



Office of
Environment
& Heritage

BYRON SHIRE COUNCIL
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ASSIGNEE: C. Dawsett
(cc: S. Burt, N. Scott)

MD17/2460

Mr Ken Gainger
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Dear Mr Gainger

Thank you for submitting the Brunswick River Estuary Coastal Zone Management Plan for certification under the *Coastal Protection Act 1979*.

The plan was referred to the Office of Environment and Heritage (OEH) and the NSW Coastal Panel for advice under section 55G(3) of the Act. The panel has provided its advice and I enclose a copy for your consideration.

The panel raised some concerns to be resolved before certifying the plan. Section 55C(2)(b) of the Act requires that the plan must not include proposed actions or activities to be carried out by any public authority or relating to any land or other assets owned or managed by a public authority, unless the public authority has agreed to the inclusion of those proposed actions or activities in the plan. I understand that the Department of Industry – Crown Lands and Water (DoI) wrote to council on 13 November 2017 with concerns about actions on Crown lands and seeking resolution of these issues.

I am confident that this can be readily resolved, and the plan resubmitted for certification. I encourage council to continue working closely with OEH and DoI to address the issues raised by the panel. Council may choose to submit a revised plan or develop a coastal management program under the new *Coastal Management Act 2016* and manual. I also encourage council to consult with OEH to ensure any transitional arrangements available at the commencement of the new Act are addressed.


The Minister for the Environment, the Hon Gabrielle Upton MP, has made funding available to councils through the Coastal and Estuary Grants Program for short term, low risk coastal management activities. The following activities in response to coastal or estuarine threats are eligible for funding:

- beach scraping
- ecological management and stabilisation of dune systems
- formalising or reducing the number of beach access points to reduce environmental damage/impact
- estuarine riparian ecological restoration
- littoral rainforest regeneration

- coastal wetland rehabilitation where an approved management plan for the site exists.

If you have any further questions about this matter, please contact Gabrielle Pietrini, Director North East Branch, Regional Operations, on 6659 8232 or at gabrielle.pietrini@environment.nsw.gov.au.

Yours sincerely



Anthony Lean
Chief Executive 19.12.2017

Enclosure



NSW Coastal Panel

The Hon Gabrielle Upton
Minister for Environment
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Your Reference: MD17/2460

Dear Minister

At the NSW Coastal Panel meeting on 1 November 2017, the Panel was asked to endorse the OEH recommendation **not to certify** the Brunswick River estuary Coastal Zone Management Plan (CZMP) under the *NSW Coastal Protection Act 1979*. This is the agreed process for the Panel to provide advice on estuary CZMPs.

Although the Panel formed the view that the OEH recommendation should be endorsed, the Panel noted additional reasons not to certify the Plan, including:

- There is no reference to river entrance management activities and how same might tie into the Plan;
- Concern that the updated version of the Plan submitted for certification (Issue No. 5, June 2017) doesn't appear to have been publicly exhibited as required under Section 55E *Coastal Protection Act 1979*;
- No evidence that tidal inundation and sea level rise have been relevantly addressed and provision for same incorporated into the Plan; and
- Department of Industry – Crown Lands and Water (DoI-CLW) are not in a position to agree to the relevant actions in the CZMP that affect Crown land or assets which is a requirement under section 55C(2)(b) of the *Coastal Protection Act 1979*. It is understood that DoI-CLW wrote to Council on 13 November 2017 to initiate discussion and resolution of these issues.

The Panel would like to thank you for the opportunity to provide this advice on this CZMP. Should you have any additional queries or require further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "B Thom".

PROFESSOR BRUCE THOM
Chair
NSW Coastal Panel

24 November 2017