

NOTICE OF MEETING



COASTAL ESTUARY CATCHMENT PANEL MEETING

A Coastal Estuary Catchment Panel Meeting of Byron Shire Council will be held as follows:

Venue	Cavanbah Centre, Ewingsdale Road, Byron Bay
Date	Thursday, 30 November 2017
Time	2.00pm

A handwritten signature in black ink, appearing to read 'Phil Holloway', is positioned above the printed name.

Phil Holloway
Director Infrastructure Services

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL
COASTAL ESTUARY CATCHMENT PANEL MEETING

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Coastal Estuary Catchment Panel Meeting held on 28 September 2017

4. STAFF REPORTS

Infrastructure Services

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STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 **The State of Water Reuse**
Directorate: Infrastructure Services
5 **Report Author:** James Flockton, Drain and Flood Engineer
File No: I2017/1797
Theme: Community Infrastructure
 Water Supplies

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Summary:

There are no formal reports for this meeting. The following item is for discussion:

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The State of Water Re-use
Discussion led by Duncan Dey

RECOMMENDATION:

That the Coastal Estuary Panel note the discussion.

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Report

NA

5 Financial Implications

NA

Statutory and Policy Compliance Implications

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NA

Report No. 4.2 **Recycled Water Pricing**
Directorate: Infrastructure Services
Report Author: James Flockton, Drain and Flood Engineer
File No: I2017/1798
5 **Theme:** Community Infrastructure
 Water Supplies

Summary:

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There are no formal reports for this meeting. The following item is for discussion:

Recycled Water Pricing

15

Discussion led by Duncan Dey on recycled water pricing and Council's Connection Policy.

Question being, are prices low enough to encourage new connections?

RECOMMENDATION:

That the Coastal Estuary Panel note the item.

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Report

NA

5 Financial Implications

NA

Statutory and Policy Compliance Implications

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NA

Report No. 4.3 **Tallow Creek Estuary Opening**
Directorate: Infrastructure Services
Report Author: James Flockton, Drain and Flood Engineer
File No: I2017/1799
5 **Theme:** Community Infrastructure
 Water Supplies

Summary:

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There are no formal reports for this meeting. The following item is for discussion:

Tallow Creek Estuary Opening

15

Update by James Flockton on water level in Tallow Creek and natural breach of the ICOLL.

RECOMMENDATION:

That the Coastal Estuary Catchment Panel note the item for discussion.

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Report

NA

5 Financial Implications

NA

Statutory and Policy Compliance Implications

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NA

Report No. 4.4 **Belongil Estuary Opening Strategy**
Directorate: Infrastructure Services
Report Author: James Flockton, Drain and Flood Engineer
File No: I2017/1800
5 **Theme:** Community Infrastructure
 Water Supplies

Summary:

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There are no formal reports for this meeting. The following item is for discussion:

Belongil Creek Estuary Opening Strategy

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Update by James Flockton on Council's draft Request For Tender (RFT) to complete an entrance opening strategy for the Belongil Creek. Draft scope of work attached to this agenda and for comment by the Panel. Funding to come from the West Byron fund.

RECOMMENDATION:

That the Coastal Estuary Catchment Panel note the items listed for discussion.

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Attachments:

1

SCOPE OF WORKS FOR THE BELONGIL ESTUARY OPENING STRATEGY, E2017/107046 , page 12 [↓](#)

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Report

5 Update by James Flockton on Council's draft Request For Tender (RFT) to complete an entrance opening strategy for the Belongil Creek. Draft scope of work attached to this agenda and for comment by the Panel. Funding to come from the West Byron fund.

Financial Implications

10 NA

Statutory and Policy Compliance Implications

15 NA

SCOPE OF WORKS FOR THE BELONGIL ESTUARY OPENING STRATEGY

OBJECTIVES/OUTCOMES

The specific objectives of the Entrance Opening Strategy will be to:

- To minimise interference with natural entrance opening processes and minimise associated impacts on ecological processes;
- To accommodate future climate change and sea level rise in particular;
- To minimise risks to public and private safety associated with excessive inundation of associated infrastructure;
- Conserve or enhance the biological diversity and floral and fauna communities of the ICOLL systems;
- To determine procedures to be initiated for entrance operations including entrance breakouts;
- To determine key responsibilities for management of the entrance;
- To consider options for an adaptive strategy with adaptive triggers;
- To detail the procedure for monitoring of creek entrance;
- To formalise the need for entrance management;
- To detail the application of relevant of legislation;
- To gain community support for the entrance management, and
- To provide a mechanism for review and update of the strategy, when required.
- SCOPE OF WORKS

a. GENERAL SCOPE

The General scope is as follows:

- 1) Review Council's data sets, current practices and needs. This is to include review of the flows that leave the existing West Byron Sewage Treatment Plant Wetlands and the future flows of an upgraded treatment system.
- 2) Complete on-site inspections of the catchment.

- 3) Complete flora and fauna assessments of the study area, i.e inundation areas affected by various water levels.
- 4) Develop asset inundation figures for the catchment that show at what water level height key assets are inundated, as well as including a map that shows their locations.
- 5) Work with Council to develop relevant agency approvals that are required for opening Belongil Creek.
- 6) Provide recommendations regarding the potential options for asset removal, relocation or modification based on a goal of increasing trigger levels over time (e.g. to reduce need for intervention and to accommodate SLR) with rough estimates of what the management intervention is likely to cost.
- 7) Undertake initial community and stakeholder consultation of the proposed Entrance Opening Strategy
- 8) Prepare necessary Environmental Assessment documents following complete of data collection exercise above.
- 9) Conduct a risk assessment for the opening of the mouth and review Councils existing Safe Work Method Statement for the activity.
- 10) Develop a Environmental Management Plan for operation and implementation of the strategy.
- 11) Undertake follow up community and stakeholder consultation process for final Entrance Opening Strategy.
- 12) Present all documents to a Council Strategic Planning Workshop.
- 13) Finalise all documents for Council adoption.

b. COMMUNITY / AGENCY PARTICIPATION

A key component of this contract will be for the Consultant to liaise with the community and key stakeholders to prepare and review the constraints. Key stakeholders will include the Byron Shire Council Coastal Committee, Office of Environment and Heritage, Department of Primary Industries, NSW Marine Parks Authority, Byron Bird Buddies, Elements Resort, Council staff, representatives of the Aboriginal community, recreational fishers and boating groups.

There will be a number of residents and property owners that may be identified during the project work that will also need to be engaged. Consideration of the most efficient and effective way to integrate this requirement should be included in the proposed consultation strategy.

The consultants shall prepare a fact sheet to accompany the final strategy and management plan. This factsheet will summarise the issues relating to entrance management and identify when, why, where and how the entrances will be artificially opened. The factsheet will be suitable for printing for distribution at times when entrance management is an issue, and will be provided in a format that can also be posted on the Byron Shire Council website.

c. BRIEFINGS

Consultation is a major requirement of this brief. The Consultant shall be required to attend several meetings and deliver presentations during the course of the project. A precise number of meetings with key stakeholders shall be determined in consultation with Council after the initial meeting. For the purpose of preparing a fee schedule, the Consultant is required to individually cost the following meetings:

1. Engagement meeting 1 x 3 Hrs
2. Presentation to Coastal Committee 3 x 2 Hrs
3. Targeted stakeholder sessions 3 x 1 Hrs
4. Community workshop / Drop-in session 2 x 2 Hrs
5. Presentation to Council Strategic Planning Workshop 1 x 1 hr
6. Presentation of Final strategy to Coastal Committee 1 x 2 Hrs

In addition to the proposed meetings, the Consultant shall provide fortnightly updates by telephone or email regarding the progress of the project.

The Consultant shall present a Reply to Submissions report and any proposed amendments to the committee for comment before a final version of the strategies are submitted to Council for adoption.

d. LIAISON

Prior to the commencement of the project, and throughout the contract period, the consultant is required to liaise with the Coastal Committee to discuss details of the project. This can occur following the engagement meeting, on the same day. Time has been allowed for this under No.1 above.

Report No. 4.5 **New Brighton Beach Scraping Project**
Directorate: Infrastructure Services
Report Author: Chloe Dowsett, Coastal and Biodiversity Coordinator
File No: I2017/1801
5 **Theme:** Community Infrastructure
 Water Supplies

Summary:

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There are no formal reports for this meeting. The following item is for discussion:

New Brighton Beach Scraping Project

RECOMMENDATION:

That the Panel note the discussion.

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Report

Chloe Dowsett will provide an update to the Panel on the New Brighton Beach Scraping Project.

5 Financial Implications

NA

Statutory and Policy Compliance Implications

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NA

Report No. 4.6 **Update on the Coastal Zone Management Plan for the Byron Bay Embayment (CZMP BBE)**

Directorate: Infrastructure Services

Report Author: Chloe Dowsett, Coastal and Biodiversity Coordinator

5 **File No:** I2017/1802

Theme: Community Infrastructure

Water Supplies

10 **Summary:**

There are no formal reports for this meeting. The following item is for discussion:

Coastal Zone Management Plan for the Byron Bay Embayment (CZMP BBE)

15 Update on the status of the CZMP, the response received by the Minister, Council's resolution to develop a new plan for the Eastern Precincts of the BBE for certification under the existing legislation.

RECOMMENDATION:

That the Coastal and Estuary Catchment Panel note the item for discussion.

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Report

5 Update on the status of the CZMP BBE, the response received by the Minister, Council's resolution to develop a new plan for the Eastern Precincts of the BBE for certification under the existing legislation.

A full report will be presented to 14 December 2017 Council meeting.

Financial Implications

10 NA

Statutory and Policy Compliance Implications

15 NA