

NOTICE OF MEETING



COASTAL ESTUARY CATCHMENT PANEL MEETING

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 21 October 2021
Time	11.30am

Phillip Holloway
Director Infrastructure Services

*I2021/1648
Distributed 14/10/21*

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)

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
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 3.1 Adoption of Minutes from Previous Meeting 5

4. STAFF REPORTS

Sustainable Environment and Economy

- 4.1 Update on 'Coast, Estuary and Catchment' Projects 13
4.2 Wetland Dieback within the Belongil Catchment - preliminary assessment..... 20
4.3 'Bringing Back the Bruns' - Causeways and Fish Passage Improvements 38

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting

Directorate: Infrastructure Services

5 **Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2021/1638

10 **RECOMMENDATION:**

That the minutes of the Coastal Estuary Catchment Panel Meeting held on 20 May 2021 be confirmed.

15 **Attachments:**

1 Minutes 20/05/2021 Coastal Estuary Catchment Panel, I2021/792 , page 8 [↓](#)

Report

The attachment to this report provides the minutes of the Coastal Estuary Catchment Panel Meeting of 20 May 2021 .

5

Report to Council

The minutes were reported to Council on

Comments

10

In accordance with the Committee Recommendations, Council resolved the following:

Report No. 13.24 Report of Coast Estuary Catchment Panel 20 May 2021
File No: I2021/981

21-203 Resolved:

1. That Council notes the minutes of the Coastal Estuary Catchment Panel Meeting held on 20 May 2021.
2. That Council adopts the following Panel Recommendation:

Report No. 3.1 Adoption of Minutes from Previous Meeting

File No: I2021/777

Panel Recommendation 3.1.1

That the minutes of the Coastal Estuary Catchment Panel Meeting held on 10 September 2020 be confirmed.

3. That Council does not adopt Panel Recommendation(s) 4.1 as shown in the attachment to this report, but instead adopts the Management Recommendation(s) as follows:-

Report No. 4.1 'Bringin Back the Bruns' - project update

File No: I2021/735

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Management Recommendation

That the Coastal and Estuary Panel:-

1. Note the update and support the 'Bringing Back the Bruns' project.
2. Receive further advice on the positive changes to fish movements due to the 'Bringing Back the Bruns' causeway removal thus far.
4. That Council adopts the following Panel Recommendation:

Report No. 4.2 Coastal Management Program for the Richmond River

File No: I2021/736

Panel Recommendation 4.2.1

That Council notes the update on the development of a Coastal Management Program for the Richmond River estuary and catchment.

5. That Council adopts the following Panel Recommendation:

Report No. 4.3 Overview of ICOLL Recent Openings - Tallow and Belongil

File No: I2021/745

Panel Recommendation 4.3.1

That Council notes the overview on the recent ICOLL openings at Tallow and Belongil Creek.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 Update on 'Coast, Estuary and Catchment' Projects

- 5 **Directorate:** Sustainable Environment and Economy
- Report Author:** Chloe Dowsett, Coastal and Biodiversity Coordinator
Orla Seccull, Coastal & Estuary Officer
Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning
- 10 **File No:** I2021/1462

Summary:

This report provides the Panel members with an update on current projects and programmes being undertaken by Council in the coast, estuary and catchment portfolio, including:

- 15
- Coastal Management Programs
 - ICOLL Entrance Opening Strategies
 - Byron Bay - Main and Clarkes Beach Dune Stabilisation Project
 - 'Bringing Back the Bruns'
 - Floodplain Projects

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RECOMMENDATION:

That the Coast and Estuary Catchment Panel note the staff update on 'Coast, Estuary and Catchment' projects.

25

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

Report

Coastal Management Programs – background and update on preparation

5 Coastal Management Programs (CMP) set out the long-term strategy for the coordinated management of the coastal zone by council, public authorities, land managers and the community. The development of a CMP is a staged process comprising four key stages. Initially it was expected that the new process would enable a Council to work through the stages in up to 3 years, however this may be more likely to look like up to 5 years.

10 CMP's provide a unique opportunity for Council, state government agencies and their communities to achieve a strategic and coordinated approach to manage coastal risks and improve coastal habitats and environments, for both environmental and social benefit within the Byron Shire. Preparation of a CMP provides an opportunity to improve engagement with various landowners, Traditional Owners, coastal managers and stakeholders gaining support for the CMP.

15 Council embarked on developing CMP's for its coastline in 2019. The commencement of CMP preparation was instigated after the Department for Primary Industries and Environment (DPIE) strongly advised Council to include catchments in the CMP process rather than do a separate catchment management plan.

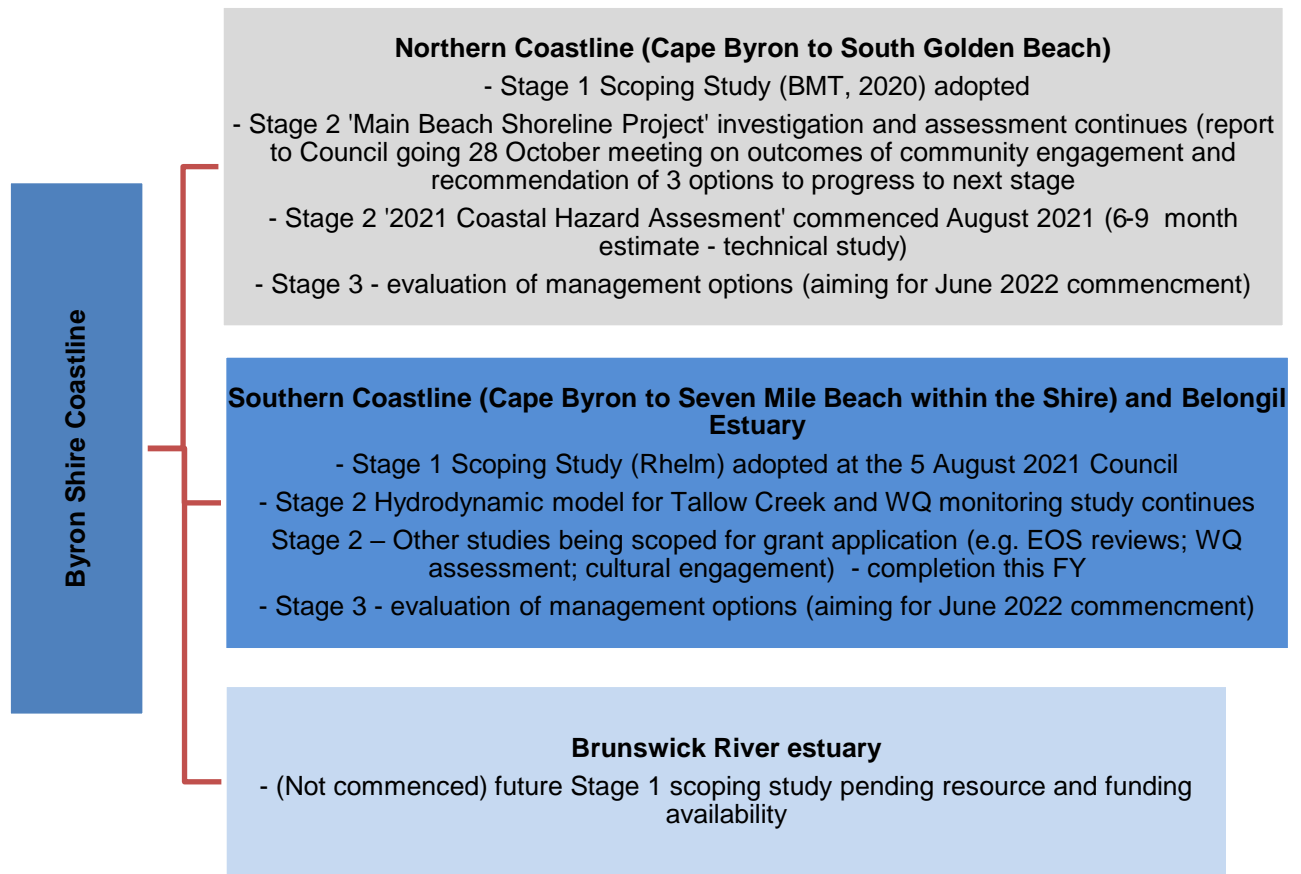
20 However, regarding CMP preparation there are several key issues being encountered which includes lack of guidance to local councils in the catchment space.

25 Best practice management of the coastal zone currently aims towards a connected catchment / floodplain-to-coast approach through CMP preparation. However, information is needed on how to include broader catchment issues and effectively integrate catchment, coast and marine policy and governance.

Project Status

The diagram below provides an overview of the two separate coastal areas and the one estuary within Byron Shire. Along with the project actions for these area to date.

30 The Brunswick River is an estuary and will be dealt with outside of the Northern Coastline CMP.



5 The CMP for the Southern Byron Shire Coastline and the Belongil Creek catchment focuses on key management issues and threats to the coastal areas from Broken Head in the south to Cape Byron in the north, also including the coastal creeks and lakes including Belongil Creek estuary, Tallow Creek estuary, Ti Tree (Taylor's) Lake and their wider catchments.

10 The CMP will be a long-term strategy to guide Council and other stakeholders in the management of these popular but environmentally sensitive areas. As noted in the CMP update, Council adopted the Stage 1 Scoping Study for the southern Byron Shire coastline and the Belongil Creek estuary at its 5 August 2021 meeting.

An outcome of Stage 1 was the identification of studies and activities required to fill key data gaps and to answer questions relating to priority management issues.

These include:

- Coastal hazard assessment
- 15 • Review of Entrance Opening Strategies
- Mapping of an erosion escarpment, a coastal vulnerability area and verification of existing mapping of coastal wetlands and littoral rainforests.
- Identification of water pollution sources.

- An audit of the coastal planning framework for Byron Shire.
- Preliminary mapping of Aboriginal cultural heritage and values in the coastal zone.
- Ongoing implementation of the Community and Stakeholder Engagement Strategy.
- Activities involving engagement of Aboriginal cultural knowledge holders.

5 ICOLL Entrance Opening Strategies:

Review of both Belongil and Tallow Creek Entrance Opening Strategies (EOS) are outlined in the Forward Plan of the Stage 1 Scoping Study. They are recommended as investigations to complete in the second stage of the CMP considering the outcomes of other stage 2 investigations (such as the Coastal Hazard Assessment Study which has just commenced. Hence, the reviews are anticipated to not occur until around April 2022.

A recent resolution from the 5 August 2021 Council meeting has raised the need for a review of the Belongil EOS to be completed sooner, therefore, an initial preliminary review of the EOS proposed to reported to Council by the end of the 2021. This will be internal staff review.

A more detailed technical review will build on the knowledge base and consideration of the items first assessed in the preliminary review, along with outcomes of other studies.

Staff have commenced the review with the intention to report to provide a preliminary report to Council on the outcomes to the 25 November 2021 meeting.

Byron Bay - Main and Clarkes Beach Dune Stabilisation Project

Main and Clarke's Beach dunes have experienced significant erosion and recession removing the front face, large volumes of sand and the majority of dune vegetation.

Recent media coverage evidence the value and importance that beach condition is to protect it for all that use or benefit from it. This project aims to restore the sand dune ecosystems of Main and Clarkes Beach within the Byron Bay Embayment, using 'soft stabilisation' techniques described in the 'Coastal Dune Management Manual' (DPIE, 2001).

The aim of the project is to:

- help protect the dunal system against short to medium-term erosion and inundation;
- restore/rehabilitate the dunal ecosystem and habitat; and
- improve public beach access and amenity.

The project will involve 'beach scraping' which redistributes sand within the system to artificially speed up dune building (volume and height), rehabilitation of dune ecosystems and habitat, and restoration of public beach access ways (including removal of some access ways).

The expected outcomes are:

- increase in sand volumes and coastal hazard risk reduction
 - restoration/rehabilitation of dune ecosystems and habitat
 - restoration of public beach access ways
- 5
- improved beach amenity
 - improved benefit for the Byron Bay community

A funding application was submitted in August 2021 to the Coast and Estuary Grants Program for a funding amount of \$82,000 (50%). Total project cost is \$164,000.

Bringing Back the Bruns

10 Fish Habitat Restoration Program – successful grant

Contracting, sub-contracting and design discussions have commenced with partners North Coast Local Land Services (NCLLS) and Soil Conservation Service for the *Bringing Back the Bruns* project on the Brunswick River in Mullumbimby. The project has been extended by 6 months due to the delayed release of the funding agreement to NCLLS.

15 Fisheries Habitat Action Grant (2019) – Mullumbimby Riparian Riverbank Project

1.8km of primary and follow up weed control was completed at the end of September. A community information day was held Saturday 9 October 2021, identifying the weeds of the area, community bush protection and regeneration.

Causeways and Fish Passage Improvements

20 This is a long-term project that has received immense success in recent years, due to numerous causeways needing renewal and Department of Primary Industries (DPI) grant.

At the meeting a separate presentation will be given to the Panel on this work by a DPI staff member.

Floodplain Projects

25 During the last 12 months Council has adopted the North Byron Flood Risk Management Study and Plan. This was a large body of work that assessed all flood risk and potential mitigation within the Brunswick River catchment. Including Simpsons and Marshalls Creek.

30 Staff have sought grant funding to commence some actions from the plan. Council are awaiting the outcome of the 2021 DPIE Floodplain Management Grants applications for overland flow path studies of Ocean Shores and New Brighton, the Byron Bay Drainage Upgrade Project and the Federation Bridge Debris Deflector project.

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

Council Incident Management System Flood Warning System is now operation and in use by Council and local SES.

Financial Implications

NA

5 Statutory and Policy Compliance Implications

NA

Report No. 4.2 Wetland Dieback within the Belongil Catchment - preliminary assessment

Directorate: Sustainable Environment and Economy

5 **Report Author:** Chloe Dowsett, Coastal and Biodiversity Coordinator
Scott Moffett, Drainage & Flood Engineer, IS - Works -
Infrastructure Planning

File No: I2021/1482

Summary:

10 This report provides the Panel members with the outcomes of a preliminary assessment into the dieback of wetland within the area of Drainage Union lands of the Belongil Catchment.

RECOMMENDATION:

15 **That the Panel notes the outcome of the preliminary assessment into the dieback of wetland within the area of Drainage Union lands of the Belongil Catchment.**

<Section5>

Attachments:

20 1 Australian Wetlands Consulting - Preliminary Assessment of Wetland Dieback in Belongil Catchment Drainage Union Land, E2021/99382 , page 23 [↓](#)

Report

Recently there has been concern regarding Council's current Entrance Opening Strategy (EOS, 2019) due to perceived impact to agricultural land within the Drainage Union lands of the Belongil catchment.

5 The concern is that dieback of Swamp Paperbark Forest (Melaleuca wetland) is a result of Council's mismanagement of the catchment hydrology which will lead to 'ecological collapse' within the catchment. This mismanagement assertion includes both the management of the Belongil entrance and the operation of the Byron Bay Sewerage Treatment Plan (BBSTP) in relation to water re-use and non-compliance with STP Conditions.

A site inspection conducted on Thursday, July 15 of lands within the catchment was attended by Councilors, staff, agencies, consultants, stakeholders and the media.

15 At the 5 August 2021 **Res 21-298** was made that Council:

1. *Undertakes a review of the current Opening Strategy for the Belongil ICOLL to determine whether it is impacting adversely on upstream lands within the Drainage Union catchment and/or flooding issues within the Byron Bay township.*
- 20 2. *Reviews its performance in comparison to the earlier 2001 Opening Strategy (Belongil Estuary Management Plan – Parker and Pont 2001).*
- 25 3. *Supports that this review should also address the likely impacts of the new Overland Flow Route on the ICOLL and from increased effluent flows proposed from the Byron Bay Sewage Treatment Plant (BBSTP), both upstream on Drainage Union lands and downstream at the mouth opening. (Lyon/Ndiaye)*

As outlined in the 'Coast, Estuary and Catchment' Projects update report review of the current EOS for Belongil (2019) has commenced. To inform the review Council commissioned a preliminary assessment by Australian Wetlands Consulting of the potential causes of dieback of Swamp Paperbark Forest (Melaleuca wetland) within the catchment, along with any knowledge gaps and need for additional investigations.

The report is provided as an attachment to this report (Attachment 1).

35 The report authors will provide an overview of the outcomes of the report to the Panel with discussion of the content.

Financial Implications

NA

Statutory and Policy Compliance Implications

NA

Report No. 4.3 'Bringing Back the Bruns' - Causeways and Fish Passage Improvements

Directorate: Sustainable Environment and Economy

Report Author: Chloe Dowsett, Coastal and Biodiversity Coordinator

5 **File No:** I2021/1493

Summary:

This report provides an update on the 'Bringing Back the Bruns' projects being delivered including a presentation from a staff member of the Department of Primary Industries – Fisheries on improvements to causeways and fish passage.

10

RECOMMENDATION:

15 **That the Coast and Estuary Catchment Panel note the presentation by a staff member of the Department of Primary Industries – Fisheries.**

Report

Causeways and Fish Passage Improvements

Council adopted the minutes from the previous Panel meeting (24 June 2021) and made the below resolution (Res 21-203):

5 That the Coastal and Estuary Panel:

1. *Note the update and support the 'Bringing Back the Bruns' project.*
2. *Receive further advice on the positive changes to fish movements due to the 'Bringing Back the Bruns' causeway removal thus far.*

10 DPI staff will provide a short presentation on the extent of the causeway works undertaken with the Shire, key outcomes, positive changes, and benefits to fish movements, along with recommendations for future causeway work.

Financial Implications

NA

Statutory and Policy Compliance Implications

15 NA