

# NOTICE OF MEETING



## COASTAL ESTUARY CATCHMENT PANEL MEETING

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

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Thursday, 12 March 2020</b>
Time	<b>11.30am</b>

Phil Holloway  
Director Infrastructure Services

*12020/376  
Distributed 05/03/20*

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## CONFLICT OF INTERESTS

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

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

**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

**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.

**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 of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

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## RECORDING OF VOTING ON PLANNING MATTERS

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

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
  - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
  - (b) not including the making of an order under 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 25 November 2019

**4. STAFF REPORTS**

**Infrastructure Services**

4.1 Status Report on Specific Projects .....4

**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 4.1                      Status Report on Specific Projects**

**Directorate:**                      Infrastructure Services

5 **Report Author:**                      James Flockton, Drain and Flood Engineer  
Chloe Dowsett, Coastal and Biodiversity Coordinator

**File No:**                                      I2020/205

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**Summary:**

Council have a number of ongoing projects the Panel has been interested in following. At the Panel meeting staff will provide a verbal update on the following projects:

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1. Belongil Catchment Drainage Board
2. Additional Flow Path
- 20 3. Belongil Entrance Opening Strategy
4. Belongil Issues Study
- 25 5. 'Bringing Back The Bruns'
6. Cape Byron to South Golden Beach CMP
7. Water Sensitive Urban Design Strategy

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**RECOMMENDATION:**

**That the Coast and Estuary Catchment Panel note the project updates given by staff.**

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**REPORT**

Council have a number of ongoing projects the Panel has been interested in following. At the Panel meeting staff will provide a verbal update on the following projects:

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Belongil Catchment Drainage Board:

Staff attended the recent meeting of the board and agreed that a meeting should be held between the board and key Council staff to support the board finalising their Plan of Management.

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Once a Plan of Management that Council can support is complete a further meeting to prepare an Memorandum of Understanding or similar can occur between the Board, NSW Department of Primary Industries and Council.

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Staff will provide further information to the board about how water will be managed once the Additional Flow Path works are complete on site. Council will need to update operational plan's upon completion of the works.

Additional Flow Path:

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The design work stage is currently out to tender.

Belongil Entrance Opening Strategy (EOS):

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The final EOS was reported to Council's 27 February meeting for adoption.

**20-040 Resolved:**

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1. That Council adopt the Draft Belongil Creek Entrance Opening Strategy (Attachment 3 - E2019/76509) and Draft Belongil Creek Issues Study (Attachment 4 - E2019/76510).

Belongil Issues Study:

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The final study was reported to Council's 27 February meeting for adoption.

**20-040 Resolved:**

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1. That Council adopt the Draft Belongil Creek Entrance Opening Strategy (Attachment 3 - E2019/76509) and Draft Belongil Creek Issues Study (Attachment 4 - E2019/76510).

2. That Council proceed with a Coastal Management Program for the Belongil Creek and Tallow Creek Catchments.

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3. That Council update Council's 2019/20 Budget and Operational Plan, as below, to support proceeding with the above Coastal Management Program.

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a) The \$120,000 budget line item in the 2019/20 budget for a 'Belongil Catchment Management Plan' be amended to a 'Belongil Creek and Broken Head to Cape Byron Coastal Management Program'

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b) The 'Belongil Catchment Management Plan' item within the Operational Plan be amended to 'Begin stage one (scoping study) of a Coastal Management Program for Belongil Creek and Broken Head to Cape Byron (encompassing Tallow Creek).

- c) Apply under the Coastal and Estuary Grants Program for 50% funding for to develop stage one (scoping study) of a Coastal Management Program for Belongil Creek and Broken Head to Cape Byron.
- 5 d) Use part of the above \$120,000 to fund Council's 50% share of the Coastal and Estuary Grant.
- e) Use part of the above \$120,000 to engage a part-time Estuary Officer (2-3 days/wk for 12 months) to project manage the above scoping studies, supervised by Council's Coastal and Biodiversity Coordinator.
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'Bringing Back The Bruns':

15 The Bringing Back the Brunswick Project (also known as 'Bringing Back the Bruns') is a project scope which originated first through discussions between Mayor Simon Richardson and Dr Matthew Gordos (DPI Fisheries). The scope for the project is based on the idea that the Brunswick River offers a unique opportunity to undertake an Australian first whole-of catchment river rehabilitation project that aims to achieve real, measurable benefits to the river ecosystem and community.

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Significant management issues facing the catchment include:

- 25 • Unrestricted livestock access to the riparian zone resulting in destabilised and failed riverine banks and excessive nutrient inputs.
- Historic clearing of riparian vegetation and proliferation of exotic weeds (e.g. Camphor Laurel).
- Construction of over 20 waterway crossings on the main river, with over 15 of these structures acting as barriers to native fish migration.
- 30 • Sedimentation of instream pools resulting in diminishing riverine habitat and reduced ecological diversity.
- Significant bank slumping within the estuarine zone resulting from excessive wave action.

35 Significant funding would be required to implement the 'Bringing back the Bruns' which could be accessed via funding sources from local, regional, State, and federal grants would be applied for to kickstart the program. The Natural Environment Team are presently scoping the project and grant opportunities with Expressions of Interest (EOI) now open for the "Flagship Fish Rehabilitation Grant" program through DPI Fisheries and the Recreational Fishing Trust. Expressions of interest were to be submitted by 28 Feb 2020 for successful grants to be allocated early July 2020.

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CMP (Stage 1) Scoping Study for Cape Byron to South Golden Beach

45 The (*draft*) *CMP Stage 1 Scoping Study for Cape Byron to South Golden Beach* was reported to Council at the 21 November 2019 meeting, where it was resolved (**Res 19-560**) that Council upload the report for public comment and distribute to agencies for their review. Agencies with a role or responsibility associated with recommended actions/studies/components in the Forward Plan are required to provide formal support and clarification of their role and/or responsibility, hence a detailed assessment of the study is required.

50 Staff are presently going through the submissions and making suggested changes to the report. Staff reported to Council the delay in the finalisation of the report (was expected by February 2020), and will report to Council the final Scoping Study once complete.

At the time of writing this report (24 February 2020), feedback from eight community members and two public agencies had been received. The formal assessment of the report by the Department of Planning, Industry and Environment – Coastal Unit (DPIE) had not yet been received.

5 It is understood that agencies and the DPIE feedback is imminent.

Once received, staff will finalise the Scoping Study accordingly and report back to Council.

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Water Sensitive Urban Design Strategy (WSUD)

The WSUD will be reported to Council’s 26 March meeting for adoption. No submissions were received during the public exhibition period.

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**STRATEGIC CONSIDERATIONS**

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

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<b>Community Objective 1: We have infrastructure, transport and services which meet our expectations</b>	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.6	Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	1.1.6.10	Development of Belongil Creek Catchment Management Plan
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire’s coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.1	Continue preparing a Coastal Management Program (CMP) in accordance with the staged process
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire’s coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.3	Investigate Brunswick River Project
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire’s coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.4	Finalise detailed design for additional flowpath from Byron Bay Sewage Treatment Plant

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

25 There are no legal/statutory/policy issues associated with this report – the report provides an update only for Panel members.

***Financial Considerations***

There are no financial considerations as the report is only an update to Panel members.

**5 *Consultation and Engagement***

No additional consultation or engagement is required as the report is only an update to Panel members.