subject allotment to create three small holding lots. The proposal seeks to vary the density provisions of Clause 11(2) of Byron Local Environmental Plan 1988. An objection under State Environmental Planning Policy No. 1 was submitted in this regard, however this is not supported. The objection relies on the provisions of the new LEP, which is not yet a draft EPI. Seven submissions were received in objection to the proposal. Most objected to the proposed density breaches of the subdivision. It is considered that it is not in the public interest to vary the current LEP to enable the Development Application to be granted consent. It is recommended that the proposal be refused.

## 6. RECOMMENDATION

**It is recommended that pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application no. 10.2012.237.1 for Subdivision to create 3 allotments, be refused for the following reasons.**

### REASONS FOR REFUSAL:

1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed subdivision is inconsistent with the maximum density requirements of Clause 11 of Byron Local Environment Plan 1988. The objection made under State Environmental Planning Policy No. 1 to vary this requirement is not supported.
2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed subdivision is inconsistent with the objectives of the 1(c1) Small Holdings Zone of Byron Local Environment Plan 1988.
3. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal is likely to result in adverse impacts on the character and amenity of the rural locality.
4. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development.
5. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is not in the public interest to grant consent to the Development Application.

## 7. DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

| | |
|---|---|
| Has a Disclosure Statement been received in relation to this application | No |
| Have staff received a 'gift' from anyone involved in this application that | No |

| | |
|---|---|
| needs to be disclosed. Where the answer is yes, the application is to be determined by the Director or Manager of the Planning, Development and Environment Division. | **Annexure 21(b)** |

## 8. ENDORSEMENT

Assessment Officer (s): Ian McIntosh & Joe Davidson

Signature: .....

Date: 21 August 2012

## 9. INSTRUMENT OF EXERCISE OF DELEGATED AUTHORITY

The application is determined in accordance with the above recommendation (amendments have been made where necessary) under delegated authority.

Name: .....

Position: .....

Signature: ..... .....

Date: .....

# BSC ats Wise LEC 10902/2012

**Annexure 21(c)**

## Lot 10 DP 874882




Disclaimer : While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it.
Note : The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.

Scale = 1:6,000

Metres 100 200 300

( Scale correct at A4 size )

**Annexure 21(d)**

BSC File No: SJW/MEC/1143850G (#136654)
Your Ref:

16 November, 1998

Dear

**Re: Lot 10 DP8748822, Prior Drive, Coopers Shoot**

I refer to your letter of 5 November 1998, regarding the abovementioned property and its potential for subdivision.

Council advises that the subdivision of land for rural settlement must be consistent with the Byron Rural Settlement Strategy 1998, and in accordance with the Department of Urban Affairs and Planning's North Coast Rural Settlement Guidelines 1995, and the North Coast Regional Environmental Plan 1988.

Council adopted the Byron Rural Settlement Strategy 1998, at its Special Meeting on 20 October 1998. Your property is not identified in the Strategy for rural settlement It therefore cannot be further subdivided.

I trust this informs you in regard to the status of your land.

Yours faithfully

David Kanaley
STRATEGIC PLANNING MANAGER

**Annexure 21(e)**

BSC File No: 218530D x #347671
Your Ref:02/030

18 September 2002

Dear

**Inquiry for proposed subdivision of Lot 10 DP 847882, Coopers Shoot**

I refer to your inquiry regarding the above and advise as follows:

- The subject land is zoned Rural 1(c1) Smallholdings ("c1") Zone under the Byron Local Environmental Plan 1988. It has an area of 7.64 hectares,
- Lot 10 was created from a 13 lot subdivision of Lot 2 DP 600192. This subdivision was approved under Development Application No. 94/447 approved on 7 August 1995,
- Clause 11(2)(a) of the LEP stipulates that council may only consent to subdivision within the 1(c1) zone where the number of allotments to be created for the purposes of a dwelling house is not greater than the area of land divided by 2.5,
- The parent Lot 2 DP 600192 was registered in 1979. As a result the parent lot is defined as "land" pursuant to clause 11(3) of the Byron Local Environmental Plan 1988,
- Council reports for DA 94/447 indicate that the part of Lot 2 zoned 1(c1) comprised an area of 33.94 hectares. This area divided by 2.5 provides a lot yield of 13.576 lots. Council practice is not to 'round up' this figure to 14 lots,
- The approved subdivision comprising 13 lots was the maximum allowable under the Byron LEP 1988,
- The Byron Rural Settlement Strategy 1998 considered areas where, within the existing 1(c1) and 1(c2) zones, an increase in the number of lots permissible could occur. The land the subject of your inquiry is not identified in the strategy for an increase in the number of lots permissible,

- The Strategy further states that *'...the opportunities for conventional Torrens Title rural residential subdivision will not be expanded beyond existing 1(c1) and 1 (c2) zones as provided for in the Byron LEP...",*

- Council has reaffirmed their approach to the practice of 'rounding up', with recent development applications for departures from the LEP and Settlement Strategy requirements for rural residential subdivision having been refused by Council.

Should you have any further enquiries please do not hesitate to contact me on 66 267036 or email vernon.yen@byron.nsw.gov.au.

Yours sincerely

Vernon Yen
Assessment Officer - Planning

BSC File No: 218530D x 10.2012.237.1 /#1242338
Contact: Ian McIntosh

14 June 2012

Dear ____

**DA No.** **10.2012.237.1**
**Proposal:** Subdivision to create 3 allotments
**Owner:** Mr S C Marcellos & Ms A E Wallace
**Parcel No.** 218530
**Address:** LOT: 10 DP: 874882
Prior Drive COOPERS SHOOT

I refer to the development application described above that was received by Council on 24 May 2012.

As previously advised by Council (letter #136654 dated 16 November 1998 and letter #347671 dated 18 September 2002 - both attached), Lot 10 DP 847882 has no further subdivision potential at this time.

The relevant Local Environment Plan, in force in Byron Shire, is Byron Local Environment Plan 1988. As yet there is no Draft LEP and therefore **the application will be determined, under BLEP1988, in 7 days from the date of this letter unless the application is withdrawn prior to that date.**

You are invited to withdraw the application and receive a partial refund of application fees minus the advertising fee. A full refund will not be granted as considerable specialist assessment has been undertaken by Council staff.

In accordance with the provisions of Clause 54 & 109 of the Environmental Planning and Assessment Act Regulation 2000, the time period to elapse prior to the submission of adequate information as outlined above shall not be taken into consideration in any of the assessment periods prescribed by Clause 113 of the regulation or Section 82 of the Environmental Planning and Assessment Act 1979.

**The issues and matters of concern raised in this letter may not be exhaustive. It is possible Council may require further clarification or additional information at a later time. Such issues will not be discovered until a detailed examination of the application has taken place by all Council staff involved in the assessment of the development proposal or following consideration of any public or Government department submissions received (where applicable).**

ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
Tel: (02) 6626 7000 DX 20007 Mullumbimby
Fax: (02) 6684 3018 Email: council@byron.nsw.gov.au
Web: www.byron.nsw.gov.au ABN: 14 472 131 473
Printed on 100% Recycled Paper

If you have any questions regarding this request please contact me by telephone on 02 6626 7000 between 9.00am and 4.00pm weekdays or by email addressed to council@byron.nsw.gov.au.

Yours sincerely

Mr I R McIntosh
Senior Development Assessment Officer
cc – Paul Snellgrove

attached #136654 & #347671

| | | |
|---|---|---|
| POSITION | : | GENERAL MANAGER |
| NAME | : | |
| REPORTS TO | : | MAYOR |
| ACCOUNTABLE TO | : | COUNCIL |

POSITION OBJECTIVES:

The General Manager is Council's principal staff officer, exercising overall management responsibly for Council's operations.

The General Manager:

1. Acts as the primary link between Councillors and the organisation and is responsible for providing assistance to Councillors in developing policy
2. Provides leadership to staff in achieving Council objectives
3. Oversees the financial management of the Council
4. Communicates and promotes Council's policies to the community it serves.

*#1260905 (#1242357 as per Res 12-583 changes accepted)*

## Position Responsibilities and Performance Measures:

The General Manager:

**Works with Council**

1. To advise Council and the Mayor on policy matters.
   (a) Review, update and recommend policy.
   (b) Continually research changes in Local Government and relevant industry related legislation.
   (c) Provide all necessary support to the Mayor in carrying out their duties.
   (d) Attend and contribute to Council Committees as required.
   (e) Provide oral and written advice to Council.
   (f) Recommend policy directions to Council based on assessment of the local economic, environmental and social climate and opportunities.
   (g) Interface with community groups, representatives and ratepayers by personal liaison.
   (h) Assist in the administrative management of Council meetings.

   *PERFORMANCE MEASURES:*

   *i. Policy recommendations go to Council to an agreed schedule, advice is current and available to elected member satisfaction.*
   *ii. All reasonable Mayoral requests are met within Council policy.*
   *iii. Attendance and contribution to all Council meetings and required committee meetings.*
   *iv. Effective liaison with community groups, representatives and ratepayers.*

2. To provide an interface between employees and Council.
   (a) Monitor reports and other information provided by staff to Council.
   (b) Make information, policies, resolutions and requests available to staff from Council.

   *PERFORMANCE MEASURES:*

   *i. Correct, timely and consolidated information flow to Council.*
   *ii. All action items addressed within a month or to an agreed schedule.*
   *iii. Staff to provide up-to-date information.*

*#1260905 (#1242357 as per Res 12-583 changes accepted)*

**Manages the organisation**

3. To provide planning.

   (a) Ensure preparation of the Integrated Planning and Reporting documents, including Community Strategic Plan, Resourcing Strategy, Delivery and Operational Plans, Annual Rating Policy, Budgets and Fees and Charges and Annual Reports;

   (b) Ensure the organisational structure is functional.

   (c) Ensure appropriate delegations are in place.

   (d) Manage and control the organisation in a cost effective and operationally efficient manner in accordance with the Council's policies/resolutions, Delivery and Operational Plans and budget.

   (e) Keep Council informed about progress against the Delivery and Operational Plans and Budgets.

   (f) Ensure Council is aware of the medium to long-term commercial options available to it and to enable it to foster growth in the community.

   (g) Ensure the management of the use of plant, equipment and people to achieve the Delivery and Operational Plan and Budgets.

   *PERFORMANCE MEASURES:*

   i. *Integrated Planning Documents and Reports presented as required by the Act.*

   ii. *Structure and delegations reported to Council annually.*

   iii. *Council is informed of its commercial options and how it might foster growth in the community.*

   iv. *Delivery and Operational Plans being achieved effectively and efficiently and reported four times a year.*

4. To provide financial management.

   (a) Ensure preparation of Council's Annual Budget.

   (b) Ensure proper use and care of Council assets.

   (c) Keep Council informed of its financial position.

   (d) Manage the non-budgetary requirements of Council.

   (e) Ensure the organisation operates within budget.

   (f) Effect such mechanisms that ensure continuing productivity in the discharge of Council's responsibilities.

*#1260905 (#1242357 as per Res 12-583 changes accepted)*

*PERFORMANCE MEASURES:*

*i. Draft budget submitted as required by the Act.*

*ii. Accounting Standards implemented to schedule.*

*iii. Appropriate use of financial delegations.*

*iv. Finance report four times a year.*

*v. The program adopted through the budget is achieved, and cost effectiveness and productivity are demonstrated.*

5. To provide people management.

(a) Provide leadership by being visible and positive.

(b) Ensure decision-making processes are appropriate.

(c) Communicate decisions and all other relevant information to staff through their Managers .

(d) Oversee and support the introduction of job and work design programs.

(e) Develop and implement improved performance management systems.

(f) Provide development opportunities for staff.

(g) Promote equitable work practices.

(h) Promote a safe and healthy workplace.

(i) Provide an internal procedure for managing disputes and grievances.

(j) Positively motivate staff.

(k) Positive relationships are established with the council, management team and staff.

*PERFORMANCE MEASURES:*

*i. General Manager is visible in the organisation.*

*ii. Decisions are made at the right level.*

*iii. Appropriate consultative processes are in place and reported to Council.*

*iv. Performance feedback and development processes in place and reported to Council.*

*v. Equal employment opportunity and Work Heath Safety matters are properly undertaken as required by the legislation and good management practice.*

*vi. Grievance procedures are in place.*

*vii. Positive relationships with the Council, management team and staff.*

*viii. Staff are motivated to achieve stated objectives.*

*#1260905 (#1242357 as per Res 12-583 changes accepted)*

**Manages the Administration's Dealings with the Community and Other Government Bodies**

6. To provide an effective public contact facility for residents and other clients of Council.

   (a) Ensure the organisation's counter and other public contact activities are professional.

   *PERFORMANCE MEASURES:*

   i. *Contacts are courteous, timely and accurate.*

7. To be a spokesperson for the Council in its dealings with the community and the media, subject to consultation with the Mayor.

   (a) Disseminate information to the media in accordance with Council's policy.

   (b) Address community groups on request.

   (c) Ensure effective public relations practice.

   *PERFORMANCE MEASURES:*

   *i. Media reports cover all major Council initiatives.*

   *ii. Informed, professional presentations are provided on request.*

   *iii. Council's achievements are publicised.*

8. To maintain a safe public environment.

   (a) Ensure proper management of Council's risk management program.

   *PERFORMANCE MEASURES:*

   i. *An appropriate risk management program is in place to reduce public liability claims*

9. To develop and maintain Council's contacts with community, governmental and business bodies.

   (a) Be a member of external committees as approved by Council.

   (b) Actively seek out the stakeholders in Council affairs and ensure that Council policy is made known to them.

   (c) Ensure Council is aware of all relevant matters which may impact on its activities and policies.

*#1260905 (#1242357 as per Res 12-583 changes accepted)*

(d) To interface with community groups, representatives and ratepayers by personal liaison, response to submissions and representations, as and when required in the interests of Council.

(e) Establish and maintain effective relationships with state and federal parliamentary members, relevant departments and agencies, with a view to securing beneficial outcomes for Council.

*PERFORMANCE MEASURES:*

*i. Appropriate attendance at all required meetings.*

*ii. Community, governmental and business groups are aware of Council's position.*

*iii. Information relevant to Council's policy making is reported to Council.*

*iv. Appropriate personal liaison and responses are made in Council's interest.*

*v. Relationships established with government.*

*#1260905 (#1242357 as per Res 12-583 changes accepted)*

**334 Appointment of general manager**

(1) A council must appoint a person to be its general manager. The person must not be a body corporate.

(2) The position of general manager is a senior staff position.

**335 Functions of general manager**

(1) The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

(2) The general manager has the following particular functions:
- to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
- the day-to-day management of the council
- to exercise such of the functions of the council as are delegated by the council to the general manager
- to appoint staff in accordance with an organisation structure and resources approved by the council
- to direct and dismiss staff
- to implement the council's equal employment opportunity management plan.

(3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.

**336 Filling of vacancy in position of general manager**

(1) If a vacancy occurs in the position of general manager, the council must immediately appoint a person under section 334 to the vacant position or appoint a person to act in the vacant position.

(2) A vacancy occurs in the position of general manager if the general manager:
(a) dies, or
(b) completes the term of his or her contract and is not re-appointed, or
(c) resigns from the position, or
(d) becomes a mentally incapacitated person and is removed from the position by the council because of that mental incapacity, or
(e) is sentenced to imprisonment, or
(f) is removed from the position for breach of or under the terms of the general manager's contract with the council.

(3) A person may be removed from office under subsection (2) (d) only if, taking into account the person's past training, qualifications and experience relevant to employment as a general manager, the person's performance as an employee, and all other relevant factors that it is reasonable to take into account, the person because of his or her mental incapacity:

(a) would be unable to carry out the inherent requirements of the position of general manager, or
(b) would, in order to carry out those requirements, require services or facilities that are not required by persons who are not mentally incapacitated persons and the provision of which would impose an unjustifiable hardship (within the meaning of the Disability Discrimination Act 1992 of the Commonwealth) on the council.

**338 Nature of contracts for senior staff**

(1) The general manager and other senior staff of a council are to be employed under contracts that are performance-based.

(2) The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years.

(3) Contracts may be renewed from time to time.

(4) The Director-General may, by order in writing, approve one or more standard forms of contract for the employment of the general manager or other senior staff of a council.

(5) A standard form of contract approved by the Director-General is not to include provisions relating to the level of remuneration or salary (including employment benefits) of the general manager or other senior staff of a council, performance-based requirements or the duration of the contract.

(6) A council is not to employ a person to a position to which one or more standard forms of contract approved for the time being under this section applies or apply except under such a standard form of contract.

(7) The council may include in an employment contract for the general manager or another member of the senior staff additional provisions to those contained in the standard form of contract but only if those provisions relate to any of the following:

(a) the level of remuneration or salary (including employment benefits) of the person employed under the contract,
(b) subject to subsections (1) and (2), performance-based requirements or the duration of the contract.

(8) Despite subsection (6), the approval, amendment or substitution of a standard form of contract under this section does not affect any employment contract between a council and the general manager of the council or another member of the senior staff of the council if the employment contract was entered into before the approval, amendment or substitution of the standard form of contract.

(9) However, subsection (6) does apply to the renewal of any such employment contract occurring after the standard form of contract is approved, amended or

substituted and to all new contracts entered into after the standard form of contract is approved, amended or substituted.

**348 Advertising of staff positions**

(1) When it is proposed to make an appointment to a position within the organisation structure of the council, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position.

(2) If the position is a senior staff position, the requirement of this section is satisfied if the position is advertised at least twice in a daily newspaper circulating throughout the State.

(3) This section does not apply to:
- (a) the re-appointment, under a new contract, of a senior staff member, or
- (b) the appointment of an employee if the term of employment is for:
  - (i) not more than 12 months, or
  - (ii) two or more periods that together are not more than 12 months in any period of 2 years.

**349 Appointments to be on merit**

(1) When the decision is being made to appoint a person to a position:
- (a) only a person who has applied for appointment to the position may be selected, and
- (b) from among the applicants eligible for appointment, the applicant who has the greatest merit is to be selected.

(2) The merit of the persons eligible for appointment to a position is to be determined according to:
- (a) the nature of the duties of the position, and
- (b) the abilities, qualifications, experience and standard of work performance of those persons relevant to those duties.

(3) In determining the merit of a person eligible for appointment to a position, regard is to be had to the objects of Part 4 of this Chapter (see section 344).

**350 Appointments to which secs 348 and 349 do not apply**

Sections 348 and 349 do not apply to:
- (a) an appointment by way of demotion, or
- (b) an appointment by way of lateral transfer, unless the council decides that those sections are to apply to the appointment.

#1242644




# BYRON SHIRE COUNCIL

# DRAFT

# PRIVATE SEWER PUMP STATION POLICY

**INFORMATION ABOUT THIS DOCUMENT**

| | | | |
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| **Date Adopted by Council** | | **Resolution No.** | |
| **Policy Responsibility** | | | |
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***Further Document Information and Relationships***

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| **Related Legislation** | Local Government Act; Local Government Act 1993 and Local Government (General) Regulation 2005; Protection of the Environment Operations Act 1997 |
| **Related Policies** | Equivalent Tenements Policy, Liquid Trade Waste Policy, Building Over Pipelines Policy |
| **Related Procedures/ Protocols, Statements, documents** | Sewage Pumping Station Code of Practice; Pressure Sewerage Code of Australia |

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| **POLICY TITLE** | PRIVATE SEWER PUMP STATION |
|---|---|

## 1 OBJECTIVES

This policy provides a framework for the provision of private sewer pump stations within Byron Shire.

In particular this policy details the responsibilities of developers and individual property owners with respect to the construction, maintenance and operation of associated infrastructure and provides a basic guide to Council's expectations from such systems.

## 2 POLICY STATEMENT

Byron Shire Council will permit the installation of private sewer pump stations to provide sewerage services where other forms of sewerage cannot be effectively or economically used, or where private sewer pump stations have particular environmental, economic or social benefits. Private sewer pump stations are sufficiently different to gravity reticulation systems and pressure sewerage systems to require a separate policy statement.

This policy does not include gravity sewerage reticulation systems or pressure sewerage systems (Pressure Sewer Policy). These applications do not fall within the definition of a private sewer pump stations and this document is not intended to cover those applications.

## 3 INTRODUCTION

### 3.1 What are Private Sewer Pump Stations

A private sewer pump station consists of a sewerage pump system located on private land where raw sewage is piped under pressure generated by pumping units contained on the private property. The private pump stations discharge to a nominated discharge point in the public sewer main. There are individual properties which may have been allowed to pump their sewerage into Council's existing gravity sewerage mains, or a collection of properties that pump to a common discharge location within Council's sewerage collection system.

The sanitary drains on the private property flow by gravity into the pumping station. From the pumping station sewage flows to the designated system discharge point via the collective pressure generated by the pump located in the station. The pump station must be appropriately designed according to the individual capacity of the property fixtures on each private allotment. The pump should be specified by a hydraulic consultant for the purpose and also contain a grinder to minimise blockages in the pipe systems. An alarm system is to be installed to warn the resident that the unit is not operating within preset parameters.

### 3.2 Application of this Policy

This Policy covers private pump stations and all pressure pipes to the point of connection with Councils sewer main. This Policy applies to private sewer pump stations as defined in Section 3.1.

3.3 Supporting Documentation
This policy is supported by the following documents:

- Sewage Pumping Station Code of Practice (Water Services Association of Australia (WSAA 04) and
- Pressure Sewerage Code of Australia (WSAA 07).

## 4 USE OF PRIVATE SEWER PUMP STATIONS IN BYRON SHIRE

4.1 Where can Private Sewer Pump Stations be used in Byron Shire
Subject to Council approval, where a gravity sewer connection is not directly available to service a development, Council may approve a private sewer pumping station, which will discharge to the existing sewerage system via a private rising main. It is the consultant's responsibility to ensure that the Private Sewerage Pumping Station complies with the following requirements:

- Local Government Act 1993 and Local Government (General) Regulation 2005;
- AS/NZS3500.2 – Plumbing and Drainage Code of Australia;
- Building Code of Australia;
- Protection of the Environment Operations Act 1997;
- Sewage Pumping Station Code of Practice (Water Services Association of Australia (WSAA 04) and the Pressure Sewerage Code of Australia (WSAA 07); and
- Council's specific requirements as set our below.

Council will review these documents periodically and update them as required.

4.2 Likely General Applications of Private Sewer Pump Stations
The most common applications for Private Sewer Pump Stations in Byron Shire are likely to be:

- For individual properties that are currently in close proximity to a sewered urban area but have not been serviced by a reticulated sewerage system and/or site conditions are such that construction of gravity main sewerage system would compromise sensitive environmental areas or are impracticable due to site elevation.
- Community Title Developments

This also includes existing vacant urban blocks of land under the same circumstances. These properties will be subject to an application for connection to the sewerage system and subsequent investigation that confirms that this connection is possible and viable.

4.3 Requirements for “On Property” Rights

Easements will generally not be required over any part of the “on property” works, so as to enable property owners to subsequently relocate on property works (normally the property discharge line) as required to accommodate future property modifications etc. However, an easement is required if the property discharge pipes pass through any neighbouring property.

Council reserves the right to create an easement over the rising main (if required) on a particular property, so as to ensure the safe ongoing operation of the system, the minimisation of any health concerns or the protection of any Council Property and ensure lawful entry is possible for maintenance and repairs.

4.4 Power for the Pumping Unit

Pumping units shall be connected and hardwired to an individual or common property's switchboard on a separate additional circuit. Council has no responsibility in powering and maintaining supply op pump unit.

4.5 Number of Pumps per Residential Property

Generally, a single pumping station shall be permitted for each residential property. For multiple dwellings on the same property, a single station (if of sufficient capacity) may be approved to serve up to two dwellings; however this unit will usually have more than one pump. If there are more than two dwellings a duty standby pump arrangement must be installed.

However, Council may consider approving more than one pumping unit on a property if the general property layout or the layout of the different dwellings on the property requires more then one pump station.

4.6 Non residential Properties

Where private sewer pump stations are to be provided to non-residential properties such as schools, hotels, caravan parks, industrial etc, owners will need to satisfy the adequacy of any "on property" designs, including the adequacy of the property discharge lines. All pumping units shall be installed as per the plans submitted and approved by Council.

Such private connections to the public sewer shall be inspected by Council prior to commissioning and operation.

4.7 Identifying that the property has a Private Sewer Pump Stations

The property's drainage diagram and the Section 88B instrument will be marked to indicate that the property is served by a private sewer pump station. This is specifically to allow the prospective land purchaser to discover, prior to their purchase, that the property is serviced by a private sewer pump station.

The property will be identified on Council's Geographical Information System to indicate that the property is served by a private sewer pump station. This information may be accessed by a request for information under sections 7, 8 and 18 of the Government Information (Public Access) (GIPA) Act 2009 and Schedule 1 of the GIPA Regulation 2009.

## 5 DESIGN AND CONSTRUCTION OF PRIVATE SEWER PUMP STATIONS

Council will only approve designs submitted by consultants with appropriate skills and experience in pressure sewerage system design.

Whilst the Developer will be responsible for the design of the proposed Private Sewer Pump Station, the design will be subject to formal approval by Council's Water and Recycling Services. The switchboard associated with the operation of the pump station must have an 'hour run' meter and at application stage, details of the pump flow rates must be provided.

Council may require that the Developer also undertake analysis of the receiving sewers to ensure that the additional loading will not subsequently require an augmentation of existing receiving sewers, including downstream pump stations. Council may alternatively advise the Developer of an appropriate connection point based upon its own analysis of the public sewer system capability.

The need for appropriate design is critical to the success of the individual units and its functioning as part of the Council collection system.

Installation and testing of private pump stations shall be completed prior to issue of an occupation certificate for building works. Principal Certifying Authorities should note that sewerage works may

not be commissioned or used until they have been inspected and certified by Council, or a person authorised by Council to undertake such inspection and certification, in accordance with Section 21(a)(i) of the Local Government (General) Regulation, 2005.

Where a Developer wishes to engage a third party to undertake on property works on their behalf, an appropriate bond will be required as a guarantee that the works will occur.

Where private sewer pump stations are approved for new developments, detailed designs shall be undertaken in accordance with the latest edition of the Sewage Pumping Station Code of Practice (Water Services Association of Australia (WSAA 04) and the Pressure Sewerage Code of Australia (WSAA 07).

As the private sewerage pumping station is a component of the internal plumbing and drainage, Council's Water & Recycling Services Section shall check the design drawings for compliance with current Acts and relevant standards. Owners of private pumping stations are responsible for all costs and charges associated with the installation, operation and maintenance. As constructed details specifying to survey accurate standards the location of the pressure main shall be submitted to Council.

5.2 Installation of On-Property Works

5.2.1 Pumping Unit to be Fully Tested before Commissioning

The final connection to the sewer main will only be made after the pumping unit has been tested as per the latest edition of the WSAA Pressure Sewer Code of Australia (WSA 07 & WSA 04). and found to be suitable for formal commissioning.

5.3 Connection of property sanitary drains to Private Sewer Pump Station

The property sanitary drains upstream of the private sewer pump station must incorporate an overflow relief gully, with all such plumbing to be in accordance with Australian Standard AS3500 National Plumbing and Drainage Code and the Building Code of Australia (BCA).

In particular, the overflow relief gully must not permit ingress of stormwater to the private sewer pump station. Connection of property sanitary drains from the private sewer pump station may only be undertaken by licensed plumbers.

The maximum capacities of spas are to be specified. Any additional development above the maximum nominated shall be the subject of a further application to Council.

5.4 Private Pumps: Duty Requirements

5.4.1 Pump Flow

Council requires a minimum of two pumps that shall be sized after consideration of the following criteria:

- each pump has the ability to pump 5 times the Average Dry Weather Flow (ADWF):

$$\text{Flow } Q = \frac{\text{Number of EP x 275L/ EP/ day x 5 (peaking factor)}}{\text{24 x 3600}} \text{ L/sec}$$

$$= \frac{\text{Number of EP}}{\text{62.84}} \text{ L/sec}$$

EP = Equivalent Persons (nominal 275 Litres per person per day)

5.4.2 Pump Head

The head required to be achieved by each pump at the above flow can be calculated as follows:

$$\text{Head (metres)} = h - y + fcp$$

Where:
h = Invert Level of connecting pipe at manhole; or head in rising main
y = floor level of pump well
fcp = friction losses in pressure main and pump station

5.4.3 Pump Well Capacity and Operation

The capacity of the pump well for storage of sewage during pump malfunction should be as per **Figure 5.1.**

Pumping stations shall be designed with sufficient in system storage so that in the event of pump or power failure, no overflows occur for a minimum period of 4 hours with inflow at average dry weather flow. In - system storage shall be measured from duty start level to the level of the lowest relief point.

Other than for storage capacity, the above depths are a general guide. Council may require the developer/landowner to provide details on detention times and proposed strategies to minimise the detention times.

The pumps are to be installed to operate automatically as Duty/Standby and preferably be of the submersible electric type. Replacement pumps are to have the same specifications as approved by Council.

An alarm shall be provided in the form of a prominently positioned flashing red light set to activate at the invert level of the incoming house drain, or a dedicated *back to base* monitoring service. The contact details of the service agent are to be displayed on the control box or specifications and provided to Byron Shire Council.

## 6 COSTS

All costs associated with connection of a private sewer pump station to Council's existing sewerage system shall be met by the Landowner/Developer.

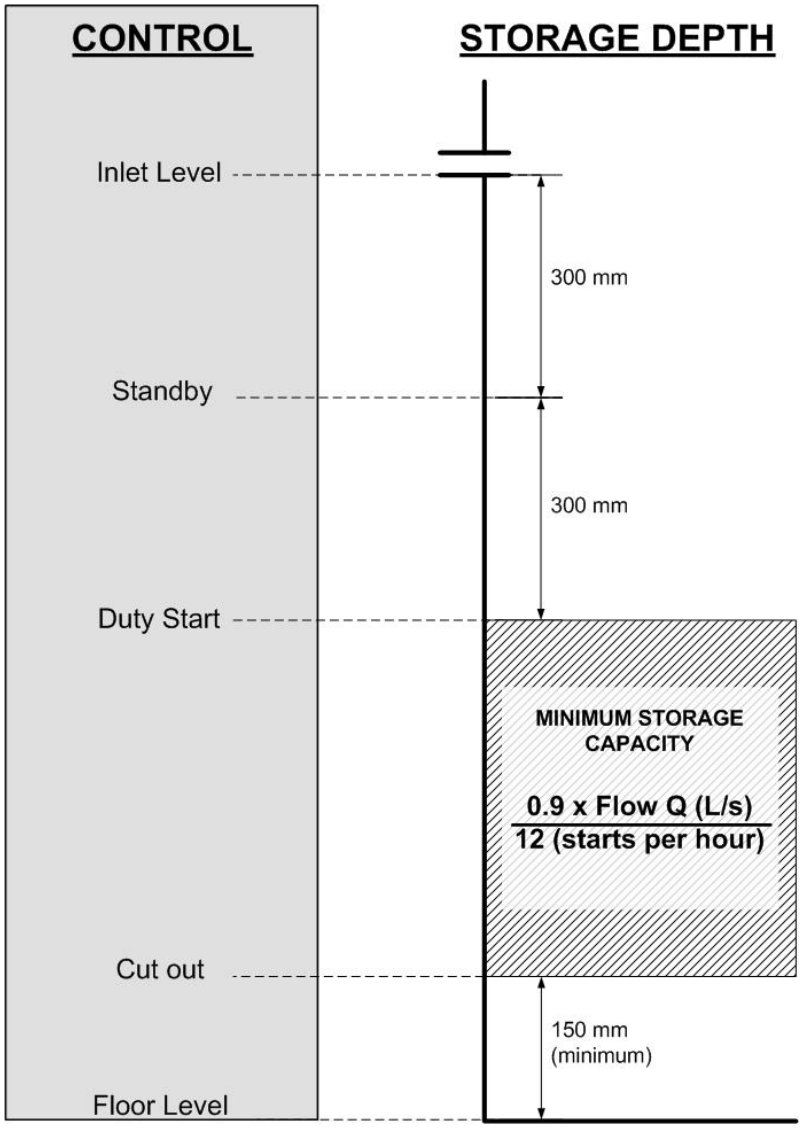



**Figure 5.1 Pump Well Capacity and Operation**

## 7 OPERATION AND MAINTENANCE OF PRIVATE SEWER PUMP STATIONS

The owner is solely responsible for the operation, maintenance and repair of private sewer pump station.

7.1 Normal Operation of the Collection/Pumping Unit

The collection/pumping units operate automatically and do not require any specific input from the resident. The collection tank is to be sized to provide sufficient storage to cater for power outages that might be experienced as part of normal operation. The owner is to be provided with a Home Owners Manual which sets out how the units operate and what the owner/occupier should do if an alarm occurs. The Home Owner's Manual will detail Service Standards, as well as what the home owner should do in response to any emergency (or alarm) situation and shall be submitted to council for approval as part of application process.

7.2 Power Operation

Owners/occupiers are not permitted to interfere with the electrical operation of the pump station. Council requires the pump station to be wired into the common switchboard in such a manner so as not to interfere with the normal electrical operation of the property, nor be accessible by the residents.

7.3 Maintenance of the Pumping Unit

The owner is to enter into a contract for the maintenance of the private sewer pump station with a suitably qualified person in accordance with the manufacture's specification.

Pump wells must be checked by the service provider as part of the 6 monthly maintenance inspections. This bi-annual maintenance shall include servicing of pumps and electrical components, and a check that the float switches are correctly set and operating. The home-owner is also encouraged to regularly check that the high-level alarm switch is operating and that there are no significant sludge build-ups or other problems.

A copy of a standard maintenance schedule to be completed by the maintenance service contractor is provided in **Appendix A**.

7.4 Home Owner's Manual

The developer/landowner will supply a Home Owner's Manual to all owners of properties where private sewer pump stations are installed. The Manual will outline operation and maintenance requirements of the pumping units. The Manual will include:

- Details on the operation of private sewer pump stations including appropriate contact numbers and/or web site details for further enquires.
- Emergency contact phone number of service agent.
- What to do if the alarm sounds or flashes.
- What to do in the case of a power failure.
- What to do if going on holidays.
- How to minimise waste water production in the case of emergencies.
- How to install and operate swimming pools, spas etc, and detail requirements for design and installation of any new pools or spas.
- What can be safely discharged into the sewerage system?

7.5 Maintaining the Overflow Relief Gully

The property sanitary drain shall be connected to a controlled overflow mechanism such as an overflow relief gully trap. These will be identified as overflow relief gully traps on the property plan.

Properties are not permitted, under any circumstances, to block any overflow relief gullies such that they are unable to perform their normal operation.

In flood prone areas special arrangements may be required in relation to overflow relief gully traps in order to prevent the intrusion of floodwater and damage to the system.

7.6 Special Requirements for Spas and Swimming Pools

While Private Sewer Pump Stations do not prohibit high discharge applications such as spas and swimming pools, appropriate provisions need to be made to accommodate these discharges.

7.6.1 Spas

Sudden discharges from Spas could either trigger the pumping unit high level alarm or, in a worse case scenario, result in an overflow at the residential overflow relief gully. Council may therefore recommend special requirements on properties which are proposing the installation of spas, which may include time delays on alarms, provision of a non-standard collection/pumping unit with additional storage in the collection tank or a buffering tank.

Special requirements for spas will be determined on a case by case basis. Spa owners with Private Sewer Pump Stations need to contact Council's Water and Recycling Services, who will advise on the correct way to discharge the spa into the collection tank. Formal approval under section 68 of the Local Government Act will also need to be given to any agreed format of discharge and further approval will be required to vary this at any future stage.

7.6.2 Swimming Pools

Council requires that any property owner with a Private Sewer Pump Station currently owning a swimming pool (or installing a swimming pool in the future) regulate their pool backwash volumes and rates so as not to exceed the capacity of the pumping unit and to avoid alarms being needlessly generated.

There are a number of ways to drain or backwashing pools without causing an alarm, and in general these will be dealt with on a case by case basis. For any proposed pools, the agreed format of discharge will be covered by a condition of consent for the dwelling or pool as part of section 68 approval.

For existing pools a format of discharge will be agreed with the property owner. Pool owners requiring further information should contact Council's Water and Recycling Services.

## 8 CONNECTION TO EXISTING GRAVITY MAIN

The approval connection point for a private rising main shall be a nominated boundary shaft or manhole.

8.1 Alternative Connection Points

Council may consider an alternative connection point. Where an alternative is proposed, the Developer shall request written approval from Council's Water & recycling Services. The request shall outline the reasons for the alternative connection point and the connection methodology proposed.

8.2 Application Process

Landowners/Developers are to

- Make application to Council under section 68 of the Local Government Act to install a private sewer pump station.
- Provide to Council "work as executed drawings" in a format acceptable to Council
- Provide Council with all "on property" designs where these occurred during the development phase.
- Provide commissioning documentation and provide copy to Council's Water & Recycling Services section.
- Provide copy of Owners Manual for Operation and maintenance.

## 9 DEFINITIONS AND GLOSSARY

**Actual Pump Head** – This is the actual static head plus the frictional losses that the pump has to meet in discharging the collection tank's contents. The final or actual pump head is determined from field measurement, to confirm previous design calculations of the pump head.

**Alarm Volume** – This is the volume that is stored in the on-property collection tank, before the collection tank alarm activities.

**As constructed drawings** – see work as executed drawings

**Collection Tank** – that part of a collection/pump unit which collects and stores flows from sanitary drains

**Council** – This term should be interpreted to mean Byron Shire Council and its successors.

**Designer** – This is the individual responsible for the design of the private pump station).

**Emergency Volume**- This is the volume which is stored in the private pump station from just above the alarm activation level to just before the overflow relief gully begins to discharge.

**Grinder Pump** - a mechanical device designed to pump liquid and in the process reduce the size of solids contained in the sewage

**High Level Alarm** – This is both an audio and visual alarm system activated when the level of the sewage in the private sewer pump station reaches the alarm volume level.

**Home Owners Manual** – a manual informing resident of what they can and cannot do in relation to the private pump station on their property, as well as what to do if their system should fail.

**On-property Works** – These are the total works undertaken on a property, including any excavation, installation, compaction and restoration associated with the Pump unit, Property discharge line/s, Property boundary assembly, Pump control/power cable

**Overflow Relief Gully** – This is a control overflow device to prevent overflows occurring inside the dwellings on the property, by ensuring that as such overflows occur outside of the dwelling. Its arrangements and dimensions are contained in the NSW Plumbing Code.

**Property Diagram** – A drawings showing the "on property" works.

**Property discharge Line** – The pipeline that connects the on-property pumping station to the property boundary assembly.

**Pumping Units (or Station)** – this includes the pumps, collection tank, alarm system, pump pressure switches, etc and is installed on the property.

**Sanitary Drains** – pipelines installed by licenced plumbers which convey sewage from buildings to a connection point (also called house drains, house sewer or house service line).

**Work as Executed (WAE) Drawings** – These are the Work as Executed or as constructed Drawings.

## APPENDIX A

**Standard Maintenance Schedule**
**(Source: DM Document #1227322)**

# Private Pump Station Service Checklist

**Name and Contact Details of Service Provider**

*Name*

*Address*

*Phone No.*

**Type of System Installed**

*Pump Description*

*Date installed / commissioned (if known)*

**Location of Pump Station:**

**Date of Pump Station Service:**

**Pump**

- Check mechanical seals and glands.
- Check wear-rings.
- Check impeller.
- Check ease of rotation for rotating parts.
- Check oil levels, including for any water in oil.
- Visually check body casing of pump.
- Lubricate as recommended by manufacturer.
- Ensure all fasteners (bolts) are tight.
- Check clearances.
- Check alignments of couplings.

**Completed (Signature & Date)**
**Specific Comments**

**Motor**

- Visually check body case of motor.
- Check motor insulation (Megger check).
- Check motor cable connections, mountings and glands.
- Check all isolating switches and associated mechanisms.
- Check all cables for swelling.
- Check all motor and limit switches.
- Check starter housing.
- Check motor bearings, seals and couplings.
- Ensure all fasteners (bolts) are right.
- Lubricate as recommended by manufacturer.
- Check current draw of motor.
- Check and clean motor starters, including seals.
- Recheck motor test curves for torque, speed and efficiency characteristics.

**Completed (Signature & Date)**
**Specific Comments**

**Electrical**

- Check termination for “hot-joints”.
- Check the thermistor resistance and thermistor relay.
- Check all switches, circuit breakers, fuses
- Check all cable conduits for abrasion, damage, etc, brackets and clips
- Check emergency stop switches for correct operation.

**Completed (Signature & Date)**
**Specific Comments**

**Misc.**

- Check pressure switches.
- Check relay timers.
- Check and adjust meters.
- Check alarm indicators.
- Check and test level probes.
- Check correct operation of variable speed drive.
- Check all meters and indicating lamps/lights.
- Check correct operation of pump.

**Completed (Signature & Date)**
**Specific Comments**

# BYRON SHIRE COUNCIL

# DRAFT

# PRIVATE SEWER PUMP STATION POLICY

**INFORMATION ABOUT THIS DOCUMENT**

| | | | |
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### 3.1 What are Private Sewer Pump Stations

A private sewer pump station consists of a sewerage pump system located on private land where raw sewage is piped under pressure generated by pumping units contained on the private property. The private pump stations discharge to a nominated discharge point in the public sewer main. There are individual properties which may have been allowed to pump their sewerage into Council's existing gravity sewerage mains, or a collection of properties that pump to a common discharge location within Council's sewerage collection system.

The sanitary drains on the private property flow by gravity into the pumping station. From the pumping station sewage flows to the designated system discharge point via the collective pressure generated by the pump located in the station. The pump station must be appropriately designed according to the individual capacity of the property fixtures on each private allotment. The pump should be specified by a hydraulic consultant for the purpose and also contain a grinder to minimise blockages in the pipe systems. An alarm system is to be installed to warn the resident that the unit is not operating within preset parameters.

### 3.2 Application of this Policy

This Policy covers private pump stations and all pressure pipes to the point of connection with Councils sewer main. This Policy applies to private sewer pump stations as defined in Section 3.1.

3.3 Supporting Documentation
This policy is supported by the following documents:

- Sewage Pumping Station Code of Practice (Water Services Association of Australia (WSAA 04) and
- Pressure Sewerage Code of Australia (WSAA 07).

## 4 USE OF PRIVATE SEWER PUMP STATIONS IN BYRON SHIRE

4.1 Where can Private Sewer Pump Stations be used in Byron Shire
Subject to Council approval, where a gravity sewer connection is not directly available to service a development, Council may approve a private sewer pumping station, which will discharge to the existing sewerage system via a private rising main. It is the consultant's responsibility to ensure that the Private Sewerage Pumping Station complies with the following requirements:

- Local Government Act 1993 and Local Government (General) Regulation 2005;
- AS/NZS3500.2 – Plumbing and Drainage Code of Australia;
- Building Code of Australia;
- Protection of the Environment Operations Act 1997;
- Sewage Pumping Station Code of Practice (Water Services Association of Australia (WSAA 04) and the Pressure Sewerage Code of Australia (WSAA 07); and
- Council's specific requirements as set our below.

Council will review these documents periodically and update them as required.

4.2 Likely General Applications of Private Sewer Pump Stations
The most common applications for Private Sewer Pump Stations in Byron Shire are likely to be:

- For individual properties that are currently in close proximity to a sewered urban area but have not been serviced by a reticulated sewerage system and/or site conditions are such that construction of gravity main sewerage system would compromise sensitive environmental areas or are impracticable due to site elevation.
- Community Title Developments

This also includes existing vacant urban blocks of land under the same circumstances. These properties will be subject to an application for connection to the sewerage system and subsequent investigation that confirms that this connection is possible and viable.

4.3 Requirements for “On Property” Rights

Easements will generally not be required over any part of the “on property” works, so as to enable property owners to subsequently relocate on property works (normally the property discharge line) as required to accommodate future property modifications etc. However, an easement is required if the property discharge pipes pass through any neighbouring property.

Council reserves the right to create an easement over the rising main (if required) on a particular property, so as to ensure the safe ongoing operation of the system, the minimisation of any health concerns or the protection of any Council Property and ensure lawful entry is possible for maintenance and repairs.

4.4 Power for the Pumping Unit

Pumping units shall be connected and hardwired to an individual or common property's switchboard on a separate additional circuit. Council has no responsibility in powering and maintaining supply op pump unit.

4.5 Number of Pumps per Residential Property

Generally, a single pumping station shall be permitted for each residential property. For multiple dwellings on the same property, a single station (if of sufficient capacity) may be approved to serve up to two dwellings; however this unit will usually have more than one pump. If there are more than two dwellings a duty standby pump arrangement must be installed.

However, Council may consider approving more than one pumping unit on a property if the general property layout or the layout of the different dwellings on the property requires more then one pump station.

4.6 Non residential Properties

Where private sewer pump stations are to be provided to non-residential properties such as schools, hotels, caravan parks, industrial etc, owners will need to satisfy the adequacy of any "on property" designs, including the adequacy of the property discharge lines. All pumping units shall be installed as per the plans submitted and approved by Council.

Such private connections to the public sewer shall be inspected by Council prior to commissioning and operation.

4.7 Identifying that the property has a Private Sewer Pump Stations

The property's drainage diagram and the Section 88B instrument will be marked to indicate that the property is served by a private sewer pump station. This is specifically to allow the prospective land purchaser to discover, prior to their purchase, that the property is serviced by a private sewer pump station.

The property will be identified on Council's Geographical Information System to indicate that the property is served by a private sewer pump station. This information may be accessed by a request for information under sections 7, 8 and 18 of the Government Information (Public Access) (GIPA) Act 2009 and Schedule 1 of the GIPA Regulation 2009.

## 5 DESIGN AND CONSTRUCTION OF PRIVATE SEWER PUMP STATIONS

Council will only approve designs submitted by consultants with appropriate skills and experience in pressure sewerage system design.

Whilst the Developer will be responsible for the design of the proposed Private Sewer Pump Station, the design will be subject to formal approval by Council's Water and Recycling Services. The switchboard associated with the operation of the pump station must have an 'hour run' meter and at application stage, details of the pump flow rates must be provided.

Council may require that the Developer also undertake analysis of the receiving sewers to ensure that the additional loading will not subsequently require an augmentation of existing receiving sewers, including downstream pump stations. Council may alternatively advise the Developer of an appropriate connection point based upon its own analysis of the public sewer system capability.

The need for appropriate design is critical to the success of the individual units and its functioning as part of the Council collection system.

Installation and testing of private pump stations shall be completed prior to issue of an occupation certificate for building works. Principal Certifying Authorities should note that sewerage works may

not be commissioned or used until they have been inspected and certified by Council, or a person authorised by Council to undertake such inspection and certification, in accordance with Section 21(a)(i) of the Local Government (General) Regulation, 2005.

Where a Developer wishes to engage a third party to undertake on property works on their behalf, an appropriate bond will be required as a guarantee that the works will occur.

Where private sewer pump stations are approved for new developments, detailed designs shall be undertaken in accordance with the latest edition of the Sewage Pumping Station Code of Practice (Water Services Association of Australia (WSAA 04) and the Pressure Sewerage Code of Australia (WSAA 07).

As the private sewerage pumping station is a component of the internal plumbing and drainage, Council's Water & Recycling Services Section shall check the design drawings for compliance with current Acts and relevant standards. Owners of private pumping stations are responsible for all costs and charges associated with the installation, operation and maintenance. As constructed details specifying to survey accurate standards the location of the pressure main shall be submitted to Council.

5.2 Installation of On-Property Works

5.2.1 Pumping Unit to be Fully Tested before Commissioning

The final connection to the sewer main will only be made after the pumping unit has been tested as per the latest edition of the WSAA Pressure Sewer Code of Australia (WSA 07 & WSA 04). and found to be suitable for formal commissioning.

5.3 Connection of property sanitary drains to Private Sewer Pump Station

The property sanitary drains upstream of the private sewer pump station must incorporate an overflow relief gully, with all such plumbing to be in accordance with Australian Standard AS3500 National Plumbing and Drainage Code and the Building Code of Australia (BCA).

In particular, the overflow relief gully must not permit ingress of stormwater to the private sewer pump station. Connection of property sanitary drains from the private sewer pump station may only be undertaken by licensed plumbers.

The maximum capacities of spas are to be specified. Any additional development above the maximum nominated shall be the subject of a further application to Council.

5.4 Private Pumps: Duty Requirements

5.4.1 Pump Flow

Council requires a minimum of two pumps that shall be sized after consideration of the following criteria:

- each pump has the ability to pump 5 times the Average Dry Weather Flow (ADWF):

$$\text{Flow } Q = \frac{\text{Number of EP x 275L/ EP/ day x 5 (peaking factor)}}{\text{24 x 3600}} \text{ L/sec}$$

$$= \frac{\text{Number of EP}}{\text{62.84}} \text{ L/sec}$$

EP = Equivalent Persons (nominal 275 Litres per person per day)

5.4.2 Pump Head

The head required to be achieved by each pump at the above flow can be calculated as follows:

$$\text{Head (metres)} = h - y + fcp$$

Where:
h = Invert Level of connecting pipe at manhole; or head in rising main
y = floor level of pump well
fcp = friction losses in pressure main and pump station

5.4.3 Pump Well Capacity and Operation

The capacity of the pump well for storage of sewage during pump malfunction should be as per **Figure 5.1.**

Pumping stations shall be designed with sufficient in system storage so that in the event of pump or power failure, no overflows occur for a minimum period of 4 hours with inflow at average dry weather flow. In - system storage shall be measured from duty start level to the level of the lowest relief point.

Other than for storage capacity, the above depths are a general guide. Council may require the developer/landowner to provide details on detention times and proposed strategies to minimise the detention times.

The pumps are to be installed to operate automatically as Duty/Standby and preferably be of the submersible electric type. Replacement pumps are to have the same specifications as approved by Council.

An alarm shall be provided in the form of a prominently positioned flashing red light set to activate at the invert level of the incoming house drain, or a dedicated *back to base* monitoring service. The contact details of the service agent are to be displayed on the control box or specifications and provided to Byron Shire Council.

## 6 COSTS

All costs associated with connection of a private sewer pump station to Council's existing sewerage system shall be met by the Landowner/Developer.

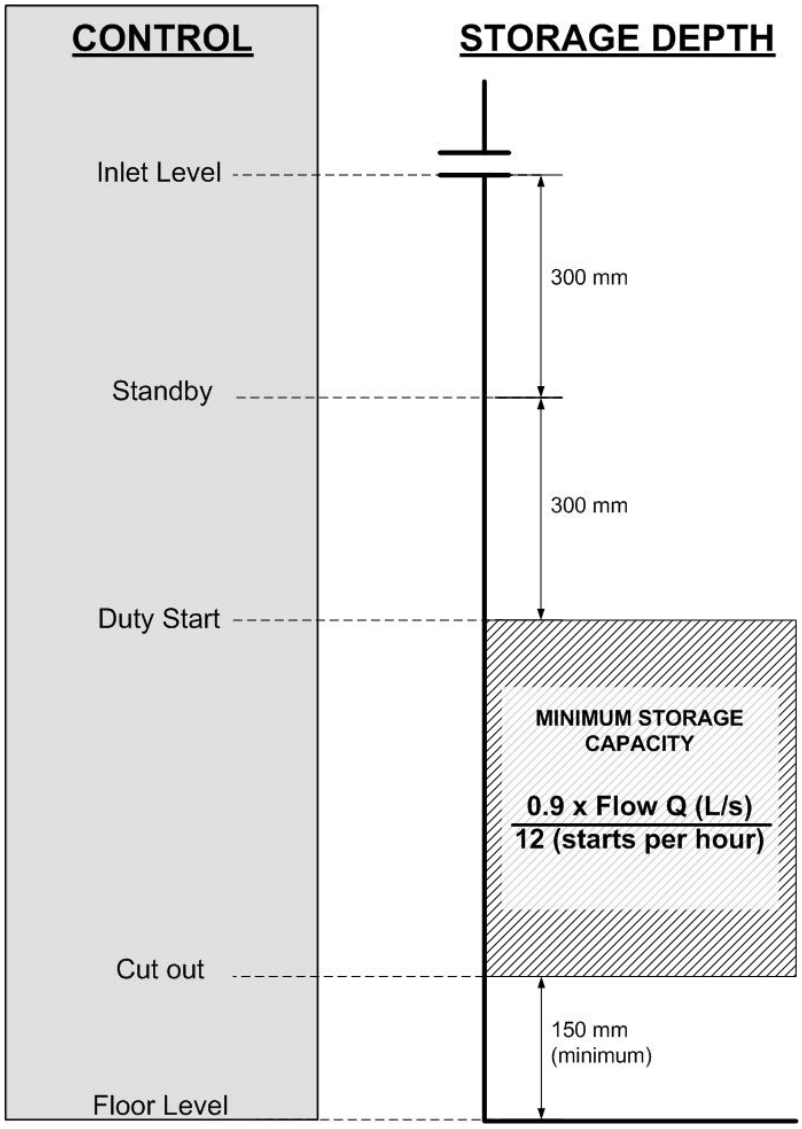



**Figure 5.1 Pump Well Capacity and Operation**

## 7 OPERATION AND MAINTENANCE OF PRIVATE SEWER PUMP STATIONS

The owner is solely responsible for the operation, maintenance and repair of private sewer pump station.

7.1 Normal Operation of the Collection/Pumping Unit

The collection/pumping units operate automatically and do not require any specific input from the resident. The collection tank is to be sized to provide sufficient storage to cater for power outages that might be experienced as part of normal operation. The owner is to be provided with a Home Owners Manual which sets out how the units operate and what the owner/occupier should do if an alarm occurs. The Home Owner's Manual will detail Service Standards, as well as what the home owner should do in response to any emergency (or alarm) situation and shall be submitted to council for approval as part of application process.

7.2 Power Operation

Owners/occupiers are not permitted to interfere with the electrical operation of the pump station. Council requires the pump station to be wired into the common switchboard in such a manner so as not to interfere with the normal electrical operation of the property, nor be accessible by the residents.

7.3 Maintenance of the Pumping Unit

The owner is to enter into a contract for the maintenance of the private sewer pump station with a suitably qualified person in accordance with the manufacture's specification.

Pump wells must be checked by the service provider as part of the 6 monthly maintenance inspections. This bi-annual maintenance shall include servicing of pumps and electrical components, and a check that the float switches are correctly set and operating. The home-owner is also encouraged to regularly check that the high-level alarm switch is operating and that there are no significant sludge build-ups or other problems.

A copy of a standard maintenance schedule to be completed by the maintenance service contractor is provided in **Appendix A**.

7.4 Home Owner's Manual

The developer/landowner will supply a Home Owner's Manual to all owners of properties where private sewer pump stations are installed. The Manual will outline operation and maintenance requirements of the pumping units. The Manual will include:

- Details on the operation of private sewer pump stations including appropriate contact numbers and/or web site details for further enquires.
- Emergency contact phone number of service agent.
- What to do if the alarm sounds or flashes.
- What to do in the case of a power failure.
- What to do if going on holidays.
- How to minimise waste water production in the case of emergencies.
- How to install and operate swimming pools, spas etc, and detail requirements for design and installation of any new pools or spas.
- What can be safely discharged into the sewerage system?

7.5 Maintaining the Overflow Relief Gully

The property sanitary drain shall be connected to a controlled overflow mechanism such as an overflow relief gully trap. These will be identified as overflow relief gully traps on the property plan.

Properties are not permitted, under any circumstances, to block any overflow relief gullies such that they are unable to perform their normal operation.

In flood prone areas special arrangements may be required in relation to overflow relief gully traps in order to prevent the intrusion of floodwater and damage to the system.

7.6 Special Requirements for Spas and Swimming Pools

While Private Sewer Pump Stations do not prohibit high discharge applications such as spas and swimming pools, appropriate provisions need to be made to accommodate these discharges.

7.6.1 Spas

Sudden discharges from Spas could either trigger the pumping unit high level alarm or, in a worse case scenario, result in an overflow at the residential overflow relief gully. Council may therefore recommend special requirements on properties which are proposing the installation of spas, which may include time delays on alarms, provision of a non-standard collection/pumping unit with additional storage in the collection tank or a buffering tank.

Special requirements for spas will be determined on a case by case basis. Spa owners with Private Sewer Pump Stations need to contact Council's Water and Recycling Services, who will advise on the correct way to discharge the spa into the collection tank. Formal approval under section 68 of the Local Government Act will also need to be given to any agreed format of discharge and further approval will be required to vary this at any future stage.

7.6.2 Swimming Pools

Council requires that any property owner with a Private Sewer Pump Station currently owning a swimming pool (or installing a swimming pool in the future) regulate their pool backwash volumes and rates so as not to exceed the capacity of the pumping unit and to avoid alarms being needlessly generated.

There are a number of ways to drain or backwashing pools without causing an alarm, and in general these will be dealt with on a case by case basis. For any proposed pools, the agreed format of discharge will be covered by a condition of consent for the dwelling or pool as part of section 68 approval.

For existing pools a format of discharge will be agreed with the property owner. Pool owners requiring further information should contact Council's Water and Recycling Services.

## 8 CONNECTION TO EXISTING GRAVITY MAIN

The approval connection point for a private rising main shall be a nominated boundary shaft or manhole.

8.1 Alternative Connection Points

Council may consider an alternative connection point. Where an alternative is proposed, the Developer shall request written approval from Council's Water & recycling Services. The request shall outline the reasons for the alternative connection point and the connection methodology proposed.

8.2 Application Process

Landowners/Developers are to

- Make application to Council under section 68 of the Local Government Act to install a private sewer pump station.
- Provide to Council "work as executed drawings" in a format acceptable to Council
- Provide Council with all "on property" designs where these occurred during the development phase.
- Provide commissioning documentation and provide copy to Council's Water & Recycling Services section.
- Provide copy of Owners Manual for Operation and maintenance.

## 9 DEFINITIONS AND GLOSSARY

**Actual Pump Head** – This is the actual static head plus the frictional losses that the pump has to meet in discharging the collection tank's contents. The final or actual pump head is determined from field measurement, to confirm previous design calculations of the pump head.

**Alarm Volume** – This is the volume that is stored in the on-property collection tank, before the collection tank alarm activities.

**As constructed drawings** – see work as executed drawings

**Collection Tank** – that part of a collection/pump unit which collects and stores flows from sanitary drains

**Council** – This term should be interpreted to mean Byron Shire Council and its successors.

**Designer** – This is the individual responsible for the design of the private pump station).

**Emergency Volume**- This is the volume which is stored in the private pump station from just above the alarm activation level to just before the overflow relief gully begins to discharge.

**Grinder Pump** - a mechanical device designed to pump liquid and in the process reduce the size of solids contained in the sewage

**High Level Alarm** – This is both an audio and visual alarm system activated when the level of the sewage in the private sewer pump station reaches the alarm volume level.

**Home Owners Manual** – a manual informing resident of what they can and cannot do in relation to the private pump station on their property, as well as what to do if their system should fail.

**On-property Works** – These are the total works undertaken on a property, including any excavation, installation, compaction and restoration associated with the Pump unit, Property discharge line/s, Property boundary assembly, Pump control/power cable

**Overflow Relief Gully** – This is a control overflow device to prevent overflows occurring inside the dwellings on the property, by ensuring that as such overflows occur outside of the dwelling. Its arrangements and dimensions are contained in the NSW Plumbing Code.

**Property Diagram** – A drawings showing the "on property" works.

**Property discharge Line** – The pipeline that connects the on-property pumping station to the property boundary assembly.

**Pumping Units (or Station)** – this includes the pumps, collection tank, alarm system, pump pressure switches, etc and is installed on the property.

**Sanitary Drains** – pipelines installed by licenced plumbers which convey sewage from buildings to a connection point (also called house drains, house sewer or house service line).

**Work as Executed (WAE) Drawings** – These are the Work as Executed or as constructed Drawings.

## APPENDIX A

**Standard Maintenance Schedule**
**(Source: DM Document #1227322)**

# Private Pump Station Service Checklist

**Name and Contact Details of Service Provider**

*Name*

*Address*

*Phone No.*

**Type of System Installed**

*Pump Description*

*Date installed / commissioned (if known)*

**Location of Pump Station:**

**Date of Pump Station Service:**

**Pump**

- Check mechanical seals and glands.
- Check wear-rings.
- Check impeller.
- Check ease of rotation for rotating parts.
- Check oil levels, including for any water in oil.
- Visually check body casing of pump.
- Lubricate as recommended by manufacturer.
- Ensure all fasteners (bolts) are tight.
- Check clearances.
- Check alignments of couplings.

**Completed (Signature & Date)**
**Specific Comments**

**Motor**

- Visually check body case of motor.
- Check motor insulation (Megger check).
- Check motor cable connections, mountings and glands.
- Check all isolating switches and associated mechanisms.
- Check all cables for swelling.
- Check all motor and limit switches.
- Check starter housing.
- Check motor bearings, seals and couplings.
- Ensure all fasteners (bolts) are right.
- Lubricate as recommended by manufacturer.
- Check current draw of motor.
- Check and clean motor starters, including seals.
- Recheck motor test curves for torque, speed and efficiency characteristics.

**Completed (Signature & Date)**
**Specific Comments**

**Electrical**

- Check termination for “hot-joints”.
- Check the thermistor resistance and thermistor relay.
- Check all switches, circuit breakers, fuses
- Check all cable conduits for abrasion, damage, etc, brackets and clips
- Check emergency stop switches for correct operation.

**Completed (Signature & Date)**
**Specific Comments**

**Misc.**

- Check pressure switches.
- Check relay timers.
- Check and adjust meters.
- Check alarm indicators.
- Check and test level probes.
- Check correct operation of variable speed drive.
- Check all meters and indicating lamps/lights.
- Check correct operation of pump.

**Completed (Signature & Date)**
**Specific Comments**

# DRAFT revision

# POLICY 4.21

# ACCESS TO BULK WATER FROM COUNCIL WATER MAINS

**INFORMATION ABOUT THIS DOCUMENT**

| | | | |
|---|---|---|---|
| **Date Adopted by Council** | | **Resolution No.** | |
| **Policy Responsibility** | | | |
| **Review Timeframe** | | | |
| **Last Review Date:** | | **Next Scheduled Review Date** | |

***Document History***

| Doc No. | Date Amended | Details Comments eg Resolution No. |
|---|---|---|
| **#941108** | May 2012 | Document created and drafted. |
| **E2012/6480** | 13 September 2012 | Amendments from Water Waste & Sewer Advisory Committee Meeting of 23 August 2012 |

***Further Document Information and Relationships***

| | |
|---|---|
| **Related Legislation** | Local Government Act; Local Government Act 1993 and Local Government (General) Regulation 2005; |
| **Related Policies** | |
| **Related Procedures/ Protocols, Statements, documents** | |

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| **POLICY TITLE** | ACCESS TO BULK WATER FROM COUNCIL WATER MAINS |
|---|---|

## 1 OBJECTIVES

The objective of the policy is to:

- Set out the conditions and charges for the supply of bulk water for construction purposes and for filling swimming pools.
- Mitigate the illegal drawing of water from Council Water Mains and prevent contamination of the water supply.
- Direct bulk water carters/tankers to Rous Water for all filling requirements.

## 2 PURPOSE

The purpose of the policy is to ensure that Byron Shire Council protects its water supply system from:

- the potential of contamination, and
- possible damage to water mains and fittings.

In addition the policy proposes to reduce the occurrences of unaccounted water use.

## 3 APPLICATION

This policy applies to:

- Water carters;
- Under bore/directional drilling contractors or service providers;
- Construction contractors;
- Council staff;
- Commercial customers; and
- Residents.

## 4 POLICY

It is the policy of Byron Shire Council that the withdrawal of water from Byron Shire Council hydrants or from other access points not authorised by Byron Shire Council is expressly forbidden, unless occurring in compliance with the terms of this Policy as follows:

4.1 Bulk water carters/tankers and mobile storage containers including but not limited to those associated with construction and under boring activities and delivery of potable water are directed to comply with Rous Water requirements and filling points.

4.2 Water for any purpose other than a metered supply (i.e. residential or commercial properties), shall be supplied from either metered standpipes or by metered hydrant designated by Byron Shire Council. No water is to be drawn from either the Mullumbimby system (a closed and finite supply) or the Billinudgel system (when high flow volumes are extracted customers in this area suffer a loss of service).

## 5 DRAWING WATER FROM FIRE HYDRANTS OR ACCESS POINTS

5.1 This section of the policy shall address three (3) different and unique situations, namely:-

a) Water being drawn from fire hydrants or access points by Byron Shire Council for construction or maintenance purposes.
b) Water being drawn from fire hydrants or access points for construction or landscaping by contractors excluding those activities mentioned in 4.1
c) Water being drawn from fire hydrants or access points for the purpose of swimming pool filling.

Note: Water drawn from fire hydrants by fire services is not regulated.

5.2 The conditions under which water may be drawn from fire hydrants or access points are as follows:-

a) There are no water restrictions in place.
b) A metered standpipe is available and an appropriate hydrant or access location is identified. Note (from 4.2 above) that no water is to be drawn from Mullumbimby or Billinudgel.
c) Water may be made available by making application upon a prescribed form and upon receipt of approval from Byron Shire Council.
d) Approval will not be granted unless an appropriate Traffic Management Plan and/or safe work procedure for the identified hydrant or access location is submitted together with a certificate of currency for Public Liability Insurance.
e) Council described in 5.1 a) and contractors described in 5.1 b) shall keep accurate daily or monthly records of water consumption and shall return tally sheets or books.
f) Metered standpipes shall be presented for inspection and testing as requested.
g) Swimming Pool Builders as described in 5.1 c) shall return metered standpipes to the Byron Shire Council where meters will be read at the conclusion of each job.
h) Metered standpipe brought to Council's Mullumbimby Office or Byron Depot will be read by authorised staff and an account issued as appropriate.
i) Training sessions in the use of hydrant standpipes will be conducted by Byron Shire Council; persons authorised to operate standpipes shall avail themselves of such training and will be accredited accordingly.
j) No individual Annual Agreements to allow drawing of water for specific purposes from specific fire hydrants is permitted.
k) The use of unmetered standpipes is prohibited.

5.3 Charges shall be as follows:

a) An initial bond as per Council's fees & charges shall apply to cover cost of equipment; charges shall be applied as per Council's current adopted fees and charges for hire of equipment plus payment for water used at current rates per kilolitre.

b) Accurate daily meter readings shall be kept and supplied to Byron Shire Council on a monthly basis (with the exception of swimming pools, where meters will be read at the conclusion of each job), bonds will be released upon return of metered standpipe after deduction for any outstanding charges or costs associated with damaged equipment.

5.4 Standpipes or other equipment, other than a Council registered "metered" standpipe observed on any site will be considered an illegal fitting and compliance action taken.

## 6 EXCEPTIONS TO THE POLICY

The following practices are excluded from compliance with this policy:

6.1 Fire brigades for the purposes of fire fighting and training.

## 7 COMPLIANCE ACTION

Persons (including Byron Shire Council staff) not complying with this policy may be prosecuted under the relevant section of the Local Government Act 1993 - Water, Sewerage and Stormwater Drainage Offences listed below.

7.1 The potential for contamination of the reticulated water supply at the point of access

**639 Pollution of public water supply**
(1) A person who wilfully or negligently does any act which damages or pollutes (or is likely to damage or pollute) a public water supply, or a source of that supply, is guilty of an offence.

7.2 The potential to damage the water main and any fittings by causing a water hammer at the point of access

**635 Damage to council property**
A person who wilfully or negligently removes, damages, destroys or otherwise interferes with a pipe, lock, tap, valve, engine or other thing belonging to the council in connection with the supply of water or the provision of sewerage services or drainage is guilty of an offence.
Section 639 also applies here.

7.3 Reducing the "unaccounted for" use of water

**637 Waste or misuse of water**
(1) A person who wilfully or negligently wastes or misuses water from a public water supply, or causes any such water to be wasted, is guilty of an offence.




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QBSA LIC# 1183283

PROJECT
PROPOSED MULTI-UNIT DWELLING
AT 27/29 STATION STREET
MULIMBIMBY, 2482

FOR MRS ELANORA BARTZ

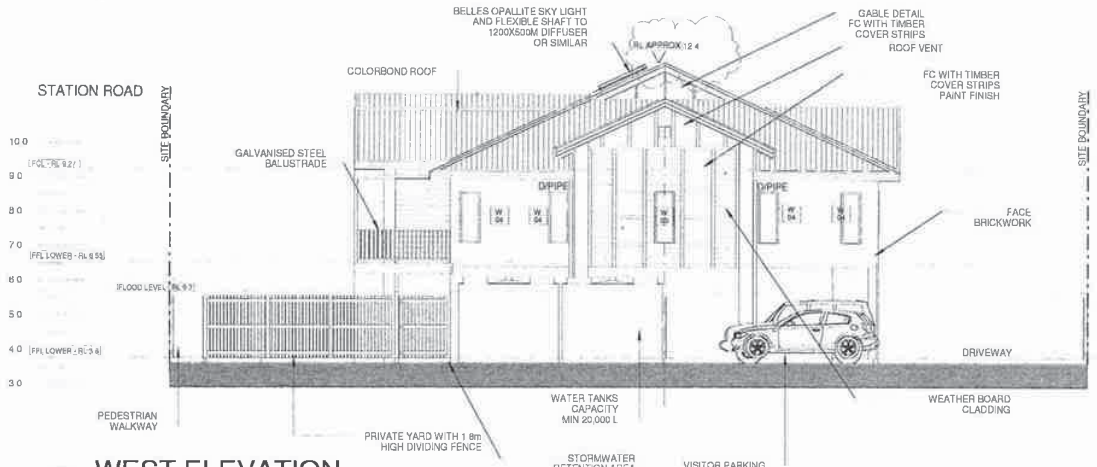
Dwg Title
ELEVATIONS

| ISSUE | AMENDMENTS | DATE |
|---|---|---|
| E | MINOR AMENDMENTS | 20/04/2012 |
| D | MINOR AMENDMENTS | 07/03/2012 |
| C | ORIENTATION ADJUSTMENT | 31/01/2012 |
| B | SOUTH WALL ALIGNED | 12/12/2011 |
| DA | DEVELOPMENT APPROVAL | 18/11/2011 |

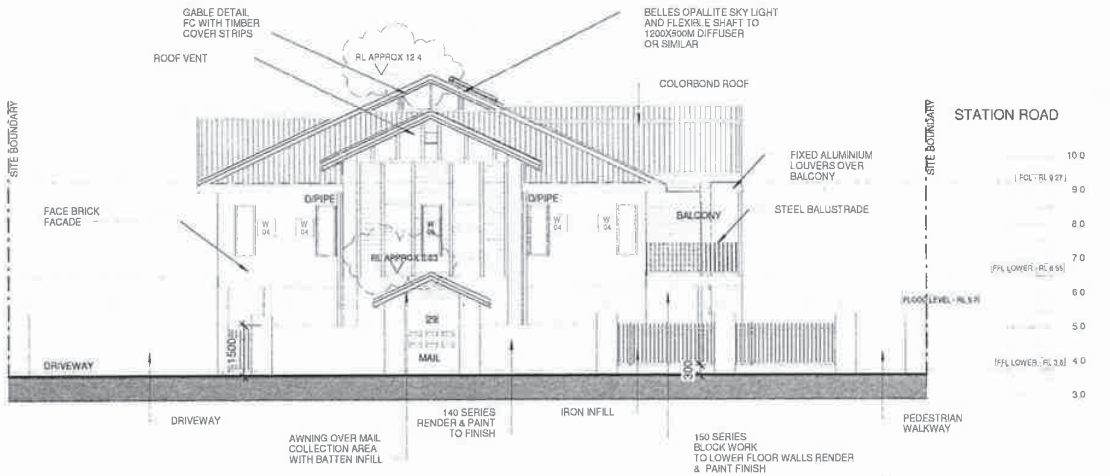
DATE
20th APRIL, 2012

JOB NUMBER
0511/256

| SCALE | DRAWN BY | SHEET NO | ISSUE | REVISION |
|---|---|---|---|---|
| 1 : 100 AT A2 | EB | 04 | DA | E |




1 WEST ELEVATION
1 : 100

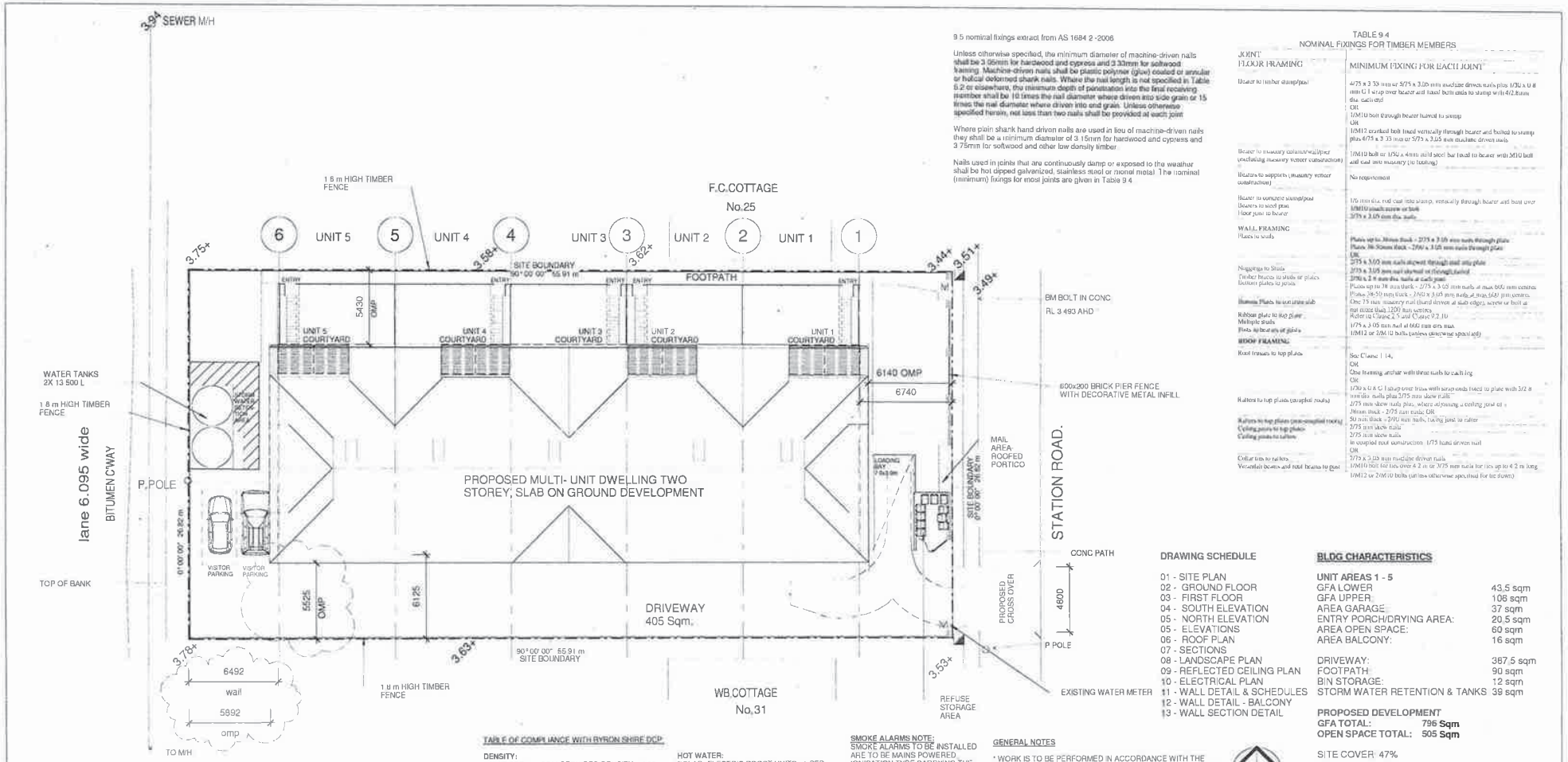



2 EAST ELEVATION
1 : 100 STATION ROAD

NOT FOR CONSTRUCTION

0 1 2 3 4m
1:100

| | | | | | |
|---|---|---|---|---|---|
| Brisdesign | PHONE/FAX 38434164 MOB 0411 020 070 PO Box 252 COOPAROO 4151 ABN 17 588 761 637 WEB www.brisdesign.com | PROJECT PROPOSED MULTI-UNIT DWELLING AT 27/29 STATION STREET MULUMBIMBY, 2482 FOR MRS ELANORA BARTZ | Dwg Title ELEVATIONS | E MINOR AMENDMENTS 20/04/2012<br>D MINOR AMENDMENTS 07/03/2012<br>C ORIENTATION ADJUSTMENT 31/01/2012<br>B SOUTH WALL ALIGNED 12/12/2011<br>DA DEVELOPMENT APPROVAL 18/1/2011<br>ISSUE AMENDMENTS DATE | DATE 20th APRIL, 2012 JOB NUMBER 0511/256<br>SCALE 1 : 100 AT A2 DRAWN BY EB SHEET NO 05 ISSUE DA REVISION E |
| QBSA LIC# 1103293 | | | | | |




9.5 nominal fixings extract from AS 1684.2 -2006

Unless otherwise specified, the minimum diameter of machine-driven nails shall be 3.66mm for hardwood and cypress and 3.33mm for softwood framing. Machine-driven nails shall be plastic polymer (glue) coated or annular or helical deformed shank nails. Where the nail length is not specified in Table 6.2 or elsewhere, the minimum depth of penetration into the final receiving member shall be 10 times the nail diameter where driven into side grain or 15 times the nail diameter where driven into end grain. Unless otherwise specified herein, not less than two nails shall be provided at each joint

Where plain shank hand driven nails are used in lieu of machine-driven nails they shall be a minimum diameter of 3.15mm for hardwood and cypress and 3.75mm for softwood and other low density timber.

Nails used in joints that are continuously damp or exposed to the weather shall be hot dipped galvanized, stainless steel or monel metal. The nominal (minimum) fixings for most joints are given in Table 9.4

TABLE 9.4
NOMINAL FIXINGS FOR TIMBER MEMBERS

| JOINT<br>FLOOR FRAMING | MINIMUM FIXING FOR EACH JOINT |
|---|---|
| Bearer to timber stump/pad | 4/75 x 3.33 mm or 5/75 x 3.05 mm machine driven nails plus 1/30 x 0.8 mm G.I strap over bearer and fixed both ends to stump with 4/2.8mm dia. nails each<br>OR<br>1/M10 bolt through bearer halved to stump<br>OR<br>1/M12 cranked bolt fixed vertically through bearer and bolted to stump plus 4/75 x 3.33 mm or 5/75 x 3.05 mm machine driven nails |
| Bearer to masonry column/wall/pier (excluding masonry veneer construction) | 1/M10 bolt or 1/50 x 4mm mild steel bar fixed to bearer with M10 bolt and cast into masonry (to footing) |
| Bearers to supports (masonry veneer construction) | No requirement |
| Bearer to concrete stump/pad<br>Bearers to steel pier<br>Floor joist to bearer | 1/6 mm dia. rod cast into stump, vertically through bearer and bent over<br>1/M10 coach screw or bolt<br>2/75 x 3.05 mm dia. nails |
| WALL FRAMING<br>Plates to studs | Plates up to 70mm thick - 2/75 x 3.05 mm nails through plate<br>Plates 70-90mm thick - 2/90 x 3.05 mm nails through plate<br>OR<br>2/75 x 3.05 mm nails skewed through end stud into plate<br>2/75 x 3.05 mm nail skewed or through fixed<br>2/90 x 2.8 mm dia. nails at each joint |
| Noggings to Studs<br>Timber braces to studs or plates<br>Bottom plates to joists | Plates up to 70 mm thick - 2/75 x 3.05 mm nails at max 600 mm centres<br>Plates 70-90 mm thick - 2/90 x 3.05 mm nails at max 600 mm centres |
| Bottom Plates to concrete slab | One 75 mm masonry nail (hand driven at slab edge), screw or bolt at max maximum 1200 mm centres<br>Refer to Clause 2.5 and Clause 9.2.10 |
| Ribbon plate to top plate<br>Multiple studs<br>Posts to bearers or joists | 1/75 x 3.05 mm nail at 600 mm ctrs max<br>1/M12 or 2/M10 bolts (unless otherwise specified) |
| ROOF FRAMING<br>Roof trusses to top plates | See Clause 11.4,<br>OR<br>One framing anchor with three nails to each leg<br>OR<br>1/30 x 0.8 G.I strap over truss with strap ends fixed to plate with 3/2.8 mm dia. nails plus 2/75 mm skew nails |
| Rafters to top plates (coupled roofs) | 2/75 mm skew nails plus, where adjoining a ceiling joist or 290mm thick - 2/75 mm nails OR<br>2/90 mm thick - 2/90 mm nails, tieing joist to rafter |
| Rafters to top plates (non-coupled roofs)<br>Ceiling joists to top plates<br>Ceiling joists to rafters | 2/75 mm skew nails<br>2/75 mm skew nails<br>in coupled roof construction 1/75 hand driven nail<br>OR |
| Collar ties to rafters<br>Verandah beams and roof beams to post | 2/75 x 3.05 mm machine driven nails<br>1/M10 bolt for ties over 4.2 m or 3/75 mm nails for ties up to 4.2 m long<br>1/M12 or 2/M10 bolts (unless otherwise specified for tie down) |

**NOTES SUMMARY FROM BASIX**

- MEDIUM COLOURED ROOF
- FOIL + R1.0 INSULATION UNDER THE ROOF (ANTICON OR EQUIV)
- R3.0 CEILING INSULATION
- FOIL + R1.5 INSULATION TO BRICK VENEER & FIBRO EXTERNAL WALLS
- NO INSULATION TO CONCRETE BLOCK EXTERNAL WALLS
- WEATHER STRIPPING TO EXTERNAL DOORS & WINDOWS
- GENERIC SINGLE CLEAR GLASS IN ALUMINIUM FRAMES FOR ALL WINDOWS & GLAZED DOORS (UW 6.35, SHGCW 0.77)
- SOLAR HOT WATER UNIT WITH ELECTRIC BOOST FOR EACH UNIT
- MIN. 20,000 LITRE COMMON RAINWATER TANKS

**TABLE OF COMPLIANCE WITH BYRON SHIRE DCP**

**DENSITY:**
1 UNIT PER 300 SQM REQUIRED DENSITY = 4.99
UNITS OF FLOOR PLAN GREATER THAN 85SQ.M.

**INDIVIDUAL COURTYARD SIZE:**
MINIMUM SIZE REQUIRED = 30 SQM PER UNIT
PROPOSED COURTYARD PROVIDES 60 SQM PER DWELLING, PLUS 16 SQm BALCONY

**LANDSCAPED AREA:**
REQUIRED AREA = 90SQ.M PER UNIT = 450 SQm
PROPOSAL PROVIDES TOTAL LANDSCAPED AREA OF 505 SQm
PERCENTAGE OF ABSORBENT FINISH = 80%

**CAR PARKING:**
REQUIREMENTS FOR UNITS OVER 85 SQm = 2 PER UNIT PLUS ONE VISITOR PARK PER 4 UNITS
PROPOSAL PROVIDES 2 PARKS EACH DWELLING AND 2 VISITOR PARKING BAYS

**HOT WATER:**
SOLAR- ELECTRIC BOOST UNITS - 1 PER DWELLING

**PROPOSED COLOURS:**
ROOF - MEDIUM
WALLS - (BRICK) MEDIUM
- (CLADDING) LIGHT

**INSULATION:**
ROOF - R2.5 ANTICON (BLANKET) INSULATION - FOIL FACED
WALLS - R1.5 BATTS AND FOIL FACED WALL WRAP INSULATION
FLOOR - R1.0 BATTS BETWEEN UPPER AND LOWER FLOORS

**WINDOW GLAZING:** GREY TINT WITH WEATHERSEALS

**SMOKE ALARMS NOTE:**
SMOKE ALARMS TO BE INSTALLED ARE TO BE MAINS POWERED IONISATION TYPE CARRYING THE STANDARDS AUSTRALIA MARK & SHOULD BE INSTALLED AS PER QUEENSLAND FIRE & RESCUE AUTHORITY GUIDELINES

**INTERIOR WALL LININGS**
10MM PLASTERBOARD OR SIMILAR LINING TO CEILING AND WALLS. 6MM VILLABOARD OR SIMILAR TO WET AREAS. REFER TO PLANS AND SECTIONS FOR VARIATION TO STANDARD WALL FINISHES AND CEILING HEIGHTS

**CONCRETE**
REFER TO ENGINEERS DRAWINGS FOR SLAB AND FOOTING SPECS
PROVIDE CONTINUOUS 200UM POLYTHENE VAPOUR BARRIER WITH SEALED JOINTS AND PENETRATIONS OVER A 50MM MIN SANDBED SPRAYED TO AS 3660.1 1995

**GENERAL NOTES**

* WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE WORKPLACE, HEALTH & SAFETY ACT, & THE CONDITIONS & BY-LAWS OF THE LOCAL AUTHORITY

* REFERENCED DOCUMENTS MAKING UP PART OF THESE DRAWINGS
-BUILDING CODE OF AUSTRALIA - 2011
-AUSTRALIAN DOMESTIC CONSTRUCTION MANUAL

* MATERIALS AND WORKMANSHIP SHALL BE NEW & IN GOOD ORDER & COMPLY WITH RELEVANT STATE AND LOCAL COUNCIL BUILDING REGULATIONS

* ELECTRIC LIGHTING & POWER INSTALLATION SHALL BE CARRIED OUT BY A QUALIFIED LICENSED ELECTRICAL CONTRACTOR

* PLUMBING CONNECTION & INSTALLATION SHALL BE CARRIED OUT BY A QUALIFIED LICENSED PLUMBER & DRAINER

*CONSTRUCTION BRACING IS TO BE INSTALLED BEFORE PLACEMENT OF ANY ROOFING & SHALL CONSTITUTE A MINIMUM OF 40% OF TOTAL BRACING IN EACH DIRECTION & SHALL BE EVENLY DISTRIBUTED THROUGHOUT THE DWELLING

*ROOF SHEETING SHALL BE FIXED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS TO SUIT WIND SPEEDS OF THE AREA

**DRAWING SCHEDULE**

| | |
|---|---|
| 01 - SITE PLAN | |
| 02 - GROUND FLOOR | |
| 03 - FIRST FLOOR | |
| 04 - SOUTH ELEVATION | |
| 05 - NORTH ELEVATION | |
| 05 - ELEVATIONS | |
| 06 - ROOF PLAN | |
| 07 - SECTIONS | |
| 08 - LANDSCAPE PLAN | |
| 09 - REFLECTED CEILING PLAN | |
| 10 - ELECTRICAL PLAN | |
| 11 - WALL DETAIL & SCHEDULES | |
| 12 - WALL DETAIL - BALCONY | |
| 13 - WALL SECTION DETAIL | |

**BLDG CHARACTERISTICS**

| | |
|---|---|
| **UNIT AREAS 1 - 5** | |
| GFA LOWER | 43.5 sqm |
| GFA UPPER | 106 sqm |
| AREA GARAGE | 37 sqm |
| ENTRY PORCH/DRYING AREA: | 20.5 sqm |
| AREA OPEN SPACE: | 60 sqm |
| AREA BALCONY: | 16 sqm |
| DRIVEWAY: | 387.5 sqm |
| FOOTPATH: | 90 sqm |
| BIN STORAGE: | 12 sqm |
| STORM WATER RETENTION & TANKS | 39 sqm |

**PROPOSED DEVELOPMENT**
**GFA TOTAL: 796 Sqm**
**OPEN SPACE TOTAL: 505 Sqm**

SITE COVER: 47%

SITE CHARACTERISTICS
LOT 4
Section 5: 727348
PARISH: MULLUMBIMBY
COUNTY: BYRON
SITE AREA: 1499.513 m2

NORTH

IMPORTANT NOTE
The title boundaries as shown were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. Underground services have not been located

Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services

**NOT FOR CONSTRUCTION**

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COOPAROO 4151
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PROJECT
PROPOSED MULTI-UNIT DWELLING
AT 27/29 STATION STREET
MULLUMBIMBY 2482
FOR MRS ELANORA BARTZ

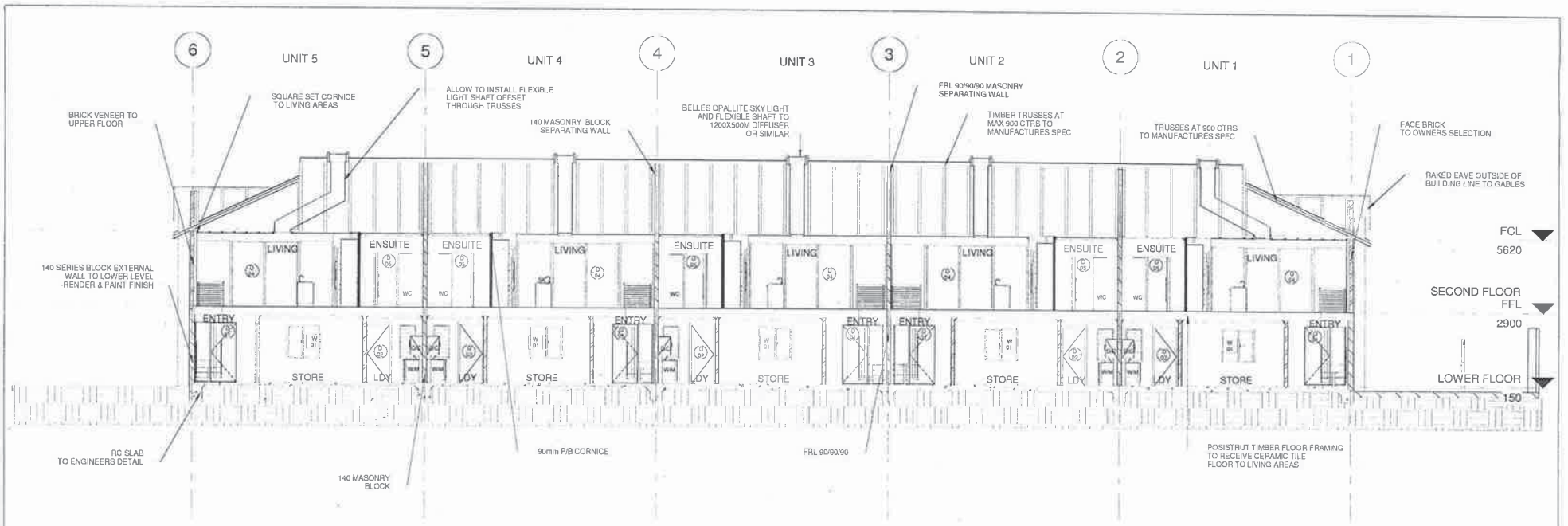
Dwg Title
SITE PLAN

| ISSUE | AMENDMENTS | DATE |
|---|---|---|
| E | MINOR AMENDMENTS | 20/04/2012 |
| D | MINOR AMENDMENTS | 07/03/2012 |
| C | ORIENTATION ADJUSTMENT | 31/01/2012 |
| B | SOUTH WALL ALIGNED | 13/12/2011 |
| DA | DEVELOPMENT APPROVAL | 18/11/2011 |

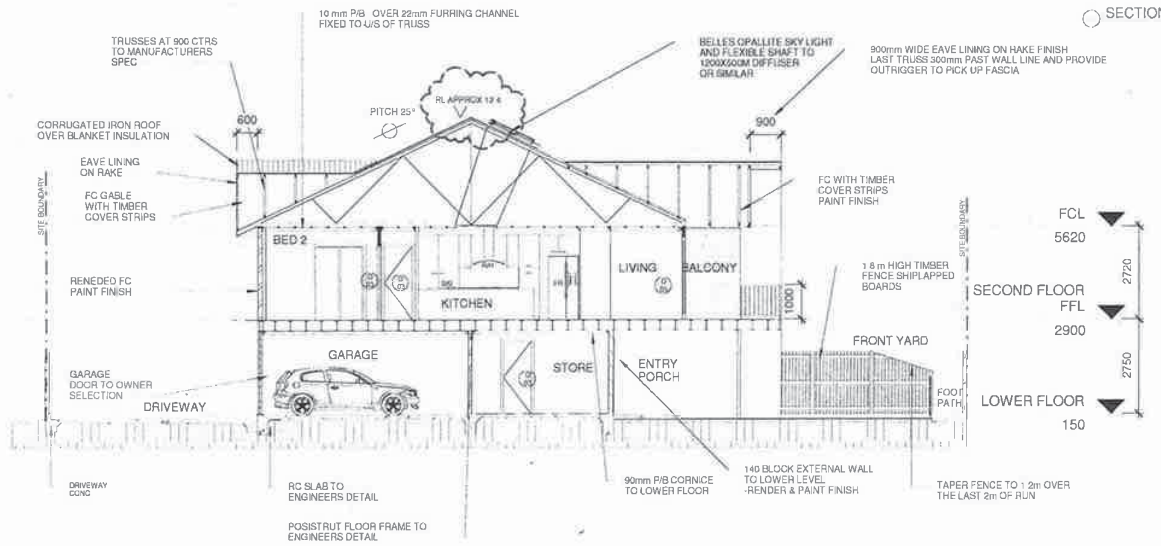
ALL WORK SHALL COMPLY WITH THE PROVISIONS OF THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT AUSTRALIAN STANDARDS

DATE: 20th APRIL, 2012
JOB NUMBER: 0511/256

| SCALE | DRAWN BY | SHEET NO | ISSUE | REVISION |
|---|---|---|---|---|
| 1 : 200 AT A2 | EB | 01 | DA | E |




SECTION 1




SECTION 2

**NOT FOR CONSTRUCTION**

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PHONE/FAX: 38434164
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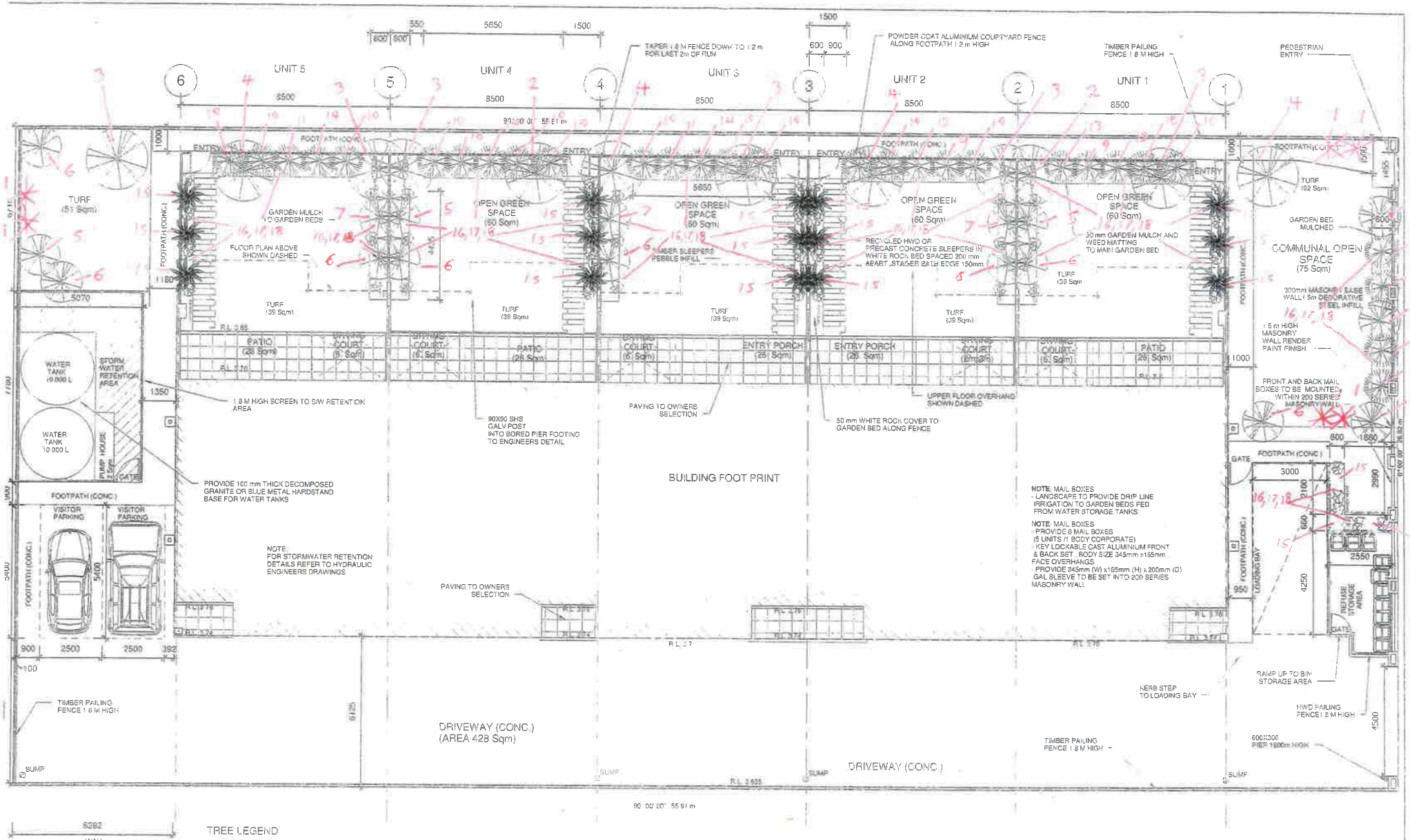
PROJECT
PROPOSED MULTI-UNIT DWELLING
AT 27/29 STATION STREET
MULIMBIMBY 2482
FOR MRS ELANORA BARTZ

Dwg Title
SECTIONS

| ISSUE | AMENDMENTS | DATE |
|---|---|---|
| E | MINOR AMENDMENTS | 20/04/2012 |
| D | MINOR AMENDMENTS | 07/03/2012 |
| C | ORIENTATION ADJUSTMENT | 31/01/2012 |
| B | SOUTH WALL ALIGNED | 12/12/2011 |
| DA | DEVELOPMENT APPROVAL | 18/11/2011 |

DATE: 20th APRIL, 2012
JOB NUMBER: 0511/256
SCALE: 1 : 100 AT A2
DRAWN BY: EB
SHEET NO: 07
ISSUE: DA
REVISION: E

Page 4 of 4
Ordinary 27/9/12
20/04/2012 3:54:27 PM
Annexure 25(a)




TREE LEGEND

- TREE 1: 2 PER YARD, 5 m HIGH, EVER GREEN
- TREE 2: 2 PER YARD, 3 m HIGH, EVER GREEN
- HEDGE: 5 PER YARD, 1.5 M HIGH, EVER GREEN
- FOUNTAIN GRASS: 7 PER YARD, (4 ONE SIDE 3 OTHER SIDE), 0.6 M HIGH, EVER GREEN
- TROPICAL PLANT: 3 PER YARD, 1.5 M HIGH, EVER GREEN

NOTE: GARDEN RELIEF AT MAIL AREA
3 X TROPICAL PLANT
6x FOUNTAIN GRASS

NOTE
FOR SPECIFICATIONS ON TREE SPECIES REFER TO TOWN PLANNING REPORT

NOT FOR CONSTRUCTION

NORTH

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brisdesign | PROJECT: PROPOSED MULTI UNIT DWELLING AT 27/29 STATION STREET MULIMBIMBY, 2482 | Dwg Title: LANDSCAPE PLAN | 5 DA SOUTH WALL ALIGNED 12/12/2011; DEVELOPMENT APPROVAL 18/11/2011 | DATE: 12th December 2011 | JOB NUMBER: 0511/256 | | |
| OSSA LIC# 1163283 | FOR MRS ELANORA BARTZ | | ISSUE AMENDMENT DATE | SCALE: 1 : 100 AT A3 | DRAWN BY: EB | SHEET NO: 08 | ISSUE: DA | REVISION: B |

Page 1 of 1
Ordinary 27/9/12
Annexure 25(b)
12/12/2011 3:50:10 PM

**10.2012.149.1**
**Reasons for Refusal**

1. Pursuant to section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979* the proposed bulk and scale of the building is likely to have a negative impact on the built environment of the locality.

2. Pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not demonstrated compliance Council's Development Control Plan 2010 and is contrary Objective 1(d) of the 2(a) Residential Zone, in accordance with Clause 9(3) of the Byron Local Environmental Plan 1988 consent is not granted.

3. Pursuant to section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* the proposed development is likely to result in an unacceptable loss of privacy to neighbouring residential properties.

4. Pursuant to the provisions of Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal is inconsistent with the provisions of Byron Development Control Plan 2010, Chapter 11, Section 3.2 New buildings in established areas.

5. Pursuant to the provisions of Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the built form and environmental impacts of the proposed development are considered to be contrary to the public interest.

**Minutes of the Byron Shire Council Biodiversity and Sustainability Advisory Committee Meeting held on Friday 17 August 2012**

PRESENT: Cr P Morrisey, Cr S Richardson, Cr J Barham

Staff: Sharyn French
Angus Underwood
Michelle Chapman (Minute Taker)

Community: Robert Rosen
Heather Harford

*Cr Barham (Chair) opened the meeting at 3.18pm and acknowledged that the meeting was being held on Bundjalung Country.*

APOLOGIES: James Mason, Graeme Williams.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

CONFIRMATION OF PREVIOUS MINUTES
Minutes from the 1 June 2012 meeting (#1234030) reported to 28 June 2012 Ordinary meeting – Resolutions 12-508 to 12-512

**Committee Recommendation**

That the minutes of the Biodiversity and Sustainability Advisory Committee Meeting held on Friday 1 June 2012 be confirmed.

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**ENVIRONMENTAL PLANNING REPORTS**

**REPORT NO. 4 1. Outstanding Biodiversity and Sustainability resolutions**
**Executive Manager:** Environment and Planning
**Document No:** E2012/261

**Committee Recommendation 4.1.1**
That the Biodiversity and Sustainability Advisory Committee note this report.
(Richardson/Morrisey)

Staff Actions
In regards to outstanding resolution:

a) **10-1103** – Check procurement guidelines with Corporate Management re publication of guidelines with procurement policy and reporting back to Council.
b) **11-11** – Check with Lismore Council re their Sustainability Advantage Program.

The Committee thanks Community members for their time and effort and thanks staff for their time and diligence.

---

*There being no further business the meeting concluded at 4.45pm.*

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# N O T I C E  O F  M E E T I N G

## B I O D I V E R S I T Y  A N D  S U S T A I N A B I L I T Y  A D V I S O R Y  C O M M I T T E E  M E E T I N G

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

| | |
|---|---|
| **Venue** | **Council Chambers, Station Street, Mullumbimby** |
| **Date** | **Friday, 17 August 2012** |
| **Time** | **3.00pm** |

Phil Holloway
Acting General Manager

*#E2012/569*
*Distributed 16/8/2012*

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests" -** A conflict of interests can be of two types:
**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).
**Remoteness –** a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.
**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).
**Relatives, Partners -** a person is taken to have a pecuniary interest in a matter if:

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

N.B. "Relative", in relation to a person means any of the following:
(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)
**No Interest in the Matter -** however, a person is not taken to have a pecuniary interest in a matter:

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

**Disclosure and participation in meetings**

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

**No Knowledge -** a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.
**Participation in Meetings Despite Pecuniary Interest (S 452 Act)**
A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.
**Non-pecuniary Interests -** Must be disclosed in meetings.
There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

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

## RECORDING OF VOTING ON PLANNING MATTERS

**Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters**
(1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  (b) not including the making of an order under Division 2A of Part 6 of that Act.
(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
(4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
(5) This section extends to a meeting that is closed to the public.

## BUSINESS OF MEETING

**1. APOLOGIES**

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

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1 Minutes from the 1 June 2012 meeting (#1234030) reported to 28 June 2012 Ordinary meeting – Resolutions 12-508 to 12-512

**4. REPORTS BY DIVISION**

**Environment and Planning**

4.1 Outstanding Biodiversity and Sustainability resolutions 2

**5. BUSINESS ARISING FROM PREVIOUS MINUTES**

## ENVIRONMENT AND PLANNING REPORTS

**Report No. 4 1.** **Outstanding Biodiversity and Sustainability resolutions**
**Executive Manager:** Environment and Planning
**Document No:** E2012/261

**Principal Activity:** Land and Natural Environment

**Summary:** Report the outstanding biodiversity and sustainability resolutions.

---

**RECOMMENDATION:**

**That the Biodiversity and Sustainability Advisory Committee note this report.**

***Attachments:***

- Outstanding biodiversity and sustainability resolutions #E2012/622 [12 pages] ..... **Annexure 1**

**Report**
At the Biodiversity and Sustainability Committee meeting held on 1 June 2012, the Committee recommended and Council resolved (12-511) at the 28 June 2012 Ordinary Meeting that a report be received at the next Committee meeting on outstanding resolutions relating to biodiversity and sustainability matters. Annexure 1 lists these outstanding resolutions.

**Financial Implications**

Nil

**Statutory and Policy Compliance Implications**

Nil

**Division: CM**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 10-1103 | 16/12/2010 | CM | ORD | Report | 08/12 | 1035744 | 1034346 | | |

**Report Description: Draft Revised Policy - Procurement**

10-1103 Resolved:

1. That Council adopt Policy ? Procurement (#1033671), noting the following administrative tasks will be completed on adoption:

a) consequential numbering of the Policy;
b) completion of the administration table with resolution number, date of adoption etc;
c) inclusion of hyperlinks for related legislation, policies and procedures, in the administrative table and in clause 5.4.

2. That Council receive a report on the draft Sustainable Procurement Guide/Policy.
(Staples/Barham)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - General Manager | 22/12/2010 | Mr G Faulkner | 20/01/2011 | COMP | Part 1 completed. Administrative updates made and policy added to Council's website (#1049387).<br>Part 2 referred to Corporate Management division for action. |
| Ref - Corporate Management | 20/01/2011 | Mr M Arnold | | | 2. A working group was established and finalised the Purchasing and Tendering Guide for Council, which includes as an Appendix the Sustainable Purchasing Guide (#978800) which is based on the Sustainable Purchasing and Procurement Policy (#820383).<br>A brief was prepared for Council's Solicitors to review the Guide which has been based on the LGSA Purchasing and Tendering Guide and Appendices for legislative compliance. Legal Advice has been received and the Purchasing and Tendering Guide 2011 has been revised and adopted with the exception of a number of Appendices including Appendix 16 - Draft Sustainable Purchasing Guide. This Appendix is to be reviewed by the working group with reference to the legal advice. The report to Council will be prepared following this review process. |
| Resolution Action | 21/04/2011 | Mr G P Williams | 21/04/2011 | COMP | 1. Complete - Policy #1049387 |

**Total resolutions for CM: 1**

**Total resolution count: 1**

* --- End of Report --- *

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 11-11 | 10/02/2011 | OS | ORD | Committee Report | 08/12 | 1043433 | 1030620 | | |

**Report Description: Biodiversity and Sustainability Advisory Committee Report**

Committee Recommendation B & S 7.4.1

11-11 Resolved:

1. That Council develop a Corporate Greenhouse Emission and Energy Consumption Reporting process that will be reported to Council?s Executive Team, staff and Councillors on a biannual basis.

2. That Council adopt a revised corporate greenhouse emission reduction target of a minimum 30% reduction in greenhouse gases below 2003/04 levels by 2020.

3. That Staff report back to the Committee on initiatives to reduce fuel consumption and energy use and consider the long term management of Council owned buildings to reduce the need for air-conditioning.

4. That each division of Council develop long term sustainability goals and targets to recognise investment in sustainability, including energy consumption and reductions, over a 20 year period, to inform decision making. (Staples/Woods)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 17/02/2011 | Mr G P Williams | 11/04/2012 | COMP | 1. First report received. Annual reports ongoing - Reported to Council 9 Feb 2012<br>2. noted<br>3. Reported to Council 9/2/12 - ##1186651<br>4. Report to ET required with options for Divisions to proceed independently or via inter division sustainability committee - presentation to ET 14/9/11 - Sustainability Advantage Program could achieve this. Referred to each EM for action |
| Ref - Community Infrastructure | 11/04/2012 | Mr P J Holloway | | | Item 4 referred to each EM<br><br>4. Report & presentation to ET 14/9/11 with options for Divisions to proceed independently or via inter division sustainability committee - Sustainability Advantage Program could achieve this. Referred to each EM for action |
| Ref - Water and Recycling | 11/04/2012 | Mr A P Warner | | | Item 4 referred to each EM<br><br>4. Report & presentation to ET 14/9/11 with options for Divisions to proceed independently or via inter division sustainability committee - Sustainability Advantage Program could achieve this. Referred to each EM for action |
| Ref - Society and Culture | 11/04/2012 | Miss C M Diamond | | | Item 4 referred to each EM<br><br>4. Report & presentation to ET 14/9/11 with options for Divisions to proceed independently or via inter division sustainability committee - Sustainability Advantage Program could achieve this. Referred to each EM for action |

| | | | |
|---|---|---|---|
| Ref - Organisational Support | 11/04/2012 | Ms S McKelvey | Item 4 referred to each EM |

4. Report & presentation to ET 14/9/11 with options for Divisions to proceed independently or via inter division sustainability committee - Sustainability Advantage Program could achieve this. Referred to each EM for action

**Total resolutions for OS: 1**

**Total resolution count: 1**

* --- End of Report --- *

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 11-548 | 30/06/2011 | EP | ORD | Notice of Motion | 08/12 | 1108011 | 1101403 | | |

**Report Description: Valuing the natural environment â□□ Natural Capital Accounting**

11-548 Resolved that Council:

1. Investigate other councils or governments who may have completed or are undertaking an analysis that assigns an economic value to the environment.

2. Consider the opportunity to apply for grants or to undertake a research partnership with the Catchment Management Authority (CMA), universities or other organisations to undertake an environmental economic assessment.

3. Investigate the opportunity to provide a carbon offset program for residents and visitors.

4. Receive a report on the Australian Governmentâ□□s Carbon Farming Initiative.

(Richardson/Barham)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 05/07/2011 | Mr R E Darney | | | Pending resources - Item noted as unfunded for 2012/13 in the CSP. |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *



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Date: 15/08/2012

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-107 | 01/03/2012 | EP | ORD | Notice of Motion | 08/12 | 1199655 | 1198136 | | |

**Report Description: Reduce single-use plastic bag use in Byron Shire**

12-107 Resolved:

1. That Council acknowledge the efforts taken by many local businesses and residents to reduce the number of single-use plastic bags used throughout Byron Shire- especially the Say No To Plastic Bag Campaign. This is to be included in Councilâ□□s weekly newspaper notice as well as on the Council website.

2. That Council acknowledge that single-use plastic bags are a major litter problem in our parks and waterways, and can result in the deaths of many turtles, Cetaceans, birds, as well as other animal species. This is to be included in Councilâ□□s weekly newspaper notice as well as on the Council website.

3. That Council write to the State and Federal Government urging them to introduce legislation that would ban single-use plastic shopping bags.

4. That Council contact local retailers to encourage them to voluntarily and in a staged approach, reduce and ultimately eliminate single-use plastic shopping bags from the Byron Local Government Area.

5. That Council ensure all Council owned or controlled business and commercial activities eliminate the availability of single-use plastic shopping bags

6. That, Byron Shire Council Policy 7.1 Business and Commercial Activities, be amended to reflect this change and any relevant Council procedures (eg where it affects purchasing). (Richardson/Barham)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Water and Recycling | 05/03/2012 | Mr A P Warner | 02/05/2012 | COMP | referred in error to W&R - referred to GWilliams 30/4/12 |
| Ref - Environment and Planning | 02/05/2012 | Mr G P Williams | | | 1. & 2. Referred to Media Officer<br>3. Draft Letters #1245130 & #1245138<br>4. Pending resources. Sustainable Bussiness Directory supports this action. Draft letter #<br>5. Referred to Property Manager<br>6. COMPLETE - Council's Business and Commercial Activities Policy amended and updated on web 1/5/12 |
| Ref - General Manager | 21/06/2012 | Mrs D L Johnston | | | Parts 1 & 2 for your action |
| Ref - Corporate Management | 21/06/2012 | Ms P A Kirkland | | | Part 5 for your action |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-218 | 29/03/2012 | EP | SPC | Report | 08/12 | 1209995 | 1193450 | | |

**Report Description: Koala Plan of Management Project Reference Group**

12-218 Resolved that the Strategic Planning Committee resolve under delegated authority:

a) That the recommendations of the KPoM PRG from the 1 February 2012 meeting be adopted as follows:

Recommendation 6.1â□□ Koala Plan of Management Project Reference Group (KPoM PRG)
That the KPoM PRG continues to guide the preparation of the Koala Plan of Management.

Recommendation 6.2 KPoM PRG Constitution
That the KPoM PRG constitution be amended so that a quorum constitutes half of the PRG members holding voting rights.

b) That the Byron Coast Koala Habitat Study be noted and that it will be used to inform the preparation of the Comprehensive Koala Plan of Management.

c) That the draft submission to the NSW Scientific Committee to list the koala population north of the Brunswick river as an Endangered Population under the Threatened Species Conservation Act 1995 be noted.

d) That if the request for funding from OEH to prepare the Comprehensive Koala Plan of Management is unsuccessful, in whole or in part, then Council reallocate funds required from account #2605.4 Byron Rural Settlement Strategy.

e) That Council writes to the Department of Planning outlining current scientific evidence for habitat tree species and request these be included in SEPP44 as acknowledged Koala Habitat Species.
(Richardson/Staples)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 04/04/2012 | Mr A J Underwood | | | a) noted<br>b) noted<br>c) noted<br>d) OEH have provided $30K - #E2012/481<br>e) letter #1245084 |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-442 | 07/06/2012 | EP | ORD | Notice of Motion | 08/12 | 1237614 | 1235680 | | |

**Report Description: Madeira Vine (Anredera cordifolia)**

12-442 Resolved that Byron Shire Council write to Far North Coast Weeds recommending that Madeira Vine (Anredera cordifolia) be declared as a noxious weed to at least a Class 4 level.
(Staples/Cameron)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 08/06/2012 | Mr A J Underwood | | | letter drafted #1243357 |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-509 | 28/06/2012 | EP | ORD | Committee Report | 08/12 | 1239504 | 1225127 | | |

**Report Description: Public access to Council held environment/ biodiversity information**

12-509 Resolved that in relation to Report No 4.1 - Public access to Council held environment/ biodiversity information (COR250000 x PLN657401#1225127), Council adopt: Committee Recommendation 4.1

That the Biodiversity and Sustainability Advisory Committee recommend to Council that:

a) this report be noted, regarding the public access of environmental mapping information via the Biodiversity section of Councils website.

b) letters be written to NSW agencies to seek permission or requirements for mapping layers including soils, fish habitat, waterways, threatened fauna habitats, marine parks and national parks to be made available.

c) before public access of environmental mapping information is made available a communications kit/program be developed, providing definitions and explanations as to the source of information and a disclaimer prior to site entry or download of opportunities for residents to identify any inaccuracies and seek assistance to improve accuracy.

d) an annual budget (Environmental Levy) be allocated for ground truthing and additional survey work to improve the quality and accuracy of information and staff to investigate grants.

e) staff explore uploading technologies for the community to submit information to update Councilâ□□s environmental mapping information. (Woods/Tucker)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 03/07/2012 | Mr A J Underwood | | | a) noted<br>b) to e) works commenced |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *



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Date: 16/08/2012

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-510 | 28/06/2012 | EP | ORD | Committee Report | 08/12 | 1239504 | 1224013 | | |

**Report Description: Various matters from meeting of 24/2/12 - Council paper use and type**

12-510 Resolved that in relation to Report No 4.2 - Various sustainability matters from Committee meeting of 24 February 2012 â□□ Res 12-161 (COR250000 #1224013), Council adopt:

Committee Recommendation 4.2.1

That the Biodiversity and Sustainability Advisory Committee recommend to Council, in relation to Council paper use and type that:

a) Council acknowledge the sizeable reduction of approximately 1000 reams of paper from 2010 to 2011 and reaffirm a commitment to continue the reduction.
b) Council continue to uphold the highest possible standards in relation to procurement of paper products and acknowledge that Council has been purchasing the most environmentally responsible products available reflecting the Councilâ□□s value and commitment to corporate sustainability principles. (Woods/Tucker)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 03/07/2012 | Mr G P Williams | 15/08/2012 | COMP | a) noted<br>b) noted - referred to paper purchasing section for noting |
| Ref - Corporate Management | 15/08/2012 | Mr M Arnold | | | For your information - please forward to appropriate purchasing officer |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *



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Date: 16/08/2012

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-511 | 28/06/2012 | EP | ORD | Committee Report | 08/12 | 1239504 | 1224013 | | |

**Report Description: Various matters from meeting of 24/2/12-householder recognition progra**

12-511 Resolved that in relation to Report No 4.2 - Various sustainability matters from Committee meeting of 24 February 2012 â□□ Res 12-161 (COR250000 #1224013), Council adopt:

Committee Recommendation 4.2.2

That the Biodiversity and Sustainability Advisory Committee recommend to Council, in relation to a householder recognition program, that:

a) a small recognition plaque made from durable recycled plastic labelled â□□Striving for Sustainabilityâ□□ is presented to people who participate in the sustainable streets program.
b) Staff investigate the feasibility of presenting the plaque to attendees of Community college â□□Sustainable Livingâ□□ programs.
c) the distribution of the plaques would be based on a set of criteria similar to the sustainable streets program.
d) Council allocate $1,000 from the Sustainability Program budget (2605.63) for this purpose.

Committee Recommendation 4.2.3

That Council reinstate an annual World Environment Day ceremony from 2013 to recognise outstanding achievement in sustainability and biodiversity and allocate $2,000 from the Sustainability Program Budget (2605.63) for this purpose.

Committee Recommendation 4.2.4

That the Committee notes with great concern that Council is not on target to meet the adopted 30% reduction in CO2 emissions below 03/04 levels by 2020 and that Council reconfirm their commitment to this target and receive a report on what measures / actions are required to meet this target, as a matter of urgency.

Committee Recommendation 4.2.5

That a report to the next Biodiversity and Sustainability Advisory Committee meeting be received regarding any outstanding biodiversity and sustainability resolutions. (Woods/Tucker)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 03/07/2012 | Mr G P Williams | | | 4.2.2. a) to d) - pending completion of existing work committments<br>4.2.3. - scheduled for 2013<br>4.2.4. - to be tabled with new Council post Sept 2012<br>4.2.5. - drafted for 17/8 B & S meeting - E2012/261 |

| Related Resolution / DocNo | Meeting Date | Division | Meeting Type | Res Type | Rpt DM # | Status Date | Status | Report Description |
|---|---|---|---|---|---|---|---|---|
| 12.161 | | EP | ORD | | | | | |

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-512 | 28/06/2012 | EP | ORD | Committee Report | 08/12 | 1239504 | 1242316 | | |

**Report Description: Biodiversity and Sustainability Advisory Committee General Business**

12-512 Resolved that in relation to General Business, Council adopt:

Committee Recommendation 5.1

That a report to the Biodiversity and Sustainability Advisory Committee be received on Council participation or initiation of revised Richmond Birdwing butterfly and Coxen Fig Parrot programs with the community, and specifically with schools, and note Committee member Heather Harford has offered support.

Committee Recommendation 5.2

That the Biodiversity and Sustainability Advisory Committee note the excellent work done in the production of biodiversity and sustainability materials and resources for community distribution eg butterfly, shorebird posters. (Woods/Tucker)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 03/07/2012 | Mr R E Darney | 05/07/2012 | COMP | noted and referred to Natural Resources |
| Resolution Action | 05/07/2012 | Mr A J Underwood | | | 5.1 - options to participate being considered<br>5.2 - noted |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *

**Division: EP**

| Resolution No | Meeting Dte | Division | Meeting Type | Res Type | Council | Min DM # | Rpt DM # | Prop Comp Date | Closed Date |
|---|---|---|---|---|---|---|---|---|---|
| 12-590 | 28/06/2012 | EP | ORD | Urgency Motion | 08/12 | 1239504 | | | |

**Report Description: Wild Dog, Fox and Cat Program**

12-590 Resolved:

1. That if any carry overs in the Environmental Levy Works and Services Program budget are available at 30 June 2012 then Council set aside any amount up to $20,000 of any carryover for the Wild Dog, Fox and Cat Program.

2. That a media release be issued reporting on the success of this program and the continuation of it by Byron Shire Council to address feral pest populations in Byron Shire and include the BSC advocacy that lead to a regional approach via NOROC ($50,000 funding)

3. That the monthly trapping reports be the subject of ongoing public reporting eg e-newsletter, media releases, web updates etc. (Morrisey/Barham)

| Task / Act Officer | Ref Dte | Officer | Status Date | Status | Task Notes |
|---|---|---|---|---|---|
| Ref - Environment and Planning | 04/07/2012 | Mr A J Underwood | | | 1. to be investigated<br>2. & 3. - referred to Media Officer |
| Ref - General Manager | 16/08/2012 | Mrs D L Johnston | | | Items 2 & 3 for your action - T/L Natural Environment can provide technical advice |

**Total resolutions for EP: 1**

**Total resolution count: 1**

* --- End of Report --- *

Local Government Association of NSW

# 2012 NSW LGA Conference, Dubbo

28 to 30 October 2012, Dubbo

Dubbo Regional Theatre & Convention Centre

# Registration Guide

tribal by nature

lgsa.org.au/LGAconference

DUBBO CITY COUNCIL

Local Government Association of NSW

Your hosts

essential energy

Elite sponsor

# Welcome



Cr Mathew Dickerson
Mayor of Dubbo

## Message from Mayor of Dubbo, Cr Mathew Dickerson

I extend a warm invitation to you to attend the 2012 Local Government Conference from 28 to 30 October when the City of Dubbo will host the premier event on the NSW Local Government calendar. This Conference will be an unforgettable experience for delegates to our City. The theme for our Conference is 'Tribal by Nature' and will be held at Dubbo's new state-of-the-art cultural facility, the Dubbo Regional Theatre and Convention Centre where you will experience a world-class theatre environment.

Not to overshadow the purpose of your visit, we promise to balance the business of Local Government with the 'Dubbo experience'. Social activities will include the opportunity to enjoy a good red at one of our local vineyards, 'cycling the world' at Taronga Western Plains Zoo and immersing yourself in the country charm of Dubbo's diverse eateries.

The Conference journey will begin at the Western Plains Cultural Centre where delegates will view the 2012 Archibald Prize, and conclude on the 'savannah plains of Africa' at the world-renowned Taronga Western Plains Zoo where you will experience the dulcet tones of Kate Ceberano.

With elections in September, the Conference presents a rare opportunity to mix experience with some new faces to Local Government, so be sure not to miss out on the opportunity that Dubbo presents to network, share ideas and debate issues. Be warned though – many times I have spoken to a long-term resident and they tell me they visited Dubbo for a weekend and ended up staying a lifetime. You may end up changing your postcode after October!

**Cr Mathew Dickerson**
**Mayor of Dubbo**



LGA NSW President,
Cr Keith Rhoades AFSM

## Message from LGA NSW President, Cr Keith Rhoades AFSM

I would like to invite you all to attend the 2012 Annual Conference of the Local Government Association of NSW in Dubbo this October.

Since our last annual conference in Shoalhaven, the O'Farrell Government has embarked on a number of significant reviews that will impact on NSW Local Government and I am proud to say that the LGA, along with the Shires Association of NSW, are helping to drive and influence positive change for our sector.

As the independent Local Government Review Panel gets underway, so too are the reviews of the Environmental and Planning Assessment Act 1979, the Local Government Act 1993 and Emergency Services funding arrangements, all of which have the potential to affect the functions, operations and finances of councils. This timely Conference brings us together to debate and formalise our policies for the coming year and identify, discuss and make recommendations for future challenges and opportunities for NSW Local Government.

As in previous years, delegates will hear from a range of highly specialist key note speakers as well as the opportunity to meet, network and engage with your fellow councillors. On the second morning of the conference, the LGA Women's Committee together with the Australian Local Government Women's Association will be holding a breakfast to celebrate the role and contribution of women in Local Government and I invite you to attend. Delegates will also be given an up-to-date on how we are progressing towards becoming one voice and One Association representing the Local Government sector in NSW.

Your attendance is encouraged and welcomed at what could potentially be the last LGA Annual Conference and I look forward to seeing you there.

**Cr Keith Rhoades AFSM**
**President**
**Local Government Association of NSW**

# Conference venue




Opened in March 2010, the $18.5M Dubbo Regional Theatre and Convention Centre (DRTCC) is the jewel in Dubbo's crown and the focal point for the Conference. Situated opposite the picturesque Victoria Park, the DRTCC is located in the heart of the City and a short stroll to the central business district, shops and Macquarie River. The DRTCC is home to a 700-seat auditorium and a 500-seat tiered theatre, and showcases some of Australia's best drama, comedy, dance and music acts; as well as a range of international performances.

The DRTCC has disabled access and amenities, and is fully air-conditioned. Wi-Fi is available for the convenience of delegates.

# Conference overview

## Sunday, 28 October

- Early Morning Walk – TWPZ
- Trade exhibition set-up
- Delegate registration – DRTCC
- City tour
- Official Opening Ceremony – DRTCC
- President's Welcome Reception – WPCC

## Monday, 29 October

- Trade exhibition
- Early Morning Walk – TWPZ
- Conference sessions – DRTCC
- Optional tour: Hidden Gems
- Happy Hour – DRTCC
- Dubbo dining experience – by own arrangements
- Social Dinner – ODG (optional ticketed event – limit of 200)

## Tuesday, 30 October

- Trade exhibition
- Early Morning Walk – TWPZ
- ALGWA Breakfast – WPCC
- Conference sessions – DRTCC
- Optional tour: History and Heritage
- Happy Hour – DRTCC
- Conference close
- Gala Dinner – TWPZ

KEY

| | |
|---|---|
| DRTCC | Dubbo Regional Theatre and Convention Centre |
| WPCC | Western Plains Cultural Centre |
| ODG | Old Dubbo Gaol |
| TWPZ | Taronga Western Plains Zoo |







# Registration

**Registrations due by Monday, 8 October 2012**

## Registration fee (inclusive of GST)

| | **Early Bird Registration** *(Before Friday, 7 September)* | **Registration** *(After Friday, 7 September)* |
|---|---|---|
| Delegate registration | $1089.00 | $1155.00 |
| Sponsor registration | $440.00 | |

**Please note: to receive the discounted early bird rate completed Registration Forms with payment must be received by Friday 7th September 2012.*

## Registration entitlements

### Delegate registration entitlements include:

- Opening Ceremony
- President's Welcome Reception
- All conference sessions
- Morning and afternoon teas and lunch on Monday and Tuesday
- Happy Hours on Monday and Tuesday
- Tuesday night Gala Dinner
- Conference materials
- Conference transfers (must be pre-booked)

*NB: Does not include social dinner at Old Dubbo Gaol (limited numbers apply) or ALGWA Breakfast, tickets available at additional cost.*

*Please note – a delegate is considered to be anyone registering to attend the Conference.*

### Sponsor entitlements:

- Opening Ceremony
- President's Welcome Reception
- All conference sessions
- Morning and afternoon teas and lunch on Monday and Tuesday
- Happy Hours on Monday and Tuesday
- Conference transfers (must be pre booked)
- Tuesday night Gala Dinner

*NB: Does not include social dinner at Old Dubbo Gaol (limited numbers apply) or ALGWA Breakfast, tickets available at additional cost.*

Most sponsorship and trade display packages include sponsor registrations. Please check your package inclusions. If your sponsorship does not include sufficient tickets for your staff and you require additional tickets, they may be purchased at the nominated rates.

*Please note – a sponsor is considered to be an employee of an organisation who is sponsoring or exhibiting at the Conference.*

### Do you have a partner attending?

- Partners (of delegates) are encouraged to attend the Conference and participate in select functions and optional tours.
- Refer to the Conference Registration Form for bookings and ticket prices.

# Registration

## How to register (per person)

- Fill out the Registration Form and post in; or
- register online at: **lgsa.org.au/LGAconference**

Complete one Registration Form per person, indicating the functions you wish to attend (both inclusive and optional). Calculate the total cost for your organisation on the Payment Summary Form and include with the appropriate Registration Forms. If you require additional Registration Forms, simply photocopy the blank form or complete additional forms online.

Please send registrations to:
LGA 2012 Conference, Conference Secretariat
PO BOX 5013, ALBURY NSW 2640

## Payment Details

Payment must accompany Registration Forms. Payment may be made by cheque, credit card (MasterCard and Visa only) or direct deposit (details available on the Payment Summary Form).

**Please note: registrations will not be processed, and thus bookings not confirmed, without required payment.*

## Registration enquiries and due date

You are requested to submit registrations by **Monday, 8 October 2012**.

For all enquiries, please contact the Conference Secretariat, Bradley Hayden, Countrywide Conference and Event Management:

**P.** 02 6023 6300 | **F.** 02 6023 6355
**E.** lga2012@ccem.com.au

## Confirmation

All registrations will be confirmed via email after receipt of Registration Form with required payment.

## Cancellations

All cancellations must be advised in writing. Cancellations made by 5pm on 8, October 2012 will be eligible for a full refund of all registration payments made, less a $110.00 administration fee per registration. Cancellations made after 5pm on Monday, 8 October will not be entitled to any refund, however substitute delegates may be sent – please notify the Conference Secretariat with name changes.

## Privacy Policy

Dubbo City Council is hosting the LGA 2012 Conference on behalf of the LGSA and is bound by and committed to supporting the principals set out in the Privacy & Personal Information Act 1998. Dubbo City Council will collect and store information you provide in the Registration Form for the purposes of enabling us to register your attendance at the conference. With your permission, Dubbo City Council may disclose some of the information that is collected in the Registration Form such as your name, organisation and its location and your email address. Dubbo City Council will not otherwise, without your consent, use or disclose your personal information for any purpose unless it would reasonably be expected that such purpose be related to the offer, provision and improvement of conferences and services or where such purpose is permitted or required by law.

## Liability

In the event of unforeseen circumstances Dubbo City Council or the Conference Secretariat does not accept responsibility for loss of expenses incurred by delay.

By completing and submitting the Registration Form you are deemed to have read and accepted the cancellation and privacy policies.

## Special Requirements

If you have any special dietary or access requirements, please ensure that you complete the appropriate section of the Registration Form.

## Accommodation

Dubbo has 3500 beds. A room bank of 800 beds, all within a 10 minute drive to the Conference venue have been secured via the Conference Secretariat. To book accommodation, please email the Conference Secretariat lga2012@ccem.com.au.

## Accommodation Transfers

Complimentary coach transfers are available from your accommodation to the venue and return daily. Please confirm your requirements on the Registration Form. **Bookings are essential**.

# Registration




## Child Care

Child care will be sourced initially via Dubbo City Council's Family Day Care service for care during the Conference sessions (days) and/or during evening social activities. You must advise the Conference Secretariat prior to Monday, 8 October 2012 if you would like us to source child care on your behalf. This will enable the necessary forms/documents to be completed/ supplied prior to the Conference. The Conference Secretariat will be unable to assist with any childcare requirements if advice is not received prior to Monday, 8 October 2012.

## Getting to Dubbo

Dubbo is just an hour's flight from Sydney or a scenic five-hour drive from the coast that takes you through breath-taking mountains, valleys and sprawling plains. There are daily air services operated by both QantasLink and Regional Express (REX) with over 150 flights in and out of Dubbo every week. Rail is also an option with daily services offered by CountryLink on the fast and comfortable XPT service.

### Travel contacts

QantasLink – 131 313 | www.qantas.com.au
Regional Express – 131 713 | www.rex.com.au
CountryLink XPT – 13 22 32 | www.countrylink.info

## Airport Transfers

Dubbo City Regional Airport is a short 5 minute drive to the Conference venue and the City's Centre (approximately a $20 taxi fare).

Dubbo City Council has arranged for complimentary coach transfers from the airport to your accommodation on Saturday, 27 October and Sunday, 28 October. Please confirm your requirements on the Registration Form. **Booking is essential**.

## Bike Hire

For those delegates wishing to cycle their way around Dubbo, bikes can be hired by contacting Darrell Wheeler Cycles on 02 6882 9899.

## Places of worship

For information on places of worship please visit **www.lgsa.org.au/LGAconference**

# Social functions

## Sunday, 28 October

### President's Welcome Reception

**Venue** Western Plains Cultural Centre featuring 2012 Archibald Prize
**Time** 6.30pm – 8.30pm
**Dress code** Smart casual
**Tickets** $88.00
**Sponsor** YMCA

The Reception will immediately follow the Opening Ceremony. View the winning entry alongside the 40 other shortlisted 2012 Archibald Prize portraits at the Western Plains Cultural Centre during this year's President's Welcome Reception. *The histrionic wayfarer* by Tim Storrier is this year's winner of what is Australia's oldest and most prestigious art prize.

Delegates will be encouraged to walk through the picturesque Victoria Park from the Dubbo Regional Theatre and Convention Centre to the Western Plains Cultural Centre (750m – 5 minute walk)*.

**Please note: transport will be offered to those who would prefer (or have need) to travel by coach.*

Dinner on the Sunday evening after the Welcome Reception is at the discretion of delegates.
A Restaurant and Café Guide will be provided to all delegates as part of the Conference confirmation documents.

## Monday, 29 October

### Social dinner

**(Ticketed event – limited to 200pax – first-in basis – refer to Registration Form)**

**Venue** Old Dubbo Gaol
**Time** 7.00pm – 10.00pm
**Dress code** Smart casual
**Capacity** 200 persons
**Tickets** $95.00

Step back in time to the pioneering days and enjoy the tales of the mystery of Old Dubbo Gaol. The cells, artefacts and prison amenities remain unchanged since 1847 when it was home to "duffers" and "ladies of the night". Eight men were hung at the Gaol, the first in 1877.

This event will be exclusive to delegates wishing to attend and an additional price applies.

Don't miss out on what is sure to be an entertaining evening for delegates. Be careful, however, those pesky inmates will try anything to escape!

### Dubbo restaurants

If you choose not to attend the optional social dinner at the Old Dubbo Gaol, dinner will be at the discretion of delegates. A Restaurant and Café Guide will be provided to all delegates as part of the Conference confirmation documents. **Bookings prior to arrival are highly recommended.**

## Tuesday, 30 October

### Australian Local Government Women's Association (ALGWA) Breakfast

**Venue** Western Plains Cultural Centre
**Time** 7.30am – 8.45am
**Capacity** 75 persons
**Dress code** Smart casual
**Tickets** $77.00
**Guest speaker** Jane Caro

The Local Government Association (LGA) and the Australian Local Government Women's Association (ALGWA) are hosting a breakfast to celebrate the role and contribution of women in Local Government.

All Conference attendees are warmly invited to attend in support and recognition of the increasing diversity in our local councils.

### Gala Dinner featuring Kate Ceberano

**Venue** Taronga Western Plains Zoo
**Time** 7.00pm, for 7.30pm start – 11.00pm
**Dress code** After five
**Tickets** $165.00
**Sponsor** essential energy

This year the Zoo celebrated 35 years in Dubbo and the City's world-renowned visitor attraction and partner of many of the world's conservation programs will be the setting for the Conference's Gala Dinner.

Overlooking the African savannah, and coming head-to-head with the majestic giraffe and other African wildlife, delegates will enjoy a truly memorable event. Watch for the piercing eyes of a tiger, or the prowling movement of a leopard – with more than 700 animals on site, you will never be sure what to expect. Guests will also be entertained by the brilliant Ms Kate Ceberano.

Transport to and from your accommodation will be provided. Travel to Taronga Western Plains Zoo in private vehicles is not encouraged.



***Jane Caro** is an author, lecturer, social commentator, columnist, broadcaster and award winning advertising writer. Jane is well known for her appearances on Channel 7's 'Sunrise', ABC's 'Q&A' and 'The Gruen Transfer.'*



# Optional tours









## Sunday, 28 October

### City tour – hosted by Dubbo City Council

**Time** 11.00am – 2.30pm
**Cost** No Charge. Bookings essential.
**Departs** Departs and returns to the DRTCC

Sites for the tour have been selected based on Dubbo City Council initiatives recognised within the industry:

- Solar initiatives
- Storm water harvesting
- Greenscape initiatives
- Recreation space (cycle) initiatives
- Water reticulation project

## Monday, 29 October

### Hidden Gems

**Time** 9.00am – 5.00pm
**Dress code** Casual
**Cost** $85.00 (includes entry, coach transfers, morning tea and lunch with glass of wine)
**Departs** Departs and returns to the DRTCC

Experience the glittering splendour of Wellington Caves, visit the gallery of one of Australia's finest bronze sculptors, enjoy a stroll through Dubbo's Botanical Garden and take in the sounds, sights, tastes and smells of its sensory garden.

Let the tills ring out and indulge in some retail therapy! Finish the day by browsing furniture, china, cast iron wares and other unusual items at a local antique store.

## Tuesday, 30 October

### History and Heritage

**Time** 9.00am – 5.00pm
**Dress code** Casual
**Cost** $80.00 (includes entry, coach transfers, morning tea and lunch with glass of wine)
**Departs** Departs and returns to the DRTCC

Discover Dubbo's ancient Aboriginal rock grooves, enjoy a delicious Devonshire Tea at Australia's oldest timber slab homestead, learn about the history of Australia's legendary Royal Flying Doctor Service.

Walk in the footsteps of gangsters and underworld figures on a guided history and heritage walk through Old Dubbo town; or let the tills ring out and indulge in some retail therapy! End the day with a kaleidoscope of colour with a visit to a bottle house surrounded by native flora.

## Sunday, 28 October
## Monday, 29 October
## Tuesday, 30 October

### Early Morning Walks – Taronga Western Plains Zoo

**Venue** Taronga Western Plains Zoo
**Time** 6.45am – 8.30am (includes breakfast)
**Dress code** Casual (walking shoes/hat)
**Tickets** $33.00
**Assemble** TBA at the TWPZ

Starting at dawn, when the animals awaken, this leisurely-guided walk is a fabulous behind-the-scenes experience. You'll be escorted to off-limit areas by one of the Zoo's volunteers and come face-to-face with some of the world's exotic and endangered species.

**All tours are subject to change and minimum numbers. All tours are optional and not included in the registration fees. Selections must be made on the Registration Form.**

# Social events summary

| Date | time | Location | Activity | Included in registration | Optional – additional charge* | Optional – no charge* |
|---|---|---|---|---|---|---|
| Sunday, 28 October | 6.45am – 8.30am | TWPZ | **Early Morning Walk** | | ● | |
| | 11.00am – 2.30pm | Various – coach tour | **City tour** | | | ● |
| | 4.00pm – 6.30pm | DRTCC | **Official Opening** | ● | | |
| | 6.30pm – 8.30pm | WPCC | **President's Welcome Reception** | ● | | |
| Monday, 29 October | 6.45am – 8.30am | TWPZ | **Early Morning Walk** | | ● | |
| | 9.00am – 5.00pm | Various – coach tour | **Optional tour: Hidden Gems** | | ● | |
| | 7.00pm – 10.00pm | ODG | **Social dinner (limit of 200 – first in basis)** | | ● | |
| Tuesday, 30 October | 6.45am – 8.30am | TWPZ | **Early Morning Walk** | | ● | |
| | 7.30am – 8.45am | WPCC | **ALGWA Breakfast** | | ● | |
| | 9.00am – 5.00pm | Various – coach tour | **Optional tour: History and Heritage** | | ● | |
| | 7.00pm – 11.00pm | TWPZ | **Gala Dinner** | ● | | |

** Bookings essential and must be booked at time of registration*

**Code:**
**DRTCC**
Dubbo Regional Theatre and Convention Centre
**WPCC**
Western Plains Cultural Centre
**ODG**
Old Dubbo Gaol
**TWPZ**
Taronga Western Plains Zoo

## Coach transfer summary

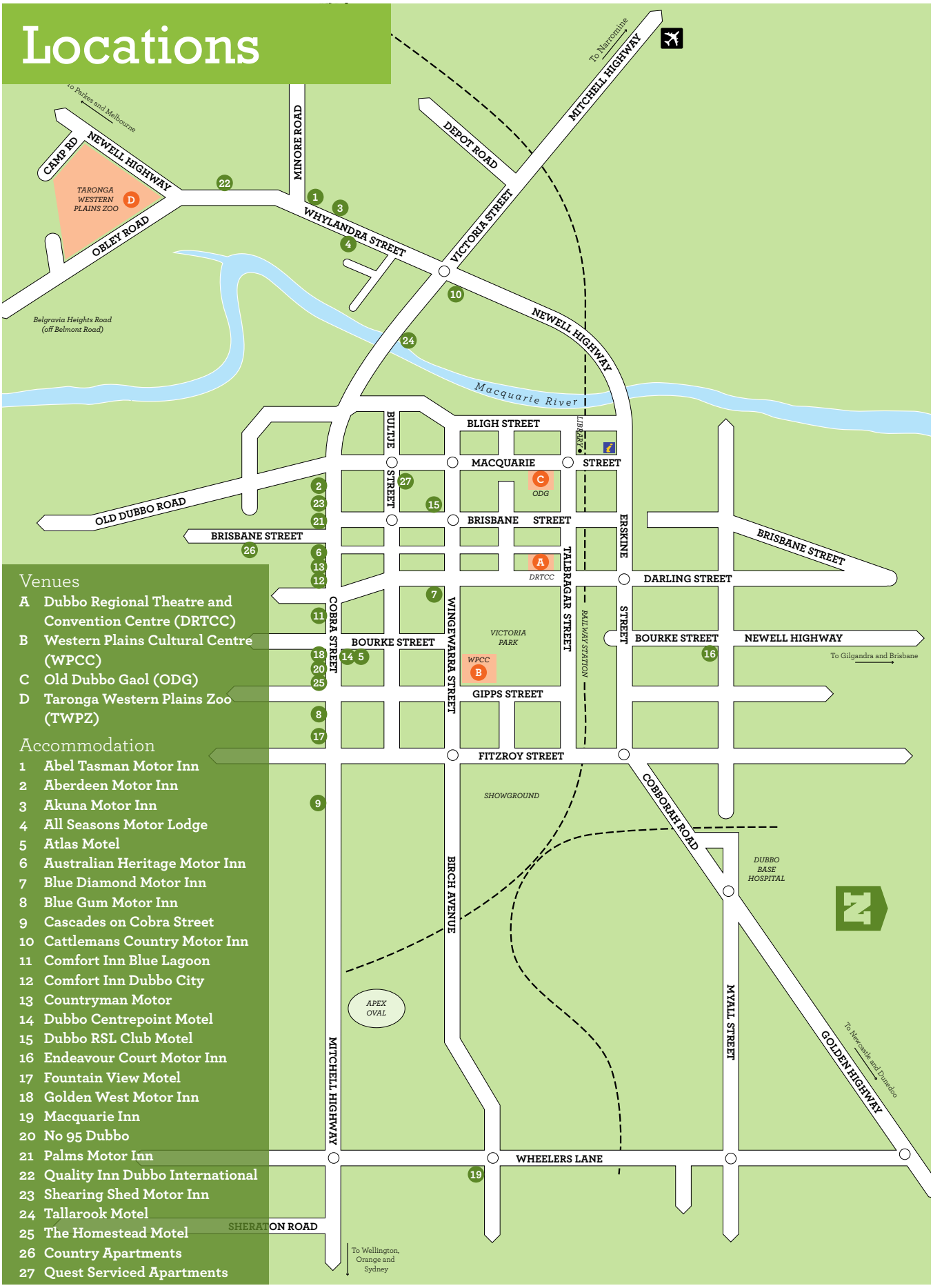
| Date | Event | From | To | Bookings essential |
|---|---|---|---|---|
| Saturday, 27 October | | Dubbo Airport | **Accommodation** | ● |
| Sunday, 28 October | | Dubbo Airport | **Accommodation** | ● |
| | **Opening Ceremony** | Accommodation | **Conference venue** | ● |
| | **President's Welcome Reception** | WPCC | **Accommodation** | ● |
| Monday, 29 October | | Accommodation | **Conference Venue** | ● |
| | | Conference venue | **Accommodation** | ● |
| | **Social Dinner** | ODG | **Accommodation** | ● |
| Tuesday, 30 October | | Accommodation | **Conference Venue** | ● |
| | | Conference venue | **Accommodation** | ● |
| | **Gala Dinner** | Accommodation | **TWPZ** | ● |
| | **Gala Dinner** | TWPZ | **Accommodation** | ● |

*Time of transfers will be confirmed at time of registration*

*Please note: the following transfers are not provided:*

- To and from ALGWA Breakfast – WPCC
- To and from Early Morning Walks – TWPZ
- Collection from accommodation to participate in Optional Tours
- Collection from accommodation to participate in City Tour
- Collection from accommodation to attend Social Dinner (ODG)

# Locations




## Venues

- A Dubbo Regional Theatre and Convention Centre (DRTCC)
- B Western Plains Cultural Centre (WPCC)
- C Old Dubbo Gaol (ODG)
- D Taronga Western Plains Zoo (TWPZ)

## Accommodation

1. Abel Tasman Motor Inn
2. Aberdeen Motor Inn
3. Akuna Motor Inn
4. All Seasons Motor Lodge
5. Atlas Motel
6. Australian Heritage Motor Inn
7. Blue Diamond Motor Inn
8. Blue Gum Motor Inn
9. Cascades on Cobra Street
10. Cattlemans Country Motor Inn
11. Comfort Inn Blue Lagoon
12. Comfort Inn Dubbo City
13. Countryman Motor
14. Dubbo Centrepoint Motel
15. Dubbo RSL Club Motel
16. Endeavour Court Motor Inn
17. Fountain View Motel
18. Golden West Motor Inn
19. Macquarie Inn
20. No 95 Dubbo
21. Palms Motor Inn
22. Quality Inn Dubbo International
23. Shearing Shed Motor Inn
24. Tallarook Motel
25. The Homestead Motel
26. Country Apartments
27. Quest Serviced Apartments

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Local Government Association of NSW

# Sustainability

## Dubbo, saving our environment

Dubbo City Council's commitment to event management sustainability principles include the following actions:

- A Council officer was designated to develop, manage and report on, the Conference's Sustainability Plan (including a Waste Management Plan)
- Council integrated its Plan with the SEMS online program to ensure timely actions and careful monitoring of savings and impact
- Scope of works for suppliers included the need to commit to a minimal sustainability plan, as part of the contract
- In lieu of delegate gifts, Council will distribute re-usable coffee cups and water bottles for use by delegates during the Conference
- **Development of a 'Flip book' Program** – The Conference Program will be available online as a 'flipbook' which you can view via your iPad or website or you can download the pdf and print yourself. If however you would prefer to receive a paper copy, please tick the appropriate box on your Registration Form.
- We will **not** be providing a delegate satchel, however carry bags will be available on request, or please feel free to recycle a satchel from a previous event.
- Courtesy cars to be used during the Conference are hybrid vehicles supplied by Distinguished Sponsor, Toyota.




# More information

More information can be found on
**www.lgsa.org.au/LGAconference**

Alternatively, please contact the LGA 2012 Conference Secretariat, Bradley Hayden, Countrywide Conference and Event Management

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tribal by nature

lgsa.org.au/LGAconference