

# Notice of Meeting

## Coastal and ICOLL Advisory Committee Meeting

A Coastal and ICOLL Advisory Committee Meeting of Byron Shire Council will be held as follows:

|       |  |
|-------|--|
| Venue | Conference Room, Station Street, Mullumbimby |
| Date  | Thursday, 20 October 2022                    |
| Time  | 11.30am                                      |

Phil Holloway  
Director Infrastructure Services

I2022/1441  
Distributed 13/10/22

---

---

## 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.

---

---

## OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

# 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 30 June 2022 meeting..... 6

### 4. STAFF REPORTS

#### **Sustainable Environment and Economy**

- 4.1 Council's Integrated Management System (IMS) and ICOLLS - presentation on ICOLL management and flooding ..... 17
- 4.2 Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline ..... 20
- 4.3 Bringing Back the Bruns - project update ..... 33
- 4.4 Update of Constitution and New Members ..... 42

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Report No. 3.1 Adoption of Minutes from 30 June 2022 meeting**

5 **Directorate:** Sustainable Environment and Economy  
**Report Author:** Michelle Chapman, Project Support Officer  
**File No:** I2022/1282

10

---

**RECOMMENDATION:**

**That the minutes of the Coastal and ICOLL Advisory Committee Meeting held on 30 June 2022 be confirmed.**

15

**Attachments:**

1 Minutes 30/06/2022 Coastal and ICOLL Advisory Committee, I2022/758 , page 10 [↓](#) 

20

# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

### Report

The attachment to this report provides the minutes of the Coastal and ICOLL Advisory Committee Meeting of 30 June 2022 .

#### Report to Council

- 5 The minutes were reported to Council on 29 September 2022. **Comments**

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

**22-522 Resolved** that Council notes the minutes of the Coastal and ICOLL Advisory Committee Meeting held on 30 June 2022.

**22-524 Resolved** that Council adopts the following Committee Recommendations:

- 10 Report No. 3.1 Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline

File No: I2022/61

#### Committee Recommendation 3.1.1

That the Coastal and ICOLL Advisory Committee:

- 15 1. Notes the legislated process and associated extended timeframes associated with preparing Coastal Management Program(s) under the NSW Coastal Management Framework.
- 20 2. Advises Council that a particular hazard at Belongil namely end of wall effect on estuary opening needs consideration in the Stage 2 Coastal Hazard Assessment Study.
3. Advises Council that there is a need to recognise 'coastal squeeze' as a threat on both the coast and in the estuaries.
4. Advises Council that there is a need to recognise the important shorebird breeding, feeding and roosting area at Belongil and Marshalls Creek.

- 25 **22-524 Resolved:** that Council adopts the following Committee Recommendations:

Report No. 3.4 Review Constitution of Coastal and ICOLL Advisory Committee

File No: I2022/682

#### Committee Recommendation 3.4.1

- 30 1. That the Coastal and ICOLL Advisory Committee recommends to Council to adopt the constitution at Attachment 1 (E2022/11708) with the following changes:
- a) Amend the name of the committee to Coast and ICOLL Advisory Committee.

# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

b) Amend 2a. Purpose to:

Advise Council in the development of Coastal Management Programs for the Shire's coast, estuary and ICOLLs

5 c) Amend 2b. Purpose to:

Advise on projects, plans and strategies related to the coast, estuary and ICOLLs.

d) Update 5. Membership to read:

"Membership is to include:

- 10
- 2 Councillors
  - 6 relevantly qualified community representatives

Representatives from:

- Department of Planning and Environment
- DPI Fisheries - Cape Byron Marine Park

15

- National Parks and Wildlife Service
- Crown Lands
- State Emergency Services
- Transport for NSW
- Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

20

- Jali Local Aboriginal Land Council
- Tweed Byron Local Aboriginal Land Council
- Byron Shire Council General Manager (or staff member delegate)"

*Note: Staff members and state agency representatives participating on the Committee do not have any voting entitlements.*

25 e) Amend 7. Quorum to:

A quorum is to constitute at least half the number of community members and Councillors plus one (resulting half numbers go down), one of which is to be a Councillor.

30 The General Manager or delegate, who must be a member of staff, is to attend the committee meeting and is not counted in the quorum for the meeting.



# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

State government and indigenous organisation representatives do not form part of the quorum.

- 5 f). Amend 10a. Voting to:

Each member of the Committee (with the exception of Council staff and state government agency representatives) is to have one vote, with the Chairperson to have the casting vote in addition to a deliberate vote.

- 10 g) Amend 10 Voting to include:

Representatives of Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Jali Local Aboriginal Land Council and Tweed Byron Local Aboriginal Land Council can elect to have voting rights

- 15 The constitution has been updated accordingly and is available on Council's website.

**Minutes of Meeting**  
**Coastal and ICOLL Advisory Committee**  
**Meeting**

|              |   |
|--------------|---|
| <b>Venue</b> | <b>Conference Room, Station Street, Mullumbimby</b> |
| <b>Date</b>  | <b>Thursday, 30 June 2022</b>                       |
| <b>Time</b>  | <b>11.30am</b>                                      |



**BYRON SHIRE COUNCIL**

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

**BYRON SHIRE COUNCIL**

COASTAL AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 30 JUNE 2022

**Minutes of the Coastal and ICOLL Advisory Committee Meeting held on Thursday,  
30 June 2022**

**File No:** I2022/758

PRESENT: Cr Duncan Dey,

Staff: Shannon Burt (Director Sustainable Environment and Economy)  
Sharyn French (Manager Environmental & Economic Planning)  
Chloe Dowsett (Coastal & Biodiversity Coordinator)  
Orla Seccull (Coastal & Estuary Officer)

Community Representatives:

Dailan Pugh

Dane Marx

Jan Olley

Dylan Laicher

Agency Representatives

Andrew Page (Cape Byron Marine Parks)

Malcolm Robertson (Crown Lands)

*Cr Dey (Chair) opened the meeting at 11.44am and acknowledged that the meeting was being held on Bundjalung Country.*

APOLOGIES:

Cr Cate Coorey, Cr Sarah Ndiaye, Paul Copeland (SES)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

---

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**BYRON SHIRE COUNCIL**

COASTAL AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 30 JUNE 2022

PROCEDURAL MOTION

**Committee Recommendation:**

That Council change the order of business to deal with Report 3.4 next on the Agenda.  
(Dey/Olley)

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

**Report No. 3.4      Review Constitution of Coastal and ICOLL Advisory  
   Committee**  
**File No:                    12022/682**

**Committee Recommendation:**

**1. That the Coastal and ICOLL Advisory Committee recommends to Council to adopt the constitution at Attachment 1 (E2022/11708) with the following changes:**

**a) Amend the name of the committee to Coast and ICOLL Advisory Committee.**

**b) Amend 2a. Purpose to:**

**Advise Council in the development of Coastal Management Programs for the Shire's coast, estuary and ICOLLs**

**c) Amend 2b. Purpose to:**

**Advise on projects, plans and strategies related to the coast, estuary and ICOLLs.**

**d) Update 5. Membership to:**

**Membership is to include:**

- 2 Councillors**
- 6 relevantly qualified community representatives**

**Representatives from:**

- Department of Planning and Environment**
- DPI Fisheries - Cape Byron Marine Park**
- National Parks and Wildlife Service**
- Crown Lands**
- State Emergency Services**
- Transport for NSW**
- Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)**

**BYRON SHIRE COUNCIL**

COASTAL AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 30 JUNE 2022

- Jali Local Aboriginal Land Council
- Tweed Byron Local Aboriginal Land Council
- Byron Shire Council General Manager (or staff member delegate)

**Note: Staff members and state agency representatives participating on the Committee do not have any voting entitlements.**

e) Amend 7. Quorum to:

A quorum is to constitute at least half the number of community members and Councillors plus one (resulting half numbers go down), one of which is to be a Councillor.

The General Manager or delegate, who must be a member of staff, is to attend the committee meeting and is not counted in the quorum for the meeting.

State government and indigenous organisation representatives do not form part of the quorum.

f) Amend 10a. Voting to:

Each member of the Committee (with the exception of Council staff and state government agency representatives) is to have one vote, with the Chairperson to have the casting vote in addition to a deliberate vote.

g) Amend 10 Voting to include:

Representatives of Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Jali Local Aboriginal Land Council and Tweed Byron Local Aboriginal Land Council can elect to have voting rights.

(Dey/Pugh)

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

**Report No. 3.1**      **Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline**  
**File No:**            I2022/61

**Committee Recommendation:**

**That the Coastal and ICOLL Advisory Committee:**

- 1. notes the legislated process and associated extended timeframes associated with preparing Coastal Management Program(s) under the NSW Coastal Management Framework.**

BYRON SHIRE COUNCIL

COASTAL AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 30 JUNE 2022

2. advise Council that a particular hazard at Belongil namely end of wall effect on estuary opening needs consideration in the stage 2 Coastal Hazard Assessment Study.
3. advise Council that there is a need to recognise coastal squeeze as a threat on both the coast and in the estuaries.
4. advise Council that there is a need to recognise the important shorebird breeding, feeding and roosting area at Belongil and Marshalls Creek.

(Dey/Olley)

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

---

**Report No. 3.2**      **De-Brief on the 29th Annual NSW Coastal Conference**  
**File No:**            12022/286

**Committee Recommendation:**

**That the Coast and ICOLL Advisory Committee notes a de-brief on the Conference.**

(Pugh/Laicher)

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

---

**Report No. 3.3**      **Main and Clarkes Beach Dune Recovery Project**  
**File No:**            12022/426

**Committee Recommendation:**

**That the Coastal and ICOLL Advisory Committee notes the presentation on the 'Main and Clarkes Beach Dune Recovery Project'.**

(Dey/Laicher)

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

---

**Report No. 3.5**      **Consideration of Dredging of Capricornia Canal and Marshalls Creek and the Removal of the Marshalls Creek Training Walls**  
**File No:**            12022/699

**Committee Recommendation:**

**That the Coast and ICOLL Advisory Committee:**

- 1 notes the report and outline of the issue.

**BYRON SHIRE COUNCIL**

COASTAL AND ICOLL ADVISORY COMMITTEE MEETING MINUTES 30 JUNE 2022

2. notes that the Floodplain Advisory Committee will be receiving a further report with a proposed scope that includes recommendations received from the committee.
3. advises Council as part of the review of the 2022 floods, again consider options of (i) dredging Capricornia Canal and Marshalls Creek, and (ii) removing rockwalls at the south end of Readings Bay, as to:
  - a) what benefit would have resulted for the 2022 flood (lower flood levels),
  - b) what costs may be incurred (financial, environmental, social),
  - c) what prohibitions may be in place (eg disturbing seagrass in a Marine Park), and
  - d) what approvals would need to be sought, and
  - e) that the findings be shared with the public including visually by way of representative creek cross sections for the dredging option.

(Olley/Laicher)

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

*There being no further business the meeting concluded at 1.45pm.*



STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.1 Council's Integrated Management System (IMS) and ICOLLs - presentation on ICOLL management and flooding**

5

**Directorate:** Sustainable Environment and Economy

**Report Author:** Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning  
Orla Seccull, Coastal & Estuary Officer

10 **File No:** I2022/977

**Summary:**

In 2019, post the Tallow Creek fish kill event, an Internal Working Group was established for internal communications, decision making and distribution of roles/responsibilities within Council related to the management of Tallow and Belongil ICOLLs.

15 Team ICOLL are responsible for the management of flooding risk, stormwater/drainage and estuary, coastal and biodiversity management related to the Tallow and Belongil ICOLLs and wider catchment.

20 This presentation to the Coast and ICOLL Advisory Committee aims to provide an overview of the primary platform used to inform flood risk management - Council's Integrated Management System (IMS) and Dashboard. The presentation will be live and interactive outlining the various intel, data and flood risk considerations.

25

---

**RECOMMENDATION:**

**That the Coast and ICOLL Advisory Committee note the presentation.**

30

**Report**

In 2019, post the Tallow Creek fish kill event, an Internal Working Group was established for internal communications, decision making and distribution of roles/responsibilities within Council related to the management of Tallow and Belongil ICOLLS. The group is named 'Team ICOLL' and includes:

1. Director Infrastructure Services (For final approvals and Working Group Owner)
2. Operations Coordinator
3. Coastal & Biodiversity Coordinator
4. Coast and Estuary Officer
5. Flood and Drainage Engineer
6. Media Communications Coordinator

The role of the group is to oversee ICOLL management and entrance activities (i.e. mechanical opening or berm scrapes) and to ensure environmental and technical information has been adequately considered prior to an activity. The responsibility or decision to open an ICOLL (or not) is held at the Director level, with the group providing guidance based on an informed process and reporting to the Director of Infrastructure Services (IS).

Team ICOLL are responsible for the management of flooding risk, stormwater/drainage and estuary, coastal and biodiversity management related to the Tallow and Belongil ICOLLS and wider catchment.

The group meets each Tuesday morning to review current climatic, water level and sandbar conditions for the day to day management of the ICOLLS, along with discussion of strategic projects or other related work.

This presentation to the Coast and ICOLL Advisory Committee aims to provide an overview of the primary platform used to inform flood risk management - Council's Integrated Management System (IMS) and Dashboard. The presentation will be live and interactive outlining the various intel, data and flood risk considerations.

**Strategic Considerations**

**Community Strategic Plan and Operational Plan**

| CSP Objective  | CSP Strategy  | DP Action   | Code           | OP Activity  |
|--|---|---|----------------|--|
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.2: Floodplain management - Mitigate the impact of flooding on private and public</p> | <p>3.3.2.1</p> | <p>Revise entrance management activities and arrangements for Tallow Creek</p> |

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

|  |  |  |         |   |
|--|--|--|---------|---|
|  |  | property   |         |   |
| <b>3: Nurtured Environment</b><br>We nurture and enhance the natural environment | 3.3: Protect the health of our coastline, estuaries, waterways, and catchments | 3.3.2: Floodplain management<br>- Mitigate the impact of flooding on private and public property | 3.3.2.3 | Floodplain Risk Management Committee coordination |

### Legal/Statutory/Policy Considerations

Coastal Management Act 2016

Entrance Opening Strategies, Flood Studies and the Floodplain Development Manual

### Financial Considerations

- 5 Budget allocation of approx. \$50K for Tallow and Belongil ICOLL management (environmental monitoring and entrance management activities) is required each year for ICOLL management in accordance with permit and licence approvals. Depending on entrance activities this budget may be sufficient or exhausted any given year.

### Consultation and Engagement

- 10 N/A

**Report No. 4.2 Update on the development of Coastal Management Programs (CMPs) for the Byron Shire Coastline**

**Directorate:** Sustainable Environment and Economy

5 **Report Author:** Chloe Dowsett, Biodiversity and Sustainability Coordinator  
Orla Seccull, Coastal & Estuary Officer

**File No:** I2022/978

**Summary:**

10 For a small coastal council, we have a large coastline with high coastal risks to manage. A CMP is necessary to effectively assess and prioritise risks and manage current and emerging issues under the NSW Coastal Management Framework and to allow access to the Coast and Estuary grant funding for implementation of key actions.

15 Council is in the process of preparing Coastal Management Programs (CMPs) under the legislated NSW Coastal Management Framework comprising the *Coastal Management Act 2016*, *SEPP (Coastal Management) 2018* (now replaced by the *SEPP (Resilience and Hazards) 2021*) and the Coastal Management Manual (OEH, 2018). A CMP is a five-stage process from scoping through to implementation with the purpose of setting the long-term strategy for the coordinated management of the coastal zone. Council has completed and adopted two Stage 1 CMP scoping studies covering both the open coast and the Belongil and Tallow Creek estuaries, but has not yet commenced the CMP process for the Brunswick River estuary. Each scoping study sets out a forward plan outlining the proposed way forward for the next stages of CMP development, and the estimated budget to complete those stages which has informed the current budget.

25 Council is currently in Stage 2 of the CMP process for the open coast and Belongil and Tallow Creek estuaries. This stage comprises additional technical studies to confirm current knowledge on key issues and concerns and to fill information gaps that are critical to the development of management strategies and actions that will occur in the next stage (Stage 3). A summary of the status of these Stage 2 studies is provided in Table 1 of this report.

30 This report provides the Coastal and ICOLL Advisory Committee members:

- an update on the status of the development of CMPs and CMP projects for the Byron Shire coastline;
- an outline of key issues being encountered which is affecting Council in progressing with our CMPs and the steps being taken to resolve current issues;
- 35 • an outline of the subsequent stages in the process of developing and implementing a CMP and the recommended pathway forward for CMP preparation to accelerate the approach; and

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

- next steps to be undertaken.

The next update on the status of projects and CMP preparation will be reported to the first Coastal and ICOLL Advisory Committee meeting in 2023.

5

---

#### **RECOMMENDATION:**

10 **That the Coastal and ICOLL Advisory Committee notes the update of the development of CMPs and CMP projects for the Byron Shire coastline, issues being encountered, recommended pathway forward and next steps for CMP preparation.**

## Overview

5 For a small coastal council we have a large coastline with high coastal risks to manage. A CMP is necessary to effectively assess and prioritise risks and manage current and emerging issues under the NSW Coastal Management Framework and to allow access to the Coast and Estuary grant funding for implementation of key actions.

This report to the Coastal and ICOLL Advisory Committee provides an update on the coastal planning process, the status of the development of CMPs and CMP projects for the Byron Shire coastline, key issues being encountered and the recommended pathway forward.

## 10 Status of CMP development and project update

A detailed discussion of coastal planning in Byron Shire is provided in the Coastal and ICOLL Advisory Committee report from 30 June 2022.

15 In summary Council is in the process of preparing Coastal Management Programs (CMPs) under the legislated NSW Coastal Management Framework comprising the *Coastal Management Act 2016*, *SEPP (Coastal Management) 2018* (now replaced by the *SEPP (Resilience and Hazards) 2021*) and the Coastal Management Manual (OEH, 2018).

20 The coastal zone comprises the natural coastal features such as open beaches, dunes, rock platforms, headlands, coastal lakes/lagoons, coastal wetlands, littoral rainforests, marine waters and estuaries (Tallow Creek, Belongil Creek, Ti Tree Lake and the tidal length of the Brunswick River and its tributaries including Marshalls Creek and Simpsons Creek). It also includes land adjacent to coastal wetlands and littoral rainforests (a 100m buffer) and adjacent to marine and estuarine waters (typically within 500m). These features are comprised of one of four types of “coastal management areas”, including the coastal wetlands and littoral rainforests area, coastal environment area, coastal use area, and coastal vulnerability area under the overarching *State Environmental Planning Policy (Resilience and Hazards) 2021* and are viewable on Council’s online mapping too: [Online mapping tools - Byron Shire Council \(nsw.gov.au\)](#). Though there is provision to include a Coastal Vulnerability Area within this SEPP mapping, no such map has yet been created.

30 A CMP is a five-stage process from scoping through to implementation with the purpose of setting the long-term strategy for the coordinated management of the coastal zone. Council has completed and adopted two Stage 1 CMP scoping studies covering both the open coast and the Belongil and Tallow Creek estuaries, but has not yet commenced the CMP process for the Brunswick River estuary (refer Figure 1 for current status). Each scoping study sets out a forward plan outlining the proposed way forward for the next stages of CMP development, and the estimated budget to complete those stages which has informed the current budget.

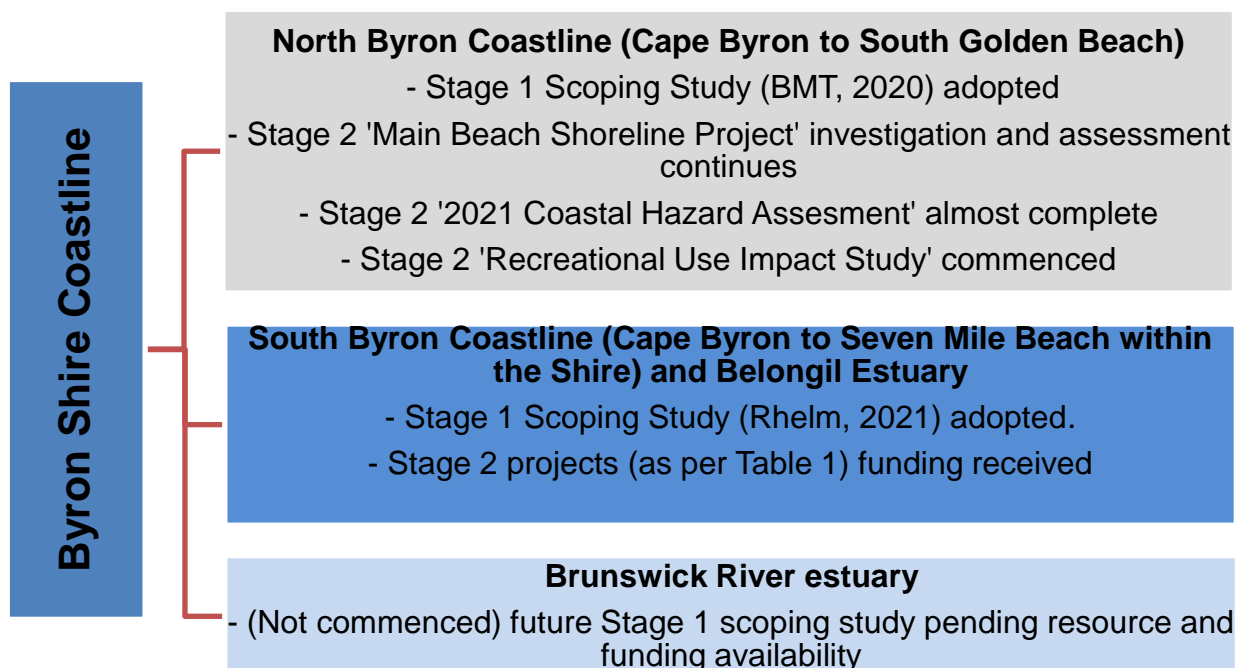


Figure 1: Byron Shire Council’s status on developing CMPs

Council is currently in Stage 2 of the CMP process for the open coast and Belongil and Tallow Creek estuaries which comprises additional technical studies to confirm current knowledge on key issues and concerns and to fill information gaps that are critical to the development of management strategies and actions that will occur the next stage (Stage 3). A summary of the status of these Stage 2 studies is provided below in Table 1. Unless otherwise stated these projects have been partially funded by the project partner, the NSW Department of Planning and Environment (DPE) through the Coast and Estuary Grants Program, which recently increased the funding ratio to 2 (DPE):1 (Council). Several medium and low priority studies recommended for stage 2 are pending availability of other funding sources or can otherwise be completed during CMP implementation.

Table 1: Stage 2 High Priority Projects Planned and Underway

| Project Name                 | Brief Description   | Status/ Expected Completion  |
|------------------------------|---|--|
| Main Beach Shoreline Project | A design investigation for the modification of the coastal protection works at Main Beach, Byron Bay between the Surf Club and First Sun Holiday Park. The investigation looks at how we can best protect Byron Bay Town Centre from coastal erosion now and into the | This study had been delayed resulting in a departure from the original timing commitment but is now back on track. Cause of delay is outlined further below in this report.<br><br>The detailed technical investigation now complete with the draft report recently reviewed |

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

| Project Name                                | Brief Description  | Status/ Expected Completion   |
|---|--|---|
|   | future.  | <p>by staff. Next steps are:</p> <ul style="list-style-type: none"> <li>• External Technical Review (expert and DPE)</li> <li>• Report to Executive Team</li> <li>• Report to Council</li> </ul> <p>The identification and evaluation of the preferred design option will be undertaken during Stage 3 of CMP preparation.</p>  |
| Coastal Hazard Assessment Review and Update | This study is the third major investigation into coastal processes, sand movements and hazards in the Byron region following PWD's investigation in the 1978 and BMT 2013 study. Assessment and analysis of current and future risks to the coastal zone from hazards. | <p>This study has been delayed resulting in a major departure from the original timing commitment but is now back on track. Cause of delay is outlined further below in this report.</p> <p>Draft deliverables are due mid-October.</p> <p>Next steps are:</p> <ul style="list-style-type: none"> <li>• Internal staff review</li> <li>• External Technical Review (expert and DPE)</li> <li>• Report to Executive Team</li> <li>• Presentation and Discussion of Hazard Outputs*</li> <li>• Report to Council</li> </ul> <p>*Presentation and Discussion of Hazard Outputs (2-hr presentation): on a suitable date from mid-November (TBC).</p> <p>Committee members will be</p> |



## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

| Project Name  | Brief Description  | Status/ Expected Completion  |
|---|--|--|
|   |  | invited to attend this workshop.   |
| <p>Water Quality Source Tracking and Control Program for Belongil Creek and Tallow Creek</p>  | <p>Water pollution of the Tallow Creek and Belongil Creek estuaries from a variety of sources was identified as a key threat to coastal values as identified in the Scoping Study for the southern Byron Shire coastline.</p> <p>Will identify risks associated with water pollution in Tallow and Belongil Creek catchments and will identify opportunities for improving water quality for further consideration at Stage 3.</p>   | <p>Delayed.</p> <p>Funding announced June 2022.</p> <p>Preferred consultant identified. Requires small variation to grant funding.</p> <p>Aligns with other work being undertaken within the resource recovery team on litter.</p> <p>Expected timeframe for commencement – end of year.</p>   |
| <p>Identifying risks to cultural and ecological values and low-lying assets in Tallow Creek and Belongil Creek ICOLLs associated with entrance opening strategies</p> | <p>Essentially this study was aimed at preparing a new entrance opening strategy (EOS) for Tallow Creek and advising on recommendations to amend the Belongil Creek Opening Strategy at the next two-year review, along with undertaking the necessary preliminary supporting studies (i.e. literature review, engagement with Arakwal, case study for other NSW ICOLLs, assessment of nuisance flood risk, identification improvements to decision support frameworks etc).</p> | <p>Funding announced in June 2022.</p> <p>Consultant proposals significantly overbudget.</p> <p>Council reduced the scope of this study to undertake preliminaries only, i.e. project would exclude actual drafting and finalisation of amended or new EOS' and associated broader stakeholder engagement and exhibition. Amendments to EOS' can occur at a later stage of the CMP.</p> <p>Currently assessing proposals on reduced scope.</p> <p>May require variation to grant funding (to reduce scope).</p> <p>May seek assistance from DPE in delivery of engagement.</p> |

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

| Project Name  | Brief Description   | Status/ Expected Completion   |
|---|---|---|
| <p>Identifying barriers and opportunities for improvement associated with Council's coastal planning controls and processes</p> | <p>Essentially an audit of Council's coastal planning framework to provide advice on pathways for Council to transition into a more current and streamlined planning framework (such as recommended mapping and amendments and justification for changes) whilst retaining or improving on the level of protection offered by existing controls. It also includes:</p> <ul style="list-style-type: none"> <li>• consideration of mapping and inclusion of a Coastal Vulnerability Area into the planning scheme</li> <li>• <i>review of coastal wetlands and littoral rainforest areas mapping*</i></li> <li>• <i>preliminary mapping of known and predictive cultural heritage and values in the coastal zone of the Shire including significant consultation with Aboriginal cultural representatives*</i></li> </ul> <p>*These components have been removed – refer column on right.</p> | <p>Funding announced in June 2022.</p> <p>Very limited appetite from consultants to undertake the full scope of work and submitted proposals were significantly over budget. A significant deterrent for consultants was the complexity of working with culturally sensitive information with multiple organisations in the coastal zone.</p> <p>Council reduced the scope of this study to remove the coastal wetland and littoral rainforest mapping review as well as the preliminary cultural heritage mapping which can be done at a later date or separate to the CMP process).</p> <p>Currently assessing proposals on reduced scope.</p> <p>May require variation to grant funding (to reduce scope).</p> |
| <p>Evidence based research of the impacts of recreational and tourism use on coastal habitats and wildlife*</p>                 | <p>Funded 100% through the DPE's Biodiversity Conservation Division.</p> <p>Will provide evidence-based information on the effects of recreational uses on wildlife and habitats in the coastal area, and to investigate novel</p>  | <p>Consultant (BMT WBM) engaged.</p> <p>Staff and stakeholder engagement undertaken in September 2022.</p> <p>Completion expected by mid-2023.</p>  |

| <b>Project Name</b>  | <b>Brief Description</b>  | <b>Status/ Expected Completion</b> |
|--|---|------------------------------------|
| <i>* Identified as a medium priority study in CMP Scoping Studies.</i> | solutions to manage impacts, e.g. through the development and delivery of access and other facilities within the coastal zone and development of a policies and/or plans. |                                    |

**Current issues being encountered in CMP development**

There are several key issues being encountered which is affecting Council in progressing with our CMPs. These include:

**Lengthy grant funding application assessment and approval:**

- 5 • Funding through the Coast and Estuary Grants Program is generally announced by the Minister. It took 7 months for the Southern CMP Stage 2 funding to be announced and this delay in the approval of funding has directly affected project timeframes and delivery of the stages of the CMP process. It is staff's view that studies/projects outlined in the forward plan should be funded automatically as they have been reviewed and endorsed by DPE Regional Staff. This feedback has been provided to DPE.

**Consultant project work delays and unexpected challenges:**

- 15 • Data delays and additional work required to incorporate key datasets. For example in relation to the Shire Wide Coastal Hazard Assessment the consultant has completely digitised the 1883 bathymetry survey (i.e. all 7097 soundings (points) displayed on these detailed charts).
- 20 • Co-ordination between the Coastal Hazard Assessment (CHA) and the Main Beach Shoreline Project to ensure consistency. Refinement and re-work of elements has been needed to ensure fit for purpose.
- 25 • CHA study area challenges due to highly dynamic area in which techniques applied successfully in other areas have been more difficult than expected. For example the analysis on entrance stability using Inlet Tracker Tool (for of entrance position/width) history back 30-year. A considerable amount of time has been spent trying to get this work but is hampered by the size of the entrance opening in the study area compared to the resolution of the satellite imagery used in the tool. As such the consultant has had to devise alternative approaches for these aspects and this has taken longer.

**Consultant staffing resources:**

- Difficulties due to COVID and other sickness and injuries regularly effecting staff availability.

**Consultant availability and apathy towards CMP works:**

- The recent flood events have provided a large resource of new work for consultants in the NRM space (flood modelling, flood insurance claims etc) and has directly affected consultant availability.
- 5 • There is also a general apathy towards working in the CMP space altogether with consultants citing insufficient Council budgets and changing goalposts for coastal management set by the State government (e.g. during CMP review) as key factors. This issue is anticipated to be resolved as Council, state agencies and consultants become increasingly familiar with the new coastal management framework.

10 **Increased consultant costs:**

- Consultant costs have increased substantially in the past two years.

**Guidance to local councils (or lack thereof):**

- New information has recently been provided on how to include broader catchment issues and effectively integrate catchment, coast and marine policy and governance.
- 15 • There was a lack of guidance on the preparation of coastal management area maps, specifically for a Coastal Vulnerability Area. However, more recently several information sheets are now available along with the Coastal Management Manual which provide guidance.

**Steps being taken to resolve current issues**

20 Steps being taken to resolve some of the issues being experienced include closer consultation with DPE staff, comprising:

1. A regular forum for council staff to discuss CMP preparation with other local council practitioners and DPE staff is being coordinated by DPE.
  - 25 a. The forum provides an informal opportunity to hear from other Council practitioners working to prepare CMPs and DPE in relation to further technical advice and guidance.
  - b. The first 'North-East CMP Roundtable' was held on Wednesday 18 May 2022. It was clear at the first meeting that other councils are experiencing similar issues. A second meeting was conducted on 22 August 2022.
  - 30 c. Other state agencies will be invited to the meetings on a need's basis.
2. Regular meetings with individual DPE regional staff assigned to the Byron Shire coastal portfolio to discuss Byron's CMP development and trouble shoot issues being encountered and ways to move forward. The recommended pathway forward outlined in this report has been developed in close consultation with DPE.

35 **Next stages in CMP development**

The subsequent stages in the process of developing and implementing a CMP are:

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

- Stage 3 – Identify and evaluate options (through risk assessment and cost, benefit analysis) that reduce exposure to coastal hazards, address coastal management issues and take advantage of opportunities;
- 5 • Stage 4 – Prepare, exhibit, finalise, certify and adopt a CMP (leading to implementation). A CMP must be certified by the Minister to access funding for implementation under the Coast and Estuary Grants program; and
- Stage 5 – Implement, monitor, evaluate and report.

10 It was always anticipated that pending the outcome of Stage 2 studies, Council will consider whether to prepare a CMP for the entire Byron Shire coastal zone, or whether to prepare two or more CMPs. Due to the issues being encountered and the time required to progress through the stages, it is recommended that the CMP's henceforth be divided into separate geographical areas of the coastal zone. This means that CMPs can progress independently from each other at different rates depending on further work (Stage 2 studies) that need to be completed, whilst acknowledging the overlap between each CMP and continuing to utilise relevant data obtained for one CMP for other CMPs.

15 The CMPs recommended for the Byron Shire coastal zone are:

1. **CMP for Tallow Estuary** – includes estuary/ICOLL and catchment issues and actions including entrance opening/management activities (EOS) for flood mitigation.
- 20 2. **CMP for Belongil Estuary** - includes estuary/ICOLL and catchment issues and actions including entrance opening/management activities (EOS) for flood mitigation.
- 25 3. **CMP for the Byron Shire Open Coast** – includes the entire Byron Shire open coast split into 3 management segments such as Cape Byron to South of the LGA border; Cape Byron to the Brunswick River; Brunswick River to the North of the LGA border. The spatial extents not yet confirmed and subject to refinement.
4. **CMP for the Brunswick River Estuary** (not yet commenced) at a later date.

30 Splitting the CMPs into the proposed areas provides a better opportunity to streamline studies and is the preferred approach for more refined/targeted community engagement and stakeholder consultation. It also makes sense that the higher priority, higher risk/complexity areas will take longer to complete Stage 3 and 4 than some of the less exposed/risk or complex areas (i.e. Open Coast vs Tallow Estuary). By separating into smaller areas, certification risk is lowered.

35 It is noted that certification risk remains with such a broad CMP for the Byron Shire Open Coast – as a sticking point in any one area (i.e. Belongil) could result in a delay in certification or failure of certification. Belongil remains a high priority for CMP preparation, however, should it result in delay for progress of a CMP for the northern or southern areas splitting the CMP for the Byron Shire Open Coast into smaller open coast CMPs could be considered.

The recommended pathway for CMP preparation is supported by DPE staff along with the suggested approach to accelerate the CMPs by overlapping Stage 2 and Stage 3. The overlapping of these stages is being undertaken elsewhere in NSW by coastal councils, by moving through the stages concurrently (where possible).

- 5 Stage 3 is options development and evaluation, including community/stakeholder engagement to arrive at agreed preferred option/prioritised actions for each CMP. Stage 4 is preparation, exhibition and certification of the CMP. Stage 3 and Stage 4 are generally combined into one grant application and one consultant brief. It is recommended that Stage 3 commences as Stage 2 studies are being completed with outcomes incorporated as they are known. Stage 4 will follow on once Stage 2 and 3 are fully complete.

- 10 Waiting for the completion of all stage 2 studies prior to submitting Stage 3 & 4 grant applications for funding is likely 12 months away, with the addition of funding assessment potentially taking up to 6 months. This may mean that commencement of Stage 3 is up to 18 months away for CMPs. As such, it is recommended that Stage 3 & 4 combined application is prepared as soon as possible to ensure unnecessary delays in the CMP process are avoided.

Accelerating the approach requires high level of collaboration between Council, DPE and consultant. This is collaboration is confirmed and being implemented through the regular catchups, meeting and coordination between staff.

### 20 **Next Steps**

- Staff and project consultants will continue to progress the development of CMPs for the Byron Shire Coastline and related projects.
- Staff will commence preparing Stage 3 and Stage 4 grant application for the Open Coast CMP.
- 25 • A Presentation and Discussion of Hazard Outputs (2-hr presentation) for the Coastal Hazard Study is expected to be held on a suitable date from mid-November (TBC) which committee members will be invited to participate.
- The next update on the status of projects and CMP preparation will be reported to the first Coastal and ICOLL Advisory Committee meeting in 2023.

### 30 **Strategic Considerations**

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

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

|  |   |   |                |   |
|--|---|---|----------------|---|
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation</p> | <p>3.3.1.1</p> | <p>Identify coastal hazard risks to the Byron Shire coastline</p>   |
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation</p> | <p>3.3.1.2</p> | <p>Identify risks to cultural and ecological values and assets in Tallow and Belongil Creek ICOLLs</p>                          |
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation</p> | <p>3.3.1.3</p> | <p>Identify ICOLL water quality pollution sources</p>   |
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation</p> | <p>3.3.1.6</p> | <p>Assess concept options for the modification of the Jonson Street coastal protection works (Main Beach Shoreline Project)</p> |

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

|  |   |   |                |   |
|--|---|---|----------------|---|
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.1: Coastal Management Program planning and implementation - Undertake Coastal Management Program planning and implementation</p> | <p>3.3.1.8</p> | <p>Identify and evaluate management options and opportunities for addressing threats to the Byron Shire coastline</p> |
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property</p>                                    | <p>3.3.2.1</p> | <p>Revise entrance management activities and arrangements for Tallow Creek</p>  |
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.3: Protect the health of our coastline, estuaries, waterways, and catchments</p> | <p>3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property</p>                                    | <p>3.3.2.2</p> | <p>Review entrance management activities and arrangements for Belongil Creek</p>                                      |

### Legal/Statutory/Policy Considerations

*Coastal Management Act (2016), SEPP (Resilience and Hazards) 2021 (which replaces the SEPP (Coastal Management) 2018), Coastal Manual and associated Toolkit provided by the NSW State Government.*

### 5 Financial Considerations

An existing budget is allocated to the development of Coastal Management Programs for FY2022/23. Additional budget will be requested for continue of CMP preparation into FY2023/24

### Consultation and Engagement

- 10 DPE Water, Floodplains and Coast (North East), Senior Coast and Estuaries Officer Zoe Immisch has reviewed this report and endorses the content, specifically the way forward.



**Report No. 4.3      Bringing Back the Bruns - project update**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Chloe Dowsett, Biodiversity and Sustainability Coordinator  
Orla Seccull, Coastal & Estuary Officer

5 **File No:** I2022/1092

**Summary:**

10 The Bringing Back the Brunswick Project (also known as 'Bringing Back the Bruns') is a collective initiative 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.

Significant management issues face the Brunswick catchment and 'Bringing back the Bruns' offers the unique and unrivalled opportunity to rehabilitate an entire riverine catchment in a strategic and staged approach over a number of years to produce a permanent, positive outcome for future generations to enjoy.

15 A number of projects and initiatives have been implemented recently focussing on the Brunswick Catchment. This report provides an update on the various projects to improve the health of the Brunswick River catchment in an on-going and continuous effort to 'Bringing Back the Bruns'.

20

---

**RECOMMENDATION:**

**That the Coast and ICOLL Advisory Committee note the update.**

25

## **Background**

5 Bringing Back the Bruns is a large-scale collective initiative that is proposed to be delivered over many years with an end goal of returning the Brunswick River to as natural a state as feasible. 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.

## **Key issues**

Significant management issues facing the Brunswick catchment include:

- 10 • 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).
- 15 • Construction of over 20 waterway crossings on the main river, with over 15 of these structures acting as barriers to native fish migration.
- 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.

## **20 Solutions and Benefits**

'Bringing back the Bruns' offers the unique and unrivalled opportunity to rehabilitate an entire riverine catchment in a strategic and staged approach over a number of years to produce a permanent, positive outcome for future generations to enjoy.

Solutions and benefits include:

1. Fencing and revegetation of the riverine corridor (> 70 km) to reinstate a healthy riparian zone that will benefit instream and terrestrial flora and fauna.
- 5 2. Stabilisation of highly eroded banks through revegetation to improve habitat values and limit point source sediment and nutrient input into the river. Some structural works such as regrading or bank protection with logs or rock is required in some locations.
- 10 3. Reconstruction of waterway crossings to improve the safety of vehicle access during high flows while also reinstating unimpeded fish migration from the estuary to the headwaters.
4. Cleaner, healthier water for the community to enjoy now and for future generations.

This report provides an update on the various projects that have been (or are being) implemented to improve the Brunswick River and catchment in an on-going and continuous effort to 'Bring Back the Bruns'.

## 15 **Projects**

### ***Causeways and Reinstating Fish Passage***

Initial works began many years ago in 2005 with projects like the Coral Avenue Causeway upgrade at Mullumbimby. This causeway prohibited fish from migrating upstream during low-flow conditions, is owned by Council, serviced by 19 landholders and was prioritised as the top road crossing barrier for remediation.

[Microsoft Word - Case Study Coral Avenue.doc \(nsw.gov.au\)](#)

In 2018 Council received grant funding from the NSW Department of Primary Industries (DPI) to install new causeways and reinstate fish passage in the Brunswick River by removing fish barriers to open upstream habitat. The \$274,600 grant under the NSW DPI Flagship Fish Habitat Grants Program was matched with funding (\$274,600) from Council to upgrade two causeways in the mid-reaches of the Brunswick River.

The project complemented another grant from the DPI Fisheries Habitat Action program saw the upgrade of six old causeways to fish friendly crossings and the removal of three redundant low-level fish barriers / causeways. The projects have opened up 7km of upstream habitat which now allows 27.4km of fish passage to the estuary mouth. The restoration works will have long-term positive effects on fish species including the iconic Australian Bass, which live in the upper freshwater reaches of the river and migrate to the lower Brunswick Estuary for breeding.

The project now ensures fish have access to 90 per cent of the river for 100 per cent of the year. Prior to the projects, fish including bass and mullet could only migrate to the upper reaches of the Brunswick River for around ten days every year when high rainfall allowed fish to swim up and over the impeding causeways. Local residents have also benefited from safer vehicle access.

**Riparian Restoration – Mullumbimby**

5 Council completed works along a stretch of Council managed land on the northern bank of the Brunswick River from the Mullumbimby Showgrounds 1.8km (approx. 3.6ha) downstream towards Mullumbimby town centre. The project included planting of at least 400 trees and community capacity building with regard to better management of the riparian zone in their neighbourhood.

10 Council's bush regeneration team is currently working on 57 bushland sites (238 Hectares) across the shire. The total area being worked by Council's bush regeneration team along the Brunswick River is 14 sites, 57 Hectares and 6,260m of river bank. The work conducted on these sites included tree planting, installation of nest boxes, weed control and fencing to exclude stock from riparian areas. This is set to increase in the near future with recent funding provided by Local Land Services to address priority erosion sites.

The benefits to our community and the environment include:

- 15 • The establishment of thousands of new plants and trees.
- Helping to create a continuous fauna/flora corridor for the length of the Brunswick River from the mountains to the sea.
- Creating habitat/food for aquatic and terrestrial animals.
- 20 • Vegetation along river banks creates a wind break for adjoining farms reducing erosion and moisture evaporation rates and providing shade for stock.
- Vegetation in riparian zones improves water quality by filtering herbicides, pesticides, stock manure and fertilisers resulting in cleaner water.
- 25 • Fencing stock from riparian zones decreases erosion and improves water quality as stock cause erosion by collapsing river banks and eating vegetation along the bank leaving it bare and susceptible to further erosion when it rains or floods.

Brunswick Valley Landcare actively undertakes projects at various sites within the catchment to reinstate a healthy riparian zone and improve terrestrial flora and fauna habitat.

A brief snapshot of some recent projects is provided below:

- 30 • BVL Saving our Species *Phyllanthus microcladus* project – working on 5 sites along the Brunswick River undertaking weed control and monitoring of species density and health.
- BVL locality group Heritage Park Maslen Arboretum – volunteer group meets every Saturday morning to carry out weeding, maintenance and planting in the arboretum.
- 35 • BVL locality group Mullumbimby Town – volunteer group meets once a month to work on 4 sites along the creek in Mullumbimby town - weeding, maintenance and planting.

**Fish Habitat Restoration - Mullumbimby**

Fish Habitat Restoration Program – works delayed due to approvals process

5 The project on the Brunswick River in Mullumbimby has been delayed this year due to complexity of permitting and. Pending suitable weather, erosion control works by Soil Conservation Service will commence once all approvals have been obtained. Due to constraints within the planning framework, development assessment and approval was required which has delayed the timeframe for implementation of the works.

Subsequent to the river stabilisation works, riparian revegetation will be carried out with the help of Ozfish and the Brunswick Heads Angling and Deep-Sea Fishing Club.

10 The project is being developed in partnership with North Coast Local Land Services (NCLLS). NCLLS are managing the design, supply and construction. Council will manage the landholder and community engagement components. The property is just downstream from Mullumbimby, behind 'The Paddock'. The landowner will be contributing a considerable amount to the project in fencing and re-vegetation, with Council providing in-kind contribution.

***River Clean-ups and Waste***

15 Post-flood Shoreline Clean-up of the Brunswick River Estuary

20 Council, along with other land and water managers in the coastal environment were aware of and concerned about the significant amount and type of flood debris that had accumulated on the beaches, rivers and shorelines of the Byron Shire as a result of the flood events in February and March 2022. However, plans to coordinate a clean-up were hampered by health and safety concerns i.e. risk of bacterial/viral infection and potential for contact with hazardous materials.

25 In due course, the EPA extended their existing Shoreline Clean-up and Maintenance program established in response to the March 2021 flooding to also include clean-up of the more recent floods. The program aims to ensure flood generated anthropogenic debris and eligible green waste is removed from impacted shorelines and waterways on land owned or managed by local government or on Aboriginal community title. The program is co-funded by the NSW and Commonwealth Governments.

30 A preliminary survey of the Brunswick River Estuary was coordinated by DPE, Marine Rescue Brunswick Heads, the SES and Council staff to log the location and type of debris and collate together with reports from the public.

The shoreline clean-up of the Brunswick River was carried out by contractors in late August 2022 covering the Shires beaches and the navigable portion of the Brunswick River (approximately Mullumbimby High School) and the lower parts of Marshalls Creek and Simpsons Creek.

35 The Program excludes private land, public land managed by Crown Lands or by National Parks, and flood debris located in mangroves or other sensitive areas where the environmental damage that would be caused during its removal would outweigh the benefit achieved.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.3

In total, the contractors logged 500 discrete debris reports for works undertaken on the Brunswick River and Byron LGA beaches. A total of approximately 60m<sup>3</sup> of anthropogenic waste was removed.



5

*Photo of debris during collection from the Brunswick river estuary*



*Photos of recent Brunswick River clean-up*

A similar land-based program is currently underway to remove flood debris in public managed land within the catchments.

## 5 Waste and Litter Surveys

Council has been collecting litter and undertaking surveys throughout the Shire including sites along the Brunswick River since 2017, collecting almost 15 000 pieces of litter so far. We have used this data to guide our litter prevention and waste reduction campaigns including Butt Free Byron Shire and our new project 'Bring it Back Bruns' – a pilot reusable container project to tackle single-use takeaway items which that have become a big litter problem.

### ***Other Projects***

#### Partnerships

Council regularly supports and partners with organisations such as Positive Change for Marine Life, a local environmental group who have implemented a River Warriors Campaign for the Brunswick River. This campaign involves regular clean-ups along the River, ecological monitoring and on-ground restoration of identified priority areas.

### **Next steps**

Staff to continue to explore all grant and alternate funding opportunities as they arise including partnerships, to support new projects that contribute to 'Bringing back the Bruns'



and related projects. Further, updates on the 'Bringing back the Bruns' and related projects to be provided at future Council meetings.

## **Strategic Considerations**

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

| <b>CSP Objective</b>   | <b>CSP Strategy</b>  | <b>DP Action</b>  | <b>Code</b>    | <b>OP Activity</b>  |
|--|--|---|----------------|---|
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.1: Partner to nurture and enhance our biodiversity, ecosystems, and ecology</p> | <p>3.1.3: Habitat restoration - Restore degraded areas that provide high environmental or community value</p> | <p>3.1.3.4</p> | <p>Investigate grant opportunities for improving the Brunswick Estuary ecosystems and river health.</p> |
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.1: Partner to nurture and enhance our biodiversity, ecosystems, and ecology</p> | <p>3.1.3: Habitat restoration - Restore degraded areas that provide high environmental or community value</p> | <p>3.1.3.5</p> | <p>Deliver Federal Fish Habitat Restoration Project</p>   |
| <p><b>3: Nurtured Environment</b><br/>We nurture and enhance the natural environment</p> | <p>3.5: Minimise waste and encourage recycling and resource recovery practices</p>   | <p>3.5.2: Recycling - Work with business and tourism sector to reduce waste to landfill</p>                   | <p>3.5.2.2</p> | <p>Implement reusable takeaway container pilot program in Brunswick Heads</p>                           |

## **5 Recent Resolutions**

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

Marine Estate Management Act 2014

Coastal Management Act 2016



**Financial Considerations**

5 Currently there is no general Council budget allocation for the 'Bringing Back the Bruns' collective initiative/projects in the 2022/23 budget. 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.

Staff will continue to explore all grant and alternate funding opportunities as they arise including partnerships, to support new projects that contribute to 'Bringing back the Bruns' and related projects.

**Consultation and Engagement**

10 Internal consultant has been undertaken with relevant staff to develop this report.

**Report No. 4.4      Update of Constitution and New Members**

**Directorate:**                      Sustainable Environment and Economy

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

**File No:**                            I2022/1283

5      **Summary:**

At 29 September 2022 Council meeting, the Committee's constitution was adopted and three new community representatives were appointed.

The constitution has been updated accordingly and is attached for your information.


10

---

**RECOMMENDATION:**

**That the Coast and ICOLL Advisory Committee note the report and adopted constitution.**

15      **Attachments:**

- 1      Coast and ICOLL Advisory Committee Constitution 2022 Adopted 29 September 2022 Res 22-525, E2022/96730 , page 45 [!\[\]\(098e47036f78288d477e334896a43770\_img.jpg\)](#) 

20

**Report**

At 29 September 2022 Council meeting, the Constitution was adopted with the committee’s recommendations from 30 June 2022 meeting (see adoption of minutes report for changes).

- 5 Council also considered a report ‘Replacement of Community Members to Advisory Committees’ and appointed three new community representatives to the Coast & ICOLL Advisory Committee. This brings the number of community representatives to 7, lieu 6 quoted in the draft constitution.

We welcome new members:

- 10
- Lauren Morgan
  - Bill Payne
  - Matthew Lambourne

It was also resolved:

- 15
- that in the case of future resignations from Advisory Committees that replacement community members be appointed from the recommended list of previous applicants, and where no suitable or available applicants exist applications for new members are then advertised.
  - that Cr Lyon be appointed as the alternate to the Coast and ICOLL Advisory Committee in place of Cr Ndiaye.

- 20 The constitution has been updated and is attached for your information. It is also available on Council’s website at [Advisory Committees - Byron Shire Council \(nsw.gov.au\)](http://www.byronshire.nsw.gov.au/Advisory-Committees)

**Strategic Considerations**

**Community Strategic Plan and Operational Plan**

| <b>CSP Objective</b>  | <b>CSP Strategy</b>                                  | <b>DP Action</b>  | <b>Code</b> | <b>OP Activity</b>  |
|---|--|---|-------------|---|
| 1: Effective Leadership<br>We have effective decision making and community leadership that is open and informed | 1.2: Engage and involve community in decision making | 1.2.4: Advisory Committees - Coordinate advisory committees to inform decision making on their areas of | 1.2.4.1     | Coordinate and support Advisory Committees to assist with effective Council decision making |

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.4

|  |  |           |  |  |
|--|--|-----------|--|--|
|  |  | expertise |  |  |
|--|--|-----------|--|--|

### **Recent Resolutions**

- 22-518
- 22-524

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

5 n/a

### **Financial Considerations**

n/a

### **Consultation and Engagement**

n/a

10



---

**BYRON SHIRE COUNCIL**

**COAST AND ICOLL ADVISORY  
COMMITTEE**

**CONSTITUTION**

---

**INFORMATION ABOUT THIS DOCUMENT**

(INTERNAL USE ONLY)

|                                |   |                                   |               |
|--------------------------------|---|-----------------------------------|---------------|
| <b>Date Adopted by Council</b> | 29 September 2022                                 | <b>Resolution No.</b>             | 22-524        |
| <b>Responsibility</b>          | Department of Sustainable Environment and Economy |                                   |               |
| <b>Review Timeframe</b>        | Term of Council                                   |                                   |               |
| <b>Last Review Date:</b>       | February 2022                                     | <b>Next Scheduled Review Date</b> | December 2024 |

***Document History***

| <b>Doc No.</b> | <b>Date Amended</b> | <b>Details Comments eg Resolution No.</b>                 |
|----------------|---------------------|---|
| E2022/11708    | June 2022           | Draft Constitution for review by Committee, for adoption. |
| E2022/96730    | 29 September 2022   | Adopted with amendments Res 22-524                        |

***Further Document Information and Relationships***

|   |   |
|---|---|
| <b>Related Legislation</b>                                  | Section 355, Local Government Act (1993)                                      |
| <b>Related Policies</b>                                     | Code of Conduct 2016<br>Work Health Safety Policy<br>Code of Meeting Practice |
| <b>Related Procedures/ Protocols, Statements, documents</b> |   |

Constitution: Coast and ICOLL Advisory Committee

---

## Table of Contents

|   |   |
|---|---|
| 1. Preamble .....                         | 1 |
| 2. Purpose .....                          | 1 |
| 3. Timeframe for Committee.....           | 1 |
| 4. Responsible Directorate .....          | 1 |
| 5. Membership .....                       | 1 |
| 6. Induction .....                        | 2 |
| 7. Quorum.....                            | 2 |
| 8. Confidentiality .....                  | 2 |
| 9. Election of Chairperson.....           | 2 |
| 10. Voting.....                           | 2 |
| 11. Majority Decision.....                | 3 |
| 12. Convening Meetings .....              | 3 |
| 13. Agenda Preparation .....              | 3 |
| 14. Conduct of Business .....             | 3 |
| 15. Records of meetings .....             | 3 |
| 16. Absence from Committee Meetings ..... | 4 |
| 17. Section 377 Delegation .....          | 4 |
| 18. Meeting Practice .....                | 4 |
| 19. Miscellaneous .....                   | 4 |

Constitution: Coast and ICOLL Advisory Committee

---

## **1. Preamble**

The Coast and ICOLL\* Advisory Committee is a Committee of the Council and does not have executive power or authority to implement actions.

The role of the Committee is to report to Council and provide appropriate advice and recommendations to Council on matters relevant to this Constitution.

\*ICOLL is an acronym for Intermittently Closed and Open Lake or Lagoon. The Shire has three ICOLLs being Tallow Creek, Belongil Creek and Ti-Tree Lake. Noting that Council is responsible (under the Licences of State Agencies) for the management of Tallow and Belongil only.

## **2. Purpose**

The purpose of the Coast and ICOLL Advisory Committee is to:

- a) Advise Council in the development of Coastal Management Programs for the Shire's coast, estuary and ICOLLs.
- b) Advise on projects, plans and strategies related to the coast, estuary and ICOLLs.
- c) Offer a platform and conduit for communication between stakeholders and community members and agencies.

## **3. Timeframe for Committee**

The lifespan of the Coast and ICOLL Advisory Committee is for the term of Council 2022 to 2024.

## **4. Responsible Directorate**

This Committee is administered by the Sustainable Environment and Economy Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

## **5. Membership**

Council must appoint all Committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the Committee at any time by a resolution of Council. Council may also appoint any new members to a Committee at any time by a resolution of Council.

Membership is to include:

- 2 Councillors
- 7 relevantly qualified community representatives

Representatives from:

- Department of Planning and Environment
- DPI Fisheries - Cape Byron Marine Park



Constitution: Coast Estuary Catchment Committee

---

- National Parks and Wildlife Service
- Crown Lands
- State Emergency Services
- Transport for NSW
- Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
- Jali Local Aboriginal Land Council
- Tweed Byron Local Aboriginal Land Council
- Byron Shire Council General Manager (or staff member delegate)

*Note: Staff members and State Agencies participating on the Committee do not have any voting entitlements.*

## **6. Induction**

All members will be required to participate in an induction process at the establishment of a new Committee, and at any time a replacement voting member joins a Committee. The induction will be scheduled prior to the first meeting of the Committee and will cover topics such as this Constitution, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

Replacement voting members will be inducted by experienced Committee members at, or prior to, their first meeting.

## **7. Quorum**

A quorum is to constitute at least half the number of members plus one (resulting half numbers go down), one of which is to be a Councillor.

The General Manager or delegate, who must be a member of staff, is to attend the Committee meeting and is not counted in the quorum for the meeting.

State government and indigenous organisation representatives do not form part of the quorum.

## **8. Confidentiality**

Members of the Committee will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

## **9. Election of Chairperson**

The position of Chairperson is to be elected from Councillors comprising the Committee but only in circumstances where the Mayor elects not to assume the position of Chairperson.

## **10. Voting**

- a) Each member of the Committee (with the exception of Council staff and state government agency representatives) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.
- b) Members of the Committee who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

Constitution: Coast Estuary Catchment Committee

---

- c) Representatives of Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Jali Local Aboriginal Land Council and Tweed Byron Local Aboriginal Land Council can elect to have voting rights.

### **11. Majority Decision**

A majority decision of the Committee requires a majority of elected members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

### **12. Convening Meetings**

Meetings will be held as required, generally every quarter. An annual timetable of meetings will be prepared in advance and adopted by Council for the following 12 months.

A meeting of the Committee may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

### **13. Agenda Preparation**

It is the responsibility of the chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to Committee members and available on Council's website at least 7 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

Committee members may request items for inclusion in future agendas, through the Chair.

### **14. Conduct of Business**

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

### **15. Records of meetings**

- a) The minutes of meetings 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) Any recommendation of a Committee that requires a resolution of Council will be reported to Council through a staff report to Council from the responsible Directorate for the Committee,

Constitution: Coast Estuary Catchment Committee

---

and the staff report will include as an attachment, a copy of the minutes of the Committee meeting at which the recommendation was made.

## 16. Absence from Committee Meetings

All Committee members are required to advise the chair when they are unable to attend Committee meetings. The absence of Committee members from the meeting is to be recorded in the minutes. A Committee member (other than the Mayor) ceases to be a member of a Committee if the member:

- a) Has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absence, or
- b) Has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

## 17. Section 377 Delegation

The Committee 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.

## 18. Meeting Practice

Meetings are to be conducted in accordance with this Constitution and, where required, reference to Council's Code of Meeting Practice.

## 19. Miscellaneous

- a) **Insurance:** All group members are covered by the public liability policy of Council. This insurance does not preclude the Committee from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- c) **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.

- d) **Work Health Safety:** All group members are required to comply with the "Worker Responsibilities" as prescribed in the Work Health Safety Policy.